



City of Yamhill

A small taste of Oregon

**CITY OF YAMHILL, CITY COUNCIL MEETING
Wednesday August 4, 2021 5:30 P.M.
SPECIAL MEETING
Agenda**

THIS MEETING WILL BE A TELECONFERENCE

Zoom Meeting

Please use one of the following phone numbers:

(253) 215-8782 or (346) 248-7799

Webinar ID: 820 4841 6280

Passcode: 987469

When dialing in, *9 raises your hand.

Or Join Zoom Meeting:

<https://us02web.zoom.us/j/82048416280?pwd=Y0ZyNjFQd0FsSTFERtByN3EzR3QrUT09>

Passcode: 987469

1. **CALL TO ORDER:** Roll Call
2. **NEW BUSINESS:**
 - A. Consider and approve Declaration of Level IV Water Emergency.
 - B. Approve second recruitment for Utility Worker I position.
4. **ADJOURNMENT:**

CITY OF YAMHILL
DECLARATION OF LEVEL IV WATER EMERGENCY
August 4, 2021

WHEREAS, the City of Yamhill has enacted a local ordinance, Yamhill Municipal Code Section 3.54.010, pursuant to the authority granted by ORS Chapter 401.309 and the City Charter, that provides direction for the City, its officials, and others in the event that an emergency or disaster exists within the City, and which provides for executive responsibility in times of emergency and specifically delegates authority to declare a state of emergency to the City Council; and

WHEREAS, the following conditions have resulted in the need for the declaration of a state of emergency:

Historically low levels in Turner Creek, City's water source, have impacted the amount of water available to the City and the City's water systems.

City is currently classified by the U.S. Drought Monitor as a D2- Severe Drought region, while short term and long-term projections indicate a likelihood of being classified as D3 – Extreme Drought as the summer progresses.

Likelihood of water shortage that severely affect the City water systems increases absent action by the City to curtail water usage.

WHEREAS, the foregoing circumstances constitute a threat of imminent widespread or severe damage, injury to persons or property, human suffering, loss of life, and financial loss, which in the determination of the City Council will cause such significant damage as to warrant disaster assistance from resources other than the City's to supplement the efforts and available City resources to alleviate the damage, loss, hardship, or suffering caused; and

WHEREAS, the foregoing circumstances require a coordinated response beyond that which occurs routinely, and the required response cannot be achieved solely with the added resources acquired through mutual aid or cooperative assistance agreements; and

WHEREAS, the foregoing circumstances affect all of the territory within the City limits; and

WHEREAS, the foregoing circumstances are anticipated to remain in effect for a period of at least one month;

NOW, THEREFORE, IT IS DECLARED THAT A LEVEL IV WATER EMERGENCY NOW EXISTS IN THE CITY OF YAMHILL, ENCOMPASSING ALL OF THE AREA WITHIN THE CITY LIMITS; and

IT IS FURTHER DECLARED that the City and its officials shall be authorized to take such actions and issue such orders as are determined to be necessary to protect the public and property and to efficiently conduct activities that minimize or mitigate the effect of the water emergency as described and authorized in YMC Section 3.54.010; and

IT IS FURTHER DECLARED that the City and its officials shall apply a Level IV prohibition on water use under YMC Section 3.54.020 and shall have the authority to carry out the restrictions and prohibitions outlined in YMC Section 3.54.020; and

IT IS FURTHER DECLARED that the City shall take all necessary steps authorized by law to coordinate response and recovery from this water emergency, including, but not limited to, request for voluntary water restrictions, mandatory water restrictions, tiered water curtailment, specific restrictions on water use, temporal restrictions on water use, procurement of water from external sources, and restrictions on daytime irrigation; and

IT IS FURTHER DECLARED that emergency procurements of goods and services are authorized pursuant to ORS 279B.080, ORS 279C.335(6), ORS 279C.380(4), and all other applicable rules.

THIS DECLARATION IS EFFECTIVE ON AUGUST 4, 2021 AT 9:00 P.M. AND SHALL REMAIN IN EFFECT UNTI 9:00 P.M. ON OCTOBER 31, 2020, UNLESS SUPERCEDED SOONER.

APPROVED by the City Council on the _____ day of August 2021, by the following votes:

Ayes: _____

Nays: _____

Abstained: _____

Absent: _____

DATED and signed by the Mayor this day of _____, 2021.

Yvette Potter, Mayor

Attest: _____
City Recorder

EXHIBIT A

3.54.020 Levels of Prohibition

(A) Level I—Precautionary. Services with even numbered addresses shall water outside of the house only on even numbered days and services with odd numbered addresses shall water outside of the house only on odd numbered days. All watering shall be done between the hours of 6:00 p.m. and 10:00 a.m.

