

**CITY COUNCIL MEETING
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March 15, 2011**

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City of Dundee
City Council Meeting Minutes
March 15, 2011

Call to Order

Mayor Crawford called the meeting to order at 7:00 P.M.

Agenda Changes

Item 8.1 Planning Commission Appointments was relocated to follow New Business item 7.1 Resolution No. 2011-02 and Executive Session to confer with legal counsel concerning the legal right and duties of a public body with regard to current litigation or litigation likely to be filed was added.

Public Hearing: City of Dundee – CPA-10-17, Amend the Comprehensive Plan (Transportation Element) – Bypass Tier 2 Alignment

Mayor Crawford called the hearing to order at 7:02 P.M. for the type IV Legislative hearing to consider amendments to the Transportation Element of the Dundee Comprehensive Plan to reflect the Newberg-Dundee Bypass Tier 2 Alignment.

Call for Declarations of Conflict or Bias by any members of this body:

None.

Objections to jurisdiction by any members of this body:

None.

Staff Report:

City Planner Pelz referred to the staff report with the recommendation from the Planning Commission.

Mary Dorman, Angelo Planning Group, advised this is phase two of the project. The policies of the four jurisdictions involved must be consistent. This amendment will reflect the more detailed alignment and local circulation changes associated with the bypass. The cities of Newberg and Dayton have adopted similar amendments; Yamhill County is waiting to take action after all the cities have completed their amendments.

William Ciz, Parametrix, updated the Bypass:

- Will be a limited access facility
- Will have four interchanges: one at each end of the bypass in the cities of Newberg and Dayton, one at Highway 219, and one in Dundee
- Will have an at grade roadbed
- Five to eight foot berms for visual screening
- Realignment of Fulquartz Landing Road to pass over the Bypass and connect with Parks Road.
- Over crossing in the City of Dundee to reconnect to the riverside in the vicinity of Eighth Street

Mary Dorman reviewed Exhibit A.

Mayor Crawford inquired if ODOT would work with the City on interim measures for Oregon 99W before the Bypass as noted in number ten of Exhibit A. Kelly Amador, ODOT, advised that Terry Cole and ODOT planners will work with the City on updating the Transportation System Plan and interim measures for Highway 99W. Councilor Adlong questioned voting on undetermined interim measures. Bonnie Heitsch, Department of Justice, advised that the interim measures would be agreed upon by the City and ODOT. The measures would provide the City of Dundee options to deal with congestion until the Bypass is constructed. Adlong asked for an amendment to the wording: “to pursue mutually agreed interim measures”.

Pelz referred to the findings in Exhibit “B”. The Planning Commission recommends that the City Council adopt the proposed Comprehensive Plan amendments shown Exhibit “A” and attached and incorporated by this reference. The Council’s options:

1. Direct staff to prepare an adopting ordinance with the amendments in Exhibit “A” and attached and incorporated by this reference.
2. Direct staff to prepare an adopting ordinance with the amendments in Exhibit “A” and attached and incorporated by this reference with modifications.
3. Continue the hearing and take no final action at this time.

Questions:

None.

Proponents:

None.

Opponents:

None.

The hearing was closed at 7:21P.M.

Deliberations:

Adlong asked to amend the wording on Exhibit “A” policy number ten: During the period before the Bypass can be considered a planned improvement, the City of Dundee will work with ODOT to pursue “mutually agreed upon” interim measures for Oregon 99W to comply with OAR 660-12-0060. She asked for acknowledgement that the City would prefer a sub-grade roadbed. Mayor Crawford suggested wording on policy number seven: “The City prefers a below grade roadway, however” the City recognizes that ODOT....

The motion was made and seconded to adopt the proposed Comprehensive Plan amendments CPA-10-17 for the Bypass Tier 2 alignment with amendments to the wording on Exhibit “A” policy number seven: “The City prefers a below grade roadway, however the City recognizes that ODOT....” and number ten: During the period before the Bypass can be considered a planned improvement, the City of Dundee will work with ODOT to pursue “mutually agreed upon” interim measures for Oregon 99W to comply with OAR 660-12-0060. **The motion** passed unanimously.

