



CITY COUNCIL REGULAR SESSION

Wednesday, October 03, 2018

265 Strand Street, St. Helens, OR 97051

www.ci.st-helens.or.us

Welcome!

All persons planning to address the Council, please sign-in at the back of the room. When invited to provide comment regarding items not on tonight's agenda, please raise your hand to be recognized, walk to the podium in the front of the room to the right, and state your name only. You are not required to give your address when speaking to the City Council. If you wish to address a specific item on the agenda, you should make your request known to the Mayor as soon as possible before the item comes up. The Council has the authority to grant or deny your request. Agenda times and order of items are estimated and are subject to change without notice.

1. **Call Regular Session to Order - 7:00 p.m.**
2. **Pledge of Allegiance**
3. **Visitor Comments - Limited to five (5) minutes per speaker**
4. **Ordinances - Final Reading**
 - 4.a. Ordinance No. 3233: An Ordinance Establishing a Comprehensive Sewer Use Ordinance for Users of the City of St. Helens' Publicly Owned Treatment Works (POTW) to Comply with Federal and State Environmental Regulations
[04A. Ord No 3233 - Adopting Comprehensive Sewer Ordinance PENDING 100318.pdf](#)
5. **Resolutions**
 - 5.a. Resolution No. 1829: A Resolution Adopting a Universal Fee Schedule, and Superseding Resolution No. 1826
[05A. Res No 1829 - Adopting a Universal Fee Schedule Superseding Res No 1826 PENDING 100318.pdf](#)
6. **Award Bid/Contract**
 - 6.a. Emery & Sons Construction Group, LLC for S. 10th Street Storm Pump Station Reroute Project in the amount of \$576,862.00
[06A. 10-03-18AwardS_10_St_StormReroutProjectSD-150.pdf](#)

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- 6.b. Papé Machinery for John Deer 310SL HL Backhoe Loader in the amount of \$134,346.56
[06B. 10-3-18AwardBackhoeLoaderPurchase.pdf](#)
- 6.c. Northside Ford Truck Sales, Inc. for Small Pickup Purchase in the amount of \$25,328.23
[06C. 10-3-18AwardParksPickupPurchase.pdf](#)
- 6.d. S-2 Contractors, Inc. for 2018/19 Asphalt Patching Project in the amount of \$15,804.50
[06D. 10-03-18AwardAC_Patching.pdf](#)

7. Approve and/or Authorize for Signature

- 7.a. Intergovernmental Agreement with the St. Helens School District for Mutual Use of Each Party's Properties/Facilities
[07A. IGA - City School District - Use of Facilities.pdf](#)
- 7.b. Findings of Fact and Conclusions of Law for a Conditional Use Permit Establishing a Marijuana Retail/Medical Marijuana Dispensary at 100 St. Helens Street
[07B. AP.1.18 \(CUP.3.18\) FC \(final\).pdf](#)
- 7.c. Contract Payments
[07C. 100318 Contract Payments.pdf](#)

8. Consent Agenda for Acceptance

- 8.a. Arts & Cultural Commission Minutes dated August 28, 2018
[08A. 8-28-18 ACC Minutes Approved 9-25-18.pdf](#)
- 8.b. Library Board Minutes dated August 23, 2018
[08B. 082318 LB Minutes APPROVED.pdf](#)

9. Consent Agenda for Approval

- 9.a. Council Work Session, Executive Session, and Regular Session Minutes dated September 5, 2018
[09A. 100318 Council Minutes TO BE APPROVED.pdf](#)
- 9.b. Street Closure for Halloween Parade on October 6, 2018
[09B. Street Closure - Halloween Parade - 100618.pdf](#)

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9.c. Street Closure for Lil' Spooks Parade on October 27, 2018
[09C. Street Closure - Lil Spooks Parade - 102718.pdf](#)

9.d. OLCC Licenses
[09D. OLCC Licenses.pdf](#)

10. **Mayor Scholl Reports**

11. **Council Member Reports**

12. **Department Reports**

13. **Other Business**

14. **Adjourn**

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City of St. Helens
ORDINANCE NO. 3233

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SEWER USE
ORDINANCE FOR USERS OF THE CITY OF ST. HELENS' PUBLICLY
OWNED TREATMENT WORKS (POTW) TO COMPLY WITH FEDERAL
AND STATE ENVIRONMENTAL REGULATIONS.

WHEREAS, on or about February 25, 2016, Oregon Department of Environmental Quality (OR-DEQ) performed a regulatory audit of the City's Industrial Pretreatment Program; and

WHEREAS, the OR-DEQ audit report required that the City update its legal authority (Sewer Use Ordinance) to include language related to submission of all monitoring data, and to establish legal authority to develop and implement Sector Control Programs based on Best Management Practices (BMPs); and

WHEREAS, during the course of developing the legal authority required by OR-DEQ, City staff discovered outdated and conflicting language in the established Sewer Use Ordinance(s); and

WHEREAS, OR-DEQ advised the City to establish a comprehensive Sewer Use Ordinance to repeal and replace the outdated and conflicting language in the established Sewer Use Ordinance(s) to create a clear and concise legal authority document.

NOW, THEREFORE, THE CITY OF ST. HELENS ORDAINS AS FOLLOWS:

Section 1. St. Helens Ordinance Nos. 2570, 2576, 2584, 2623, 2630, and 3169 are hereby repealed and replaced by St. Helens Municipal Ordinance No. 3233.

Section 2. St. Helens Municipal Code Chapters 13.12 and 13.16 are hereby deleted and replaced with Chapter 13.14, established by Ordinance No. 3233.

Read the first time:	September 19, 2018
Read the second time:	October 3, 2018

APPROVED AND ADOPTED by the City Council this 3rd day of October, 2018, by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

ORDINANCE NO. 3233

COMPREHENSIVE SEWER USE ORDINANCE

GENERAL SEWER USE AND INDUSTRIAL PRETREATMENT REGULATIONS

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SECTION 1 – GENERAL PROVISIONS

1.1 Purpose and Policy.

- A. This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of St. Helens and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code 1251 et seq.), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and the Oregon Administrative Rules (OAR) Chapter 340. The objectives of this Ordinance are:
- (1) To address inconsistencies, conflicts, and redundancies in St. Helens Municipal Code (SHMC) Title 13:
 - (a) Chapter 13.12-SEWER USE REGULATIONS; and
 - (b) Chapter 13.16-WASTEWATER PRETREATMENT REGULATIONS;
 - (2) Replace SHMC Title 13 Chapters 13.12 and 13.16 with a single comprehensive Chapter 13.14;
 - (3) Repeal Ordinances 2570, 2576, 2584, 2623, 2630, and 3169;
 - (4) To provide control of construction and use of the POTW;
 - (5) To prevent the introduction of pollutants into the POTW that will interfere with operation of the system;
 - (6) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
 - (7) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the health and safety of the general public;
 - (8) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
 - (9) To provide requirements for permitting discharge of wastewater into the POTW, in accordance with local, state and federal requirements and standards;
 - (10) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW in compliance with state and federal requirements; and
 - (11) To assure the self-sufficiency of the POTW; and

- (12) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

B. This ordinance shall apply to all persons and contributing jurisdictions using the POTW. The ordinance authorizes the issuance of Industrial Wastewater Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration.

Except as otherwise provided herein, the Superintendent shall administer and implement the provisions of this ordinance and the Superintendent or the City Attorney shall direct enforcements to be taken under the program. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other City personnel. The City's Industrial Pretreatment Operation and Program Implementation Manual, and any amendments thereto, is adopted and incorporated by reference. If there is a conflict between the provisions in the manual and this ordinance, the provisions in this ordinance apply. The Superintendent has the authority to update the manual. The City council adopts any rules or requirements that are necessary to implement the pretreatment program or to comply with any federal, state, or City requirements.

1.3 Abbreviations.

The following abbreviations shall have the designated meanings:

ASP/SCP	Accidental Spill Prevention/Slug Control Plan
BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
DEQ	Oregon Department of Environmental Quality
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
LC50	Lethal Concentration for fifty percent (50%) of the test organisms
IU	Industrial User
L	Liter
mg	milligrams
mg/L	milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
NDCIU	Non-Discharging Categorical Industrial User
NSCIU	Nonsignificant Categorical Industrial User

O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS	Total Suspended Solids
USC	United States Code

1.4 Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

- A. **“Accidental Spill Prevention/Slug Control Plan (ASP/SCP)”** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.5 of this ordinance. A slug discharge is any discharge on a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference of pass through, or in any other way violates the POTW’s regulations Local Limits or permit conditions.
- B. **“Act” or “the Act”** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- C. **“Approval Authority”** means the State of Oregon Department of Environmental Quality (DEQ).
- D. **“Authorized Representative of the User”** means:
 - (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has

been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a federal, state or local governmental facility: a superintendent or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in subsections (D)(1) through (3) of this definition may designate another authorized representative if the authorization is in writing by the individual described in subsections (D)(1) through (3) of this definition, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

E. **“Best Management Practices (BMPs)”** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.5 of this ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, drainage from raw materials storage, or alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

F. **“Biochemical Oxygen Demand (BOD)”** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/L).

G. **“Building Drain”** means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, being five (5) feet outside the inner face of the building wall.

H. **“Building Sewer”** means that part of the horizontal piping of a drainage system which extends beyond the end of the building drain and receives the discharge of the building drain and conveys it to a public sewer, private sewer, or individual sewage disposal system. Building Sewers are also referred to as “Service Laterals.”

I. **“Categorical Pretreatment Standard”** or **“Categorical Standard”** means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 – 471.

J. **“Categorical Industrial User”** or **“CIU”** means an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

- K. **“Chemical Oxygen Demand”** or **“COD”** means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- L. **“City”** means the City of St. Helens, Oregon, a municipal corporation of the state of Oregon, acting through its City council or any board, committee, body, official, or person to whom the council shall have lawfully delegated the power to act for or on behalf of the City.
- M. **“City Administrator”** means the City Administrator of the City of St. Helens, Oregon, or the City Administrator’s designee.
- N. **“Combined Sewer”** means a sewer that is designated as both a sanitary sewer and a storm sewer.
- O. **“Composite Sample”** means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- P. **“Control Authority”** means the City of St. Helens, Oregon.
- Q. **“Cooling Water”** means the water discharged from any User to which the only pollutant added is heat.
- R. **“Daily Maximum”** means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- S. **“Daily Maximum Limit”** means the maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day, except for pH.
- T. **“Environmental Protection Agency (EPA)”** means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Superintendent, or other duly authorized official of said agency.
- U. **“Existing Source”** means any source of discharge that is not a New Source.
- V. **“FOG”** means fats, oils and grease.
- W. **“FOG, nonpolar”** means fats, oils and grease that are petroleum based.
- X. **“FOG, polar”** means fats, oils and grease generated from animal and vegetable origins.

- Y. **“Garbage”** means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- Z. **“Grab Sample”** means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.
- AA. **“Hauled Waste”** means any trucked or hauled wastes, including septic tank wastes, chemical toilet wastes, and non-septic wastes with hazardous characteristics.
- BB. **“Indirect Discharge”** or **“Discharge”** means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- CC. **“Industrial Wastes”** means the liquid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary sewage.
- DD. **“Instantaneous Limit”** means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- EE. **“Interceptor”** means a device designed and installed so as to adjust, separate and retain deleterious, hazardous or undesirable matter from wastewater and to permit normal sewage or liquid wastes to discharge from the User’s premises into the POTW.
- FF. **“Interference”** means discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- GG. **“Local Limit”** means specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- HH. **“Manual”** or **“the manual”** refers to the City’s Industrial Pretreatment Operation and Program Implementation Manual, and any amendments thereto.

II. **“Medical Waste”** means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

JJ. **“Monthly Average”** means the arithmetic mean of the effluent samples collected during a calendar month.

KK. **“Monthly Average Limit”** means the limit that applies to the monthly average of all effluents.

LL. **“National Pretreatment Standard”** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

MM. **“Natural Outlet”** means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

NN. **“New Source”** means:

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(C) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

- (a) Begun, or cased to begin, as part of a continuous onsite construction program
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

OO. **“Noncontact Cooling Water”** means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

PP. **“Nondischarging Categorical Industrial User (NDCIU)”** means industries that have industrial processes that would otherwise be subject to national categorical Pretreatment Standards and Requirements, including industries with zero discharge categorical standards. NDCIUs that have a potential to discharge must be issued no-discharge control mechanisms.

QQ. **“Non-Residential User”** means any person who is not a residential User.

RR. **“North American Industry Classification System (NAICS)”** means the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy, which was developed under the auspices of the Office of Management and budget (OMB) and adopted in 1997 to replace the Standard Industrial Classification (SIC) System.

SS. **“Pass Through”** means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s NPDES permit, including an increase in the magnitude or duration of a violation.

TT. **“Person”** means any individual, owner, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

- UU. “**pH**” means a measure of the acidity or alkalinity of a solution, expressed in standard units.
- VV. “**Pollutant**” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- WW. “**Pollution**” means the degradation of the chemical, physical, biological, or radiological quality of the ground, surface, subsurface, or storm drainage waters by man, or the activities thereof.
- XX. “**Potential to Discharge**” means hard plumbing connected to the POTW’s sanitary sewer. This includes plumbing with shut-off valves and plumbing that has been plugged with temporary or removable plugs. Plumbing that has been permanently disconnected or cemented shut would not constitute a potential to discharge.
- YY. “**Pretreatment**” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- ZZ. “**Pretreatment Requirements**” means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- AAA. “**Pretreatment Regulations**” means prohibited discharge regulations and standards, categorical Pretreatment Standards, and Local Limits.
- BBB. “**Prohibited Discharge Standards**” or “**Prohibited Discharges**” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.5 of this ordinance.
- CCC. “**Properly Shredded Garbage**” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.
- DDD. “**Publicly Owned Treatment Works (POTW)**” means a treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- EEE. “**Residential User**” means the occupant or lessee of a residence intended for permanent or semi-permanent occupancy.

FFF. **“Return to Compliance”** means User is complying with the pretreatment requirements outlined in a discharge permit, compliance schedule, or other agreement or order as outlined by the City and is discharging in compliance with applicable effluent limits.

GGG. **“Sanitary Sewer”** means a conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface water that are not intentionally admitted.

HHH. **“Septic Tank Waste”** or **“Septage”** means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, cesspools, or other similar residential wastewater treatment system, or a holding tank when the system is cleaned or maintained.

III. **“Service Lateral”** means that part of the horizontal piping of a drainage system which extends beyond the end of the building drain and receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system. Service laterals are also referred to as **“Building Sewers”**.

JJJ. **“Sewer User”** means any person discharging wastewater into the publicly operated treatment works, whether that person be residential, non-residential, commercial, industrial or a Significant Industrial User.

KKK. **“Significant Industrial User (SIU)”** means (except as provided in subsection (3) of this definition):

- (1) An Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
- (2) An Industrial User that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.
- (3) The City may determine that an industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N is a nonsignificant categorical industrial User rather than a Significant Industrial User on a finding that the industrial User never

discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (a) The industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and requirements;
 - (b) The industrial User annually submits the certification statement required in 40 CFR 403.12(q), signed and certified in accordance with Section 4.7 of this ordinance, together with any additional information necessary to support the certification statement; and
 - (c) The industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a User meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

LLL. **"Slug Load" or "Slug Discharge"** means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.5 of this ordinance. A "slug discharge" is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which had a reasonable potential to cause interference and pass through or in any way otherwise violate the POTW's regulations, Local Limits or permit conditions.

MMM. **"Shall"** is mandatory; **"May"** is permissive.

NNN. **"Standard Industrial Classification (SIC) Code"** means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget, as amended from time to time.

OOO. **"STEP System"** means a septic tank effluent pump system.

PPP. **"Storm Water"** means any flow occurring during or following any form of natural precipitation, surface runoff or drainage, and resulting from such precipitation, including but not limited to snowmelt.

QQQ. **"Superintendent"** means the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

RRR. **“Total suspended solids (TSS)”** means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

SSS. **“Toxic Pollutants”** means any pollutant or combination of pollutants listed as toxic in regulations of regulations promulgated by the EPA, or as identified by the City Administrator.

TTT. **“Unit of Government”** means a county, City, district or other public corporation, commission, authority or entity organized and existing under state statute or City or county charter.

UUU. **“User”** or **“Industrial User”** means a source of indirect discharge.

VVV. **“Wastewater”** or **“Sewage”** means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, and groundwater, surface water, or storm water that may be present whether treated or untreated, which are contributed to the POTW.

WWW. **“Wastewater Discharge Permit”** means an Industrial Wastewater Discharge Permit issued pursuant to Section 4 of this ordinance.

XXX. **“Wastewater Treatment Plant”** or **“Treatment Plant”** means that portion of the POTW which is designed to provide treatment of sewage and wastewater.

SECTION 2 – GENERAL SEWER USE REQUIREMENTS

2.1 General Organization and Operation

Standards, Rules and Regulations. The standards, rules and regulations established in this ordinance are deemed to be consistent with the preservation of the public health, safety and welfare, to prevent pollution of the environment, and to fulfill the obligations of the City with respect to state and federal law and all rules and regulations adopted in conformance with same. The discharge into the system of any substance which exceeds the limitations contained herein, or which, in any manner, fails to conform with requirements this ordinance, is declared to be a public nuisance and a violation of this ordinance.

2.2 Use of Public Sewers Required

- A. It is unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City of St. Helens or in any area under the jurisdiction of the City, any human or animal excretion, garbage, or other objectionable waste that creates an offensive odor or health hazard.

- B. It is unlawful to discharge to any natural outlet within the City of St. Helens or in any area under the jurisdiction of the City, any domestic, commercial, or industrial wastewater, or other polluted water, except where suitable treatment has been provided in accordance with provisions of this ordinance.
- C. Except as hereinafter provided, it is unlawful to construct any privy, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the City of St. Helens, and abutting on any street, alley, easement, or right-of-way in which there is now located or may in the future be located a sanitary sewer of the City, is required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper publicly operated treatment works in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that the sewer is within one-hundred-sixty 160 feet of the property line.
- E. The City engineer may require owner to design, build, and install a “STEP” system in order to gain access to the public sewer system. Owner will be required to enter into a sewer agreement with the City. Such agreement shall contain the following conditions:
- (1) The design of the system, the equipment to be installed, and the materials to be used must be approved by the City engineer;
 - (2) The installation of the system must be approved by the City.;
 - (3) The costs of the system, directly and indirectly, shall be paid by owner. Special fees are authorized and are to be based on administrative costs incurred by the City. Such fees shall be set by resolution;
 - (4) When system is completed and installed, owner shall transfer ownership of pump, lines, and appurtenances thereto to the City. Owner shall execute easement, where the pump, lines and appurtenances are on private property;
 - (5) Owner shall be responsible for the maintenance and repair of such lines and equipment. Any such work must be done with the approval of the City engineer. Failure to maintain or repair shall be deemed to be a breach of the agreement;
 - (6) Owner shall pay all other fees as normally required by this chapter; and
 - (7) The City engineer may set any other conditions that are consistent with the purpose of this chapter.

2.3 Private Wastewater Disposal

- A. Where a public sewer or publicly operated treatment works is not available under the provisions of Section 2.2 of this ordinance the building sewer shall be connected to a private wastewater system complying with the provisions of this Section.
- B. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the DEQ or another agency having jurisdiction.
- C. At such time, as a public sewer or POTW becomes available to a property served by a private wastewater disposal system, a connection shall be made to the public sewer or POTW in compliance with Section 2.2 of this ordinance and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and after pumping filled with suitable material at the time of said connection.
- D. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

2.4 Building Sewers and Connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent.
- B. There shall be two (2) classes of building sewer permits:
 - (1) For residential and commercial service, and
 - (2) For service to establishments producing industrial or nonresidential wastes. The owner of the sewer or his or her duly authorized agent shall make application for the permit to the City. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee shall be paid to the City at the time the application is filed. The City will require proof of receipt of a plumbing permit.
- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- D. A separate and independent building sewer shall be provided for every building receiving residential and commercial service; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. This prohibition does not apply to industrial service.
- E. Old building sewers, herein defined as those that have not been in use for two (2) years, may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this ordinance. The fee for a permit shall be in addition to the plumbing inspection fee mandated by the currently adopted State Building Code.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the State Plumbing Code and other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or his representative.

- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- L. Service laterals from building structure to the main sewer line shall be maintained by the owner of said structure in such a manner as to prevent infiltration of ground water into the collection system.
- M. The City shall have permission to enter all private properties through which the City holds an easement for purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public operated treatment works lying within said easement and shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- N. Service laterals constructed or comprised of any prohibited material, specifically bituminous fiber pipe, most commonly known as “Orangeburg pipe,” may constitute a threat to the efficient working and operation of the sanitary collection system and/or of the wastewater treatment plant and facilities of the City and may constitute a hazard to the health of the citizens of the City. In order to reduce or eliminate the risk, threat, and hazards posed by the existence of such unapproved pipe, prohibition is necessary. Building sewers constructed or compromised of unapproved materials, including “Orangeburg” or bituminous fiber pipe shall be deemed in need of repair or replacement when:
- (1) The service lateral is in failure as determined by the City engineer. A sewer lateral constructed of bituminous fiber pipe is considered to be in failure when certain conditions are present. Some of these conditions include, but are not limited to: collapsed pipe, blistering or peeling pipe, structure failure of the pipe, sags and bulges in line greater than 25 percent of pipe diameter, root intrusion, separated or leaking joints, visibly cracked or broken pipe, or pipe material deterioration.
 - (2) Any additions, repairs, alterations, renovations, replacements, or maintenance is made to the service lateral.

In all cases, the entire length of unapproved pipe material shall be removed and replaced and the costs and expenses incident to the repair and/or replacement of unapproved pipe shall be borne by the owner. Replacement or repaired pipe shall conform to current applicable regulations and the requirements of this code for building sewers.

2.5 Prohibited Discharge Standards.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a public sanitary sewer.
- C. No person shall make connection of any cesspool, septic tank, seepage pit, or drain field to the public sewer or to a building sewer leading to such public sewer.
- D. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City and appropriate state and federal agencies, to a storm sewer, combined sewer, or natural outlet.
- E. Discharge of Industrial Wastes into the POTW is prohibited unless in compliance with this ordinance. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other national, state, or local Pretreatment Standards or Requirements.
- F. No person shall discharge or cause to be discharged any pollutant to any public sewers in a quantity which may interfere with the operation or performance of the City sewerage system, including but not limited to any of the following substances:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods specified in 40 CFR 261.21;
 - (2) Any wastewater having a pH less than 5.0 or more than 9.0, or which may otherwise cause corrosive structural damage to the POTW;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half (1/2) inch in any dimension;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

- (5) Any wastewater having a temperature greater than 131 degrees Fahrenheit (55 degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Any trucked or hauled pollutants; except at discharge points designated by the City in accordance with Section 3.4 E of this ordinance;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Superintendent in compliance with applicable state or federal regulations;
- (11) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;
- (12) Sludges, screenings, or other residues from the pretreatment of industrial wastes or industrial processes;
- (13) Any medical wastes, except as specifically authorized by the superintendent.
- (14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (15) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (16) Fats, oils, or greases of animal or vegetable origin in concentrations capable of bulking together and causing collection blockage;
- (17) Any discharge that, in the opinion of the Superintendent, could cause the City to violate the terms of its NPDES permit or could constitute a violation of State or Federal laws;

- (18) Discharges of AOX (absorbable organic halogens) and TCDD (2, 3, 7, 8-tetrachlorodibenzo-p-dioxin) shall be in compliance with the City's NPDES permit.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.6 National Categorical Pretreatment Standards.

- A. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, Parts 405 – 471, and amendments thereto, which are adopted and incorporated herein by reference.
- B. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternative limit in accordance with 40 CFR 403.6(e).
- C. A CIU may obtain a net gross adjustment to a categorical standard in accordance with the following paragraphs of this Section.
 - (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.
 - (2) Criteria
 - (i) Either (a) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (b) The Industrial User demonstrates that the control system it proposes or uses to meet applicable Pretreatment Standards would, if properly installed and operated, meet the Standards in absence of pollutants in the intake waters.
 - (ii) Credit for generic pollutants such as BOD, TSS, and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (iii) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 - (iv) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW

discharges. The City may waive the requirement if it finds that no environmental degradation will result.

2.7 State Pretreatment Standards.

Industrial Users must comply with all applicable State Pretreatment Standards and Requirements, which are located in Chapter 340 OAR and are hereby adopted and incorporated herein by reference.

2.8 Local Limits.

- A. Authority to Establish Local Limits: The City is authorized to establish and revise Local Limits pursuant to 40 CFR 403.5(c)
- B. Local Limits are established to protect against Pass Through and Interference. No nonresidential User shall discharge to the POTW wastewater containing pollutants in excess of limitations specified in an issued Industrial Wastewater Discharge Permit, any categorical Pretreatment Standards, or other pollutant limits established by the City.
- C. Unless the City determines that public health or safety require an earlier implementation, any modification the Superintendent establishes to the Local Limits in Table 2.8-1 shall not go into effect until thirty (30) days after reasonable notice of the changes is provided to the public and to affected dischargers who may discharge wastewater containing analytes or pollutants subject to such Local Limits.
- D. Where an industrial User is subject to a categorical Pretreatment Standard and a Local Limit for a given pollutant, the more stringent limit or applicable Pretreatment Standard shall apply.
- E. The Local Limits in Table 2.8-1 apply at the point where the wastewater is discharged into the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations.

