



## Public Works Committee

# AGENDA

Monday, March 25, 2024  
4:00 pm

Council Chambers  
Dallas City Hall  
187 SE Court St  
Dallas, OR 97338

### COMMITTEE

Micah Jantz, Chair  
Nancy Adams  
Kim Fitzgerald  
Michael Schilling  
Debbie Virden

This meeting is electronically streamed and recorded via the City of Dallas YouTube Channel:  
<https://www.dallasor.gov/community/page/dallasyoutube>

- A. Roll Call
- B. Approve January 22, 2024 Meeting Minutes p.2
- C. Backflow Prevention Program p.3
- D. Illicit Discharge Ordinance Report p.5
- E. Adjournment

**MEETING MINUTES**

**Dallas Public Works Committee  
Monday, January 22, 2024**

1 Committee Chair Micah Jantz called the Public Works Committee meeting to order on Monday,  
2 January 22, 2024, at 4:39 pm.

3 **ROLL CALL**

4 **Council Members Present:** Councilor Nancy Adams, Councilor Kim Fitzgerald, Councilor Mi-  
5 cah Jantz, Councilor Michael Schilling and Councilor Debbie Virden

6 **Council Members Excused:** Councilor David Shein

7 **Also Present:** City Manager Brian Latta, Assistant City Manager Emily Gagner, Police Chief  
8 Tom Simpson, Finance Director Cecilia Ward, Public Works Director Gary Marks, and City Re-  
9 corder Kim Herring

10 **APPROVAL OF October 23, 2023 MEETING MINUTES**

11 It was moved by Councilor Schilling and seconded by Councilor Fitzgerald to approve the Octo-  
12 ber 23, 2023 minutes as presented. The vote was taken and passed with a vote of 5-0.

13 **WATER BASE RATE DISCUSSION**

14 Gary Marks reviewed the staff report highlighting how the water rates are set. The last rate study  
15 was done in 2013 and will be reviewed again in 2025. Joe Beissel presented some questions re-  
16 garding water rates and consumption.

17 **ADJOURNMENT: 5:07 pm**

Respectfully Submitted,




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Kim Herring



**PUBLIC WORKS COMMITTEE  
STAFF REPORT**

**MEETING DATE:** March 25, 2024  
**AGENDA ITEM NO.** C  
**TOPIC:** Backflow Prevention Program Report.  
**PREPARED BY:** Gary Marks, Public Works Director, Mike Quisenberry,  
Engineering Technician 3.  
**APPROVED BY:**  City Manager  
**ATTACHMENTS:** None.

**RECOMMENDED ACTION:**

Staff seeks the committee’s direction concerning the most appropriate enforcement action to gain compliance with the city’s backflow prevention testing requirements after non-response to multiple notifications.

**BACKGROUND:**

Oregon Administrative Rules (OAR) 333-061-0070 and City of Dallas Code Section 4.455 (Cross-Connection Code), require the installation of backflow prevention assemblies on water services that have the potential to contaminate the City's drinking water system. These assemblies are required to be tested annually to ensure they are functioning properly.

The City currently has 1,471 active and known backflow assemblies in the system with 1,252 in compliance with testing requirements. Of the remaining 219 backflow assemblies, 22 are on their first notice, 71 property owners are in contact with city staff about getting in compliance, and 125 who have been notified three times (between July 2023 and January 2024) via mailed notice and remain untested as of 3/13/24.

In cases where mail was returned or the city was not receiving correspondence, Polk County records were reviewed to establish current property owners. In the case of rentals, this review provided staff the ability to make contact with the property owners. City of Dallas water user accounts were also reviewed to gather phone numbers to make contact. This enabled contact with some but several phone numbers are no longer in service.

City code provides the following options to gain compliance from property owners who have assemblies that remain untested after multiple notifications.

Option 1: City code authorizes penalties for violations of “up to” \$1000 per day. If this approach is utilized, the city’s municipal judge would have discretion to assess a lower penalty, which might be appropriate for a first-time unintentional violation, and increase it if the violation persists.

Option 2: City code authorizes the city to enter a property and test a device if the property owner fails to, “and that repairs to the device, if necessary, be completed and that cost thereof, plus city administration fees, be added to the customer’s water bill.” Although the code stipulates that the city is not liable for damages resulting from inspection or testing, it is not explicit in establishing an exclusion from liability for repairs. If this option is exercised, the city would contract with a certified inspection service to perform the testing work.

Option 3: Finally, city code authorizes the city to terminate water service if a customer fails “to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this section or by state law.” The City of Salem reports this is the simplest and most effective means of gaining compliance with their backflow prevention program. Termination of service occurs only after multiple notifications, including a final 72-hour notice delivered via a door hanger.

Staff respectfully recommends Option 3 as it appears to offer an effective way to quickly gain compliance while minimizing staff time needed for administration of the same.

**SUMMARY TIMELINE:**

March 25, 2024 Public Works Committee Meeting.

**FISCAL IMPACT:**

None.

**RECOMMENDED MOTION:**


No formal motion is needed. Staff seeks the committee’s direction concerning the most appropriate enforcement action to gain compliance with the city’s backflow prevention testing requirements after non-response to multiple notifications.

**ATTACHMENTS:**

None.



**PUBLIC WORKS COMMITTEE  
STAFF REPORT**

**MEETING DATE:** March 25, 2024  
**AGENDA ITEM NO.** D  
**TOPIC:** Illicit Discharge Ordinance Report.  
**PREPARED BY:** Elizabeth Sagmiller, E & S Consulting, Gary Marks, Public Works Director.  
**APPROVED BY:**  City Manager  
**ATTACHMENTS:** A – PowerPoint Presentation

**RECOMMENDED ACTION:**

This report is for information only. No action is needed.

**BACKGROUND:**

The City of Dallas TMDL Implementation Plan, approved by the Department of Environmental Quality (DEQ), requires the City to develop an ordinance to prohibit non-stormwater discharges to the stormwater conveyance system.

Staff and the city attorney are currently working with the city’s TMDL consultant, Elizabeth Segmiller, to develop a draft ordinance based on an Environmental Protection Agency (EPA) model ordinance with additional components from other Oregon municipalities.

Staff anticipates a draft ordinance will be presented to the Public Works Committee for review at the committee’s July 22, 2024 meeting. The committee will be asked to formulate a recommendation for adoption by the City Council within Fiscal Year 2024-25.

In addition to the development of the draft ordinance, staff is preparing resource and educational materials for the public. Due to the rigorous conditions of the city’s TMDL Implementation Plan, educating the residents of Dallas will be an important component of the city’s illicit discharge program.

The City’s TMDL consultant, Elizabeth Sagmiller, will report to the committee on the Illicit Discharge Ordinance and the associated program via a PowerPoint presentation.

**SUMMARY TIMELINE:**

March 25, 2024 Public Works Committee Meeting.

**FISCAL IMPACT:**

None.

**RECOMMENDED MOTION:**

This report is for information only. No action is needed.

**ATTACHMENTS:**

A – PowerPoint Presentation