Council and Staff Attendance

Present: Mayor Crawford, Councilors Adlong, Miller, Munson, Nelson, Pugsley, and Reddell.
Staff members: Rob Daykin, City Administrator, and Cindy Phillips, City Attorney.

Public Attendance

Mary Dorman, Angelo Planning Group, William Ciz, Parametrix, Susan Baird, Jim Shannon, Mersereau Shannon, LLP, Kelly Amador, ODOT, Gary Rodney, and Bonnie Heitsch, Oregon Department of Justice.

Public Comment

None.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 6.1 City Council Minutes, March 1, 2011 and 6.2 Financial Report Ending February 28, 2011. **The motion** passed unanimously.

Old Business

Resolution No. 2011-02, WWTP Construction Loan Agreement

The agreement was reviewed and is supported by Pat Clancy, Western Financial Group. Jim Shannon, Mersereau Shannon, LLP, City bond counsel, prepared the resolution authorizing the Mayor or the City Administrator to pursue and complete the execution agreements with Bank of America. He highlighted:

- The resolution conforms to the Bank of America proposal
- maximum amount of \$6.1 million
- initial term not to exceed two years
- Commitment fee of \$12,200
- Unused commitment fee of .5% per annum on the unused amount (line of credit)
- City's option for the interest rate of a floating rate or a fixed rate at the time of withdrawal
- The Mayor or the City Administrator has the authority to negotiate the final terms of the agreement: document preparation, interest payment dates, etc.

Councilor Pugsley asked for clarification if the determination of the interest rate could be determined with each draw. Shannon affirmed it could.

Councilor Nelson asked for a review of the Waste Water Treatment Plant financing. Daykin replied the commitment from State Revolving Fund (SRF) loans is \$3.1 million. The City has two additional funding cycles to apply for further funding from SRF prior to the expected completion date of the project. Another available option is to look at a revenue based bond.

C. Pugsley questioned the initial fees to set up a bond. Daykin replied they would involve bond counsel fees, financial advisor services, the underwriter's fee, and misc. costs. He inquired the timeline needed to prepare a revenue bond. Shannon estimated ninety days.

The motion was made and seconded to adopt Resolution No. 2011-02, a resolution authorizing the execution and delivery of a full faith and credit financing agreement in an amount not to exceed six million one hundred thousand dollars (\$6,100,000) to finance the acquisition, construction and installation of a wastewater treatment facility and related matters. **Question:** Councilor Nelson inquired if the .5% commitment fee on the unused balance was common. Daykin affirmed it is according to the information he has received. **The motion** passed unanimously.

Planning Commission Appointments

Three applications were received for the vacant Planning Commission seat, term expiring December 31, 2013: John Newhouse, Susan Baird, and Gary Rodney.

Susan Baird advised she would bring her experience as a Transaction Real Estate Attorney to the Commission. She expressed the need for clarity and consistency in city documents. Baird is currently on the Parks Advisory Committee and very interested in the City growing and retaining a small town feel, open spaces and retaining its beauty for the enjoyment of its citizens.

Gary Rodney previously served on the Planning Commission for four years. He would bring a common sense approach to develop a workable plan for the City which the citizens could understand. The City needs a plan in place for its future growth.

After further discussion **the motion** was made and seconded to appoint Susan Baird to the Planning Commission to the term expiring December 31, 2013. **The Vote:** Mayor Crawford-aye, Councilors Adlong-aye, Miller-aye, Munson-aye, Nelson-aye, Pugsley-aye, and Reddell-aye. **The motion** passed six to one in favor of Susan Baird. The Council encouraged Gary Rodney to apply for the Budget Committee.

Ordinance No. 499-2011, Exterior Lighting Standards

This returns from the March 1st meeting for the second reading of the ordinance. **The motion** was made and seconded to adopt Ordinance No. 499-2011, an ordinance adopting a Development Ordinance amendment to include Exterior Lighting Standards. C. Nelson asked for amendment of the dates under Section 2.112.07 to April 15, 2011 and April 15, 2021, respectively. City Attorney Phillips recommended a motion to amend the ordinance with a vote, followed by the motion to adopt and its vote. **The motion** on the floor was withdrawn. **The motion** was made and seconded to adopt Ordinance No. 499-2011, an ordinance adopting a Development Ordinance amendment to include Exterior Lighting Standards with the date revision to Sections 2.112.03A.1 from March 1, 2011 to April 15, 2011 and 2.112.07 "Exterior lighting installed prior to April 15, 2011 ... or April 15, 2021..." **The motion** passed unanimously.