Table 2.8-1:

Analyte / Pollutant	Daily Maximum Concentration Limit	
Arsenic	0.13	mg/L
Cadmium	0.05	mg/L
Chromium	1.3	mg/L
Copper	0.54	mg/L
Cyanide	0.13	mg/L
Lead	1.3	mg/L
Mercury	0.013	mg/L
Nickel	1.3	mg/L

Oil and Grease, Total	300	mg/L
pH, Minimum	5.0	S.U.
pH, Maximum	9.0	S.U.
Selenium	0.17	mg/L
Silver	0.03	mg/L
Zinc	0.25	mg/L

- F. The Superintendent may develop and implement Best Management Practices (BMPs) by ordinance or in Industrial Wastewater Discharge Permits to implement Local Limits and the requirements of Section 2.5 of this ordinance.

2.9 Dilution.

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation under any circumstances unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

2.10 City's Right of Revision.

The City reserves the right to establish, by ordinance or in Industrial Wastewater Discharge Permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.11 Special Agreement.

The City may enter into special agreements, or control mechanisms, with Users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical Pretreatment Standard or federal pretreatment requirement. However, the User may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical Pretreatment Standard from the EPA in accordance with 40 CFR 403.13. A special agreement may contain requirements in addition to those specified in this ordinance.

Non-Discharging Categorical Industrial Users (NDCIUs) may be issued a no-discharge control mechanism or annual certification requirement. All Significant Industrial Users shall be controlled via permits or equivalent control mechanisms.

2.12 Tenant Responsibility.

Any person who occupies the User's premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of this chapter in the same manner as the User.

SECTION 3 – PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities.

- A. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2 of this ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter.
- B. Appeals.
 - (1) Users shall have 14 days to appeal the requirement to provide wastewater pretreatment.
 - (2) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - (3) In its petition, the User must indicate which wastewater Pretreatment Standards are objected to and the reasons for this objection.
 - (4) If the Superintendent fails to act within 15 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a pretreatment requirement shall be considered final administrative actions for purposes of judicial review.
 - (5) Aggrieved parties seeking judicial review of the final administrative pretreatment requirement decision must do so by filing a complaint with the Columbia County Circuit Court within 30 days. Failure to file the complaint within 30 days will bar any alternative or subsequent appeals.

3.2 Additional Pretreatment Measures.

- A. Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this chapter.
- B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Wastewater Discharge Permit may be issued solely for flow equalization.

- C. Grease, oil, and sand interceptors shall be provided where it is determined by the Superintendent, that they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be installed in conformance with the most recent revision of the Oregon Plumbing Specialty Code, the rules adopted thereunder, and any statute or rule of general applicability administered by the State of Oregon Building Codes Division and located so as to be easily accessible for cleaning, maintenance, and inspection. Such interceptor units shall be inspected, cleaned, repaired, and maintained in continuously efficient operating condition at all times by the User at their expense. Each User will need to determine the adequate maintenance schedule for their interceptor(s). The User is required to provide information if requested by the City of the determined maintenance schedule, and keep records verifying the maintenance provided. Acceptable maintenance means pumping out the entire interceptor. If at any time, the City finds that a User's maintenance schedule is inadequate to provide for efficient operation, the City shall require a more frequent maintenance schedule.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- E. Users may be required to install a control manhole, or other sampling device approved by the Superintendent, when deemed necessary by the Superintendent, to facilitate observation, sampling and flow measurement of the User's discharge. Such manholes, or other sampling devices approved by the Superintendent, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City. The manhole, or other sampling device approved by the Superintendent, shall be installed and maintained by the User at their expense.
- F. In the event the City, during maintenance of public sewer lines, records situations of grease accumulation in lines sufficient to restrict the normal flow of waste, upstream Users shall be inspected. If the Superintendent determines that an upstream User is responsible for the grease or oil discharge, the User will be required to cease discharge of the prohibited waste. Additionally, the User may be required to install an interceptor, maintain the interceptor, and may be charged for the cost of cleaning the line. When an obstruction of the public line occurs, a violation of 40 CFR 403.5(b)(3) or (6) and Section 2.5 Specific Prohibitions has occurred.

3.3 Accidental Spill Prevention/Slug Control Plans.

- A. General Provisions. All Users, as required by the Superintendent, shall provide protection from accidental or intentional discharges of materials, which may cause Interference or Pass Through, or in any way violate the POTW's regulations, Local Limits, or permit conditions. Facilities necessary to prevent the discharge of prohibited or restricted substances shall be provided and maintained at the User's cost and expense.

B. Specific Provisions. The Superintendent may require any User to develop, submit for approval to the City, and implement an Accidental Spill Prevention/Slug Control Plan (ASP/SCP) or take such other action that may be necessary to control Slug Discharges. Review and approval of such plans and operating procedures by the City shall not relieve the User from the responsibility to modify its facility as necessary to meet the requirements of this ordinance. The ASP/SCP shall be posted and available for inspection at the facility during normal business hours. An ASP/SCP shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response hauled wastewater.

3.4 Sector Control Programs

- A. The City may establish specific Sector Control Programs for non-residential sewer Users to control specific pollutants as necessary to meet the objectives of this Ordinance. Pollutants subject to these Sector Control Programs shall generally be controlled using Best Management Practices (BMPs).
- B. The City has identified commercial and industrial Users (Users) for inclusion into applicable Sector Control Programs. Once identified and included into one (1) or more sector control programs, such Users shall be required to comply with the applicable Sector Control Program requirements.
- C. FOG and SAND/OIL Sector consists of any facility that has the potential to discharge fats, oil, and grease (FOG) or sand/oil, including but not limited to non-residential Users where preparation, manufacturing, processing of food or washing/sanitizing of dishes or equipment occurs and includes, but are not limited to, restaurants, cafes, fast food outlets, quick-service restaurants, pizza outlets, delicatessens, sandwich shops, coffee shops, Mobile Food Establishments, schools, nursing homes and other facilities that prepare, service, or otherwise make foodstuff available for consumption, collectively described as Food Service Establishments (FSEs). Since these pollutants can contribute to sewer blockages, causing sanitary sewer overflows and backups into homes and businesses, all facilities in this Sector must comply with the requirements which include both the requirement for installation and proper operation and maintenance of an interceptor or separator and other reporting requirements. Grease, oil, and sand interceptors shall be provided in accordance with Section 3.2 of this ordinance.

(1) Definitions.

- (a) Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in Section 2.5 of this ordinance. BMPs are Pretreatment Standards and may include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (b) Fats, oil and grease (FOG): Non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical procedures established in the 40 CFR Part 136.
- (c) Gravity Grease Interceptor (GGI): A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept FOG (fats, oil and grease) from a wastewater discharge and are designed for gravity separation. Such interceptors are usually an in-ground interceptor that is located outside the facility.
- (d) Hydromechanical Grease Interceptor (HGI): A plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept FOG (fats, oil and grease) from a wastewater discharge and is identified by flow rate, separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and / or barriers in combination or separately. These devices are commonly described as “grease traps” and usually inside the facility.

(2) General control requirements.

- (a) A grease interceptor shall be required for all FSEs for the proper handling of liquid wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or contribute to Interference or Pass Through. Mobile Food Establishments (Food Carts) may be exempt from the requirement to install and maintain a grease interceptor, provided the following conditions are met for each Food Cart operated:
 - (i) The Food Cart(s) is not discharging directly into the City’s POTW;
 - (ii) The owner/operator of such Food Cart(s) shall submit a Mobile Vendor Wastewater Management Plan with the Superintendent for review and shall not commence sale or preparation of food in the Food Cart(s) until such plan is approved;
 - (iii) Wastewater and other liquid wastes shall be removed from the Food Cart by a Hauled Waste (Septage) transport vehicle permitted in accordance with Section 3.4 E of this ordinance in such a way that a public health hazard or nuisance is not created;

- (iv) The wastewater collection device(s) for the Food Cart shall be designed and intended to hold and transport such wastewater without leaks or spills and have sufficient capacity to hold no less than 20 gallons;
 - (v) The owner/operator of such Food Cart(s) shall remove wastewater and other liquid wastes at a frequency sufficient to prevent exceeding capacity of the wastewater collection device(s).
- (b) It shall be the responsibility of the User and owner of the property, business or industry or an authorized representative of the industrial User to contact the City for the purpose of obtaining a plan review. The plan review shall determine the need, size, location, and other requirements of the interceptor required to control discharges into the POTW. Written approval from the City must be obtained prior to installation of the interceptor. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this chapter.
- (c) The design and sizing of interceptors shall be in accordance with requirements established by the most recent State of Oregon Specialty Plumbing Code. The interceptor shall be designed, sized, installed, maintained and operated so as to accomplish their intended purpose of intercepting pollutants from the industrial User's wastewater and minimizing the discharge of such pollutants to the City's wastewater collection system.
- (d) Upon change of ownership of any existing facility which would be required to have an interceptor under this section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning grease interceptor is installed.
- (e) Toilets, urinals and similar fixtures shall not waste through an interceptor. Such fixtures shall be plumbed directly into the building sewer and waste system, not through an interceptor.
- (f) All fixtures connected to an interceptor which are not equipped with a garbage disposal (garbage grinder) shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the interceptor, and such screen shall be in service when the fixture is in use.
- (g) The User shall implement procedures that minimize the discharge of food solids to the POTW or a grease interceptor. In no case shall food waste be discharged that exceeds one-half ($\frac{1}{2}$) inch in any dimension. It is prohibited to use garbage grinders for disposal of any non-food waste.
- (h) The User must ensure interceptors are easily accessible for inspection, cleaning, and removal of FOG.

- (i) The User must maintain interceptors at their expense and keep in efficient operating condition at all times by the regular removal of accumulated FOG.

(5) Required maintenance.

- (a) Interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the facility's wastewater and prevent the discharge of said materials into the City's municipal wastewater collection system. Interceptors must be cleaned whenever the combined thickness of the floating greases and settled solids is greater than twenty-five percent (25%) of the design hydraulic depth of the interceptor.
- (b) The City may require more frequent cleaning than that prescribed in paragraph (a) above. A variance from the requirement for more frequent cleaning may be obtained if the User can demonstrate less frequent cleaning is sufficient.
- (c) In the event an interceptor is not properly maintained by the User, owner, lessee, or other authorized representative of the facility, the City may authorize such maintenance work be performed on behalf of the User. The costs of such maintenance shall be billed directly to the tenant/owner and shall become part of the charges due and owed to the City.
- (d) Biological treatment or enzyme treatment shall not be a substitute for the servicing of gravity interceptors or grease traps at the frequency required by the City. Use of enzymes or any other chemical or biological treatment or product that emulsifies or acts to emulsify FOG is strictly prohibited.
- (e) The User must document all maintenance activities using a City-approved log sheet or a waste manifest ticket which must be provided to the City as required and kept by the User on site for at least three (3) years.
- (f) The User must take reasonable steps to assure that all waste generated at the facility is properly disposed of at a facility in accordance with Federal, State and local regulations (i.e. through a certification by the hauler included on the waste manifest or trip ticket for each load).

D. Mercury Sector. Mercury sector consists of all facilities that have the potential to discharge mercury and/or amalgam. Mercury Best Management Practices (BMPs) shall apply to any facility that has the potential to discharge mercury and/or amalgam. All facilities subject to these BMPs must comply with the requirements which include both the requirement for installation and proper operation and maintenance of an amalgam separator and other reporting requirements.

(1) Definitions.

- (a) Amalgam or dental amalgam means any mixture or blending of mercury with another metal or with an alloy used in dental applications.
 - (b) Amalgam separator means a type of wastewater treatment equipment that is designed to remove solids, including amalgam associated solids, from the wastewater discharged by a dental facility.
 - (c) Amalgam waste means any waste containing mercury or residues from the preparation, use or removal of amalgam. This includes, but is not limited to, any mercury waste generated or collected by chair-side traps, screens, filters, vacuum systems filters, amalgam separators, elemental mercury, amalgam capsules and autoclaves or other equipment that come in contact with dental amalgam.
 - (d) Dental facility means any facility used for the practice of dentistry or dental hygiene that discharges wastewater to the POTW containing amalgam. This includes facilities that place or remove amalgam.
 - (e) Exempt dental practice means any dental facility in which no amalgam is placed or removed nor is amalgam used at any time in the dental practice.
- (2) Regulation and discharge to the City.
- (a) The City may control through permit, authorization to discharge, letter or other means, discharges to the POTW by a dental facility.
 - (b) New dental facilities: BMPs shall be implemented by the dental facility upon discharge to the POTW. Within thirty (30) days after discharge, the dental facility shall report to the City that an appropriate amalgam separator has/has not been installed and required BMPs implemented. Change of ownership shall be considered a New dental facility.
 - (c) Existing dental facilities: Dental facilities that are already operating and discharging upon the effective date of this article shall install an appropriate amalgam separator and implement required BMPs within ninety (90) days of the effective date of this article.
 - (d) Exempt dental facility. These BMPs are not required for dental facilities meeting the definition of an exempt dental facility.
- (3) Best Management Practices (BMPs) for the acceptance of dental amalgam. All dental facilities that discharge wastewater generated from the placement or removal of amalgam to the POTW are required to comply with the most recent version of the Oregon Dental Association Best Management Practices of Dental Wastes.
- (4) Recordkeeping. All records shall be kept on site for a minimum of three (3) years and shall be made available to the City on request as required by Section 6.13 of this ordinance. Each dental facility shall maintain records of:

- (a) Name of manufacturer, model and date of installation for each amalgam separator;
 - (b) Amalgam disposal. Records shall include the date, name and address of the facility to which any waste amalgam is shipped and the amount shipped;
 - (c) Records (logs) shall include at a minimum, the date and time of the visual inspection, initials of person conducting the inspection and whether or not the level of solids is such that the unit needs to have maintenance or other problems are identified (e.g. leaks);
 - (d) Amalgam waste: Records of all maintenance and service completed on the amalgam separator;
 - (e) Best Management Practices. Records shall include any and all Best Management Practices activities performed to comply with Local, State, or Federal regulations.
- (5) The dental facility shall inform the City prior to:
- (a) Sale or transfer of ownership of the business;
 - (b) Change in the trade name under which the business is operated;
 - (c) Change in the nature of the services provided that affect the potential to discharge amalgam; or
 - (d) Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department or any other formal approval process by the jurisdiction in which the dental facility is located.
- (6) Inspections and data collection.
- (a) The City may conduct inspections or require written waste surveys for any dental facility. Inspection may be conducted with or without notice for the purpose of determining applicability and/or compliance with these this ordinance.
 - (b) If any inspection reveals non-compliance with any provision of this dental facility BMPs, corrective action shall be required.
- (7) Closure. The City may require the dental facility and/or facility owner to take specific action in the case of closure of the dental facility. This may include special handling of potentially contaminated plumbing, treatment devices or storage components.

E. Hauled waste sector consists of all haulers of septic tank waste (septage). Septage will only be accepted into the municipal wastewater system at a designated

receiving structure specified by the Superintendent. Waste will be accepted at such times as are established by the City, provided such wastes do not contain hazardous wastes or otherwise violate any provision of Section 2.5 of this ordinance. RV dump stations on private property are subject to periodic monitoring and permitting to ensure compliance with applicable standards of this ordinance. Additionally, any person proposing to be a mobile waste hauler or any person the Superintendent has determined is likely to be a mobile waste hauler must obtain a Septage Waste Hauler Discharge Permit from the City prior to discharging into the POTW. Permits for hauled waste vehicles to use such facilities shall be issued by the City. Any discharge into the City's POTW, or any contributing jurisdiction, by a mobile waste hauler without a permit is a violation of this ordinance.

- (1) All waste haulers, regardless of the origin of the hauled wastes, shall be considered "Industrial Users" for the purposes of this ordinance.
- (2) Septage waste shall be discharged at one designated location at the POTW.
- (3) Septage waste shall not violate Section 2.5 of this ordinance.
- (4) The discharge of hauled industrial wastes requires prior approval and a wastewater permit from the City issued to the source of industrial wastewater. The Superintendent shall have authority to prohibit the disposal of such wastes.
- (5) Fees for the discharge of septage will be established as part of the User fee system as authorized in Section 15 of this ordinance.
- (6) The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may also require the mobile waste hauler to provide a waste analysis of any load prior to discharge. The discharge of a hauled waste that is identified as hazardous waste is prohibited. If a load is refused as hazardous waste the waste hauler must file a manifest stating when, where, and how the load was discharged. This manifest must be filed with the pretreatment office/wastewater treatment plant before any further hauled wastes are accepted from that contractor.
- (7) Application for permit. Any new mobile waste hauler shall apply for a Septage Waste Hauler Permit at least thirty (30) days prior to its initial discharge. Applications shall be made to the Superintendent in writing on forms provided by the City and shall include the following information:
 - (a) Name, address, telephone number and authorized representative of the applicant;
 - (b) Proof of state or federal license numbers;
 - (c) A description of the vehicle(s) that will store or discharge septage;
 - (d) Signatory and certification required by Section 4.7 of this ordinance.
- (8) The Superintendent shall evaluate the data furnished by the applicant and may determine that additional information or sampling of wastewater

characteristics is necessary. If such a determination is made, the applicant, unless the time period is extended, will be given thirty (30) days to provide the required information or sampling. If it is not provided within the designated time period, the application shall be denied. After determining that the submitted application contains all the information required by this subsection, the Superintendent shall consider the submission, any additional evidence that may have been requested, and any other available information relevant to the application. If the Superintendent determines that the proposed discharge meets the requirements of this ordinance and the additional septage does not otherwise overload or cause damage to any portion of the POTW; or will not create an imminent or potential hazard to personnel, the Superintendent shall, within thirty (30) days after determining that the application is complete, issue a Septage Waste Hauler Discharge Permit subject to appropriate conditions.

- (9) Modification of Permit. Conditions included in a Septage Waste Hauler Discharge Permit shall remain in effect for that permit until it expires, except that they may be revised by the Superintendent whenever the Superintendent deems a revision is necessary in order to effectively implement the Pretreatment Program, to reflect changes in State or Federal regulations, or to meet any emergency. The permit holder shall be informed of any proposed change in its permit at least thirty (30) days prior to the effective date of the change except in the event of an emergency.
- (10) Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. The permit holder shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of its existing permit if it desires to continue to discharge. An expired permit will continue to be in effect until the City takes final action on the renewal application to issue or deny the permit if:
 - (a) The permit holder has submitted a complete permit application at least ninety (90) days prior to the expiration of its permit; and
 - (b) The failure to take final action is not due to any act or failure to act on the part of the permit holder.
- (11) Transfer. A mobile Septage Waste Hauler Discharge Permit shall be issued to a specific mobile waste hauler for a specific operation. A Septage Waste Hauler Discharge Permit shall not be assigned, transferred or sold without the approval of the Superintendent. Any successor mobile waste hauler shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the Superintendent of a transfer, sale or assignment of the permit.

- F. New Construction or Remodeling. The City shall review new construction and existing facilities undergoing any physical change, change in ownership, change in operations, or other change that could alter the nature, properties, or volume of wastewater discharge, to ensure that appropriate sector control program requirements are implemented and maintained. The User shall inform the City prior to:

- (a) Sale or transfer of ownership of the business; or
 - (b) Change in the trade name under which the business is operated; or
 - (c) Change in the nature of the services provided that affect the potential to discharge sector control program pollutants; or
 - (d) Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a City, county, or other jurisdiction.
- G. Inspections.
- (a) The City may conduct inspections of any facility with or without notice for the purpose of determining applicability and/or compliance with Sector Control Program requirements.
 - (b) If any inspection reveals non-compliance with any provision of a Sector Control Program requirement, corrective action shall be required pursuant to the applicable Sector Control Program.
 - (c) Inspection results will be provided in writing to the inspected facility.
- H. The City may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include the removal of equipment, the filling in and/or cementing, capping, plugging, etc.
- I. Restitution. Any extraordinary costs incurred by the City due to Interference, damage, Pass Through, or maintenance necessary in the treatment and/or collection system shall be paid by the User to the City. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable Attorney's fees, shall be billed directly to the property owner or the User by the City, and such costs shall become part of the total charges due and owing to the City and shall constitute a lien on the property owner and/or User's property until paid in full.

SECTION 4 – INDUSTRIAL WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Permit Eligibility

Issuance of an Industrial Wastewater Discharge Permit shall be determined by submission and review of an Environmental Survey Form. When requested by the City, non-domestic Users must submit information on the nature and characteristics of their wastewater by completing an Environmental Survey Form and, if required, an Industrial Wastewater Discharge Permit application prior to commencing their discharge. The City is authorized to prepare a form for this purpose and may periodically require industrial Users to update a previously submitted survey. Failure to complete this survey shall be reasonable grounds for terminating service to the User and shall be considered a violation of this ordinance.

4.2 Wastewater Analysis.

When requested by the Superintendent, a User shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The User shall sample and analyze in accordance with Sections 6.10 and 6.11 of this ordinance. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information. Failure to submit this information shall be reasonable grounds for terminating service to the User and shall be considered a violation of this ordinance. All wastewater analyses must be signed and certified in accordance with Section 6.14 A of this ordinance.

4.3 Individual Wastewater Discharge Permit Requirement.

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an Industrial Wastewater Discharge Permit from the Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.4 of this ordinance may continue to discharge for the time period specified therein.
- B. The Superintendent may require other Users to obtain Industrial Wastewater Discharge Permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of an Industrial Wastewater Discharge Permit shall be deemed a violation of this ordinance and subjects the Permittee to the Enforcement actions identified in Sections 10, 11, and 12 of this ordinance. Obtaining an Industrial Wastewater Discharge Permits does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

4.4 Wastewater Discharge Permitting – Existing Connections.

Any User required to obtain an Industrial Wastewater Discharge Permit who was discharging wastewater into the POTW without a permit prior to the effective date of this ordinance and who wishes to continue such discharges in the future shall, within ninety (90) days after said date, apply to the Superintendent for an Industrial Wastewater Discharge Permit in accordance with Section 4.6 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with an Industrial Wastewater Discharge Permit issued by the Superintendent.

4.5 Wastewater Discharge Permitting – New Connections.

Any User required to obtain an Industrial Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Industrial Wastewater Discharge Permit that complies with Section 4.6 of this ordinance must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.6 Wastewater Discharge Permit Application Contents.

- A. All Users required to obtain an Industrial Wastewater Discharge Permit must submit a permit application. The Superintendent may require all Users to submit as part of an application the following information:
- (1) Identifying Information.
 - (a) The name address of the facility, including the name of the operator and owner;
 - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
 - (2) A list of any Environmental Control permits held by or for the facility, including but not limited to Air Quality or Storm Water discharge permits;
 - (3) Signatory and certification required by Section 4.7 of this ordinance;
- B. Description of Operations.
- (1) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
 - (2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Type and amount of all raw materials processes (average and maximum per day);
 - (5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge;
 - (6) Each product produced by type, amount, process or processes, and rate of production;
- C. Time and duration of discharges;
- D. The location for monitoring process wastewaters, not to be located prior to the end of process or after the introduction of sanitary wastewaters;

- E. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow the use of the combined wastestream formula set out in Section 2.6 C of this ordinance.
- F. Measurement of Pollutants.
 - (1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.
 - (3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Sections 6.10 and 6.11 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the BMP or pollution prevention alternative Standard.
 - (5) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance
- G. Any other information as may be deemed necessary by the Superintendent to evaluate the Industrial Wastewater Discharge Permit application.
- H. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.7 Application signatories and certification.

- A. All Industrial Wastewater Discharge Permit applications, User reports and certification statements must be signed by an Authorized Representative, as defined in Section 1.4 D, of the User and contain the certification statement in Section 6.14 A of this ordinance.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.

- C. A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 40 CFR 403.3(v)(2) must annually submit the signed certification statement in Section 6.14 B. Such certification statement must accompany any alternative or periodic report required by the City.

SECTION 5 –INDUSTRIAL WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Industrial Wastewater Discharge Permit decisions.

The Superintendent will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete Industrial Wastewater Discharge Permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit. Appeals of the Superintendent's decision are subject to the provisions of Section 5.4 of this ordinance.

5.2 Industrial Wastewater Discharge Permit duration.

An Industrial Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Industrial Wastewater Discharge Permit may be issued for a period less than five (5) years at the discretion of the Superintendent.

5.3 Industrial Wastewater Discharge Permit contents.

An Industrial Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Industrial Wastewater Discharge Permits must contain:
 - (a) A statement that indicates the Industrial Wastewater Discharge Permit issuance date, expiration date, and effective date;
 - (b) A statement that indicates Industrial Wastewater Discharge Permit duration, which in no event shall exceed five (5) years;
 - (c) A statement that the Industrial Wastewater Discharge Permit is nontransferable without prior notification and approval from the City in accordance with Section 5.6 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing Industrial Wastewater Discharge Permit;
 - (d) Effluent discharge limitations, including Best Management Practices (BMPs,) based on applicable federal Pretreatment Standards or Local Limits, whichever is most restrictive;

- (e) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
 - (f) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - (g) Requirement to control Slug Discharge, if determined by the Superintendent to be necessary.
- B. Industrial Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:
- (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (c) Requirement to develop and implement an Accidental Spill Plan/Slug Control Plan (ASP/SCP) or other special condition, including BMPs, necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (d) Development and implementation of waste minimization or pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
 - (e) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 - (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (g) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
 - (h) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s);
 - (i) Compliance schedules for meeting Pretreatment Standards and requirements;

- (j) Requirements for maintaining and retaining facility records relating to wastewater discharge and affording the Superintendent, or his representatives, access thereto;
- (k) Requirements for prior notification and approval by the Superintendent of any new introduction of wastewater pollutants or of any change in the volume or character of the wastewater prior to introduction in the system;
- (l) Requirements for the prior notification and approval by the Superintendent of any change in the manufacturing and/or pretreatment process used by the permittee;
- (m) Requirements for immediate notification of excessive, accidental or slug discharges, or any discharge which could cause any problems to the POTW;
- (n) A statement that compliance with the Industrial Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and state Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit;
- (o) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

5.4 Industrial Wastewater Discharge Permit Appeals.

Any person, including the Permittee, may petition to the City to reconsider the terms of the permit within thirty (30) days of the issuance of the final permit.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the Industrial Wastewater Discharge Permit.
- C. The effectiveness of the Industrial Wastewater Discharge Permit shall not be stayed pending the appeal.
- D. If the Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an Industrial Wastewater Discharge Permit, not to issue an Industrial Wastewater Discharge Permit, or not to modify an Industrial Wastewater Discharge Permit, shall be considered final administrative action for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative Industrial Wastewater Discharge Permit decision must do so by filing a written complaint with the City of St. Helens.

