

# OTTER ROCK WATER DISTRICT

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## Board of Commissioners Meeting November 14, 2017

### In attendance:

Commissioners: Rod Zawalski (president), Art Bradley (treasurer), Sioux Boston (treasurer), Terry Anderson, Dan Gleason

Superintendent: Jim Osburn

Attorney: Richard Appicello

Office: Whitney Erskine

Visitors: Pat Anderson, Richardo and Laurene Alcocer

*Meeting opened at 6:00PM*

1. Rod brought meeting to order

### 2. New ordinance

Richard took the floor. At previous meeting we had discussed adjusting Bruce Beamon hookup fee per his written request as he claimed to not know that the rate was going to be raised from \$750 to \$5,650. There HAS to be a written notice for such a meeting. Richard hadn't been at the meeting where board made the decision and was quite unhappy with what had commenced. "You cannot simply say "we amend bylaws without ordinance procedures. "what you did was flawed/criminal because you didn't follow the ordinance rules". He then said he cannot be our attorney if we let that stand. He went ahead and wrote a new ordinance for us to have him apply. Also, he disagrees with our decision for "variance" in hookup fees,.

- 1 Sec.1: Subsidized Rate: If we turn on/off there is a \$50 on and \$50 off fee. ALL other reasons is \$500. Art: "the intention of the \$500on/ \$500 off was for cases like Jim Dotson wanting to turn off water while he was in Europe.
- 2 He recommends Civil West do our SEC. Ordinance has been defined. New fee includes the previous \$750.00

3<sup>rd</sup> section: No one can connect to district unless they have paid the fee. It IS possible to pay in installments.

Connection and payments paid in Oregon. Build house within date of permit, keeps person from paying rate and not building for years to avoid the current charges, to be grandfathered in is essentially “use it or lose it”.

Section 3 Track Installments-see ordinance. A flat rate is preferable.  
Paragraph D, see existing language.

Section 4 Revision of fees (Richard doesn't recommend)

- 1 Standard for variance is “financial hardship. Required they plead their own case to board, not the staff

If we select to have this ordinance “emergent” we can review pending cases, i.e., Beamon and Rainey.

Richard also asked Civil West for the SDC study (System Development Charges).

Rod: Proposed reversing Beamon. Dan and Terry agreed. Rod made motion, Terry 2<sup>nd</sup>, unanimous decision. Rainey (the active duty Marine who didn't receive notice and began his project 3 years ago. He is sending a letter requesting the original amount discussed of \$750.00 (that he had figured into housing costs) be accepted rather than the \$5650 established this summer. Rainey's case was not discussed or voted on at this time

Rod: made motion to use Civil West SDC methodology? Art, Rod and Terry said No, Dan wanted to know if the \$5650 is based on neighboring communities? Jim was asked and said that our costs will vary greatly. SDC could cost between \$6-8,000. Once it is in place we can then tweak it. Will need to redo bi-annually.

Section 2: fee includes the \$750. Use payment in the year/permit. Pre-paid fee is a credit on account if permit expires. Out of the \$5650 the \$750 is just enough to cover staff time and materials only. Contract labor is not included.

Richard said that the banks will let you add SDC charges to your loan. Dan said for example Beamon. It is unfair if no notification that they should be able to pay only the \$750.00. It could be looked at as a financial deal, not as a loan, just give them extra time to pay off and we

can charge interest. Rod disagreed, they should know to make it part of their budget.

Unanimous decision to delete section C of the ordinance.

Section 4. Establish Variance-hardship standard. Richard doesn't know of any cities that do this. Unless in case of something like a leak, then they can have a one time forgiveness. Only time he has seen a variance.

*Motion to adopt by emergency* Rod favors, Dan asked does this qualify as emergency? Attorney answer: Yes. Richard read "by title only", Motion Rod, Dan second, approval unanimous. Second reading: Motion Dan, Rod second, approval unanimous

### **3. Floor opened to guests:** the Alcocers

Ricardo: Suggests we get rid of previous "agreement" and make new. The Post office, put on hold. A frame improvements charge the \$50/50.

- Wants monthly bill, with "numbered accounts", wants to pay monthly.
- For 630-Laurie does NOT want postcards. She feels we need to send her a proper statement and a prepaid envelope to return payment in like other utilities offer
- Ricardo wants a note asking for the years sum. Wants this put into minutes and wants a copy of the minutes. He wants a bill for both the post office and the a frame. He also wants this mailed in envelopes, no more postcards.
- Ricardo also wants a copy of our agenda before meetings. Dan and I told him I do not make one, that I would look into it with Rod.