(B) Level II—Limited. The following activities or actions are prohibited under a Level II declaration:

(1) Watering, sprinkling or irrigating lawn, grass, or turf; exceptions:

(a) New lawn, grass or turf that has been seeded or sodded 90 days prior to declaration of a water shortage may be watered as necessary until established;

(b) High-use athletic fields that are used for organized play.

(2) Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees except from 6:00 p.m. to 10:00 a.m.

(3) Washing, wetting down, or sweeping with water, sidewalks, walks and ways, driveways, parking lots, open ground or other hard surfaced areas; exceptions:

(a) Where there is a demonstrable need in order to meet public health or safety requirements, such as to alleviate immediate fire or sanitation hazards; for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality;

(b) Power washing of buildings, roofs and homes prior to painting, repair, remodeling, or reconstruction, and not solely for aesthetic purposes.

(4) Washing trucks, cars, trailers, tractors or other land vehicles or boats or other water-borne vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes, or by bucket and hose with shut-off mechanism, exceptions:

(a) Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as to clean garbage trucks and vehicles that transport food and other perishables, or as otherwise required by law. Owners/operators of these vehicles are encouraged to utilize establishments which recycle or reuse the water in their washing process.

(5) Cleaning, filling, or maintaining decorative water features, natural or man-made, including, but not limited to, fountains, lakes, ponds, and streams, unless the water is re-circulated through the decorative water feature. Water features which do not include continuous or constant in-flowing water are not included.

(6) Wasting water by leaving unattended hoses running.

(7) Other actions deemed necessary by the City administration.

(C) Level III—Moderate. The following activities or actions are prohibited under a Level III declaration; where not covered, the Level I and II restrictions still apply:

(1) Watering of any lawn, grass, or turf; regardless of age or usage.

(2) Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees.

(3) Washing of vehicles other than in establishment which recycles its water.

(4) Power washing of buildings, regardless of purpose, is prohibited.

(D) Level IV—Severe. All previous restrictions apply; in addition, the following actions may be taken under Level IV:

- (1) Restriction or limitation of residential usage.
- (2) Restriction or limitation of activities which require or may require the need for water supplies. By way of example, this restriction might be placed upon a fireworks display that would otherwise be allowed under State law and local ordinance.
- (3) Any restriction which is identified by the Public Works Superintendent.
- (4) Any restriction which is identified by the Fire Chief.

(E) Failure of any water user to receive actual notice of the declaration of a water emergency or the actions deemed necessary by the superintendent to address the emergency shall not relieve the user of obeying any restrictions or restrictions on the use of water imposed by the Superintendent. (Ord. 456 §1, 2001)

3.54.030 Enforcement.

(A) Warning. Each violation shall receive a warning. The letter of warning shall be in writing, shall specify the violation, may require compliance measures, and shall be served upon the resident either personally, by office or substitute service, or by certified or registered mail, return receipt requested.

(B) Citation. After the resident has received a warning letter, any subsequent violation shall be treated as a civil infraction pursuant to Chapter 1.36, General Penalty, of the Yamhill Municipal Code. (Ord. 456 §1, 2001)

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3.54.040 Violation—Penalties.

- (A) First violation: Warning letter.
- (B) Second violation of same type: Class C infraction.
- (C) Third violation of same type: Class B infraction.
- (D) Fourth and subsequent violation: Class A infraction.
- (E) Third and subsequent violations under Level III may include water shut-off.

(F) In addition, the City may bring an action against any person, entity, or other water user violating the terms of any restriction or limitation imposed by the City pursuant to Sections 3.54.010 through 3.54.050. In such event, the City shall be entitled to all costs and expenses (including attorney's fees) caused or resulting from the user's failure or refusal to comply with the terms of the restrictions imposed by the City Recorder or Council. (Ord. 456 §1, 2001)

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LORI GILMORE

To: Kyle Adams
Subject: RE: Declaration of Water Emergency

From: Kyle Adams <k.adams@cityofyamhill.org>
Sent: Wednesday, July 28, 2021 1:39 PM
To: LORI GILMORE <l.gilmore@cityofyamhill.org>; Jason Wofford <j.wofford@cityofyamhill.org>; Yvette Potter <y.potter@cityofyamhill.org>; kayechauri@comcast.net; Tim Askey <t.askey@cityofyamhill.org>; Marci Hedin <m.hedin@cityofyamhill.org>; Andrew McMullen <mcmullen21@yahoo.com>
Cc: Kimberly Steele <k.steele@cityofyamhill.org>; Greg Graven <greg.graven@cityofyamhill.org>
Subject: RE: Declaration of Water Emergency