5.5 Industrial Wastewater Discharge Permit Modifications.

- A. The Superintendent may modify an Industrial Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:
- (a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of Industrial Wastewater Discharge Permit issuance;
 - (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (d) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
 - (e) Violation of any terms or conditions of the Industrial Wastewater Discharge Permit;
 - (f) Misrepresentations or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application or in any required reporting;
 - (g) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - (h) To correct typographical or other errors in the Industrial Wastewater Discharge Permit; or
 - (i) To reflect a transfer of the facility ownership or operation to a new owner or operator in accordance with Section 5.6 of this ordinance.
- B. The filing of a request by the Permittee for an Industrial Wastewater Discharge Permit modification does not stay any Industrial Wastewater Discharge Permit condition.

5.6 Industrial Wastewater Discharge Permit Transfer.

- A. Industrial Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Superintendent and the Superintendent approves the Industrial Wastewater Discharge Permit transfer. The notice to the Superintendent must include a provision for furnishing the new owner or operator with a copy of the existing permit and a written certification by the new owner or operator which:
- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

- (b) Identifies the specific date on which the transfer is to occur; and
 - (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- B. Failure to provide advance notice of a transfer renders the Industrial Wastewater Discharge Permit void as of the date of facility transfer.
 - C. Industrial Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Industrial Wastewater Discharge Permits issued to an Industrial User are void upon the issuance of a new Industrial Wastewater Discharge Permits to that Industrial User.

5.7 Industrial Wastewater Discharge Permit Revocation.

The Superintendent may revoke an Industrial Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Wastewater Discharge Permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Superintendent timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges or permit fees;
- J. Failure to meet compliance schedules;
- K. Failure to complete an Environmental Survey or Industrial Wastewater Discharge Permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

- M. Violation of any Pretreatment Standard or Requirement, or any terms of the Industrial Wastewater Discharge Permit or this ordinance.

5.8 Industrial Wastewater Discharge Permit Reissuance.

A User with an expiring Industrial Wastewater Discharge Permit shall apply for Industrial Wastewater Discharge Permit reissuance by submitting a complete Industrial Wastewater Discharge Permit application, in accordance with Section 4.6 of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing Industrial Wastewater Discharge Permit. A User whose existing Industrial Wastewater Discharge Permit has expired, and who has submitted an application in the time period specified in this section, shall be deemed to have an effective Industrial Wastewater Discharge Permit until the City reissues or denies a new Industrial Wastewater Discharge Permit. A User whose existing Industrial Wastewater Discharge Permit has expired and who failed to submit its reapplication in the time period specified herein will be deemed to be discharging without an Industrial Wastewater Discharge Permit and shall be in violation of this ordinance.

5.9 Regulation of Waste Received from Other Jurisdictions.

- A. If another unit of government, or User located within another unit of government, contributes wastewater to the POTW, the City shall enter into an intergovernmental agreement with the contributing unit of government.
- B. Prior to entering into an agreement required by paragraph A of this Section, the Superintendent shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Superintendent may deem necessary.
- C. An intergovernmental agreement, as required by paragraph A of this Section, shall contain the following conditions:
 - (1) A requirement for the contributing unit of government to adopt a sewer use ordinance, or other governing document, with minimum standards which are at least as stringent as this ordinance and Local Limits which are at least as stringent as those set out in Section 2.8 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to automatically adopt additional regulations or other changes made to the City's ordinance or Local Limits;
 - (2) A requirement for the contributing unit of government to submit a revised User inventory on at least an annual basis;

- (3) A provision specifying which pretreatment implementation activities, including Industrial Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing unit of government; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing unit of government and the Superintendent;
- (4) A requirement for the contributing unit of government to provide the Superintendent with access to all information that the contributing unit of government obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing unit of government's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing unit of government's discharge;
- (7) A provision ensuring the Superintendent access to the facilities of Users located within the contributing unit of government's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent to enforce this ordinance; and
- (8) A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

SECTION 6 – REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports.

A. Within either one-hundred-eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:

- (1) All information required in:
 - (a) Section 4.6 A. (1)(a),
 - (b) Section 4.6 A. (2),

- (c) Section 4.6 B. (1), and
 - (d) Section 4.6 E. of this ordinance.
- (2) Measurement of Pollutants.
- (a) The User shall provide the information required in Section 4.6 F. (1) through (5) of this ordinance.
 - (b) The User shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph.
 - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - (d) Sampling and analysis shall be performed in accordance with Section 6.10 of this ordinance;
 - (e) The Superintendent may allow the submission of a Baseline Monitoring Report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - (f) The Baseline Monitoring Report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 D and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The

completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this ordinance.

- (5) **Signature and Report Certification.** All baseline monitoring reports must be signed and certified in accordance with Section 4.7 of this ordinance and signed by an Authorized Representative as defined in Section 1.4 D of this ordinance.

6.2 Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedules required by Section 6.1(B)(4) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule;
- D. In no event shall more than nine (9) months elapse between such progress reports to the superintendent; and
- E. If compliance dates are not met, or reports not submitted when due, the City may take appropriate enforcement action for lack of satisfactory progress toward compliance.

6.3 Reports on Compliance with Categorical Pretreatment Standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and requirements shall submit to the Superintendent a report containing the information described in Sections 4.6 E, 4.6 F, and 6.1 B(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.6 of this ordinance, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation),

this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 of this ordinance. All sampling will be done in conformance with Section 6.11 of this ordinance.

6.4 Periodic Compliance Reports.

- A. All Industrial Users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the Significant Industrial User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the Industrial User.
- B. The City may reduce the requirement in subsection (A) of this section to a requirement to report no less frequently than once a year, unless required more frequently by an applicable categorical Pretreatment Standard or by the Approval Authority, where the User meets all of the following conditions:
 - (1) The User's total categorical wastewater flow does not exceed any of the following:
 - (a) One one-hundredth percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the User discharges in batches;
 - (b) One one-hundredth percent of the design dry weather organic treatment capacity of the POTW; and
 - (c) One one-hundredth percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed by a POTW in accordance with Section 2.8 of this ordinance.
 - (2) The User has not been in Significant Noncompliance, as defined Section 9 of this ordinance for any time in the past two years;
 - (3) The User does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this User would result in data that are not representative of conditions during the reporting period;
 - (4) The User must notify the City immediately of any changes at its facility causing it to no longer meet conditions of subsections (E)(1)(a) or (b) of this section. Upon notification, the User must immediately begin complying with the minimum reporting in subsection (A) of this section; and

- (5) The City must retain documentation to support the City's determination that a specific User qualifies for reduced reporting requirements under subsection (E)(1) of this section for a period of three (3) years after the expiration of the term of the control mechanism.
- C. All periodic compliance reports submitted must be signed and certified in accordance with Section 4.7 of this ordinance and signed by an Authorized Representative as defined in Section 1.4 D of this ordinance.
- D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- E. If a User subject to the reporting requirement in this section monitors any regulated pollutant at a required monitoring location more frequently than required by the Industrial Wastewater Discharge Permit, using the procedures prescribed in Section 6.11 of this ordinance, the results of such monitoring shall be included in the report.

6.5 Reports of Changed Conditions.

- A. Industrial Users must inform the POTW of any change in spill/slug potential. Each User must notify the Superintendent of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater, including facility closure at least ten (10) days before the change.
- B. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial Wastewater Discharge Permit application under Section 4.6 of this ordinance.
- C. The Superintendent may issue an Industrial Wastewater Discharge Permit under Section 5.1 of this ordinance or modify an existing Industrial Wastewater Discharge Permit under Section 5.5 of this ordinance in response to changed conditions or anticipated changed conditions.
- D. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems.

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a Slug Discharge or Slug Load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, date and time thereof,

type of waste, concentration and volume, if known, and corrective actions taken by the User.

- B. Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit to the Superintendent a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this chapter or other applicable law.
- C. A notice shall be permanently posted in conspicuous places advising the User's employees whom to call in the event of a discharge described in subsection (A) of this section. Employers shall ensure that all affected employees who may cause such a discharge to occur are advised of the emergency notification procedure and that such advisory is adequately documented.
- D. Users must notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users.

All Users not required to obtain an Industrial Wastewater Discharge Permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

6.8 Notice of Violation/Repeat Sampling and Reporting.

- A. If sampling performed by a User indicates a violation of this ordinance, the User must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation.
- B. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation.
- C. The User shall be deemed to be out of compliance with this ordinance until repeat analysis confirms that compliance has been achieved.
- D. The City may confirm compliance or sample to determine results. If the City results demonstrate compliance the City shall allow the User to use the results for compliance.

6.9 Notification of the Discharge of Hazardous Waste.

- A. All Users shall immediately notify the Superintendent, DEQ, and EPA in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one-hundred (100) kilograms of such waste per calendar

month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the User:

- (1) An identification of the hazardous constituents contained in the wastes,
 - (2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and
 - (3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
- B. All notifications must take place no later than one-hundred-eighty (180) days after the discharge commences. Any notification under this Section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Industrial Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3 and 6.4 of this ordinance.
- C. Dischargers are exempt from the requirements of Paragraphs A and B above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree that it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

6.10 Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures suggested by the Superintendent or other parties approved by EPA.

6.11 Sample collection.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report based on the data that is representative of conditions occurring during the reported period.

- A. Except as indicated in subsections (B) and (C) of this section, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless the Superintendent authorizes time-proportional composite sampling or grab sampling. Where time-proportional composite sampling or grab-sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate sample preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. In addition, grab samples may be required to show compliance with instantaneous limits.
- B. Samples for oil and grease, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and ninety- (90-) day compliance reports required in Section 6.1 and 6.3 of this ordinance, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 6.4 of this ordinance, the User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.
- D. All sample results shall indicate the time, date and location of sampling; methods of analysis, date of and person performing analysis; and a certification that such sampling and analysis is representative of normal work cycles and expected pollutant discharges from the User. If a User sampled and analyzed, using methodologies in 40 CFR Part 136, more frequently than what was required in its wastewater discharge permit, User shall submit all results of sampling and analysis of the discharge as part of User's self-monitoring report.
- E. The possession and handling of all samples destined for transport and analysis at offsite laboratories shall be documented from the time of collection through the time of disposal on a chain of custody (COC) form. Samples collected for analysis at the User's in-house laboratory do not require a COC, provided the information required in Section 6.13 of this ordinance is documented. The chain of custody record shall be retained by the User and shall become part of the analysis documentation. If the User fails to retain proper and complete chain of custody documentation, analysis for the sample in question will be invalidated and the User shall sample again.

6.12 Date of Receipt of Reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Recordkeeping.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with the Best Management Practices established under Section 2.6 or 2.8 of this ordinance. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the Superintendent has specifically notified the User of a longer retention period.

6.14 Certification Statements

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver certification statement is required to be signed and submitted by:

- (1) Users submitting permit applications in accordance with Section 4.6 of this ordinance;
- (2) Users submitting baseline monitoring reports under Section 6.1 of this ordinance;
- (3) Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3 of this ordinance;
- (4) Users submitting periodic compliance reports required by Section 6.4 of this ordinance, and

The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

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

- B. Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to Sections 1.4 LLL (3) and 4.7 C of this ordinance must annually submit the following certification statement signed in accordance with the signatory requirements in Section 1.4 D of this ordinance. This certification must accompany an alternative report required by the Superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 1.4 LLL (3) of this ordinance;
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than one-hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

SECTION 7 – COMPLIANCE MONITORING

7.1 Right of Entry – Inspection and sampling.

The Superintendent and other duly authorized employees shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this chapter and any Industrial Wastewater Discharge Permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, State, or U.S. EPA will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The City, State, or U.S. EPA shall have the right to inspect and/or install sampling equipment on the User's property or require installation of such devices as are necessary to conduct sampling and/or metering of the User's operations.

- C. The Superintendent may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated no less frequently than twice per year to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing City personnel access to the User's premises shall be a violation of this ordinance.

7.2 Search Warrants.

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the applicable presiding jurisdiction.

SECTION 8 – CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, Industrial Wastewater Discharge Permit applications, wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 403.14 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent shall publish annually in January, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards and Requirements. The term “significant noncompliance” shall mean:

- A. Chronic violations of wastewater discharge limits and instantaneous limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirements including Instantaneous Limits, as defined by Section 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including Instantaneous Limits, as defined by Section 2, multiplied by the applicable criteria:
 - a. $TRC = 1.4x$ for BOD, TSS, fats, oils and grease, and
 - b. $TRC = 1.2x$ for all other pollutants except pH;
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent’s exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Industrial Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of a Best Management Practices (BMPs), which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

- I. All the above violations apply to SIUs but IUs are only required to be in SNC if they violate paragraphs C, D, or H of this section.

SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

Whenever the City finds that a User has violated any of the provisions in this ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the User shall be subject to an enforcement action using any of the remedies and sanctions that are authorized in this ordinance and state law.

10.1 Notification of violation.

If the industrial User is out of compliance the Superintendent may take the first level of enforcement action, which is typically a phone call to the User. This telephone call allows the staff to inform the IU that they are in violation and that they need to take immediate steps to stop the noncompliance event. If the Superintendent finds that a User continues to violate any provisions of this ordinance or an Industrial Wastewater Discharge Permit, the Superintendent may serve upon that User a written Notice of Violation (NOV). This NOV shall include an explanation of the violation and the requirement that the User submit a report to the Superintendent within ten (10) days of receiving the NOV stating the reason for the violation and the specific steps that will be taken to ensure the satisfactory correction and prevention of future violations. Submission of this report in no way relieves the User of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders.

The City Attorney or Superintendent may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing.

The City Attorney or Superintendent may order a User which has violated, or continues to violate, any provision of this ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City Attorney or Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4 D and required by Section 4.7 A of this ordinance. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders.

When the City Attorney finds that a User has violated, or continues to violate, any provision of this ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Attorney or Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders.

When the City Attorney or Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the City Attorney or Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines.

- A. When the City Attorney or Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Attorney or Superintendent may fine such User in an amount no less than \$1,000 but not to exceed \$25,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twelve percent (12%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the City Attorney or Superintendent to reconsider the fine along with full payment of the fine amount

within ten (10) days of being notified of the fine. Where a request has merit, the City Attorney or Superintendent may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions.

The City Attorney or Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The City Attorney or Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the City Attorney or Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Attorney or Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

10.8 Termination of Discharge.

In addition to the provisions in Section 5.7 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of Industrial Wastewater Discharge Permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 11—JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive relief.

When the City Attorney or Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City Attorney or Superintendent may petition the City of St. Helens municipal court, or other court of competent jurisdiction, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The City Attorney or Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil penalties.

- A. A User who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of no less than \$1,000 but not to exceed \$25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The City Attorney or Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages or fines incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance

history of the User, and any other factor the court deems relevant, after due consideration.

- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal prosecution.

- A. A User who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of at least \$1,000 but not more than \$25,000 per violation, per day, or imprisonment for not more than one year, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000 but not more than \$25,000 or be subject to imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of at least \$1,000 but not more than \$25,000 per violation, per day, or imprisonment for not more than one year, or both.
- D. In the event of a second conviction, a User shall be punished by a fine of at least \$1,000 but not more than \$25,000 per violation, per day, or imprisonment for not more than three years, or both.

11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's Industrial Pretreatment Program's Enforcement Response Plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

11.5 Protection from Damages

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the publicly operated treatment works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other applicable charges.

SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds.

The City Attorney or Superintendent may decline to issue or reissue an Industrial Wastewater Discharge Permit to any User who has failed to comply with any provision of this ordinance, a previous Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City Attorney or Superintendent to be necessary to achieve consistent compliance.

12.2 Liability Insurance.

The City Attorney or Superintendent may decline to issue or reissue an Industrial Wastewater Discharge Permit to any User who has failed to comply with any provision of this ordinance, a previous Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 Payment of Outstanding Fees and Penalties

The Superintendent may decline to issue or reissue an Industrial Wastewater Discharge Permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

12.4 Water Supply Severance.

Whenever a User has violated or continues to violate any provision of this ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

12.5 Public Nuisances.

A violation of any provision of this ordinance, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance. The City Attorney or Superintendent may require any person with authority to remedy a violation of this ordinance and correct or abate such nuisance. Any person(s) creating a public nuisance shall be subject to any and all of the nuisance abatement procedures, and remedial provisions of the City of St. Helens Municipal Code, including, but not limited to, this ordinance and SHMC Chapter 8.12, governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

12.6 Contractor Listing.

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to

be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Superintendent.

SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset.

- A. For the purposes of this Section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of subsection (C) of this section are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the User can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only if an enforcement action is brought for noncompliance with categorical Pretreatment Standards.

- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.5 A of this ordinance or the specific prohibitions in Section 2.5 (B)(3) through (18) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass.

- A. For the purposes of this Section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsection (C) and (D) of this section.
- C. Notice of a bypass shall be provided as follows:
 - (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.
 - (2) A User shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission

shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

- (1) Bypass is prohibited, and the Superintendent may take an enforcement action against a User for a bypass, unless:
 - (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The User submitted notices as required under subsection (3) of this section.
- (2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in subsection (D)(1) of this section.

SECTION 14—WASTEWATER TREATMENT RATES [RESERVED]

SECTION 15—MISCELLANEOUS PROVISIONS

15.1 Wastewater Discharge and Pretreatment Program Charges and Fees.

- A. The City shall charge fees to Users based on cost of service for sewer service. Such fees shall be set by resolution and may, from time to time, change the fee amount.
- B. The City may charge fees to Industrial Users based on the costs the City incurs to implement and maintain the City's Industrial Pretreatment Program, including monitoring inspections, performing surveillance, sampling and analyzing a User's discharge, reviewing reports from industrial Users, investigating complaints, reviewing and responding to accidental discharge procedures and construction,

enforcing compliance with the provisions in this ordinance, and for any other costs the City may incur for activities associated with provisions in this ordinance. Such fees shall be set by resolution and may, from time to time, change the fee amount. Such fees shall include but not be limited to:

- (1) Industrial Pretreatment Program Administration fee;
- (2) Industrial Wastewater Discharge Permit issuance and/or renewal fee;
- (3) Demand Inspection Fees for facility inspections performed by the City resulting from violations of this ordinance;
- (4) Demand Sampling and Monitoring Fees for sampling, monitoring, and surveillance performed by the City resulting from violations of this ordinance;
- (5) Any fees assessed to the City by the Approval Authority for specific industrial operations by any User, such as Pulp and Paper Mill operations;
- (6) Enforcement Activities, such as incurred legal costs;
- (7) Fees for filing appeals; and
- (8) Other fees as the City may deem necessary to carry out the requirements contained herein.

C. The Wastewater Discharge and Pretreatment Program Charges and Fees imposed in this Section are separate from all other fees, fines and penalties that are chargeable by the City.

15.2 Severability.

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

15.3 Conflicts.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

City of St. Helens
RESOLUTION NO. 1829

**A RESOLUTION ADOPTING A UNIVERSAL FEE SCHEDULE,
AND SUPERSEDING RESOLUTION NO. 1826**

WHEREAS, the City wishes to recoup costs associated with transferring data onto a CD or DVD to fulfill public records requests or other requests; and

WHEREAS, the City wishes to include the court-appointed attorney fees which reflect new fees and an increase in the current fees which are now flat rates; and

WHEREAS, the City finds that it is in the public's interest to revise the Universal Fee Schedule as stated.

NOW, THEREFORE, THE CITY OF ST. HELENS ORDAINS AS FOLLOWS:

Section 1. Exhibit A, Fee Schedule, is hereby adopted as amended.

Section 2. Exhibit A, Fee Schedule, is effective October 3, 2018.

Section 3. This Resolution supersedes Resolution No. 1826.

Approved and adopted by the City Council on October 3, 2018, by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder



St. Helens Universal Fee Schedule

POLICE DEPARTMENT

Vehicle Impound Fee	\$ 100.00	Per vehicle
Bicycle Impound Fee	\$ 1.00	Per bicycle
Parking Citation	\$ 25.00	per ticket
Handicap Zone Violation	\$ 250.00	per ticket
False Alarm Response Fee, if exceeds 2 within a 12-month period	\$ 50.00	
False Alarm Response Fee, if exceeds 4 within a 12-month period	\$ 125.00	



St. Helens Universal Fee Schedule

MISCELLANEOUS FEES

Appeals Fee - General	\$	175.00	Per appeal
Non-Sufficient Check Charge	\$	25.00	Per check
Permit - Parade	\$	50.00	Per event
Permit - Public Assembly	\$	50.00	Per event
Permit - To Amplify Sound	\$	50.00	Per event
Permit - Engage in Commercial Activity	\$	50.00	Per event
Permit - To Use City Property During Hours of Closure	\$	50.00	Per event
Permit - To Use Electrical Connections Owned by City	\$	25.00	Per day
Permit - To Use Special Use Area	\$	50.00	Per event
Permit - To Use Sidewalk Area for Furniture	\$	50.00	Per 50 feet of street frontage used, rounded up.
Photocopies & Printouts			
8.5" x 11"	\$	0.50	
8.5" x 14"	\$	0.75	
11" x 17"	\$	1.00	
Up to 36" x 36"	\$	6.00	
Color Copies: 8.5" x 11"	\$	1.00	
Color Copies: 8.5" x 14"	\$	1.25	
Reproduction of Audio/Video from City Meetings	\$	20.00	Per Cassette/CD/DVD
Police Reports	\$	20.00	Per case (Up to 30 pages)
Reproduction of Digital Photos/Audio/Video from Police Department	\$	20.00	Per Cassette/CD/DVD
Public Records Request	\$	20.00	Deposit. If staff time is less than 15 min, deposit is refunded. If staff time is more than 15, labor is charged to the 1/4 hour
Lien Search	\$	26.00	Per Lien Search
Declaration of Candidacy Fee	\$	50.00	
Advertising Bench - Annual Inspection Fee	\$	5.00	Per bench
Reinspection Fee by CRFR for noncompliance with code provisions	\$	50.00	Per reinspection
CD/DVD of requested information	\$	20.00	Per CD/DVD
Special Abatement of Illegal Notices or Advertisements	\$	10.00	Per notice or advertisement



St. Helens Universal Fee Schedule

LIBRARY FEES

Fines for overdue adult books, magazines, audio recordings and CDs	\$	0.15	Per item per day. Max fine \$10 per item
Fines for overdue DVDs and other video recordings	\$	0.50	Per item per day. Max fine \$10 per item
Fines for overdue Cultural Pass	\$	1.50	Per pass per day. Max fine of \$10 per pass.
Nonresident Borrower Card Fee	\$	35.00	Per year
	\$	10.00	Per three (3) months
Interlibrary Loan	\$	3.00	Per item
Fees for Lost or Destroyed Materials			
Books, magazines, recordings, DVDs, CDs, or any other material			-> Original list price
Cultural Pass	\$	30.00	
Replacing a borrower's lost card	\$	2.00	
Missing bar code label	\$	2.00	
Covers damaged or missing - DVD, CD or any other digital or electronic material/media	\$	7.00	
Meeting Room Fees			
Auditorium		\$25.00	Per hour
		\$75.00	Per half day (up to 4 hours)
		\$150.00	All day (Open hours)
Armstrong		\$20.00	Per hour
		\$50.00	Per half day (up to 4 hours)
		\$95.00	All day (Open hours)
Both Rooms		\$40.00	Per hour
		\$110.00	Per half day (up to 4 hours)
		\$210.00	All day (Open hours)
Use of one or both meeting rooms outside normal Library hours	\$	45.00	Per hour



St. Helens Universal Fee Schedule

COURT FEES

Civil Compromise Costs	\$	300.00	
Collection Fee per ORS 137.118 (3) (Maximum \$250)		25%	
Community Service Fee	\$	2.00	Per hour
Default Judgment	\$	20.00	
Discovery	\$	20.00	Per case number (up to 30 pages)
Driver's License Reinstatement/Offense (City Portion)	\$	20.00	
Driving Record - Traffic Offenses Only (non-certified)	\$	1.00	
Failure to Appear for Bench Trial	\$	150.00	
Failure to Appear for Jury Trial	\$	300.00	
Installment Fee - for 6 month plan	\$	25.00	
Installment Fee - for 12 month plan	\$	50.00	
Warrant Issued	\$	100.00	
Withholding on County Assessment		10%	at monthly distribution
Expungements	\$	252.00	
Probation Violation	\$	50.00	
Court Appointed Attorney Rates - Misdemeanor	\$	200.00	per misdemeanor with maximum of \$350 unless approved by court
Court Appointed Attorney Rates - Probation Violation	\$	125.00	per case with maximum of \$200 unless approved by court
Court Appointed Attorney Rates - Bench Trial	\$	400.00	
Court Appointed Attorney Rates - Jury Trial	\$	600.00	



St. Helens Universal Fee Schedule

BUSINESS LICENSE FEES

Resident Business	\$ 65.00	cap of \$1,000
Per Employee	\$ 5.00	If business location is inside City limits
Non-Resident Business	\$ 120.00	
Residential Rentals	\$ 15.00	Per unit
Commercial Rentals	\$ 45.00	Per unit
7-Day License (non-residents only)	\$ 40.00	
Taxicab Company Permit - Initial Fee	\$ 65.00	
Taxicab Driver Permit - Initial Fee	\$ 65.00	
Taxicab Driver Permit - Renewal Fee	\$ 65.00	
Taxicab Driver Permit - Replacement Fee	\$ 10.00	Per event
Late Renewal Fee	\$ 40.00	
Transfer of License / Change of Business Ownership / Location Change	\$ 25.00	
Non-Refundable Appeals Fee	\$ 150.00	
OLCC Original Application Processing Fee	\$ 100.00	
OLCC Change in Ownership, Location, or Privilege Processing Fee	\$ 75.00	
OLCC Renewal or Temporary Applciaiton Processing Fee	\$ 35.00	
Sidewalk Vendor Application Fee	\$ 65.00	
Sidewalk Vendor Permit Fee	\$ 65.00	
Sidewalk Vendor Appeal Fee	\$ 150.00	
Marijuana Business License Fee	\$ 2,500.00	
Cap on Business License Charges Other than Marijuana Business	\$ 1,000.00	