Ordinance No. 500-2011, Purchasing Limits

This returns from the March 1st meeting for the second reading of the ordinance. **The motion** was made and seconded to approve Ordinance No. 500-2011, an ordinance relating to powers and duties of the City Administrator and amending Section 2.12.020 of the Dundee Municipal Code. C. A. Daykin informed the Council that items above \$5,000 require a bid solicitation process. After further discussion **the vote:** Mayor Crawford-aye, Councilors Adlong-aye, Miller-aye, Munson-aye, Pugsley-aye, Nelson-aye, and Reddell-aye. **The motion** passed six to one in favor of adoption of Ordinance No. 500-2011.

Ordinance No. 501-2011, Planning Commission Membership

C.A. Daykin advised that the first section of the ordinance deals with membership with the addition of the requirements for a Planning Commission member to reside in the city limits with a one-year residency requirement and the addition of one member allowed as a non-resident property owner with a one-year ownership requirement. Section two refers back to the section of the Dundee Municipal Code that deals with the issue. Section three deletes the previous one-year residency provision relating to appointments other than task force and adoption of the ordinance would remove the one-year residency requirements from committees such as the Budget Committee and the Parks Advisory Committee. If adopted tonight, the ordinance would be effective prior to the first Budget Committee meeting on April 21st and would allow the Council to appoint Joni Dunckel to the Budget Committee at the April 19th meeting. If the residency requirement is not changed, then Joni Dunckel would not meet the City's qualifications for the

Budget Committee. Daykin clarified that State law requires the appointed budget committee member to be an elector, defined to be capable of voting on any measure of the city. **The motion** was made and seconded to approve Ordinance No. 501-2011, an ordinance relating to membership of the Planning Commission and amending the Dundee Municipal Code. **The motion** passed unanimously. **The motion** was made and seconded to rescind the appointment of Joni Dunckel to the Budget Committee and to consider reappointment at the April 19th meeting. **The motion** passed unanimously. C. Adlong relayed conversation with a citizen that another citizen had submitted an application for the Budget Committee. Daykin advised that he had received an email of interest from Mrs. Patterson and had advised her to submit an application.

Review City Council Goals

C.A. Daykin advised that the goal list has been updated to reflect the current status. A goal setting workshop is expected to be held early in 2012. Mayor Crawford asked if the Council had any changes in priorities to address.

C. Adlong asked for follow-up discussion of the Wilsonville Water Treatment plan tour to be added to Council's pending business.

New Business

OWEB Grant Application-Harvey Creek Culvert Removal

Jeff Sanders, Greater Yamhill Watershed Council, brought this to the Parks Advisory Committee. They have forwarded it to the Council with a recommendation of approval. The grant application timeframe is from March 15th to March 31st, with grant award by the end of April. The project would restore the streambed and install a footbridge. The grant requires a City fund match of \$3,500 and in-kind staff services. The recommendation is to approve the Harvey Creek Restoration grant application for the project and to authorize the City Administrator to sign the OWEB grant application.

C. Adlong inquired if the funding match would come from the Parks Committee budget. Daykin suggested the Parks Fund budget.

C. Nelson questioned City staffing resources for the in-kind services. Daykin affirmed that local volunteers and volunteers from the Greater Yamhill Watershed Council would be used on the project. The grant would fund a contractor, with City staff involved mainly in the supervision of the project.

Councilor Munson questioned the possibility of enlisting a local contractor to volunteer excavation services. Staff will follow up.

The motion was made and seconded to approve the Harvey Creek Restoration project and to authorize the City Administrator to sign the OWEB grant application. **The motion** passed unanimously.