I would agree with going to level 4, the water level is dropping fast in the creek. Have opened the water impound and dropped around 8 feet out of that and still hardly any water coming down into Turner Creek. We were able to fill the reservoirs full just once last week. If we have a fire and have to use lots of water we won't be able to catch up at this rate. If any more info is needed let me know. Thanks

From: Kyle Adams <k.adams@cityofyamhill.org>
Sent: Friday, July 23, 2021 8:58 AM
To: LORI GILMORE <l.gilmore@cityofyamhill.org>; Jason Wofford <j.wofford@cityofyamhill.org>; Yvette Potter <y.potter@cityofyamhill.org>; kayechauri@comcast.net; Tim Askey <t.askey@cityofyamhill.org>; Marci Hedin <m.hedin@cityofyamhill.org>; Andrew McMullen <mcmullen21@yahoo.com>
Cc: Sharon Bregante-Candau <s.b.candau@cityofyamhill.org>; Kimberly Steele <k.steele@cityofyamhill.org>
Subject: RE: Declaration of Water Emergency

Thanks for that info Lori. I highly recommend that we go to level 1 as soon as we can.

LORI GILMORE

To: Tim Askey
Subject: RE: Declaration of Water Emergency

From: Tim Askey <t.askey@cityofyamhill.org>
Sent: Sunday, August 1, 2021 7:05 AM
To: Yvette Potter <y.potter@cityofyamhill.org>; kayechauri@comcast.net; Jason Wofford <j.wofford@cityofyamhill.org>
Cc: LORI GILMORE <l.gilmore@cityofyamhill.org>; Marci Hedin <m.hedin@cityofyamhill.org>; Jason Wofford <j.wofford@cityofyamhill.org>; Andrew McMullen <mcmullen21@yahoo.com>
Subject: Re: Declaration of Water Emergency

@Jason Wofford Would it be possible to share a few photos related to the current water situation during the upcoming meeting? (Like current creek level, what the water impound looks like vs what we want it to look like. Maybe something to help get an idea of the reservoirs current status and what they look like during a "normal" summer) I've only been up to check out Turner Creek once so I'm having a hard time getting a good idea of what "normal" is and how that compares to where we're at right now.

I feel like finding an effective and easy to understand way to explain the current situation to the public will be critical if we want to maximize the participation of water conservation in Yamhill. I think there's a pretty good chance that a lot of people have never thought about where their water actually comes from and the journey that it makes before it ends up in the city's water mains. Especially if they've never had to actively conserve water in the past.

I'm definitely in the same boat of curiosity as Andrew so I'm looking forward to learning more at the meeting. - tim

From: Andrew McMullen <mcmullen21@yahoo.com>
Sent: Thursday, July 29, 2021 11:31:23 AM
To: LORI GILMORE <l.gilmore@cityofyamhill.org>; Marci Hedin <m.hedin@cityofyamhill.org>; Yvette Potter <y.potter@cityofyamhill.org>; Jason Wofford <j.wofford@cityofyamhill.org>; kayechauri@comcast.net <kayechauri@comcast.net>; Tim Askey <t.askey@cityofyamhill.org>
Subject: Re: Declaration of Water Emergency

Hello Everyone,

Sorry for this multi paragraph inquiry. While I support what we are about to do, I feel there has been no actual plan set forth other than an enactment or somehow I missed it.

That said, what all does this enactment entail (other than absolutely no watering and watch water consumption). Such things as, length of time of level IV, projected outcome, viable sustainability till loss of support from community, impact on availability/depletion of water for local wild land fires, reduction of levels when, weekly, biweekly or monthly status of water...etc...

Might be overthinking it, but community is going to start asking. As I walk through neighborhoods I also notice a substantial amount of gardens and everything coming in so I suspect there will be some blowback in that regards as this will create a loss of crop for many people (even if small it creates discontent in regard to dollar output spent)

Not saying I don't understand the concerns of our water problem, just trying to foresee all potential issues that will possibly come with level IV and what the Mayor, city hall, and city council may need to have answers for.

And also as I run off information in order to make informed decisions all I know is:

*Water is short

*preferred choice is level IV immediately

Other than that I am not seeing (or missed it somewhere) the plan that has been devised by the city.

Thank you.

Andrew McMullen.

(I'm the cat, this is curiosity)