St. Helens Universal Fee Schedule

PARKS FEES

<u>Park Use / Reservation</u>		
McCormick Park Areas 2, 3, 4 & Soccer Field	\$20 / \$35	Half Day / Full Day
Campell Park Areas 1, 2	\$20 / \$35	Half Day / Full Day
Godfrey Park	\$20 / \$35	Half Day / Full Day
<u>Park Use / Reservation</u>		
Columbia View Park Gazebo / Amphitheater	\$30 / \$40	Half Day / Full Day
McCormick Park Veterans Pavillion (area 1)	\$30 / \$40	Half Day / Full Day
Athletic Fields	\$ 10.00	Per day Per Field
Use of Field Lights	\$ 10.00	Per day Per Field
<u>Late Fees</u>		
General Park Use (7 business days)	\$ 10.00	Currently no late fee
Public Assembly (30 business days)	\$ 25.00	Currently no late fee
Parade & Walks (45 business days)	\$ 50.00	Currently no late fee
Tournament Fee	\$ 10.00	Per team



St. Helens Universal Fee Schedule

SOCIAL GAMES FEES

Non-refundable Application Fee	\$	50.00	per 12 month lease
License Fee for 1-10 Tables	\$	50.00	per 12 month lease
License Fee for each additional table over 10	\$	10.00	per table per 12 month lease



St. Helens Universal Fee Schedule

ENGINEERING FEES

Design Review Fee		1% Based on Engineer's Estimate
Permit for Construction of Public Improvements & Project Inspection		2% Based on Revised Engineer's Estimate
Right-Of-Way Permit	\$ 50.00	
Pavement Disturbance Fee	\$ 50.00	Fee waived for projects < \$1,000 or if part of Construction Permit
Erosion Control Permit & Inspection		> Included with Construction Permit
Other Special Services	\$ 30.00	Per hour labor, if in excess of 15 minutes



St. Helens Universal Fee Schedule

UTILITY BILLING FEES

Water Service Shut off/on: Mon-Fri 830 AM - 430 PM	\$	-	No Charge
Water Service Shut off/on: During off business hours	\$	150.00	Per request
Failed Payment Arrangement	\$	50.00	
Late Fee	\$	25.00	Fee waived if bill is < \$25
Reconnection Fee (if Shutoff due to non-payment)	\$	75.00	Fee applied on Shut-off Day
Temporary Service for New Construction	\$	25.00	
Tampering with Meter Fees			
Tampering: Turning water on/off without City Personnel	\$	50.00	Up to and possibly including cost of meter replacement & Labor
Tampering: Turning water on while on the current shut-off list	\$	100.00	Up to and possibly including cost of meter replacement & Labor
Tampering: Breaking installed Lock to turn on meter	\$	200.00	Up to and possibly including cost of meter replacement & Labor & Ticket from Police
Utility Billing Insert - B&W, 1-Sided, 8.5x11	\$	500.00	Available to Non-Profits Only
Utility Billing Insert - B&W, 2-Sided, 8.5x11	\$	650.00	Available to Non-Profits Only
Utility Billing Insert - Color, 1-Sided, 8.5x11	\$	1,100.00	Available to Non-Profits Only
Utility Billing Insert - Color, 2-Sided, 8.5x11	\$	1,550.00	Available to Non-Profits Only




St. Helens Universal Fee Schedule

PUBLIC WORKS - WWTP

Pretreatment Program Administrative Fee (Choose Option)		
Annual	\$ 1,500.00	New Fee
Monthly	\$ 125.00	New Fee
Annual DEQ Fees Assessed to the City	\$ -	Actual cost of DEQ
New Industrial Discharge Permit Issuance	\$ 500.00	New Fee
Renewal Industrial Discharge Permit Issuance	\$ 300.00	New Fee
Demand Inspection Fee	\$ 100.00	New Fee
Demand Sampling and Monitoring Fee	\$ -	Actual cost of service
Enforcement Activities	\$ -	Actual cost of service

COUNCIL ACTION SHEET

To:	The Mayor and Members of City Council	
From:	Sue Nelson, Public Works Engineering Director Neal Sheppard, Public Works Operations Director	
Date:	3 October 2018	
Subject:	Award S. 10 th Street Storm Pump Station Reroute Project, SD-150	

Background:

The City owns and maintains one storm drain pumping station located on two tax lots on S. 10th Street between Old Portland Road and Plymouth Street. Currently the pump station collects water from a 3 blocks area and pumps the storm water through a 4-inch pressure line to a gravity system located near the intersection of Plymouth and S. 11th Street. The elevations are such that there is positive slope from the pump station to the gravity system one block away, but the surface elevations vary so that an all-gravity system will have to be over 15 feet deep through the intersection of S. 10th & Plymouth Streets. The pumps at the station have not worked reliably for the past couple of years and when there are heavy storm events or power failures, the WWTP staff are needed to bring out their portable lift station and operate it until the threat to surrounding homes and properties has subsided.

To eliminate the need for a potentially costly replacement of the pump station equipment, improve flows in the existing system, and eliminate the need for staff and expensive back-up pumping equipment to be stationed at the site in inclement weather, a gravity system has been designed by Engineering Department staff to replace the existing pressure system. Gravity systems do not require electricity and are significantly less costly to operate and maintain. This project is identified as a Storm Capital Project in the current approved 2018/2019 Budget.


An Invitation to Bid was issued on August 15, 2018 with a submittal deadline of September 25, 2018. The following bids were received:

FIRM	LOCATION	BID
Emery & Sons Construction Group. LLC	Salem, OR	\$576,862.00
3 Kings Environmental, Inc.	Battle Ground, WA	\$635,573.00
TFT Construction, Inc.	Scappoose, OR	\$594,757.00
Northwest Metal Fab & Pipe, Inc.	Wilsonville, OR	\$815,319.70

Recommendation:

Award the contract for the S. 10th Street Storm Pump Station Reroute Project, SD-150 to Emery & Sons Construction Group LLC as the lowest responsive bidder and authorize the Mayor to execute a Public Improvement Contract with Emery & Sons Construction Group LLC for the S. 10th Street Storm Pump Station Reroute Project, SD-150. Contract will be at the rate prescribed in that firm's submitted bid, plus standard contingency.

COUNCIL ACTION SHEET

To:	The Mayor and Members of City Council	
From:	Sue Nelson, Public Works Engineering Director Neal Sheppeard, Public Works Operations Director	
Date:	3 October 2018	
Subject:	Award 310SL HL Backhoe Loader Purchase	

Background:

The Public Works Operations Department utilizes a variety of different types of machinery and equipment to accomplish the many projects they deal with on a daily basis. The life-cycle of each piece of equipment is unique, and in most cases is based on hours of use and ongoing mechanical issues. Normally equipment that has reached the end of its useful life is replaced in kind, unless there is a rational reason to do otherwise. During the 2018/2019 budget development, the City's 2008 John Deere backhoe was identified to be in need of replacement. Although it has reached the point where it is not mechanically fit for continued everyday use, the Parks Dept. is in occasional need of a backhoe. It is difficult for them to borrow this from Public Works because it is in almost constant use, hence the 2008 JD will be bequeathed to the Parks Dept. where it can provide a needed benefit.

State contracting law allows utilization of a cooperative procurement process for obtaining competitive bids to streamline the purchasing process and save costs. Competitive bids for the required equipment were received by the Sourcewell Cooperative Contract (formerly National Joint Powers Alliance), which is available to public agencies. The low bid for a new John Deere 310SL HL backhoe loader was provided by Pape Machinery at a total amount of \$134,346.56, including a new breaker attachment as an add-on item for use in rock excavation. The 5-year extended warranty is a good value for an additional \$2,450, which will cover 2,000 hours of powertrain and hydraulics.

Public contracting rules require that the City advertise the intent to purchase through an interstate cooperative agreement for seven days. If any comments are received within that time they are to be reviewed by the City Attorney and a written determination will be made of whether it is in the City's best interest to enter such an agreement. If no comments are received within the comment period, the purchase may be finalized.

Recommendation:

Council award bid for the John Deere 310SL HL backhoe loader purchase to Pape Machinery through the Sourcewell purchasing program in the amount of \$134,346.56.

Attachment:

Sourcewell Contract #032515-JDC pricing worksheet.



John Deere 410L Backhoe
Brett Long
City of St. Helens
September 24, 2018

Hello Brett,

We at Pape' Machinery appreciate the opportunity to offer our John Deere 410L Backhoe Loader for your consideration per our Sourcewell contract # 032515-JDC. The machine is configured as follows.

310SL HL Backhoe Loader

Code	Description	Price
0AB0T	410L BACKHOE LOADER	\$126,797.00
170C	JDLINK Ultimate Cellular - 5 Years	No Added Cost
2401	English Decals with English Operator and Safety Manuals	No Added Cost
3065	Mechanical Front Wheel Drive (MFWD) with Limited Slip Differential	No Added Cost
2035	Cab	\$12,889.00
8685	Dual Maintenance Free Batteries With Disconnect and Jump Post	\$529.00
6020	Extendible Dipperstick	\$8,141.00
6220	Auxiliary Hydraulic with One Way Flow (Hammer)	\$3,978.00
5285	Pilot Controls, Two Lever, with Pattern Selection	\$2,594.00
5440	New Series Multi-Brand Quick Coupler	\$1,444.00
5656	24" (610 mm) Wide, Heavy-Duty, 7.5 Cu. Ft. (0.21 Cu. M.) Capacity Bucket	\$1,333.00
7025	Two-Function Loader Hydraulics, Single Lever	No Added Cost
8485	1250 Lb. (567 kg) Front Counterweight	\$1,711.00
1065	John Deere PowerTech Plus 4.5L (276 Cu. In.) Engine Meets FT4 Emissions	\$14,820.00
4466	Galaxy 21L 24 in. 12 PR Rear & 12.5/80-18 10PR Front	No Added Cost
7645	1.3 Cu. Yd. (1.0 Cu. M.) 92 in. (2.34 m) Wide Heavy Duty Long Lip Bucket with Bolt on Cutting Edge and Skid Plates	\$3,332.00
9210	Left Side Console Storage with Cup Holders	\$79.00
9917	Radio, Bosch Basic Package	\$850.00
9919	Sun Visor	\$92.00
9110	Ride Control	\$1,935.00
9045	Chrome Exhaust Extension	\$173.00
9515	Diagnostic Oil Sampling Ports	\$201.00
9505	Full MFWD Driveshaft Guard	\$417.00

Configured List Price **\$181,315.00**

Sourcewell Discount 44% **(\$79,778.60)**

Price Less Sourcewell Discount **\$101,536.40**

Additional Costs


<i>John Deere 12" HD Dig Bucket with Pins</i>	<i>\$1,400.00</i>
<i>John Deere 36" Clean Up Bucket with Pins</i>	<i>\$1,850.00</i>
<i>BTI BX15 Breaker with PDI and install</i>	<i>\$18,000.00</i>
<i>Extended Warranty 60 month / 2,000 hour Powertrain & Hydraulic</i>	<i>\$2,450.00</i>
<i>Boom Protection Plate with install</i>	<i>\$920.00</i>
<i>In Bound Freight & Delivery</i>	<i>\$5,000.00</i>
<i>Pre Delivery Inspection Charge</i>	<i>\$840.00</i>
<i>ASI</i>	<i>\$1,020.00</i>

Adjusted Purchase Price **\$133,016.40**

Sourcewell Administration Fee 1% *\$1,330.16*

Final Purchase Price **\$134,346.56**

COUNCIL ACTION SHEET

To:	The Mayor and Members of City Council	
From:	Sue Nelson, Public Works Engineering Director Neal Sheppeard, Public Works Operations Director	
Date:	3 October 2018	
Subject:	Award Small Pickup Purchase for Parks Department	

Background:

The 2018/19 Budget included \$25,000.00 for the purchase of a new small-size pickup for use by the Parks Department. This will replace Vehicle No. 10, a 1998 Ford Ranger currently in use, which has reached the end of its useful life and will be surplus. A specification was prepared by the mechanics from Joint Maintenance, which was reviewed and approved by the Public Works Operations Director.

State contracting law allows utilization of a cooperative procurement process for obtaining competitive bids to streamline the purchasing process and save costs. Competitive bids for the pickup were received through the Oregon State Procurement competitive bidding price agreement for fleet purchases. The low bid was provided by Northside Ford Truck Sales, Inc. at a total amount of \$25,328.23. The Oregon Department of Administrative Services Procurement Agreement number is 5549. An additional quote was requested from a local auto dealer for a similar vehicle, although a different manufacturer. The quote from Emmert Motors for a Chevy Colorado with comparable features was \$29,327.80.

Recommendation:

Council award bid for the small pickup purchase to Northside Ford Truck Sales, Inc. through the Oregon State Procurement competitive bidding program in the amount of \$25,328.23.

Attachment:

Northside Ford Truck Sales, Inc. pricing worksheet; Emmert Motors quote.



Northside Ford Truck Sales, Inc.
6221 N E Columbia Blvd., Portland, Oregon, 972182995
Office: 503-282-7773

Customer Proposal

Prepared for:

Brett Long
City of St. Helens

Prepared by:

SHARON TUCKER
Office: 503-282-7773
Email: stucker@northsidetrucks.com

Date: 09/24/2018

Vehicle: 2019 Ranger XL
4x4 SuperCab 6' box

Quote ID: StH19R1F





Northside Ford Truck Sales, Inc.
6221 N E Columbia Blvd., Portland, Oregon,
972182995
Office: 503-282-7773

2019 Ranger, SuperCab
4x4 SuperCab 6' box XL(R1F)
Price Level: 915 Quote ID: StH19R1F

Selected Options

Code	Description	MSRP	Invoice
Base Vehicle			
R1F	Base Vehicle Price (R1F)	\$28,460.00	\$27,465.00
Packages			
100A	Equipment Group 100A Base <i>Includes:</i> - Engine: 2.3L EcoBoost Includes auto start-stop technology. - Transmission: Electronic 10-Speed SelectShift Auto - TBD Axle Ratio - GVWR: TBD - Tires: P255/70R16 A/S BSW - Wheels: 16" Silver Steel - Front Cloth Bucket Seats Includes manual 4-way adjustable driver/passenger with manual lumbar, flow-through console and floor shifter. - Radio: AM/FM Stereo w/4 Speakers Includes 3.5" center stack screen with audio controls and auxiliary audio input jack (not available with SYNC) with 1 USB port.	N/C	N/C
Powertrain			
99H	Engine: 2.3L EcoBoost <i>Includes auto start-stop technology.</i>	Included	Included
44U	Transmission: Electronic 10-Speed SelectShift Auto	Included	Included
STDAX	TBD Axle Ratio	Included	Included
STDGV	GVWR: TBD	Included	Included
Wheels & Tires			
STDTR	Tires: P255/70R16 A/S BSW	Included	Included
64A	Wheels: 16" Silver Steel	Included	Included
Seats & Seat Trim			
Q	Front Cloth Bucket Seats <i>Includes manual 4-way adjustable driver/passenger with manual lumbar, flow-through console and floor shifter.</i>	Included	Included
87A	2nd Row Seat Delete	-\$240.00	-\$227.00
Other Options			
127WB	127" Wheelbase	STD	STD
PAINT	Monotone Paint Application	STD	STD
STDRD	Radio: AM/FM Stereo w/4 Speakers	Included	Included

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Brett Long, City of St. Helens
By: SHARON TUCKER Date: 09/24/2018



Northside Ford Truck Sales, Inc.
6221 N E Columbia Blvd., Portland, Oregon,
972182995
Office: 503-282-7773

2019 Ranger, SuperCab
4x4 SuperCab 6' box XL(R1F)
Price Level: 915 Quote ID: S#H19R1F

Selected Options (cont'd)

Code	Description	MSRP	Invoice
	<i>Includes 3.5" center stack screen with audio controls and auxiliary audio input jack (not available with SYNC) with 1 USB port.</i>		
53R	Trailer Tow Package	\$495.00	\$470.00
	<i>Includes towing capability up to TBD lbs and 4-pin/7-pin wiring harness.</i>		
	<i>Includes:</i>		
	<i>- Class IV Trailer Hitch Receiver</i>		
153	Front License Plate Bracket	N/C	N/C
	<i>Standard in states where required by law, optional to all others.</i>		

Fleet Options

52B	Cruise Control	\$225.00	\$214.00
	Requires valid FIN code.		
58E	SYNC	\$870.00	\$827.00
	Requires valid FIN code.		
	<i>Includes enhanced voice recognition communications and entertainment system, 911 Assist, 4.2" LCD display in center stack, AppLink, 1 smart charging USB port, FordPass connect 4G Wi-Fi modem, Wi-Fi hotspot connects up to 10 devices (includes a trial subscription of 3 months or 3 gigabytes - whichever comes first. Wireless service plan required after trial subscription ends), remotely start, lock and unlock vehicle, schedule specific times to remotely start vehicle, locate parked vehicle and check vehicle status (includes service for 1 year from the vehicle sale date as recorded by the dealer). NOTE: Ford Telematics prep included for Fleet only: FordPass connect 4G Wi-Fi modem enables telematics services through authorized partners. Activate at www.fleet.ford.com or call 888-459-0255.</i>		
	<i>Includes:</i>		
	<i>- 6 Speakers</i>		
	<i>- Day/Night Rearview Mirror</i>		
	<i>- MyKey</i>		
67F	XL Power Equipment Group	\$355.00	\$338.00
	Requires valid FIN code.		
	<i>Includes:</i>		
	<i>- Perimeter Alarm</i>		
	<i>- Power Glass Sideview Mirrors</i>		
	<i>- Remote Key Fob w/Tailgate Lock</i>		

Interior Colors

QH_01	Ebony	N/C	N/C
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Primary Colors

YZ_01	Oxford White	N/C	N/C
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SUBTOTAL	\$30,165.00	\$29,087.00
Fuel Charge	\$0.00	\$0.00
Destination Charge	\$1,095.00	\$1,095.00
TOTAL	\$31,260.00	\$30,182.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: **Brett Long, City of St. Helens**
By: **SHARON TUCKER** Date: **09/24/2018**



Northside Ford Truck Sales, Inc.
6221 N E Columbia Blvd., Portland, Oregon,
972182995
Office: 503-282-7773

2019 Ranger, SuperCab
4x4 SuperCab 6' box XL(R1F)
Price Level: 915 Quote ID: Sth19R1F

Pricing - Single Vehicle

MSRP

Vehicle Pricing

Base Vehicle Price	\$28,460.00
Options & Colors	\$1,705.00
Upfitting	\$0.00
Destination Charge	\$1,095.00
Subtotal	\$31,260.00

Pre-Tax Adjustments

Code	Description	
VCAF	As per state contract #5549.	\$0.00
Delivery	Delivery per contract \$2.25 per mile after 60.	\$0.00
Govt Disc	Government discount	-\$6,253.80
Subtotal		\$25,006.20

Sales Taxes

Code	Description	
Oregon Tax	Oregon Privilege Tax	\$125.03
<i>State of Oregon privilege tax applies to all new vehicles sold into Oregon under 26,000 pound GVWR.</i>		
Subtotal		\$25,131.23

Post-Tax Adjustments

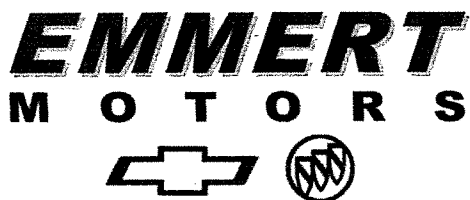
Code	Description	
LTD E-plate	License, title, doc (E-Plates)	\$197.00
Total		\$25,328.23

Customer Signature

Acceptance Date

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Brett Long, City of St. Helens
By: SHARON TUCKER Date: 09/24/2018



Date/Time: 9/21/2018 9:19:39 AM

Buyer: City City of St Helens
Address: 265 Strand St.
St Helens, OR 97051

Salesperson: Jeffrey Carpenter

2018 Chevrolet Colorado LT

MSRP/Retail	\$33,715.00
Selling Price	\$32,327.80
Rebate	\$3,000.00
Total Savings + Rebate	\$4,387.20
Total Payment	\$29,327.80

Based on Bank/Credit Union Approval.

X _____
Customer Signature Date

X _____
Manager Signature Date

09/20, 09

2018 COLORADO 4WD LT EXT CAB
 GAZ SUMMIT WHITE /V6G
 HOU JET BLACK
 ORDER NO. VKSRHS/TRE STOCK NO.
 VIN 1GC HTCE NO J1100126
 *****7519*****13*19928S
 MODEL & FACTORY OPTIONS MSRP INV AMT RETAIL - STOCK
 ✓ 12N53 COLORADO 4WD LT EXT CAB 30760.00 29222.00 INVOICE 07/31/17
 G80 DIFFERENTIAL, LOCKING REAR 325.00 295.75 SHIPPED 07/28/17
 FULLY AUTOMATIC EXP I/T 08/25/17
 LGZ ENGINE, 3.6L DI DOHC V6 1235.00 1123.85 INT COM 08/25/17
 * TOW HAUL MODE PRC EFF 07/28/17
 * 16" SPARE WHEEL KEYS XXXXX XXXXX
 M5T TRANSMISSION, 8-SPEED AUTO 150.00 136.50 WFP-S QTR OPT-1
 NE1 50-STATE EMISSIONS N/C N/C BANK: TOYOTA FINA
 Z82 TRAILERING EQUIPMENT PACKAGE: 250.00 227.50 CHG-TO 19-928

SHIP WT: 4245
 HP: 33.5
 GVWR: 5900
 GAWR.FT: 3200
 GAWR.RR: 3500
 EMPLOY: 30960.38
 SUPPLR: 32200.60
 NTR: 1/2
 DAN: COKE
 EMPINC: 1853.14
 SUPINC: 612.92

TOTAL MODEL & OPTIONS 32720.00 31005.60 ACT 237 31019.00
 DESTINATION CHARGE 995.00 995.00 H/B 261 981.60
 DEALER IMR CONTRIBUTION 327.20 ADV 261 327.20


BID ASSISTANCE = \$ 1400⁰⁰

TOTAL 33715.00 32327.80 PAY 310 32327.80
 MEMO: TOTAL LESS HOLDBACK AND
 APPROX WHOLESALE FINANCE CREDIT 30884.80

 INVOICE DOES NOT REFLECT DEALER'S ULTIMATE COST BECAUSE OF MANUFACTURER
 REBATES, ALLOWANCES, INCENTIVES, HOLDBACK, FINANCE CREDIT AND RETURN TO
 DEALER OF ADVERTISING MONIES, ALL OF WHICH MAY APPLY TO VEHICLE.

CLINT NEWELL MOTORS

COUNCIL ACTION SHEET

To:	The Mayor and Members of City Council	
From:	Sue Nelson, Public Works Engineering Director Neal Sheppard, Public Works Operations Director	
Date:	3 October 2018	
Subject:	Award Contract for 2018/2019 Asphalt Patching Project, R-673	

Background:

Each year the Public Works Department compiles a list of locations where asphalt repair is required. These are typically areas where the Public Works crews have completed repairs, such as fixing a watermain break, or where new pipe has been installed, such as extending a storm drain line. Placing permanent asphalt after each repair or project is completed is not cost effective, so temporary asphalt is placed to restore use of the road until the permanent asphalt can be applied. Once there is enough work to develop a project, the Engineering Department prepares the project documents and collects quotes from qualified contractors to place the permanent asphalt and properly complete the repair of the roads.

A Request for Quotes (RFQ) was issued on September 7, 2018 with a submittal deadline of September 27, 2018. The following quotes were received:

FIRM	LOCATION	QUOTE
S-2 Contractors, Inc.	Aurora, Oregon	\$15,804.50
TFT Construction, Inc.	Scappoose, Oregon	\$19,113.00
Brix Paving Northwest	Tualatin, Oregon	\$30,714.38

The project is identified in the 2018/2019 approved budget as Road Patching Projects in Streets Capital Projects with a total annual budgeted amount of \$20,000. The project is also funded from the Capital Improvement Project fund associated with patching for specific capital improvement work, such as new storm drain, watermain, or sewer main construction with a combined total budget of \$600,000.

Recommendation:

Award the contract for the 2018/2019 Asphalt Patching Project, R-673, to S-2 Contractors, Inc. as the lowest responsive bidder and authorize the Mayor to execute a Materials & Services Contract for the 2018/2019 Asphalt Patching Project, R-673. Contract will be at the rate prescribed in that firm's submitted unit price bid, not to exceed \$50,000.

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2018 by and between the City of St. Helens, a municipal corporation of the State of Oregon, ("City,") and the **St. Helens School District No 502**, an Oregon school district ("District.") The City and the District are also referred to in this Agreement each as a "Party" and together as the "Parties."

WHEREAS, the Parties each own real property in Columbia County, Oregon, and

WHEREAS, the Parties have worked cooperatively in coordinating programs and sharing athletic and recreational facilities, and

WHEREAS, the Parties desire to provide for the opportunity for one Party to use real property owned by the other Party, and

WHEREAS, the Parties deem it appropriate to enter into an Intergovernmental Agreement for the ownership and use of their respective properties under authority granted to the Parties by ORS 190.010 to 190.030.