Resolution No. 2011-03, WWTP Prequalification of Bidders

The resolution authorizes a prequalification process for the Wastewater Treatment Plant improvement project. **The motion** was made and seconded to approve Resolution No. 2011-03, a resolution of the Dundee City Council requiring mandatory prequalification of bidders desiring to bid for the public improvement contract for the construction of the Dundee Wastewater Treatment Plant and providing for the preparation of forms for such prequalification. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Reddell questioned the lack of two votes on Ordinance No. 499-2011, Exterior Lighting Standards, one for the amendment and one for the ordinance as recommended by City Attorney Phillips. Reddell would have given testimony on the issue if that had occurred and a different vote. C. Adlong noted that the original motion was withdrawn. Reddell was asked share his considerations on the issue. Reddell stated his opposition to imposing regulations which require people to spend money in order to be in compliance, noting the significant amount of existing household debt today. He estimated that the one thousand homes not in compliance, with an average of three lights each, replacing non-compliant lighting with a dark sky compliant lighting at an average cost of \$100 each, not including installation costs, would cost a community \$300,000. This also would affect landfills with the discarding of non-compliant lighting and packaging from the replacement units. Reddell noted that the first items in the ordinance refer to safety and security and questioned the impact of the ordinance on those issues. He is opposed to the April 15, 2021 date for compliance of existing properties.

C. Pugsley inquired if the current storm water plan for the City would be reviewed in the future to include the riverside for development planning. Daykin advised that the current storm water facility plan inventories the existing retention basins and capital improvements. There is nothing in the plan that addresses development on the riverside. He referred to the Riverside Master Plan process providing for “green seams”. Wallis Engineering is updating the Public Works Design Standards which are expected to address alternative storm water disposal/collection systems. Daykin suggested addressing this at the scheduled workshop with the Planning Commission, where the consultants will present the draft Riverside Master Plan and review implementation issues. Mayor Crawford inquired where the current storm water retention basins are located. Daykin replied the north flows into the creek (Hagey) east of the gas station south of Dayton Avenue and the south flows to a creek (Hess) near the Vittoria property south of Fulquartz Landing Road.

C. Nelson inquired about the markings on Eighth Street and the failing overlay work. Daykin advised that the representative from the bonding company is investigating the condition of the overlay and he expects to hear back soon on their findings.

Comments on the Wilsonville Water Treatment Plant Tour:

C. Adlong was impressed with the extra attention the Wilsonville plant process includes. She expressed concern that she wouldn't be able to support a minimal process plant.

C. Nelson relayed the governing staff of the City of Wilsonville saw the need to treat the water to a very high level to get the citizens to buy into the project.

C. Pugsley supports our City engineer's research into pending stronger Environmental Protection Agency drinking water regulations.

Mayor's Report

None.

City Administrator's Report

C. A. Daykin met with Mary Dorman, Angelo Planning Group, City Planner Pelz, and Naomi Zwerdling, ODOT, on the Riverside Master Plan draft. Zwerdling stressed the importance of completing the process before the end of June, when the grant expires and the consultant is no longer available. The first joint workshop with the Planning Commission will be held on April 6th. Staff noted a second workshop might be required and tentatively reserved April 20th.

Required pre-bid meetings are scheduled for the Waste Water Treatment Plant on Thursday, March 17th with the engineers and a representative from the Department of Environmental Quality (DEQ) to answer questions on SRF loan project bidding requirements.

The request for proposal (RFP) for the fire station design services has been issued with about twelve responses to date. A tour of the station for the bidders is scheduled for March 29th at 10:00 A.M. Mayor Crawford noted that the Fire Department Task Force membership is split with half of the members with a fire fighter background/interest.

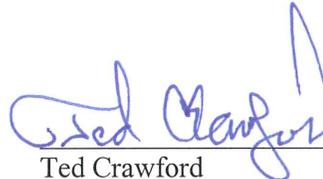
C. Reddell noted that the response to his contacts for the visioning workshop were very enthusiastic. Reddell shared that he visited Sisters, Oregon where he met with representatives from the Chamber of Commerce and the City Hall to discuss how the development of their downtown corridor. Several Councilors relayed expectations of attendance at the workshop from their contacts.

Public Comment

None.

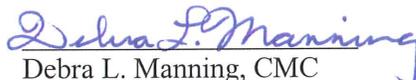
Executive Session:

The City Council entered Executive Session at 9:14 P.M. in accordance with ORS 192.660 (2) (h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Executive Session ended at 9:25 P.M. and the Council did not reconvene.



Ted Crawford
Mayor

Attest:


Debra L. Manning, CMC
Assistant City Recorder