**4. Miner creek subdivision:** Send original bill to Barry Brown. He pays the \$466.00 Jim says that Brown cannot tie into the pipe we have per his request. Jim would have to shut down Loop road from Boland south. Pipe in, test water, etc.

Backflow prevention device needed: Then he could be tied in. Barry wants to do this *before* subdivision. Usually it is done *after*. This is to prevent contamination. Jim bought the last two backflow prevention devices. Ferguson cannot get anymore.

Rod: will send Jim information. Jim is to call and ask to elaborate, then show report to Barry, tell him that he cannot tie in. Jim will call Will at Civil West to ask about tie in.

### **5. Treasurers Report**

Art reviewed bills to pay. Delay pending check to Civil West. Moved by Art, second by Rod, approval unanimous.

## **6. Feasibility Study:**

Moving forward we have to

- 1 Evaluate potential fundraising
- 2 Scope of work
- 3 Submit applications
- 4 Hire

Rod wants Jerry Davis, as a volunteer, to drive this process. A committee is being created, Richard wants to help Jerry.

-wants to develop a communication committee

Web page, documents, information

Dan would like to join in this process

Board will pay for web design, look at other sites as a template

SDAO has something on their website to help. Unanimous consent for Rod to move forward with creating the committee.

Dan will head this project. Joknee DeMott with help. We currently have 73 emails addresses for community. Ricardo volunteered to help out.

## **7. Superintendents report:**

(See attached monthly report)

We had positive tests, took repeat samples, all but spring were still positive. Did a level one investigation last Wednesday and it was clean. Ted called re: Bartolus and original engineer, why didn't we consult with them?

Mike Jipp-called DBFD instead of Jim re: leak at property. Dug up line, put shut off on his property. Should we bill him for T & M? Terry thinks YES. Jim did the work to avoid a cross contamination. Richard is concerned it was done without our approval and "tampered with the ORWD line". That is a felony. Jim could NOT allow possible contamination, felt it was his duty to make sure we had clean water.

Richard: send the bill, but tell him we need to know who came out. Ted was at a billing rate of \$20.00 Art recommended we charge Jim at \$25.00. Board has unanimous decision to bill at rate of \$25 per hour, time and materials. He will look into what Lincoln city charges. We have ordinances re: cross contamination. Tell Jipp that he created cross contamination and that we could shut off his water. Whitney will draft letter for Richards review.

Also, send a cross contamination with Lucht, get figures from Jim. (\*is this separate from the \$200 I billed them already? While I was in CA a check did come for that.\*).

Rainey job: Valves are open and ready, has a meter installed. The hot tap was successful. Joe Hallory will send us a bill. Chris wanted to use his own contractor. He never called so Jim used our guy. Chris was ok with that. ROD: wants to use our guy exclusively. Terry made motion, Rod second, unanimous decision. Jim is to give Whitney his time and any receipts.

Also, Jim said we have a leak. He found cracks, patched holes, there is rusty rebar, bugs in tank, hatch had cloudy water, He drained and cleaned. He noticed several fresh cracks since April 2016. Ted and Tom did a patch job years ago. The tank is moving, needs and engineer to review and give us a structural analysis. The small tank IS in good shape.

Rod: funding requirements for loan need an environmental report. \$25,000 to \$75,000 cost. Jim will send pics to Will at Civil West. Jim thinks it could last 6 months. He can feel a dip in the roof when he is walking across.

#### **8. Administrative report:**

(see attached report)

Art agrees with Whitney it is time to replace the computer. It is extremely slow and with a growing amount of people attending meetings a laptop would make sense for the minutes. Board agreed and gave a \$500 limit. After meeting Dan and Whitney were discussing computer. We agreed we need to get a backup harddrive. Whitney met with Art and he agrees. Whitney went to Wal-Mart and spoke to a salesperson and looked at computers he recommended for our needs. I really like the HP 15, it was \$379.00

Moving forward with new lines at Minor Creek subdivision, Jim overseeing new construction & installation at subdivision will be separate rates.

#### **9. Next board meeting:**

12/12 meeting will be public with proposals for funding.

*Meeting adjourned at 8:15pm*