WITNESSETH

That each Party hereby grants to the other party the use and occupancy of the Property(ies) (including facilities on the Property) owned and operated by the other Party for the purposes and on the terms and conditions hereinafter stated:

1. Both Parties agree that a principal objective of this Agreement is the Parties to reasonably share in the cost of providing access and service to each parties Properties. The general agreement is that each Party shall maintain the properties and facilities that it owns and that each Party shall have primary access to its Properties and facilities. However, each Party grants priority use to the other Party for programming of Properties and facilities when not in use by the owning Party. This exchange of service and access is expected to demonstrate equal costs.

Costs are not expected to be a dollar-for-dollar equal match but are expected to be reasonably equal. Access and service may be reviewed at least annually and adjustments to access and service levels may be made to ensure reasonably equal costs between the Parties.

2. The Parties agree to collaborate as public agencies on efforts such as joint development requests, grant applications, and land acquisition.
3. Each Party shall comply with the rules and regulations of the other Party governing use of the facilities. Each Party is allowed to enforce their regulations on the other Party's property, such as those relating to the conduct of participants, for the preservation of public safety and/or protection of physical assets.
4. The Parties agree to provide priority use to each other for scheduled. Except as scheduled, programs that have preference provided by this Agreement are identified as follows:
 - a) Programs directly provided by either Party or affiliated with District. District has responsibility for designating affiliates through District's established process.

- b) Programs that are directly a function of their governing body (e.g. Board meetings, PTO events, and District advisory committees).
- c) Outside programs not directly funded and operated by District are not included considered affiliated with the District and do not receive priority over City programs. Outside programs may include, but are not limited to, the YMCA, private users, and local sports groups not affiliated with District.
- d) District affiliates have priority use for athletic facilities only. District affiliates do not have access under this Agreement for administrative functions including, but not limited to, board meetings, award events, uniform and equipment distribution, and similar activities. District affiliates may request use of City facilities for these activities through the City facility use process.

5. The using Party agrees to:

- a) Ensure building security during and after scheduled use. Provide proper first aid care to participants for whom they are responsible. Notify owning Party with an incident report within three (3) working days of incident.
- b) Ensure clean up and disposal of refuse by using Party to a standard reasonably acceptable to the owning Party. The Parties shall coordinate with one another when large events are scheduled to review clean up and disposal concerns. If additional custodial and/or dumpster services are determined to be necessary after prior consultation, the owning Party may bill the using Party for those services.
- c) Comply with the scheduling expectations outlined in IP 1.
- d) Comply with all laws, ordinances, rules, and regulations of any public authority, as now or hereafter enacted or amended, as they relate to or affect the Property or the use thereof.
- e) **Each owning Party provides each Property to the using Party 'AS-IS' with all defects and with no representations or warranties whatsoever, including suitability for a particular purpose.** The using Party shall have access to and be responsible for inspecting the Property and determining whether it is suitable for the using Party's intended use. Except as expressly provided, nothing in this Agreement is intended to waive or limit any immunity or defense of an owning Party, including but not limited to immunity pursuant to ORS 105.682, as amended to the extent available to the owning Party.
- f) The using Party shall maintain during the term of the Agreement (with a carrier acceptable to the owning Party) commercial General Liability Insurance for the protection of the owning Party (directors, officers, employees, agents and volunteers) insuring owning Party for damages because of personal injury, bodily injury, death or damage to Property, including the loss of use thereof, and occurring on or in any way related to activities on the Property or any condition of the Property with limits (equal to the owning Party's coverage, by) not less than \$2,500,000 combined single limit per

occurrence annual aggregate, or not less than the limits of public body liability set forth in the Oregon Tort Claims Act (ORS 30.260 to 30.300) or other applicable law, whichever is greater. Such insurance shall name both the using and owning Parties as insured and the using Party shall provide copies of the endorsement(s) to the owning Party. The insured party shall provide the additional insured party thirty (30) calendar day written prior notice of cancellation. Using Party agrees to furnish, in compliance with the above, evidence of self-insurance or insurance to the owning Party within sixty (60) calendar days of this Agreement.

6. The owning Party agrees to comply with the scheduling expectations outlined in IP 1. Furthermore, the owning Party agrees to keep the using Party informed of any planned construction or maintenance of its facilities that will adversely affect the using Party's ability to schedule regular use of said facility.
7. In the event of conflicting requirements between this Agreement and the Implementing Procedures to this Agreement, the requirements contained in the Implementing Procedures shall take priority due to the specific nature of the facility use within the Implementing Procedures.
8. Implementing Procedures for this Agreement include the following titles:

Scheduling Expectations	Athletic Fields - Grass	Athletic Fields – Turf
Gymnasiums	Swimming Pools	Tennis Courts
Track and Cross Country	Miscellaneous Services	
Information Distribution	City Parent Reunification Plan	

Titles may be edited, added, or deleted from time to time to respond to issues that arise during the course of the year. Such modifications to the Implementing Procedures shall be discussed cooperatively and be adopted by mutual consent of the District General Manager or designee and the City Superintendent or designee.

9. Failure of the using Party to follow the terms or conditions or fulfill any obligations of this Agreement including Exhibits constitutes a default of this Agreement. The Party will verbally notify those in charge of said facility and provide written notice to the other Party of those defaults. The Party will have thirty (30) calendar days to remedy the default. During the said thirty (30) day period, the City liaison to District and the District Superintendent of Sports will cooperate to remedy the situation. If the default cannot be remedied at that time, the Superintendent of City, or their designee, and the General Manager of District, or their designee, will review the default to reach a compromise. If the violation is not remedied within a 30-day period after written notice, the Party may be deemed to have lost its use of the other Party's Property(ies) facility(ies). If the Party proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable, then the thirty (30) day limit may be extended by the other Party. A third party mediator (as appointed by the presiding judge of the Columbia County Circuit Court) will first attempt to remedy the decision before the Agreement will be terminated. Notwithstanding the foregoing, the owning party may immediately suspend use of a Property if immediate action is necessary to protect the health or safety of persons using the Property. The parties shall cooperate to remedy the situation promptly to the extent

practicable. In no event shall either Party be liable to the other for damages, except as provided for indemnification.

10. If a condemning authority takes any parcel of the Property or a portion sufficient to render the remainder reasonably unsuitable for the use to which the using Party was then making of such parcel, this Agreement shall terminate with respect to such parcels as of the date title vests in the condemning authority. The owning Party shall be entitled to all the proceeds of the condemnation resulting from a taking of any parcel of the property or any portion thereof, but shall reimburse the using Party for that portion of the award attributable to improvements placed upon the ground by the using Party, less depreciation costs. Sale of all or part of any parcel of the Property to purchaser with the owner of eminent domain in the face of a threat or probability of the exercise of the power shall be treated for the purposes of this section as a taking by condemnation.
11. If suit, action, or arbitration is instituted in connection with any controversy arising out of this Agreement, the prevailing party shall be entitled to recover, in addition to costs, such sum as the court may adjudge reasonable as attorney fees.
12. The Parties will work cooperatively in coordinating programs and activities conducted on the properties so as to avoid conflicting or competing uses. Coordination meetings between the Parties' staff shall occur no less than once a month. The Parties may exchange days and times of use on a mutually agreed upon basis to accommodate the needs of the respective parties. Any change will be reviewed and acted upon by each Party's designated representative. The Parties will communicate with their boards, committees, and their patrons they serve about the implications of this Agreement in regards to their own facilities.
13. While using facilities, each Party agrees to repair or reimburse for repair, damage to the Property at the option of the owning Party, as to except ordinary wear and tear. Each Party is responsible for reporting any damage immediately (next business day) to the other party's facility staff.
14. Subject to the limitations of the Oregon Constitution and the Oregon Tort Claims Act, City will indemnify District, its officers, officials, employees, agents, and insurers (collectively District) against any and all liability for personal injury or damage to life or property arising out of or related to the use of the District Property by City including but not limited to program participants, under this Agreement provided, however, that City will not be required to indemnify District for any such liability arising out of the negligent or wrongful acts of District, its officers, employees, or agents.
15. Subject to the limitations of the Oregon Constitution and the Oregon Tort Claims Act, District will indemnify City, its officers, officials, employees, and agents against any and all liability for personal injury or damage to life or property arising out of or related to the use of City Property by District, including but not limited to program participants, under this Agreement provided, however, that District will not be required to indemnify City for any such liability arising out of the negligent or wrongful acts of City, its officers, employees, or agents.

16. This Agreement may be terminated by either Party and may be amended or otherwise modified only by a written instrument executed by both Parties referring to this Agreement specifically and declaring it amended, or otherwise modified. This agreement may be terminated by either Party by providing at least 180 days' written notice of termination to the other Party. This Agreement expires by its own terms and without further action of wither City or District on December 31, _____ unless the governing bodies of both City and District (or their assigns or successors-in-interest) extend, amend, or modify the terms of this Agreement before that time in writing. If the agreement is terminated, all events scheduled with either Party at the time of termination will be preserved and allowed to take place as scheduled. It is the expectation that both Parties will review the Agreement annually to determine if the Agreement is working as intended. Identified amendments and modifications to this Agreement will be reviewed collaboratively and be acted upon by the governing bodies by July 1 of each year.
17. City and District shall in good faith cooperate with each other in connection with their respective rights and obligations of this Agreement, including but not limited to, performing any acts and executing any further documents that may be reasonably necessary to effectuate the purposes of or rights conferred under this Agreement.
18. Any notice required or permitted under this Agreement shall be given when actually delivered or when deposited in the United States mail as certified mail addressed as follows:
- To City: City of St. Helens
 PO Box 278
 265 Strand Street
 St. Helens, OR 97051
- To District: St. Helens School District
 474 North 16th Street
 St. Helens, OR 97051
19. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon. If any provision of this Agreement or application thereof to any person or circumstances shall to any extent be deemed invalid, the remainder of this Agreement shall not be affected and each provision of this Agreement shall be valid and enforced to the fullest extent by law.
20. This Agreement may be executed and acknowledged in counterpart originals and all such counterparts shall constitute one (1) Agreement. Signature pages may be detached from the counterpart originals and attached to a single copy of this Agreement to physically form one (1) document.

THIS INTERGOVERNMENTAL AGREEMENT is entered into by the City of St. Helens by its City Council on _____, and by St. Helens School District by its School Board on _____.

Superintendent
St. Helens School District

Date _____

City Administrator
City of St. Helens

Date _____



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
RE: Findings of Fact and Conclusion of Law document for appeal AP.1.18
DATE: September 26, 2018

Attached is the Findings of Fact and Conclusion of Law document for the appeal (file AP.1.18) of the Conditional Use Permit (CUP.3.18) that was denied by the Planning Commission. This was appealed to the Council and approved (reversal of the Commission decision) by unanimous vote as part of the continued deliberations that occurred at your last meeting on September 19, 2018.

This was a land use application to establish a marijuana retailer/medical marijuana dispensary in an existing building at 100 St. Helens Street.

Please authorize the Mayor's signature for this which documents your decision, findings and conditions of approval.

**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Appeal AP.1.18 (Conditional Use Permit CUP.3.18)**

APPLICANT: Robert A. Lucas and Robert Y. Lee (appellants)

OWNER: Robert A. Lucas

ZONING: General Commercial, GC

LOCATION: 100 St. Helens Street; 4N1W-3BA-3700

PROPOSAL: Establish a marijuana retailer/medical marijuana dispensary in an existing building.

The 120-day rule (ORS 227.178) for final action for this land use decision is Oct. 12, 2018.

SITE INFORMATION / BACKGROUND

The site is fully developed with a commercial suite. The site was originally developed with a 1988 Site Design Review. There are three driveway approaches, two with access from St. Helens Street and one with access from S. 1st Street. Both streets are fully developed with sidewalks. There is a landscape planter in the front and along the side of the building. Surrounding uses are a mix of commercial and residential.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: August 15, 2018 before the City Council, with deliberations continued to September 19, 2018.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property on July 26, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on July 25, 2018. Notice was published in the The Chronicle on August 1, 2018.

Notice of continued deliberations was sent to surrounding property owners within 300 feet of the subject property and to those that provided testimony at the August 15, 2018 public hearing on August 22, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on August 29, 2018.

PROCEDURAL ISSUE – SHMC 17.24.220(5)

SHMC 17.24.220(5) requires that the Planning Commission decision prevails if the appeal results in a tie vote. Application opponents argue that the Council's initial tie vote ends Council deliberation and results in loss of jurisdiction by the City Council. The Council interprets this provision to apply in the case where the final vote of the City Council results in a tie. We do not interpret the provision to allow the Council to vote only once if the initial vote is a tie. Such an interpretation would preclude the normal process of proposing various motions, sometimes with differing conditions, until a decision that can be supported by a majority is found. We expressly reject such a restrictive interpretation which would substantially limit the ability of the Council

to resolve appeals and ensure compliance with City ordinances. We interpret the provision to apply only when a tie vote is the final vote taken and Council deliberation is concluded.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.100.040(1) - CUP Approval standards and conditions

(1) The planning commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

- (a) The site size and dimensions provide adequate area for the needs of the proposed use;
- (b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features;
- (c) All required public facilities have adequate capacity to serve the proposal;
- (d) The applicable requirements of the zoning district are met except as modified by this chapter;
- (e) The supplementary requirements set forth in Chapter [17.88](#) SHMC, Signs; and Chapter [17.96](#) SHMC, Site Development Review, if applicable, are met; and
- (f) The use will comply with the applicable policies of the comprehensive plan.

(a) This criterion requires that the site size and dimensions provide adequate area for the needs of the proposed use.

Finding(s): The proposal utilizes an existing building which meets applicable size and dimensional requirements. There is no evidence to the contrary. Staff did not identify any issue in this regard and there was no testimony about this criterion.

(b) This criterion requires that the characteristics of the site be suitable for the proposed use.

Finding(s): Generally, this fully developed commercial site is suitable for the proposed retail use based upon its zoning, existing site development and the central location. Much testimony and discussion pertained to this criterion and its location. Concern was raised about events that occur in the Riverfront District that attract youth such as those associated with the Halloween Town celebration in October. Concern was also raised about several nearby uses that attract youth such as the Columbia Theatre (212 S. 1st Street) and St. Helens CrossFit gym (200 S. 1st Street), which are within 300' of the subject property.

The Council considered the intent of the City's and State's specific location laws for establishments as proposed. Per ORS 457B.105(2)(d):

Except as provided in ORS 475B.109, may not be located within 1,000 feet of:

(A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a);

The City's laws for siting these kinds of uses includes a similar 1,000' separation rule for any public or private: child day care facility; preschool; elementary school; or junior, middle or high school. The Council finds that the law is intended to include separation from uses that are specifically and guaranteed by their function to serve children. The separation requirements are satisfied in this case.

The Council finds that the Riverfront District is meant for a mix of people and ages. The Council finds that a mix of ages is important for the vibrancy of downtown and that the site is suitable because the area serves that mix.

In considering the mix of ages, the Council found that CBD products from marijuana can be beneficial for adults with pain and provide an alternative to pain remedies such as opioids. Having an establishment in the downtown area allows adults with such ailments to avoid having to walk up the hill to the other two such establishments in town, the closest which is 1807/1809 Columbia Blvd., a distance of over 4,745 feet from the subject property.

The Council also considered the annual Kiwanis parade in St. Helens, a long time tradition, and notes that the parade goes by Sweet Relief, a medical marijuana dispensary/marijuana retailer at 1807 and 1809 Columbia Boulevard (approved by Conditional Use Permit CUP.1.16). The Council noted no ill effect of the parade and the proximity of Sweet Relief.

The Council also found that the area, within the downtown (Riverfront District) is an area for business, and given comments from citizens about the difficulty of starting a new business, that this should be allowed, provided all other legal requirements are met. The Council found that vacancies contribute to urban blight and that if a business can lawfully occupy a building, that is positive for downtown economic vitality.

The Council considered the conflicting testimony and for the reasons above concludes that the standard is satisfied.

(c) This criterion requires that public facilities have adequate capacity to serve the proposal.

Finding(s): The record establishes that all public facilities have adequate capacity to serve the use. There has been no contrary evidence submitted that public facilities are inadequate for this proposal. Staff did not identify any issue in this regard and there was no testimony about this criterion.

(d) This criterion requires that the requirements of the zoning district be met except as modified by the Conditional Use Permit (CUP) chapter.

Finding(s): The property is zoned General Commercial. "Marijuana retailer and/or medical marijuana dispensary" is listed as a conditionally permitted use in this zoning district. A Conditional Use Permit is required to establish such use.

See analysis of SHMC 17.100.150(3)(p) below, specifically pertaining to marijuana retailers and/or medical marijuana dispensaries.

Staff did not identify any issue in this regard and there was no testimony about this criterion.

(e) This criterion requires analysis of the sign chapter and site design review chapter.

Finding(s): With regards to signs, any new sign or modified sign shall require a sign permit per Chapter 17.88 SHMC

With regards to site development review standards, as the site is developed and there are no substantial proposed improvements to the site to accommodate the proposed use (e.g., new development), many aspects don't apply. The noteworthy aspects are as follows:

With regards to off-street parking, general retail sales require one space for every 400 square feet of gross floor area, but not less than four spaces. There is 1,311 square feet of gross floor area, which means a minimum of 4 spaces shall be required. Of the 4 spaces required, one is required to be an ADA space.

The site currently has approximately 5 off-street parking spaces provided. However, there are no ADA spaces on site. A new ADA space is required to comply with State and Federal Standards. There may be space to the west of the building for a new parking space, provided that new striping (wheelchair access aisle) and a wheel stop be provided. Note that the owner testified there are two spaces here; this would be verified with review of final plans.

In addition, the other parking spaces are missing wheel stops. Wheel stops are required along the boundaries of a parking lot along pedestrian ways. Off-street parking spaces face and abut the St. Helens Street sidewalk. Wheel stops are necessary to ensure no sidewalk encroachment by vehicles.

With regards to landscaping, the site has a planter in front and side of the building that occupies approximately 140.5 square feet. If this proposal were new development, the General Commercial zone requires a minimum of 10 percent of the lot to be landscape, which would be about 435 square feet. Because this is a Conditional Use Permit, the Commission (or Council in an appeal) can require landscaping related conditions, if such is determined to be warranted. See **SHMC 17.100.040(3)** below. The Council finds that additional landscaping is not warranted for this proposal and notes that additional landscaping could promote criminal activity by creating hiding places in this case.

With regards to screening, the Development Code requires buffering and screening between commercial and residential development. There are adjacent residential uses to the west. However, since the site is fully developed and the proposal doesn't result in substantial changes to the site, the Council finds that no additional screening is required except for trash enclosure/screening requirements.

With regards to lighting and crime prevention, there appears to be no lighting on the exterior of the building. A plan for addressing crime prevention, including but not limited to, exterior lighting shall be a condition of approval. Exterior lighting levels should be oriented towards areas vulnerable to crime and fixtures shall be provided in areas with heavy pedestrian or vehicular traffic, and in potentially dangerous areas such as the parking lot and the area behind the building, which is a potential hiding place for ambush. Note that any existing lighting can be taken into consideration for this.

(f) This criterion requires compliance with the applicable policies of the Comprehensive Plan.

Finding(s): The subject property has a Comprehensive Plan designation of General Commercial, GC. The proposed use is commercial in nature and is consistent with the designation.

Much testimony and discussion pertained to one of the policies of the GC designation per SHMC 19.12.070(2)(f), which reads:

Preserve areas for business use by limiting incompatible uses within them.

The Council finds that the proposal is a business, which is desired in the downtown (Riverfront District) area. The Council noted the presence of breweries and taverns in the downtown area over the years, which allow consumption of alcohol and have not raised concern. OLCC regulations prevent onsite consumption of marijuana at establishments where it can be purchased. This is a retail business.

The Council also considered another policy of the GC designation per SHMC 19.12.070(2)(g), which reads in part:

Encourage a variety of retail shopping activities to concentrate in the core commercial areas to enhance their attractiveness for a broad range of shoppers;

The City of St. Helens has three distinct core commercial areas: the commercial area along Columbia River Highway (US30), the Houlton (uptown) area, and the Riverfront District (downtown) area. This property lies within the Riverfront District (downtown) area. The property's zoning allows many different types of uses including but not limited to retail. The proposed marijuana retailer/medical marijuana dispensary is a type of specialty retail, which will add to the retail options thereby increasing the broad range of shoppers for this area.

Moreover, the City has a requirement that marijuana retailer/medical marijuana dispensaries not be located within 2,000 feet of each other, which limits the amount and locations possible within the City. There is already an approved marijuana retailer/medical marijuana dispensary at 365 S. Columbia River Highway (within the US30 commercial area) and at 1807/1809 Columbia Boulevard (within the Houlton commercial area). This third marijuana retailer/medical marijuana dispensary would add one to the downtown area, thus equalizing this specialized retail option amongst all three core commercial areas of the City of St. Helens.

The Council concludes this criterion is satisfied.

SHMC 17.100.150(3)(p) – Additional requirements for conditional use types

(p) Marijuana retailer and/or medical marijuana dispensary.

(i) No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 1,000 feet of any public or private: child care facility; preschool; elementary school; or junior, middle, or high school that lawfully exists at the time the Conditional Use Permit application is deemed complete.

(A) Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the proposed marijuana retailer and/or medical marijuana dispensary, to the closest property line of the property upon which the other uses specified in subsection (3)(p)(i) of this section is listed.

(ii) No marijuana retailer and/or medical marijuana dispensary shall be permitted to locate within 2,000 feet of any other marijuana retailer and/or medical marijuana dispensary that lawfully exists at the time the Conditional Use Permit application is deemed complete.

(A) Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the proposed marijuana retailer and/or medical marijuana dispensary, to the closest point of the structure or portion of structure containing the existing marijuana retailer and/or medical marijuana dispensary.

(B) If multiple Conditional Use Permit applications are submitted for locations within the distance specified in subsection (3)(p)(ii) of this section but are not yet legally established, the valid Conditional Use Permit submitted first shall take precedence for the purpose of this subsection.

(iii) No marijuana retailer and/or medical marijuana dispensary shall be allowed as a temporary use and shall be located in a permanent building.

(iv) Any marijuana retailer and/or medical marijuana dispensary shall have refuse containers or refuse collection areas that are secure from entry outside the facility.

(v) Any marijuana retailer and/or medical marijuana dispensary shall comply with all applicable state and local laws.

(i) This criterion requires a separation of 1,000 feet from child day care and schools from pre to high.

Finding(s): The Development Code, Chapter 17.16 SHMC, defines “child care facility” as follows:

“Child care facility” means a commercial establishment enrolling children under the age of 13 years and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a child care center (also “day care,” “children’s center,” “day nursery”).

The Council interprets the code to require that the school or child care facility must lawfully exist at the time the Conditional Use Permit is deemed complete, in order to be considered under this criteria.

File Conditional Use Permit CUP.3.18 was deemed complete by staff on June 19, 2018.

Using the prescribed method of measurement, the following sites were considered in regards to this criterion:

1. **The Berry Bright Preschool at 560 Columbia Boulevard**, a distance of approximately **1,300 feet**. This use has been established for decades.

This preschool lawfully existed before June 19, 2018 and is more than 1,000 feet away from the subject property. The Council finds that this property doesn't interfere with the statutory requirements of this proposal.

2. **The Resonate Church at 220 S. 1st Street** (approved via Conditional Use Permit CUP.2.16 for religious assembly and currently operating) is alleged to include child care services per testimony provided. This property is approximately **250 feet** away from 100 St. Helens Street (building on the subject property).

Since a "child care facility" is a business venture, a business license would be required. There is no business license on record for such use here. In addition, "child care facility/day nursery" is a conditionally permitted use in the Riverfront District (RD—Plaza subdistrict); the zoning of 220 S. 1st Street. CUP.2.16 didn't indicate this use; it only listed religious assembly as the proposed use. There is no permit on record for a child care facility at this location.

The Council finds there is no lawfully existing child care facility at 220 S. 1st Street; any such services are incidental to the religious assembly use and not technically a "child care facility" as explicitly defined by the Development Code. The Council finds that this property doesn't interfere with the statutory requirements of this proposal.

3. **231 S. 1st Street** is approximately **300 feet** away from 100 St. Helens Street (building on the subject property). A Conditional Use Permit (CUP.1.18) was approved by the Planning Commission earlier this year for a child care facility here. In addition to the Conditional Use Permit, in order for a child care facility to lawfully exist at this location, a Building Permit is required to change to an "E" (Building Code) occupancy, a business license is required and any licensing for such a facility by the State or other level of government is required. Staff observed the following timeline:

- **June 12, 2018:** CUP.1.18 (for child care at 231 S. 1st Street) is approved by the Commission at their public hearing.
- **June 19, 2018:** the CUP.3.18 (the subject of this appeal) application is received and deemed complete by City staff.

- **June 29, 2018:** the appeal period for CUP.1.18 (for child care at 231 S. 1st Street) ends and the decision becomes final.
- **TBD:** Building permits applied for a change of Building Code occupancy for the child care use at 231 S. 1st Street.
- **TBD:** Occupancy is granted for child care use at 231 S. 1st Street.
- **TBD:** Business license is applied for child care use at 231 S. 1st Street.
- **TBD:** License from entities other than the City of St. Helens attained.

The Council finds there is no lawfully existing child care facility at 231 S. 1st Street because CUP.3.18 was deemed complete before the appeal period ended for CUP.1.18 and no other requirement to occupy and use 231 S. 1st Street has been done. The Council finds that this property doesn't interfere with the statutory requirements of this proposal.

(ii) This criterion requires a separation of 2,000 feet from other marijuana retailers and/or medical marijuana dispensaries.

Finding(s): Using the prescribed method of measurement, the closest marijuana retailer and/or medical marijuana dispensary is 1807/1809 Columbia Blvd., which is a distance of over 4,745 feet. There was an application at for the same use at 31 Cowlitz (CUP.5.15), but the use was never established and the CUP has since expired. Note that 31 Cowlitz is within less than 1,000 feet from the subject property (and thus within the 2,000 foot requirement). In any case, this criterion is met as the nearest legally established marijuana retailer is > 2,000 feet away.

(iii) This criterion requires the use be located in a permanent building and not a temporary use.

Finding(s): The proposal is to locate in a permanent building.

(iv) This criterion requires refuse containers or refuse collection areas that are secure from entry outside the facility.

Finding(s): This has not been addressed by the applicant on the site plan provided. There is no trash enclosure on site, which is typically required for new development. Any improved secure trash area for this proposal would also need to be screened as required by Chapter 17.72 SHMC.

(v) This criterion requires compliance with applicable state and local laws.

Finding(s): In addition to a city business license, SHMC Chapter 5.30 requires that all marijuana related businesses operating in the city shall possess a valid marijuana related business license.

Compliance with applicable state and local laws shall be a condition of approval in addition to overall compliance with the Development Code.

SHMC 17.100.040(3) - CUP Approval standards and conditions

(3) The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

- (a) Limiting the hours, days, place, and manner of operation;
- (b) Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust;
- (c) Requiring additional setback areas, lot area, or lot depth or width;
- (d) Limiting the building height, size or lot coverage, or location on the site;
- (e) Designating the size, number, location, and design of vehicle access points;
- (f) Requiring street right-of-way to be dedicated and the street to be improved;
- (g) Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- (h) Limiting the number, size, location, height, and lighting of signs;
- (i) Limiting or setting standards for the location and intensity of outdoor lighting;
- (j) Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- (k) Requiring and designating the size, height, location, and materials for fences; and
- (l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

Discussion: The Council required three conditions which ensure the use is compatible with other uses in the vicinity.

1. The proposal shall not be open for customers before noon on Sundays.

The Council considered the concerns about the nearby Resonate Church at 220 S. 1st Street which is about 250 feet from the subject property. They noted regular Sunday morning activity, typical of religious assembly, and found that by prohibiting Sunday morning business hours, would enable the Resonate Church and other nearby religious assembly uses to operate during their most important time without conflict with the proposed use.

2. Maximum quantity of Marijuana in its flower or leaf form sold to customers at any one time shall be limited to one-half ounce.

There was much testimony about this proposal's impact on children. The Council found that, based on discussions with the City's Youth Council, that kids are getting marijuana from other kids. OLCC regulates marijuana businesses such that it is difficult for children to get marijuana, except on the black market (i.e., from their peers). If parents or other adults children live with have extra marijuana on hand, it's easier for children to acquire it from their home and either use and/or give or sell it to their peers. Thus, the Council finds that limiting the amount that can be purchased, can help with that issue.

3. No air-borne off-site impact including but not limited to dust, particulates or odor shall be allowed outside of the property lines of the subject property.

The Council observed that there are nearby residential uses including apartments adjacent to the west side of the subject property and that marijuana can be pungent. The Council also observed that, given complaints about marijuana odor in the past, that the smell is not always welcome. As such, the Council finds that ensuring mitigation of off-site impacts is important for compatibility with other uses on the area.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Council reverses the Planning Commission's denial of Conditional Use Permit CUP.3.18, and approves it with the following conditions:

1. This **Conditional Use Permit** approval is valid for a limited time (to establish the use) pursuant to SHMC 17.100.030. This Conditional Use Permit approval is valid for 1.5 years. A 1-year extension is possible but requires an application and fee. If the approval is not vested within the initial 1.5 year period or an extension (if approved), this is no longer valid and a new application would be required if the proposal is still desired. See SHMC 17.100.030.
2. The following shall be required prior to any development or building permit issuance:
 - a. **A crime prevention plan** that includes, but is not limited to, exterior lighting. Any artificial lighting of the site and/or off-street parking facilities shall be designed such that there will be no glare into nearby public rights-of-way or residences. Existing lighting may be taken into consideration for this.
 - b. **A trash management plan.** Refuse container or refuse collection area must be secure from entry outside the facility. Any improved secure trash area for this proposal would also need to be screened as required by Chapters 17.72 & 17.92 SHMC since the subject property lacks any trash/refuse collection enclosures.
 - c. **A revised site plan** subject to City review and approval that addresses the location of trash enclosure per condition 2.b and improvements required per condition 3.
3. The following shall be required prior to Certificate of Occupancy, final inspection (if no Certificate of Occupancy is required) by the City Building Official, or commencement of the proposal:
 - a. Wheel stops (at least 4" high, and back three feet from front of parking stalls) is required for all parking spaces.
 - b. One new disabled person space must be provided and meet all ADA requirements. See attached.
 - c. All improvements necessary to address the requirements herein, and in accordance with revised approved plans, shall be in place.
 - d. Proof that the facility is licensed by the appropriate State agencies shall be submitted to the City.
4. Any new service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened, regardless if such screening is absent on any plan reviewed by the City. This includes but is not limited to ground mounted, roof mounted or building mounted units. See SHMC 17.72.110(2).

5. Any new sign requires a sign permit prior to installation, pursuant to Chapter 17.88 SHMC.
6. The proposal shall comply with the applicable state and local laws.
7. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17). In addition, this approval does not exempt the requirements of or act as a substitute for review of other City departments (e.g., Building and Engineering) or other agencies.
8. **The business shall not be open for customers before noon on Sundays.**
9. **Maximum quantity of Marijuana in its flower or leaf form sold to customers at any one time shall be limited to one-half ounce.**
10. **No air-borne off-site impact including but not limited to dust, particulates or odor shall be allowed outside of the property lines of the subject property.**

Rick Scholl, Mayor

Date

CONTRACT PAYMENTS

City Council Meeting
October 3, 2018

Apply-A-Line, LLC

Project: Annual Street Striping

\$ 21,182.35

APPLY-A-LINE, LLC

112

175 Roy Road SW, Bldg C • Pacific, WA 98047
Phone (253) 299-1200 • Fax (253) 299-1250
mail@applyaline.com • LIC. #APPLL8340J

RECEIVED**SEP 17 2018****CITY OF ST. HELENS**

Bill To: 2STH01
CITY OF ST HELENS
PO BOX 278
ST HELENS, OR 97051

Invoice No: 11504
Invoice Date: 8/31/2018

Job Info: 213A8249
2018 ANNUAL STREET STRIPING
ST HELENS, COLUMBIA, OR
ST HELENS, OR . COLUMBIA

Period To: 8/18/2018
Application #: 1
Pay Request: No

1) Original Contract Amount21,651.00
2) Change Order Amount.....0.00
3) Contract Sum21,651.00
4) Completed to Date21,182.35
5) Retainage0.00
6) Total Earned less Retainage.....21,182.35
7) Previous Billings.....0.00
8) Current Payment Due21,182.35
9) Sales Tax.....0.00
10) Total Due21,182.35

Contract #: R-674

Cust PO #:

ITEM NO.	DESCRIPTION	UNIT MEAS	CONTRACT QUANTITY	UNIT PRICE	QTY TO DATE	PREVIOUS QTY	CURRENT QTY	CURRENT AMT DUE
1	4" YELLOW STRIPING	LF	95,000	0.09	95,416	0	95,416	8,587.44
2	8" WHITE STRIPING	LF	58,200	0.13	55,225	0	55,225	7,179.25
3	4" WHITE STRIPING	LF	61,500	0.09	60,174	0	60,174	5,415.66
								21,182.35

APPROVED FOR PAYMENT

INIT

DATE

ACCOUNTS PAYABLE

FINANCE

SUPERVISOR

9-26-18

9-20-18

205-000-052019

City of St. Helens

Arts & Cultural Commission

Meeting Minutes

August 28, 2018

Members Present: Lisa Brooke
Leticia Juarez-Sisson
Patrick Nickelson
Jennifer Farrington, Chair
Kimberly O'Hanlon, Vice Chair

Members Absent: Janet Anderson

Staff Present: Margaret Jeffries, Library Director
Susan Conn, Councilor
Jamie Edwards, Secretary

Others: None

1) Call Meeting to Order

The meeting was called to order at 6:05 p.m. by Chair Farrington.

2) Visitors Address the Commission

No visitors.

3) Approval of Minutes

3.A May 22, 2018 Minutes

Motion: Commissioner Brooke moved to approve the May 22, 2018 minutes. Commissioner Sisson seconded. All in favor; none opposed; motion carries.

3.B June 18, 2018 Minutes

Motion: Commissioner Brooke moved to approve the June 18, 2018 minutes. Commissioner Sisson seconded. All in favor; none opposed; motion carries.

4) Review Fiscal Report

4.A 2017-2018 Fiscal Report

The Commission reviewed the fiscal report. Chair Farrington requested to transfer the charge of \$198.94 from St. Helens Ace hardware from Free Arts & Crafts Workshop to Summer Arts in the Park.

4.B 2018-2019 Fiscal Report

The Commission reviewed the fiscal report. Commission confirmed the payout for the trash can painting competition awards was to be paid from the 2018/2019 fiscal year. Chair Farrington confirmed the expense of \$240 to Commissioner Brooke was reimbursements for the fair awards and the expense to A.Anders is for having the trash cans filed down.

5) Discussion Items

**5.A ACC Vacant & Expiring Positions: Chair Farrington Resigning- appoint new Chair.
Recommend to re-appointment for expiring positions: Vacant, O'Hanlon & Brooke**

Motion: Commissioner Sisson moved to recommend Council reappoint the expiring terms for O'Hanlon, Brooke and the vacant position. Commissioner Nickelson seconded. All in favor; none opposed; motion carries.

Chair Farrington reported she is stepping down as Chair and resigning from the Arts & Cultural Commission but hopes to continue to help as a volunteer.

Motion: Commissioner Nickelson moved to recommend Council appoint Commissioner Brooke as Chair. Current Chair Farrington seconded. All in favor; none opposed; motion carries.

5.B Art of Leadership: Regional Arts & Cultural Council

Commissioner Sisson reported on a program available from the Regional Arts & Culture Council titled Arts of Leadership. The program runs about six months and she thinks it would be a highly beneficial program for Commission members to attend. The deadline has passed for the current program but Sisson will keep her eye out for the next one.

Chair Farrington reported during the annual report to Council that Council President Doug Morten advised the Commission of an upcoming conference from the League of Oregon Cities that the Commission may be interested in attending. The conference is being held September 27-29, 2018 in Eugene. She feels it could be beneficial for one of the Commissioners to attend or find out more information on it.

Motion: Commissioner Sisson moved to recommend that Commissioner Brooke or O'Hanlon attend the League of Oregon Cities conference. Commissioner Nickelson seconded. All in favor; none opposed; motion carries.

5.C Downtown Mural Project Recap

Commissioner Brooke reported the mural is finished and that everyone was invited to the reveal celebration on August 30, 2018 at 6 p.m. behind the Old School. She reported the expenses came down to just shy of the budget and they had received a last minute donation of \$100 that is going towards the reveal party. Brooke reported this program has had a lot of positive feedback in the community and more kids wanting to sign up.

Commissioner Sisson reported she had heard the community is looking for more projects for the kids and wanting more murals and feels this type of project meets both those requests and would like to see this happen again.

5.D This is Us: Insurance & update

Commissioner Sisson advised that Phase 1 of the This is Us St. Helens is complete. They did not hit the goal of 5,000 houses but did complete 3,634 house. The next steps they are working on is putting all the houses together so they can be displayed in the Rose Garden. The County requires insurance in order to put up the display. At the present time it is not covered by the City's insurance as the project is not a City owned project. They are now looking into who the owner of the art work will be to determine who can provide the insurance. Installation of the houses is aiming for mid November 2018.

5.E Subcommittee Changes: Update ACC Interview Subcommittee

The Commission reviewed and updated the attached ACC Subcommittee members and updated the Interview subcommittee to be Sisson, Brooke and O'Hanlon.

5.F Little Free Libraries Project

Vice Chair O'Hanlon reviewed the attached plan for the Little Fee Libraries. She reported Mr. Mauck, the St. Helens High School wood shop teacher, is having the students build the libraries. O'Hanlon will partner with the Columbia Arts Guild around finding people to paint the libraries with positive messaging then will work on placement.

5.G County Fair Wrap Up

Commissioner Brooke reported the award baskets were displayed in a glass case at the fair and Commissioner Nickelson and Brooke spent time judging all the art work. The winners were able to pick out their own prizes from the display case.

Commissioner Brooke advised the cost of \$240 was well spent and feels it would be a good amount for awards for next year if they continue.

5.H Trash Can Painting Wrap Up

Commissioner Brooke gave a huge thank you to David Brooke for his help and hard work lifting and moving the trash cans. The public was really excited and they had a lot of people vote on the trash cans. Chair Farrington inquired on the changes made to the award categories. Commissioner Nickelson advised they should re-think the categories for next year. Commissioner Brooke advised the option for people to win multiple awards was not well received and should change that next year as well.

Commissioner Brooke suggested next year that once cans are completed that they are set aside and that participants cannot come back to paint more. Commissioner Sisson suggested that parents supervise the kids painting the cans.

The Commission discussed possibly changing next year's rules to not allow walk-ins and only accept the applications that there were submitted and approved in advance.

5.I ACC Changes: Projects, subcommittees, commissioner availability

Chair Farrington will send all of the organizational files that she has completed during her time as Chair so everyone has them. Farrington asked the Commission to discuss how going forward they can bring more actives, enrolment and less behind the scene administrative tasks.

Commissioner Sisson reported by partnering with the City Recreation Program and the Arts Coffee and Conversation meetings it will help to bring in more community support and awareness. During her conversations with the public they bring forward a lot of project ideas but they do not understand the steps needed to take to make them happen. She suggested creating a PowerPoint or chart for the public to show them the process required to put on a project.

Commissioner Brooke requested that each Commission member take some time to think about how much time they have been putting into the Commission and how much time they can realistically put in going forward. She would also like them to email her what type of projects they enjoy doing.

6) Community News

Next Arts Conversation is September 27 at Wild Currant from 5 p.m. to 8 p.m.

7) Adjournment

The meeting was adjourned at 7:45 p.m.

City of St. Helens
Library Board

Minutes from Tuesday, August 23, 2018
St. Helens Public Library

Members Present

Mary Ellen Funderburg, Past Chair
Amanda Heynemann, Vice Chair
Leanne Murray, Chair
Heather Anderson-Bibler

Members Absent

Melisa Gaelrun-Maggi

Guests

Patrick Birkle

Councilors in Attendance

Staff Present

Margaret Jeffries, Library Director
Nicole Woodruff, Library Technician I
Dan Dieter, Library Board Secretary



CALL MEETING TO ORDER: The meeting was called to order at 7:22 pm by Chair Murray.

INVITATION TO CITIZENS FOR PUBLIC COMMENT: Patrick Birkle introduced himself as a prospective Library Board applicant.

PREVIOUS MEETING MINUTES: Minutes approved.

POSTING FOR LIBRARY BOARD VACANCY: Three applications have been received. The group discussed a plan to make a determination for the one vacancy that was posted. Kathy Paine will be consulted concerning the posting for two additional positions. The Sub-Committee will contact the applicants for interviews. Director Jeffries encouraged the Sub-committee to interview applicants here at the Library, and meeting spaces can be made available after 7:00pm if necessary. Chair Murray stated that she is available on weekends if that is an option.

LIBRARY DIRECTOR'S REPORT: *Facility Improvements:* Director Jeffries stated that the fresh coat of paint on the building exterior has had an overwhelmingly positive response. There is also a plan organized by the Arts and Culture Commission to repaint the outside book drops. Local high school art students will paint the book drops to look like a stack of books. The titles for the book art will be based on the results of a survey that is being conducted. Most of the survey responses are from the Library and City Facebook pages. Exit door and corresponding sidewalk are done. Security system will still need to be tied in. More security cameras will also be added, as well as an extra

monitor near the back door. The sprinkler system will have its 5 year inspection, and some upgrades will be made. Windows in the children's room are also due for some upgrades, allowing them to become emergency safety exits if needed. The hallway is cleaner at the moment. Smokers are going to be approached with the Rules of Conduct to help eliminate any smoking on the property. The new Police Chief will be hosting a monthly meeting here at the Library.

Conversation Project Programs: This program consists of hosting Conversation Project speakers here at the Library. The group discussed the list of possible topics and speakers for the upcoming year. In the past, the library has hosted 4 speakers, but this year only three will be scheduled due to timing with other programs. The possible schedule this year would be to host one in November (Higher Education), one in February (Free Country), and one in May (Crime and Punishment). There was a discussion about the cost of hosting a speaker who would have to travel from more than a 100 miles away, as that would require lodging. The topics are chosen based on how popular they might be.

Scappoose Public Library – Shared Catalog Project: Director Jeffries spoke with the City Council about the benefits of a shared catalog: 1 – broader access to local citizens; 2 – reduces costs by sharing licenses and cloud hosting; 3 – creates library infrastructure that is scalable, viz., that other libraries can join. This is close to the state of a 'County Wide' library system, which could lead to a system that can be funded as a County system. The Scappoose Library Director has some experience in starting county library systems. Director Jeffries is working on an inter-local agreement between the Scappoose Public Library Special District and the City of St. Helens Public Library. The agreement needs to be completed by November 2018. Other remaining work will consist of software conversion of records within the two systems, which can be worked out after the merge, policy and procedure updates, and migrating to the new web based form of the software.

Make It – STEM Programs: Director Jeffries, Councilor Conn and Youth Librarian Kolderup are working with Myronda Schiding at the Northwest Regional Education Service District to develop Science Technology Engineering and Math (STEM) programs. There is a possibility of obtaining funding for pilot program materials and perhaps an intern to help Kolderup with STEM programs. The group discussed the valuable work that Kolderup is doing in the community.

Program Statistics: Adult program statistics were presented. Total attendance for all of the participants for programs in the last fiscal year (2017/2018) was 1,703. The group discussed the breakdown of the statistics by program. Youth program statistics consisted of 176 programs on-site with 3,570 attendees and 114 programs off-site with 3,253 attendees, for a total of 290 programs with 6,823 attendees. The group discussed the data and it was explained that the statistics are for total attendance recorded. These statistics do not include circulation statistics, public computer sessions, or the number of participants who do not come into the library (use of hallway,

bathroom, etc.). The group discussed this unrecorded data as well as the unrecorded use of the building's Wi-Fi services that can be accessed in and around the building. The group discussed the possibility of counting overall use of the Columbia Center and using that data to talk about obtaining funding from the State Library or for securing grant funding. The group also discussed using more of the building for program space.

COUNCILOR'S REPORT: N/A.

FRIENDS' REPORT: N/A

BOARD MEMBER COMMENTS: The group discussed the Book Club schedule. The group discussed the Friends of the St. Helens Public Library book sale which is usually scheduled in the Fall. This year it will not be scheduled because there simply are not enough books to sell.

SUMMARIZE ACTION ITEMS: Chair Murray will check with Member Gaelrun-Maggi about possibly holding Library Board meetings on the second Monday of the month.

NEXT MEETING: The next regularly scheduled meeting will be Tuesday, September 18, 2018 at 7:15 p.m. in the Columbia Center Auditorium.

ADJOURNMENT: Chair Murray adjourned the meeting at 9:04 p.m.

✍

Respectfully submitted by:

Library Board Secretary, Dan Dieter

2018-2019 Library Board Attendance Record

P=Present E=Excused Absence U=Unexcused Absence

Date	Anderson-Bibler	Funderburg	Gaelrun-Maggi	Heynemann	Murray	VACANT	VACANT	VACANT	VACANT
07-19-2018	CANCELLED								
08-23-2018	P	P	E	P	P				
09-18-2018									
10-16-2018									
11-20-2018									
12-18-2018									
01-15-2019									
02-19-2019									
03-19-2019									
04-16-2019									
05-21-2019									
06-18-2019									

City of St. Helens
Consent Agenda for Approval

CITY COUNCIL MINUTES

Presented for approval on this 3rd day of October, 2018 are the following Council minutes:

2018

- Work Session, Executive Session, and Regular Session Minutes dated September 5, 2018

After Approval of Council Minutes:

- ☐ Scan as PDF Searchable
- ☐ Make one double-sided, hole-punched copy and send to Library Reference
- ☐ Minutes related to hearings and deliberations get copied to working file
- ☐ Save PDF in Minutes folder
- ☐ Update signature block on Word document in Granicus & Publish
- ☐ Copy Word document into Council minutes folder on Administration drive
- ☐ Update file name & signature block of Word ES document & copy in Admin drive
- ☐ Email minutes link to distribution list
- ☐ Add minutes to HP Trim
- ☐ File original in Vault
- ☐ Update minutes spreadsheet

City of St. Helens City Council

Work Session Minutes

September 5, 2018

Members Present: Mayor Rick Scholl
Council President Doug Morten
Councilor Ginny Carlson
Councilor Susan Conn
Councilor Keith Locke

Members Absent: None

Staff Present: John Walsh, City Administrator
Kathy Payne, City Recorder
Matt Brown, Finance Director
Sue Nelson, Public Works Engineering Director
Neal Sheppard, Public Works Operations Director
Brian Greenway, Police Chief
Sam Erskine, City Prosecutor
Amy Lindberg, Municipal Court Judge
Tina Curry, Event Manager

Others:

Agnes Petersen	Leah Tillotson	Morris Malakoff
Al Petersen	Nicole Thill	Ed Achziger
Kannikar Petersen	Andrea Lindberg	Alex R.
McKenzie Carlson	Kayla Lee	Kennedy Brown

1) **Call Work Session to Order - 1:00 p.m.**

2) **Visitor Comments - Limited to five (5) minutes per speaker**

- ◆ Agnes Petersen. She distributed and reviewed a packet of information referencing sections of the St. Helens Municipal Code. A copy is included in the archive meeting packet. Agnes suggests having our attorney attend meetings for legal advice. She referenced the section on how the Council is to handle a tie vote after a Planning Commission decision is appealed. It should have reverted back to the Planning Commission decision of denial.

Mayor Scholl responded that they held deliberations open to get legal advice. All parties were notified.

- ◆ Simon Date, McKenzie Carlson, Kayla Lee, and Kennedy Brown, representing St. Helens High School Girls Soccer team. They thanked the Council for their support and handed out team shirts and posters.
- ◆ Ed Achziger. He feels the City is remiss in handling handicap parking issues. Handicap parking is very limited downtown. Downtown activities often block handicap parking and then there's nowhere to park. There's no handicap parking in front of the theater. Kozy Korner only has one handicap spot at the very end by the bar. The Olde School has no

handicap parking. The fastest growing population is disabled people and need the access. He is requesting handicap parking in front of his apartment at 30 Cowlitz Street.

3) Discussion Topics

3.A Opposition to Proposed Barricade at Milton Way & Columbia Blvd. - Brian Gardner

Brian Gardner was in attendance to propose a different plan for the intersection at Milton Way and Columbia Blvd. A copy is included in the archive meeting packet. He suggests the speed be addressed in that area. It is only 20 MPH between the highway and S. 18th Street. He does not want access to be eliminated crossing Columbia Blvd. going south on Milton Way.

3.B Spirit of Halloweentown Activities Update - Tina

Event Manager Tina Curry was in attendance to give the Council an update.

- People are really excited about the wayfinding signs that will be going up around town.
- Thanked Cascadia Home Loans for sponsoring the new map.
- Drake's Towing wants to know how he can become the official towing company for St. Helens. His tow yard is outside City limits but his operating office is inside the City. Discussion ensued. Council directed staff to move forward with a draft RFP.
- 13 Nights on the River
 - They are close to being in the black for the first time in about three years.
 - She has received comments from people who really liked the different band line-up this year.
 - Had to repair some of the equipment that was not working.
 - Follow-up vendor meeting next week.
 - Next year they will have dancers representing different nonprofits competing to win a donation for their cause. That will encourage people to start dancing.
 - Work with the Recreation Program to have activities for teens in the Courthouse Plaza.
- Spirit of Halloweentown
 - Working with various nonprofits to be vendors and help with parking.
 - Stephanie Patterson is no longer the SHEDCO liaison. She has been busy organizing the vendor area and coordinating the coin challenge.
 - Public Works is preparing to help.
 - The Festival of the Fairies passes are the number one seller. New props and actors are coming, including two actors from Grimm.
 - Spreading out the celebrity involvement over multiple weekends, including the cast from Halloweentown.
 - Kalabar from Halloweentown will be officiating a wedding on the last weekend.
 - The complete agenda is on www.discovercolumbiacounty.com.
 - Uptown merchants
 - Museum is moving to the Chamber building.
 - Using the shuttle seven days a week to transport visitors uptown to participate in the coin challenge and shop.
 - Adding to the experience of the alien crash.
 - Reaching out to national media.

3.C 4th Quarter Financial Report - Matt

Finance Director Brown reviewed the Financial report. A copy is included in the archive meeting packet.

3.D 4th Quarter Municipal Court Report - Matt

Finance Director Brown reviewed the Municipal Court report. A copy is included in the archive meeting packet. Brown pointed out that the Council will see changes on the next report based on a new judge and new prosecutor. Councilor Carlson pointed out the need for Court staff to participate in the CIT training. Chief Greenway will follow-up on that need with the CIT coordinator. Councilor Locke would like to move forward on coordinating meetings with local judges and law enforcement.

Discussion about speeding through residential areas. Chief Greenway talked about his goal to make St. Helens the safest community in America. That starts with the community following traffic laws. He has informed his officers that they don't have to issue citations every time but they need to educate and share their goal.

3.E Review New Job Description for Youth Program Lead - Matt

Finance Director Brown reviewed the Youth Program Lead job announcement and description. A copy is included in the archive meeting packet. Almost 20 students have expressed interest and registered for the after school program at Lewis and Clark Elementary School. The program is set to start in October. As far as expenses, they will break even at 5.2 kids. He elaborated on expenses and revenue. He hopes to create a sustainable program. They are looking into grants and scholarships for families unable to afford the service.

3.F Assignment of Voting Delegate & Alternate for LOC Conference

Council President Morten volunteered to be the voting delegate and Mayor Scholl volunteered to be the alternate.

4) Department Reports

Police Chief Greenway reported...

- The first First Thursday meeting will be held October 4 at 7 p.m. in the Columbia Center Auditorium. This is an opportunity for the community to meet officers, discuss a topic, and have time for questions and answers.
- Attended the first Spirit of Halloweentown public safety meeting two weeks ago. They are ready for October. He, Lt. Hogue, and Tina Curry will meet tomorrow to review a detailed plan.
- St. Helens School District has donated a trailer to the City. He is working with Brown and Walsh to move the trailer from the school property to the Police Department. The size of the police station is detrimental to operations and service. It is a temporary fix. Brown anticipates October or November to move the trailer. He is gathering quotes now.
- The CIT grant was extended.
- The body-worn camera contract is up for renewal. The contract is on tonight's agenda for approval.

Public Works Engineering Director Nelson reported...

- Public comment was received earlier tonight for additional ADA compliant parking spaces. The City does add those when the opportunity is there. However, they have to meet certain width and loading requirements. Over the last two years, seven handicap parking spaces have been added in the area between the Plaza and the end of Strand.
- Brian Gardner expressed concerns about a proposed barricade at Milton Way and Columbia Blvd. That was a recommendation from the 2011 Transportation System Plan based on comments from the public and Council. It does not mean that it will happen

and can't be changed. There are no plans to make changes to that intersection at this time. They will seek public input if they decide to change it. Council directed staff to look into the legal information Brian submitted about changing the use of the right-of-way.

Discussion of parking stripes being the wrong direction in front of the Chamber building.

Public Works Operations Director Sheppard reported...

- There are no handicap spaces at the Olde School because the front is not handicap accessible. The handicap spaces are on the side of the building where the handicap access is located.
- The plumbing was installed today for the restroom at Grey Cliffs Park.

Judge Lindgren and Prosecutor Erskine reported...

- Updated the Council on what has been happening since they started in July.
 - Reviewed current policies.
 - Separated court and prosecutor files.
 - Tackling the backlog.
 - Seeking defense attorneys.
 - Working with the Police Department. Sgt. Eustice is the Court liaison.
 - Reviewing presumptive fines. City assessments were prohibited by a House Bill in 2011.
 - Court will be changing to Mondays and Thursdays in October.
 - Have been meeting with local contacts.

Finance Director Brown reported...

- Update on the FARA building. The roof needs to be done before winter. The lowest bid was \$18,000. Flooring, doors, windows, landscaping, siding, painting, and parking also need to be done. Discussion needs to be had about the use of the building; recreation center, event rental space, partner agency space for meetings, etc. His goal for funding the improvements is grants. Mark Comfort will be helping with some of the projects.

City Recorder Payne reported...

- The November 21 Council meeting is the day before Thanksgiving. Discussion ensued about changing the meeting date. The Council concurred to cancel that date and schedule a special work session for November 15 at 1 p.m., directly followed by the regular session.

City Administrator Walsh reported...

- The alien crash landing site story will be a great addition to Spirit of Halloweentown.
- Out of 14 submittals from Oregon, Senator Wyden and Senator Merkley have selected St. Helens as one of their top picks to move forward in the Build Transportation federal grant. It continues to look encouraging.
- The funding for the lagoon project is moving forward.
- Participating in the regional tourism initiative.
- Casey Wheeler has asked if the City wants to sponsor a team for the Barbara Bullis golf tournament. Parks Commissioner Jerry Belcher has stepped up as the fourth.
- Urban Renewal meeting tonight at 6:30 p.m.
- Working with Tokola Properties on pre-development. The grant is an additional incentive for their project.

5) Council Reports

Councilor Locke reported...

- Attended the cannabis summit held by the State a couple weeks ago. They talked about limiting permits. Right now there is an over production. It could be detrimental to the City.
- Someone is interested in renting an office space on the Mill site. ACSP has shown interest but he's not sure when. The person interested is working with Cascades. Locke told him to submit a proposal and he may be able use it temporarily.
- Chief Greenway talked about the First Thursday meetings. He mentioned seeking sponsors to provides cookies and drinks. Locke suggested Council discretionary funds to help pay for that. No objection from Council.

Councilor Carlson reported...

- Chief Greenway talked about being a safe community. She has recently seen a campaign with signs marked "20 is Plenty" in residential areas around Portland, Tigard, and Gresham. She would like to find out more information about that safety campaign. Council President Morten suggested the Parks & Trails Commission discuss that at their next meeting.

Councilor Conn reported...

- Scarecrow contest information will be distributed this week and next.
- She was recently appointed to the Chamber of Commerce Board representing the City. They moved their meeting to today at 3 p.m., so she is missing her first meeting.
- Recently toured the County parks with the Regional Tourism Group. She was amazed at the fantastic recreational opportunities that already exist.
- She wrote two letters of support for art project grants. She hopes to see more community involvement in the arts.
- Morten suggested that the Arts & Cultural Commission (ACC) send two of their members to the LOC Conference. Council was in consensus to pay the registration fee for two ACC members.
- Attended the Economic Development Summit. They discussed cannabis, climate change, and education.
- Has been invited to attend the regional CIT conference, October 9-12 in Kennewick, Washington. Council was in consensus to approve her attendance.

Council President Morten reported...

- Patrick Birkle testified about the desire to move work sessions to the evening to allow more community members to participate. Morten agreed and would like to see it change. He suggested a public forum to hear what the community thinks about changing it.
- The FARA building needs upgrades, including landscape. He also noticed the Cascade Tissue sign across the street with dead trees leaning against it. Something has to happen to the sign. It's our Industrial Park. Cascade Tissue is a leasee.
- The Grey Cliffs Park restroom is really going to help the kayak and canoe launch area.
- He is crossing his fingers that the weather holds out for the Veterans Park construction. The target date is Veterans Day, 11/11 at 11 a.m.
- Took a tour of Sand Island on Monday afternoon. It is clean, clean, clean. The yacht club that was there really did a lot of clean-up work. Kudos to them.

Mayor Scholl reported...

- The City/County dinner was excellent. Columbia County is working together cohesively and moving forward as a whole.
- He suggested holding a “meet the Council” once per quarter. He’s concerned about moving work sessions later in the evening, making for a much later night.

6) **Other Business**

7) **Adjourn** – 3:26 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor

City of St. Helens

CITY COUNCIL

Executive Session Summary

September 5, 2018

Members Present: Rick Scholl, Mayor
Doug Morten, Council President
Keith Locke, Councilor
Susan Conn, Councilor
Ginny Carlson, Councilor

Staff Present: John Walsh, City Administrator
Matt Brown, Finance Director
Kathy Payne, City Recorder
Sue Nelson, PW Engineering Director

Others: Nicole Thill, Spotlight
Morris Malakoff, Chronicle
Tim Ramis, City Attorney
Alex Reverman, ACSP
Mick Longo (by phone)
Shaun Land (by phone)



Mayor Scholl opened the Executive Session at 3:30 p.m. and gave Council roll call.

The Council met in Executive Session pursuant to ORS 192.660(2)(e) Real Property Transactions to discuss various topics concerning City-owned properties and ORS 192.660(2)(h) Consult with Counsel/Potential Litigation.

Meeting was suspended at 3:37 p.m. and moved upstairs to the conference room because it was reported to us that the Granicus stream was live and viewers could see and hear what was being discussed. We later discovered that the Granicus feed is 24/7.

The Executive Session was adjourned at 4:14 p.m.



ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor

City of St. Helens City Council

Regular Session Minutes

September 5, 2018

Members Present: Mayor Rick Scholl
Council President Doug Morten
Councilor Ginny Carlson
Councilor Susan Conn
Councilor Keith Locke

Members Absent: None

Staff Present: John Walsh, City Administrator
Kathy Payne, City Recorder
Matt Brown, Finance Director
Neal Sheppeard, Public Works Operation Director
Sue Nelson, Public Works Engineering Director
Brian Greenway, Police Chief

Others:

Dan G.	Patrick Birkle	Shauna Harrison
Danna G.	Kristina Saul	Steve Topaz
Alana Saul	Nicole Thill	Morris Malakoff
Haley	Waylon	

1) **Call Regular Session to Order - 7:00 p.m.**

2) **Pledge of Allegiance**

3) **Visitor Comments**

- ◆ Alana Saul, Haley, and Waylon, representing the St. Helens High School Band Program. They are seeking sponsors for the Band Program shirts. They wear the sponsor shirts as a unified group. The sponsorships help fund the program, which reduces the amount each student pays out of pocket. They are requesting the City sponsor their shirts with their logo or the Spirit of Halloweentown logo. The sponsorship cost is \$175. It includes the logo on their shirts and on a display board that goes with them to every competition.

Council President Morten encouraged the Band Program to attend the Veteran's Day event, Christmas Tree lighting, 13 Nights on the River, etc.

- ◆ Kristina Saul, Band Patrons Public Relations Officer. The band program has increased this year by 30 students, which includes middle school and high school. The kids work hard fundraising all year long. They can't guarantee they will be at all the City events. However, the current shirts went to California this year. They will promote the City wherever they go.

Motion: Locke moved to donate \$175 from Council expenses to sponsor the Band Program. Carlson seconded.

Discussion. Mayor Scholl would like to donate \$250. Morten suggested \$350 to use both logos.

Amended Motion: Upon Locke's motion and Carlson's second, the Council unanimously donated \$350 from Council expenses to the St. Helens Band Program for two sponsorships, one for the City logo and one for the Spirit of Halloweentown logo.

- ◆ Steve Topaz. Statements were made in reference to House Bill 2950 about the grant for the Veneer property. He talked about fill that was put into the Frogmore Slough in the 1950's and 60's. He is concerned with the toxic waste in the area. He wants to know what the City is planning to do with the lagoon. He states that it cannot be built on from a hazardous point of view.

Discussion ensued about the concept drawings. Councilor Conn argued that it is not hazardous waste. City Administrator Walsh explained that the purpose of the funding request is to do the feasibility work to answer questions about the site characterization, geotechnical issues, and if it can be done safely.

- ◆ Shauna Harrison. Asked if Plymouth Street ever went completely through to the mill property.

Mayor Scholl confirmed it did and can if the gate is open. Councilor Carlson added that the Connector Plan proposes to connect it through. It currently does not meet safety standards on the mill property.

Shauna asked if DEQ stated that the Slough is not toxic. Councilor Conn said no, they are working on a feasibility study with DEQ. Discussed ensued on sludge. It's now the City's responsibility to clean up the lagoon.

Mayor Scholl reported that the Council is considering holding a quarterly open session for citizens to come in and ask questions of staff and Council.

- ◆ Steve Topaz. His suggestions of what should be done with the lagoon: The lagoon water level is about 25 feet above the river level. The old Frogmore Slough is river level. He proposes removing all the water, river sediment, and return the Frogmore Slough to river level and turn the whole thing into a large marina. He would pull out the PVC plastic liner, toxic waste, and the industrial waste from the paper mill. He elaborated on what he would do and the existing conditions.
- ◆ Patrick Birkle.
 - Thanked the City for the work done at Grey Cliffs Park; including the restrooms and river accessibility.
 - Kudos to the Lions Club for maintaining the par course in McCormick Park.
 - He was glad to hear about the possibility of quarterly meet n' greets with the Council. He encouraged the Council to include updates about the Waterfront property in social media posts and the newsletter.
 - Is it time for the City to add staff who can help the City pay attention to administrative and legal issues? Councilor Carlson could potentially be the only one left after this year's election. Patrick believes that all the staff do their best

and do a good job. Walsh has done a lot of great work to help St. Helens become what it can be but he can't do it all.

Mayor Scholl confirmed that they have been discussing hiring a Community Development Director. The Urban Renewal Agency projects would benefit from that.

4) **Ordinances - First Reading**

- 4.a Ordinance No. 3229: An Ordinance Creating the Parks and Trails Commission, Adopting Regulations Therefore and Repealing St. Helens Municipal Code Chapters 2.16 and 2.64
- 4.b Ordinance No. 3231: An Ordinance to Amend the City of St. Helens Comprehensive Plan Map for Certain Property from the Suburban Residential (SR) Designation to the Highway Commercial (HC) Designation and the Zoning District Map from the Moderate Residential (R7) Zone to the Highway Commercial (HC) Zone
- 4.c Ordinance No. 3232: An Ordinance Amending the St. Helens Municipal Code Chapters 17.16, 17.24, 17.32, 17.96, 17.108, 17.120, and 17.128

Mayor Scholl read Ordinance No. 3229, 3231, and 3232 by title for the first time. The final reading will be held at the next regular session.

5) **Resolutions**

- 5.a Resolution No. 1827: A Resolution of the Common Council of the City of St. Helens, Oregon, Adopting a City Employee Compensation Plan for Fiscal Year Beginning July 1, 2018

Motion: Conn moved to adopt Resolution No. 1827. Carlson seconded.

Discussion. Council President Morten asked staff to elaborate. Walsh explained that it includes the cost of living adjustments. Councilor Locke asked if any of the salary ranges have been adjusted, other than the normal raise. Walsh responded that it includes the reclassification of a Planner.

Vote:: Scholl, Carlson, Conn, Locke, Morten in favor; none opposed; motion carries.

6) **Award Bid/Contract**

- 6.a 3 Kings Environmental, Inc. for Concrete at McCormick Park Veterans' Memorial Expansion in the Amount of \$52,000
- 6.b Pacific Stainless Products, Inc. & Web Steel Buildings NW for Covered Shelter at McCormick Park Veterans' Memorial Expansion in the Amount of \$17,030
- 6.c Columbia NW Heating & Cooling for New Heating/Cooling System Upstairs at City Hall in the Amount of \$10,447.28

Motion: Locke moved to award the bids for '6a' through '6c' as written. Carlson seconded.

Discussion. Council President Morten asked for an explanation of '6a' and '6b.' Nelson explained that 3 Kings Environmental, Inc. submitted the only bid for the concrete; however, it came in way over budget. They worked with the City to make adjustments and reduce the cost. Discussion ensued about the concrete. Morten wants to ensure that the coloring will not vary and the concrete will not crack. Nelson explained that Pacific Stainless Projects, Inc. will be

providing the beams and columns for the shelter. They provided a very cost effective price. The roofing material will come from Web Steel Buildings NW.

Vote: All in favor; none opposed; motion carries.

7) Approve and/or Authorize for Signature

- 7.a Memorandum of Understanding with AFSCME Regarding Part-time Recreation Coordinator Position
- 7.b Quote from Axon Enterprise, Inc. for Police Body Cameras
- 7.c Extension of Agreement with CCMH for Crisis Intervention Team Coordinator
- 7.d Request for Proposals for Flex Court Installation at McCormick Park

Motion: Upon Carlson's motion and Conn's second, the Council unanimously approved '7a' through '7d' above.

8) Appointments to Boards/Commissions

- 8.a Appointments to City Boards & Commissions

Motion: Upon Conn's motion and Carlson's second, the Council unanimously reappointed Kimberly O'Hanlon and Lisa Brooke to the Arts & Cultural Commission.

9) Consent Agenda for Acceptance

- 9.a Parks Commission Minutes dated June 11, 2018
- 9.b Planning Commission Minutes dated July 10, 2018
- 9.c Library Board Minutes dated June 19, 2018
- 9.d Arts & Cultural Commission Minutes dated May 22 and June 18, 2018

Motion: Upon Conn's motion and Locke's second, the Council unanimously accepted '9a' through '9d' above.

10) Consent Agenda for Approval

- 10.a Youth Program Lead Job Description
- 10.b Exclusive Use Permit: Women's Softball at Campbell Park Fields 1&2
- 10.c Exclusive Use Permit: Girls' Softball at Campbell Park Field 1
- 10.d Street Closure - Spirit of Halloweentown Activities
- 10.e Accounts Payable Bill Lists

Motion: Morten moved to approve '10a' through '10e' above. Conn seconded.

Discussion. Councilor Carlson said there were community questions last year about Spirit of Halloweentown street closures. She does not feel they need to be closed all day on the weekends. She asked what the parameter of the closures are this year. Locke pointed out the closures in the packets, Friday at 11 p.m. through Sunday at 6 p.m. Sheppard pointed out that the closures are to prevent a stack of cars parking in there and not being able to get out later. Chief Greenway suggested posting signs for intermittent closures. Walsh added that parking passes will be issued to residents in the area. They can open it if it creates problems. Council directed staff to reach out to local residents to make sure they can get to their homes.

Vote: All in favor; none opposed; motion carries.

11) Mayor Scholl Reports

- He suggests the Council hold a quarterly community meeting. Discussion ensued.
- There has been lots of inner collaboration and networking that is really paying dividends.
- He will be at the Scappoose Veterans' Park this Saturday for the dog show.

12) **Council Member Reports**

Council President Morten reported...

- Happy to see youth attend the work session and regular session meetings today.
- Good news! A potential buyer is looking at the Armstrong property.
- Congratulated the staff for responding to citizen testimony either at the time or later in the meeting.
- Michael Curry is an international icon from our county. They are missing an opportunity by not including his products in Spirit of Halloweentown.

Councilor Conn reported...

- Agree with collaboration of community partners. A lot more can be done with fewer resources.
- The City/County quarterly dinner was one of the best we have had.

Councilor Locke reported...

- Sorry to miss the City/County quarterly dinner. He heard it was good.
- Talked to people at his doctor's office yesterday about the waterfront property development. They were very interested in its progress.
- He would like Spirit of Halloweentown to focus on Halloween. They have a great opportunity to capitalize on it so they don't lose it.
- Asked if the Police Department is short staffed. Greenway responded that one officer left St. Helens for Columbia County. Code Enforcement Officer Adam Hartless has been promoted to Police Officer. A background check is being conducted for another officer. As of right now, they are full.

Councilor Carlson reported...

- Agreed with what's been said about community partnerships. She appreciates all the work that has been done.

13) **Department Reports**

Chief Greenway reported...

- Nothing to report.

Public Works Engineering Director Nelson reported...

- Thanked the Council for approving the new heating and cooling unit!

Public Works Operations Director Sheppard reported...

- Pacific Stainless Products recently made sinks for Campbell Park for half the cost of what they could get anywhere else.

Finance Director Brown reported...

- Nothing to report.

City Recorder Payne reported...

- Nothing to report.

City Administrator Walsh reported...

- Exciting projects coming up:
 - Veteran's Plaza
 - Waterfront property

14) **Other Business**

15) **Adjourn** – 8:10 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor


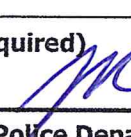
PETITION FOR TEMPORARY CLOSURE OF CITY STREET(S)

You must attach a map of street area to be closed.

I/we, the undersigned, request that the St. Helens City Council allow temporary closure of the following streets.

Street Closure #1			
Street Name	Columbia Blvd		
Beginning Point	Chamber	Ending Point	1 st St
Start Date	10-6-18	End Date	10-6-18
Time to Begin Closure	5:45 pm	Time to Reopen	7:00 pm
Purpose of Closure	Parade - Halloween		
Street Closure #2			
Street Name	1 st St.		
Beginning Point	1 st + 6 th	Ending Point	Deadernd - Veneer Prop.
Start Date	10-6-2018	End Date	10-6-2018
Time to Begin Closure	5:45	Time to Reopen	7:00 pm
Purpose of Closure	Parade - Halloween		
Street Closure #3			
Street Name	Milton Way		
Beginning Point	St Helens Street	Ending Point	Columbia Blvd
Start Date	10-6-2018	End Date	10-6-2018
Time to Begin Closure	5:45 pm	Time to Reopen	7:00 pm
Purpose of Closure			

Approval of emergency responders: (required)

	<u>9/10/18</u>		<u>09/11/18</u>	<u>see next page</u>	
Fire District	Date	Police Department	Date	Public Works	Date
270 Columbia Blvd.	503-397-2990	150 S. 13 th St.	503-397-3333	984 Oregon St.	503-397-3532

DECLARATION

I/we understand that any barricades or other devices to close off the street must be provided at my (our) expense or may be provided by the City at my/our expense for specific times and dates. I/we also understand that arrangements for placement of barricades/devices must be made with the Public Works Department (503.397.3532). I/we certify that I/we have notified all affected property owners, business owners and/or tenants in person or in writing of my/our intent to close the street/s listed above and that written consents of each are attached. It is my/our belief that there are no major conflicts with this closure.

Petitioner Signature See next page Date Signed _____

Print Name _____ Phone _____

Mailing Address _____ City, State, Zip _____

Petitioner Signature _____ Date Signed _____

Print Name _____ Phone _____

Mailing Address _____ City, State, Zip _____

FOR OFFICIAL USE ONLY

Date Rec'd _____ Rec'd by _____ Date sent to CC 10/3/18 City Council ☐ Approved ☐ Denied Meeting date _____

Attested _____, City Administrator Date _____

January 2018

10

13233 Rev 1/17

PETITION FOR TEMPORARY CLOSURE OF CITY STREET(S)

You must attach a map of street area to be closed.

I/we, the undersigned, request that the St. Helens City Council allow temporary closure of the following streets.

Street Closure #1			
Street Name	Columbia Blvd		
Beginning Point	Chamber	Ending Point	1st St
Start Date	10-6-18	End Date	10-6-18
Time to Begin Closure	5:45 pm	Time to Reopen	7:00 pm
Purpose of Closure	Parade - Halloween		
Street Closure #2			
Street Name	1st St		
Beginning Point	1st + Loc	Ending Point	Deasens-Veneer Prop.
Start Date	10-6-2018	End Date	10-6-2018
Time to Begin Closure	5:45	Time to Reopen	7:00pm
Purpose of Closure	Parade - Halloween		
Street Closure #3			
Street Name	Milton Way		
Beginning Point	St Helens Street	Ending Point	Columbia Blvd
Start Date	10-6-2018	End Date	10-6-2018
Time to Begin Closure	5:45 pm	Time to Reopen	7:00 pm
Purpose of Closure			

Approval of emergency responders: (required)

Fire District
270 Columbia Blvd.
503-397-2990

Police Department
150 S. 13th St.
503-397-3333

Public Works
984 Oregon St.
503-397-3332
9-10-18
314

DECLARATION

I/we understand that any barricades or other devices to close off the street must be provided at my (our) expense or may be provided by the City at my/our expense for specific times and dates. I/we also understand that arrangements for placement of barricades/devices must be made with the Public Works Department (503.397.3532). I/we certify that I/we have notified all affected property owners, business owners and/or tenants in person or in writing of my/our intent to close the street/s listed above and that written consents of each are attached. It is my/our belief that there are no major conflicts with this closure.

Petitioner Signature _____ Date Signed _____
 Print Name _____ Phone _____
 Mailing Address _____ City, State, Zip _____
 Petitioner Signature _____ Date Signed _____
 Print Name _____ Phone _____
 Mailing Address _____ City, State, Zip _____

FOR OFFICIAL USE ONLY

Date Rec'd _____ Rec'd by _____ Date sent to CC _____ City Council ☐ Approved ☐ Denied Meeting date _____
 Attested _____ City Administrator Date _____

January 2018

19

PETITION FOR TEMPORARY CLOSURE OF CITY STREET(S)

You must attach a map of street area to be closed.

I/we, the undersigned, request that the St. Helens City Council allow temporary closure of the following streets.

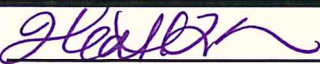
Street Closure #1			
Street Name	Columbia Blvd		
Beginning Point	Chamber	Ending Point	1st St.
Start Date	10-6-2018	End Date	10-6-2018
Time to Begin Closure	5:45p.	Time to Reopen	7:00p.
Purpose of Closure	Parade - Halloween		
Street Closure #2			
Street Name	18th St.		
Beginning Point	1st & 100	Ending Point	Dead end - Vaneer Plant
Start Date	10-6-2018	End Date	10-6-2018
Time to Begin Closure	5:45	Time to Reopen	7:00p.
Purpose of Closure	Parade - Halloween		
Street Closure #3			
Street Name			
Beginning Point		Ending Point	
Start Date		End Date	
Time to Begin Closure		Time to Reopen	
Purpose of Closure			

Approval of emergency responders: (required)

	8-20-18		8-21-18
Fire District	Date	Police Department	Date
270 Columbia Blvd.	503-397-2990	150 S. 13th St.	503-397-3333
		Public Works	Date
		984 Oregon St.	503-397-3532

DECLARATION

I/we understand that any barricades or other devices to close off the street must be provided at my (our) expense or may be provided by the City at my/our expense for specific times and dates. I/we also understand that arrangements for placement of barricades/devices must be made with the Public Works Department (503.397.3532). I/we certify that I/we have notified all affected property owners, business owners and/or tenants in person or in writing of my/our intent to close the street/s listed above and that written consents of each are attached. It is my/our belief that there are no major conflicts with this closure.

Petitioner Signature 	Date Signed 8-28-18
Print Name <u>Heather Eppes</u>	Phone <u>(503) 396-0081</u>
Mailing Address <u>1631 Col. Blvd St Helens</u>	City, State, Zip <u>St Helens, OR 97051</u>
Petitioner Signature _____	Date Signed _____
Print Name _____	Phone _____
Mailing Address _____	City, State, Zip _____

FOR OFFICIAL USE ONLY

Date Rec'd _____ Rec'd by _____ Date sent to CC _____ City Council ☐ Approved ☐ Denied Meeting date _____

Attested _____, City Administrator Date _____

CITY STREET CLOSURE CONSENT FORM

Applicant must take this form to each affected business for consent signatures.

Applicant HEATHER EPPERLY AGENCY Phone 503-397-2033
 Name of Event THE BIG HALLOWEEN PARADE Date(s) of Event 10/6/18 Time(s) 6:00pm
 Street(s) to be closed for event COLUMBIA BLVD. AND 1ST ST.

The following affected businesses/individuals have been contacted and informed of the event listed above and have marked whether they consent or not to the closure of the street(s) listed above on the date(s) listed above:

Business name <u>BELLA MAISON</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>NOT OPEN</u> Printed name <u>DURING PARADE</u> Date signed _____
Business name <u>WIGGIE BUTZ</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>NOT OPEN</u> Printed name <u>DURING PARADE</u> Date signed _____
Business name <u>LADY J</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>NOT OPEN</u> Printed name <u>DURING PARADE</u> Date signed _____
Business name <u>FASHION MUSTIQUE</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>CLOSED</u> Printed name <u>FOR RENT</u> Date signed _____

Business name <u>NAPA AUTO PARTS</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>CLOSED DURING</u> Printed name <u>PARADE</u> Date signed _____
Business name <u>BERTUCCI'S</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>CLOSED DURING</u> Printed name <u>PARADE</u> Date signed _____
Business name <u>HER BLOCK</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>CLOSES @ 2pm</u> Printed name _____ Date signed _____
Business name <u>EMMERT MOTORS</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name <u>Michael Emmert</u> Date signed <u>8/24/2018</u>

**Return this to City Hall with your
 Petition for Temporary Closure of City Street(s)**

CITY STREET CLOSURE CONSENT FORM

Applicant must take this form to each affected business for consent signatures.

Applicant Heather Eppern Agency Inc Phone _____
 Name of Event The Big Halloween Parade Date(s) of Event 10-6-18 Time(s) 6pm
 Street(s) to be closed for event Col. Blvd 1st St.

The following affected businesses/individuals have been contacted and informed of the event listed above and have marked whether they consent or not to the closure of the street(s) listed above on the date(s) listed above:

Business name <u>The Chronicle</u> <input type="checkbox"/> I/We consent to street closure <input checked="" type="checkbox"/> I/We DO NOT consent to street closure Signature <u>not open during parade</u> Printed name _____ Date signed _____
Business name <u>Diane Formis</u> <input type="checkbox"/> I/We consent to street closure <input checked="" type="checkbox"/> I/We DO NOT consent to street closure Signature <u>not open during parade</u> Printed name _____ Date signed _____
Business name <u>Lavita Bela</u> <input type="checkbox"/> I/We consent to street closure <input checked="" type="checkbox"/> I/We DO NOT consent to street closure Signature <u>not open during parade</u> Printed name _____ Date signed _____
Business name <u>Harrington</u> <input type="checkbox"/> I/We consent to street closure <input checked="" type="checkbox"/> I/We DO NOT consent to street closure Signature <u>not open during parade</u> Printed name _____ Date signed _____

Business name <u>Chase bank</u> <input type="checkbox"/> I/We consent to street closure <input checked="" type="checkbox"/> I/We DO NOT consent to street closure Signature <u>closed during parade</u> Printed name _____ Date signed _____
Business name <u>Richardson</u> <input type="checkbox"/> I/We consent to street closure <input checked="" type="checkbox"/> I/We DO NOT consent to street closure Signature <u>not open during parade</u> Printed name _____ Date signed _____
Business name <u>Sunshine Pizza (Todd)</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>Todd Stansbury</u> Printed name <u>Todd Stansbury</u> Date signed <u>8-24-18</u>
Business name <u>Domino's</u> <input type="checkbox"/> I/We consent to street closure <input checked="" type="checkbox"/> I/We DO NOT consent to street closure Signature <u>no one available to</u> Printed name <u>Sign left card</u> Date signed <u>to call</u>

**Return this to City Hall with your
 Petition for Temporary Closure of City Street(s)**

CITY STREET CLOSURE CONSENT FORM

Applicant must take this form to each affected business for consent signatures.

Applicant Heather Eppens Agency, Inc Phone _____
 Name of Event The Big Halloween Date(s) of Event 10.6.18 Time(s) 6pm
 Street(s) to be closed for event Col Blvd / 1st St

The following affected businesses/individuals have been contacted and informed of the event listed above and have marked whether they consent or not to the closure of the street(s) listed above on the date(s) listed above:

Business name <u>M. Lyaro</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>none circalable</u> Printed name <u>Up card</u> Date signed _____
Business name <u>Dari Delish</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>Terri Coddington</u> Printed name <u>Terri Coddington</u> Date signed <u>8-23-18</u>
Business name <u>Higan Hamutn</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>used</u> Printed name _____ Date signed _____
Business name <u>Post Offic</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>closed</u> Printed name _____ Date signed _____

Business name <u>Hob Nob</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name <u>no</u> Date signed _____
Business name <u>Red Apple</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>Josh BLM</u> Printed name <u>Josh BLM</u> Date signed <u>8-27-18</u>
Business name <u>Chichago Sub</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>Closed during parade</u> Printed name _____ Date signed _____
Business name <u>Columbia Theatre</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____

**Return this to City Hall with your
 Petition for Temporary Closure of City Street(s)**

CITY STREET CLOSURE CONSENT FORM

Applicant must take this form to each affected business for consent signatures.

Applicant _____ Phone _____
 Name of Event _____ Date(s) of Event _____ Time(s) _____
 Street(s) to be closed for event _____

The following affected businesses/individuals have been contacted and informed of the event listed above and have marked whether they consent or not to the closure of the street(s) listed above on the date(s) listed above:

Business name <u>ROUTE 30 LIQUIDATORS</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>NOT OPEN DURING</u> Printed name <u>PARADE</u> Date signed _____
Business name <u>TOP NOTCH THRIFT STORE</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>NOT OPEN DURING</u> Printed name <u>PARADE</u> Date signed _____
Business name <u>EATONS</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>CLOSED DURING</u> Printed name <u>PARADE</u> Date signed _____
Business name <u>Dou side</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>CH</u> Printed name <u>Chelsea Hamilton</u> Date signed <u>8/28/18</u>

Business name <u>past time</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____
Business name <u>Liquor Store</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>Dou Stokes</u> Printed name <u>DOUL STOKES</u> Date signed <u>8-28-18</u>
Business name <u>Kory</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____
Business name _____ <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____

**Return this to City Hall with your
 Petition for Temporary Closure of City Street(s)**

CITY STREET CLOSURE CONSENT FORM

Applicant must take this form to each affected business for consent signatures.

Applicant Heather Epperly Agency Phone (503) 397-2033
 Name of Event The Big Halloween Parade Date(s) of Event 10-06-18 Time(s) 6 pm
 Street(s) to be closed for event Columbia Blvd. and 1st

The following affected businesses/individuals have been contacted and informed of the event listed above and have marked whether they consent or not to the closure of the street(s) listed above on the date(s) listed above:

Business name SWEET RELIEF ST. HELENS
☒ I/We consent to street closure
☐ I/We DO NOT consent to street closure
 Signature [Signature]
 Printed name NATHALEE WORMES
 Date signed 8/23/18

Business name Pastime Tavern
☒ I/We consent to street closure
☐ I/We DO NOT consent to street closure
 Signature [Signature]
 Printed name Sheryl L Thomas
 Date signed 8/23/18

Business name Vanderwall's Vendormall
☒ I/We consent to street closure
☐ I/We DO NOT consent to street closure
 Signature [Signature]
 Printed name Christina Rice
 Date signed 8-23-18

Business name Mail Boxes NW
☐ I/We consent to street closure
☒ I/We DO NOT consent to street closure
 Signature Closed
 Printed name _____
 Date signed _____

Business name El Tapatio Rest
☒ I/We consent to street closure
☒ I/We DO NOT consent to street closure
 Signature [Signature]
 Printed name Estela Alcaraz
 Date signed 08/23/2018

Business name DR Garrison
☐ I/We consent to street closure
☒ I/We DO NOT consent to street closure
 Signature Closed
 Printed name _____
 Date signed _____

Business name Farmers
☐ I/We consent to street closure
☒ I/We DO NOT consent to street closure
 Signature Closed
 Printed name _____
 Date signed _____

Business name GW Cornutt & Associates
☐ I/We consent to street closure
☒ I/We DO NOT consent to street closure
 Signature Closed
 Printed name _____
 Date signed _____

**Return this to City Hall with your
 Petition for Temporary Closure of City Street(s)**

CITY STREET CLOSURE CONSENT FORM

Applicant must take this form to each affected business for consent signatures.

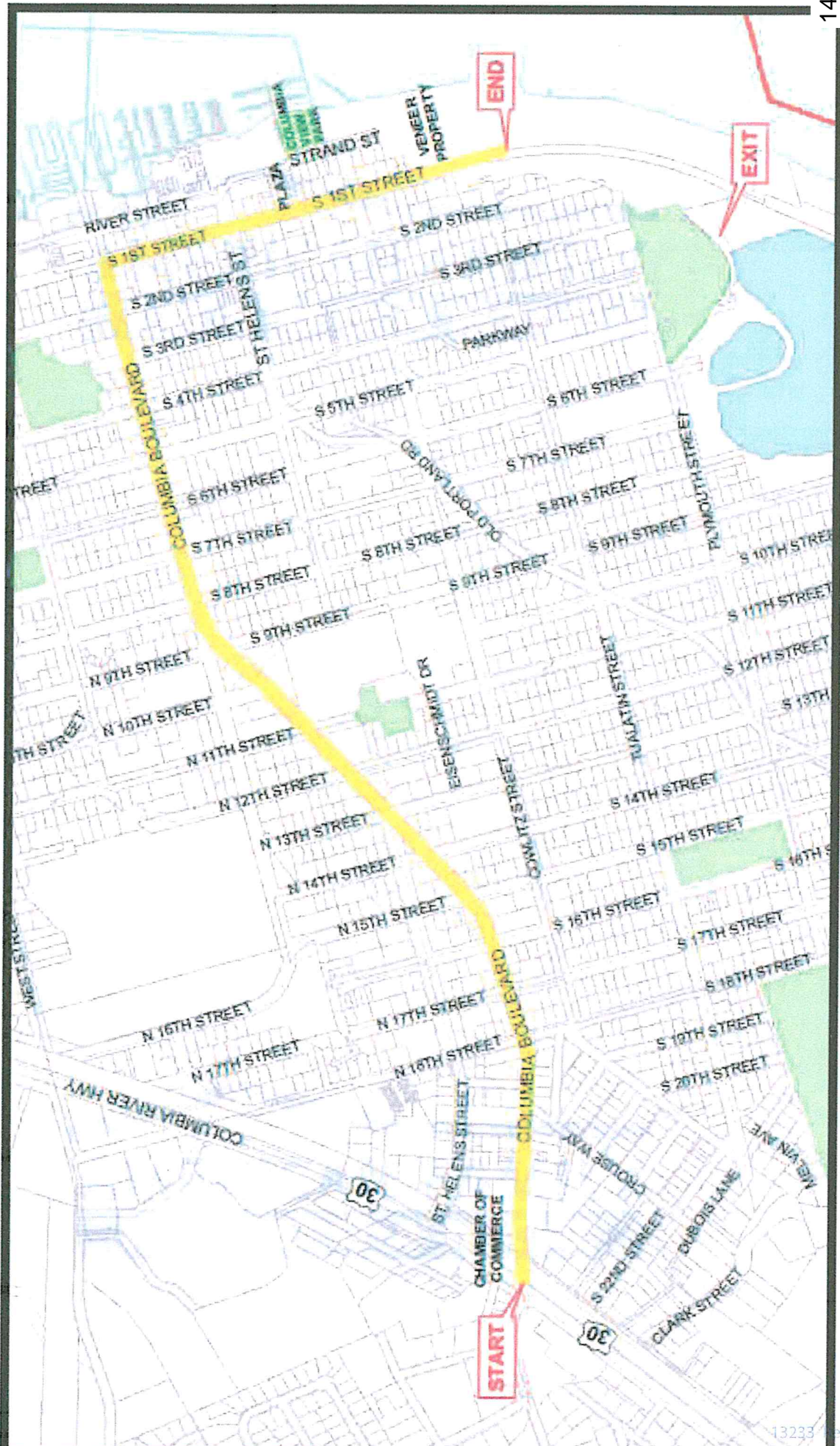
Applicant Heather Epperly Agency Phone (503) 397-2035
 Name of Event Halloween Town Parade Date(s) of Event 10-06-18 Time(s) 6pm
 Street(s) to be closed for event Columbia Blvd + 1st Street

The following affected businesses/individuals have been contacted and informed of the event listed above and have marked whether they consent or not to the closure of the street(s) listed above on the date(s) listed above:

Business name <u>Family Vision</u> <input type="checkbox"/> I/We consent to street closure <input checked="" type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>[Name]</u> Date signed <u>[Date]</u>
Business name <u>Gamepath Arcade</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>Aisha Miller</u> Date signed <u>8.23.18</u>
Business name _____ <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____
Business name _____ <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____

Business name _____ <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____
Business name _____ <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____
Business name _____ <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____
Business name _____ <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature _____ Printed name _____ Date signed _____

**Return this to City Hall with your
Petition for Temporary Closure of City Street(s)**





CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
08/28/2018

PRODUCER East Main Street Insurance Services, Inc. Will Maddux PO Box 1298 Grass Valley, CA 95945 Phone: (530) 477-6521 Email: info@theeventhelper.com		THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Heather Epperly Agency, Inc Heather Epperly 1631 Columbia Blvd St Helens, OR 97051		INSURERS AFFORDING COVERAGE INSURER A: Evanston Insurance Company INSURER B: INSURER C: INSURER D: INSURER E:	NAIC # 35378

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR/ADD'L LTR/INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A Y	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR Host Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC Retail Liquor Liability	3DS5466-M1819853	10/06/2018	10/07/2018	EACH OCCURRENCE INCLUDES BODILY INJURY & PROPERTY DAMAGE	\$ 2,000,000
	MED EXP (Any one person)				\$ 5,000	
	PERSONAL & ADV INJURY				\$ 2,000,000	
	GENERAL AGGREGATE				\$ 3,000,000	
	PRODUCTS - COMP/OP AGG				\$ 2,000,000	
	DEDUCTIBLE				\$ 1,000	
					\$	
					\$	
					\$	
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per accident)	\$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
					OTHER THAN EA ACC	\$
					AUTO ONLY: AGG	\$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE	\$
					AGGREGATE	\$
						\$
						\$
						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				WC STATUTORY LIMITS	OTH-ER
					E.L. EACH ACCIDENT	\$
					E.L. DISEASE - EA EMPLOYEE	\$
					E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Certificate holder listed below is named as additional insured per attached CG 20 26 07 04.
 Attendance: 700, Event Type: Parade.

CERTIFICATE HOLDER

City of St Helens
 PO BOX 278
 St Helens, OR 97051

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Will Maddux

Policy Number: 3DS5466-M1819853

COMMERCIAL GENERAL LIABILITY
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
City of St Helens PO BOX 278 St Helens, OR 97051
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A.** In the performance of your ongoing operations; or
- B.** In connection with your premises owned by or rented to you.

PETITION FOR TEMPORARY CLOSURE OF CITY STREET(S)

You must attach a map of street area to be closed.

I/we, the undersigned, request that the St. Helens City Council allow temporary closure of the following streets.

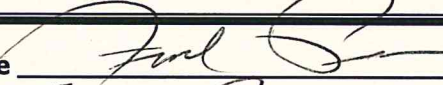
Street Closure #1			
Street Name	ST Helens Street		
Beginning Point	1st Ave	Ending Point	3rd Ave
Start Date	Oct 27	End Date	Oct 27
Time to Begin Closure	4:00 PM	Time to Reopen	6:00 PM
Purpose of Closure	Parade Assembly - Lil' Spooks Parade		
Street Closure #2			
Street Name	1st Street		
Beginning Point	St. Helens St.	Ending Point	Cowlitz St.
Start Date	Oct 27	End Date	Oct 27
Time to Begin Closure	5:00 pm	Time to Reopen	6:00 pm
Purpose of Closure	Parade - Lil' SPOOKS PARADE		
Street Closure #3			
Street Name			
Beginning Point		Ending Point	
Start Date		End Date	
Time to Begin Closure		Time to Reopen	
Purpose of Closure			

Approval of emergency responders: (required)

	9/5/18		9-5-18		9-5-18
Fire District	Date	Police Department	Date	Public Works	Date
270 Columbia Blvd.	503-397-2990	150 S. 13th St.	503-397-3333	984 Oregon St.	503-397-3532

DECLARATION

I/we understand that any barricades or other devices to close off the street must be provided at my (our) expense or may be provided by the City at my/our expense for specific times and dates. I/we also understand that arrangements for placement of barricades/devices must be made with the Public Works Department (503.397.3532). I/we certify that I/we have notified all affected property owners, business owners and/or tenants in person or in writing of my/our intent to close the street/s listed above and that written consents of each are attached. It is my/our belief that there are no major conflicts with this closure.

Petitioner Signature 	Date Signed <u>Sept 4, 18</u>
Print Name <u>Frank Perez</u>	Phone <u>503-397-0116</u>
Mailing Address <u>PO Box 1153</u>	City, State, Zip <u>ST. Helens, OR 97051</u>
Petitioner Signature _____	Date Signed _____
Print Name _____	Phone _____
Mailing Address _____	City, State, Zip _____

FOR OFFICIAL USE ONLY

Date Rec'd 9/6/18 Rec'd by BB Date sent to CC 10/3 City Council ☐ Approved ☐ Denied Meeting date _____

Attested _____, City ~~Administrator~~ **Recorder** Date _____

CITY STREET CLOSURE CONSENT FORM*Applicant must take this form to each affected business for consent signatures.*

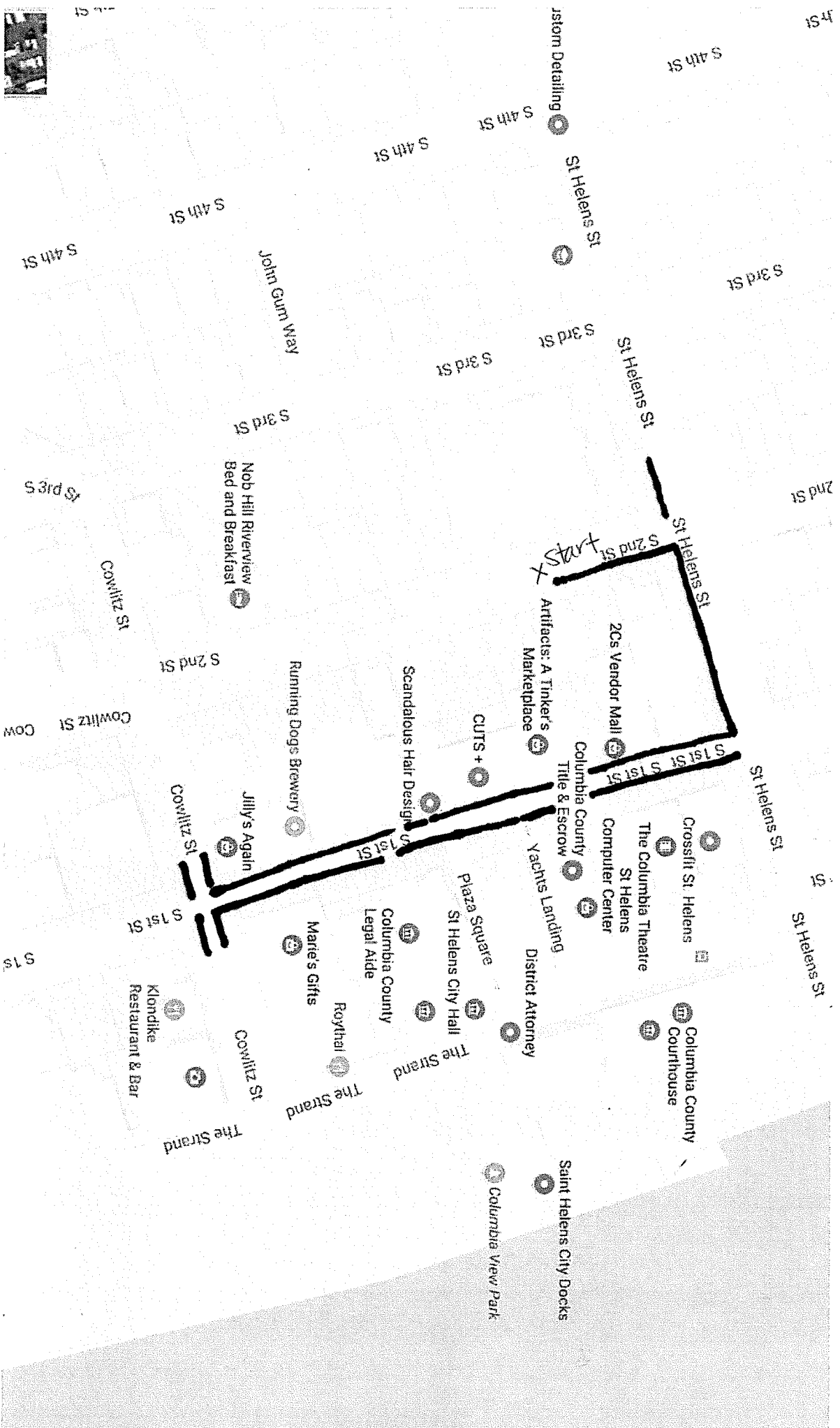
Applicant The Chronicle Phone 503-397-0114
 Name of Event Childrens Parade Date(s) of Event 10/27/18 Time(s) 4-6:30 PM
 Street(s) to be closed for event 1st Street / 5th Helens Street.

The following affected businesses/individuals have been contacted and informed of the event listed above and have marked whether they consent or not to the closure of the street(s) listed above on the date(s) listed above:

Business name <u>2Cs Vendor Mall</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>Mitzi A Pounce</u> Date signed <u>16 Aug 2018</u>
Business name <u>Van Natta & Potrace</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>ROBERT VAN NATTA</u> Date signed <u>16 Aug 2018</u>
Business name <u>Columbia County Title & Escrow</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>Cindi Caruso</u> Date signed <u>8/16/18</u>
Business name <u>Bobbie's Catst</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>Bobbie Crousser</u> Date signed <u>8-16-18</u>

Business name <u>Scandalous Hair Design</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>Cathy Miller</u> Date signed <u>8-15-18</u>
Business name <u>Bew's Prandong</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>Andrew B/18</u> Date signed <u>8/16/18</u>
Business name <u>Darkside</u> <input checked="" type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>Tim Underwood</u> Date signed <u>8/21/18</u>
Business name <u>NFP</u> <input type="checkbox"/> I/We consent to street closure <input type="checkbox"/> I/We DO NOT consent to street closure Signature <u>[Signature]</u> Printed name <u>Don Schlumberger</u> Date signed <u>8/20/18</u>

**Return this to City Hall with your
 Petition for Temporary Closure of City Street(s)**





COUNMED-01

JCRIPPS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/17/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER J.G. Elliott Insurance Center 1111 East 20th Street Scottsbluff, NE 69361	CONTACT NAME: Janelle Cripps	
	PHONE (A/C, No, Ext): (308) 633-9719 FAX (A/C, No):	
	E-MAIL ADDRESS: jcripps@jgelliott.com	
INSURED Country Media Inc. P O Box 444 Tillamook, OR 97141	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Hartford Fire Insurance Company	19682
	INSURER B: Hartford Casualty Insurance Company	29424
	INSURER C: HARTFORD INSURANCE COMPANY	00914
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Automatic AI with <input checked="" type="checkbox"/> Signed Contract GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		91UUNKI3397	07/01/2018	07/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			91UUNKI3397	07/01/2018	07/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			91XHUZR7756	07/01/2018	07/01/2019	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
C	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	91WEIJ6731	07/01/2018	07/01/2019	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: The Chronicle's Lil Spooks Parade Held Saturday, October 27, 2018

CERTIFICATE HOLDER

CANCELLATION

City of St. Helens
PO Box 278
Saint Helens, OR 97051

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

The insurance afforded herein for any subsidiary not named in this Coverage Part as a named insured does not apply to injury or damage with respect to which such insured is also a named insured under another policy or would be a named insured under such policy but for its termination or the exhaustion of its limits of insurance.

3. Newly Acquired Or Formed Organization

Any organization you newly acquire or form, other than a partnership, joint venture or limited liability company, and over which you maintain financial interest of more than 50% of the voting stock, will qualify as a Named Insured if there is no other similar insurance available to that organization. However:

- a. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier;
- b. Coverage **A** does not apply to "bodily injury" or "property damage" that occurred before you acquired or formed the organization; and
- c. Coverage **B** does not apply to "personal and advertising injury" arising out of an offense committed before you acquired or formed the organization.

4. Nonowned Watercraft

With respect to watercraft you do not own that is less than 51 feet long and is not being used to carry persons for a charge, any person is an insured while operating such watercraft with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the watercraft, and only if no other insurance of any kind is available to that person or organization for this liability.

However, no person or organization is an insured with respect to:

- a. "Bodily injury" to a co-"employee" of the person operating the watercraft; or
- b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

5. Additional Insureds When Required By Written Contract, Written Agreement Or Permit

The following person(s) or organization(s) are an additional insured when you have agreed, in a written contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement.

A person or organization is an additional insured under this provision only for that period of time required by the contract or agreement.

However, no such person or organization is an insured under this provision if such person or organization is included as an insured by an endorsement issued by us and made a part of this Coverage Part.

a. Vendors

Any person(s) or organization(s) (referred to below as vendor), but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

- (1) The insurance afforded the vendor is subject to the following additional exclusions:

This insurance does not apply to:

- (a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;
- (b) Any express warranty unauthorized by you;
- (c) Any physical or chemical change in the product made intentionally by the vendor;
- (d) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;
- (e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;
- (f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;
- (g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

City of St. Helens
Consent Agenda for Approval

OLCC LICENSES

The following businesses submitted a processing fee to the City for a Liquor License:

2018 NEW

A copy of the OLCC application documents submitted for the business listed below was emailed to the Police Department for review. No adverse response was received.

<u>Business Name</u>	<u>Applicant Name</u>	<u>Location</u>	<u>Purpose</u>
• O’Nammy’s	Double N Enterprises, Inc.	345 S. Columbia River Hwy.	New Business