

**CITY COUNCIL MEETING
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City of Dundee
City Council Meeting Minutes
February 15, 2011

Call to Order

Mayor Crawford called the meeting to order at 7:01PM.

Council and Staff Attendance

Present: Mayor Crawford, Councilors Adlong, Miller, Munson, Nelson and Pugsley. Councilor Reddell was seated following his appointment and affirmation of the oath of office. Staff members: Rob Daykin, City Administrator, Luke Pelz, City Planner, Cindy Phillips, City Attorney, and Debra Manning, Assistant City Recorder.

Public Attendance

Gary Allen, Newberg Graphic, Scott Siegel, Siegel Planning Services, LLC, Jon Morgan, and Gary Manning.

Appointment to Vacant Council Seat

The two applicants for the vacant Council seat: J. Randal Reddell and Jon Morgan were present to be interviewed.

Question: Please explain what you think the City of Dundee should do or accomplish to improve the City and the City government?

- **Answer Jon Morgan:** Did not know what would improve City government as he has not attended meetings lately. He added that there has been a lack accomplishment in moving forward in the time he has been a resident of the City. He stressed the importance of getting a Comprehensive Plan which would last for more than one administration and moving forward with a new refinement plan.
- **Answer J. Randal Reddell:** Stressed the importance of transparency in government, to keep the people of the community informed. He added that the City newsletter and the Graphic have been providing good coverage to the community and noted that the City has made progress.

Question: How do you perceive the community: as a bedroom community or a hybrid accepting of the impacts of tourism?

- **Answer J. Randal Reddell:** The photos over the decades support the community as a bedroom community, which is also the citizen's perception. He relayed input from citizens on both sides: those who want it to remain a bedroom community and those who want to see the growth of the wine country and what tourism can add including music and arts. His would like to see the old service station gone and added that visioning will help determine the development of future growth.
- **Answer Jon Morgan:** Agreed there were several different thought groups: long timers who would keep it as is, some who would like to see it grow like Calistoga or Napa Valley, California, and the bedroom community group who see it as a cheaper place to live before they transition to another location. He would like to see change.

Question: How Reddell would improve transparency in government in the community?

- **Answer:** Transparency is already there. Communication to the public using the newsletter, the website and the Graphic is good. The people know when and how to come to the Council.

Question: Morgan was asked to relay his reasons for applying for the Council seat?

- **Answer:** A desire to make a positive impact. He likes living here and wants to see more improvements. He added that people do not seem to care unless there is a hot topic and not much you can do to change that.

Question: Morgan was asked to elaborate on the comment to “grow like Calistoga/Napa Valley”.

- **Answer:** He is looking for a cohesiveness of the community. A feel of the community moving in one direction including tourism and development. He added that everything that is happening here is outside of the City limits.

Question: What are your feelings and attitude toward working with CPRD to maintain current parks and future park development?

- **Answer:** J. Randal Reddell asked if there has historically been a problem of working with CPRD. The Mayor advised there have been issues. Reddell replied that he would want to research the history to provide an answer.
- **Answer:** Jon Morgan replied he has no basis to comment.

Question: What is your general opinion of parks and open spaces?

- **Answer J. Randal Reddell:** has had experience in Colorado and is in favor of parks and green spaces. He utilizes Billick Park regularly and is supportive of more green spaces and parks.
- **Answer Jon Morgan:** was in agreement, adding they build a stronger community.

The motion was made and seconded to open the floor for discussion. After further discussion **the motion** was made and seconded to appoint J. Randal Reddell to the vacant City Council seat, term expiring 12/31/2012. **The motion** passed unanimously. The Council urged Jon Morgan to consider applying for openings on either the Planning Commission or the Budget Committee. J. Randal Reddell resigned his Planning Commission seat.

Oath of Office

City Administrator Daykin administered the oath of office to Councilor J. Randal Reddell.

Agenda Changes

Discussion on the Planning Commission vacancy was added under Council Concerns.

Public Hearing: City of Dundee – NLUR-10-15, Amend the Dundee Development Ordinance to include Exterior Lighting Standards

Mayor Crawford called the hearing to order at 7:31 P.M. for the type IV Legislative Action to adopt an ordinance amending the Dundee Development Ordinance to include exterior lighting standards.

Call for declarations of conflict or bias by any members of this body:

None.

Call for objection to jurisdiction:

None.

Staff Report:

City Planner Luke Pelz reviewed the staff report and the changes from the previous Dark Sky regulation. The intent is to relocate the existing lighting regulation from the Public Works Design

Standards to the Development Code. Pelz advised of one letter received in support of the proposed Development Code amendment from 1000 Friends of Oregon.

Recommendation:

Direct staff to return with a final ordinance for adoption.

Councilor Pugsley questioned the request from 1000 Friends of Oregon to “delete all references to wattage ratings and use only lumens.” Pelz advised that the changes had been made by the Planning Commission.

Councilor Adlong expressed concern that the lumen rating for partial shielded lighting (page 10) was too large. Pelz clarified that wattage is the power going into the light and lumens are the output. C. Pugsley restated the concern as less power in an LED creates more light. City Administrator Daykin clarified, the concern is to lower the threshold from 1800 lumens. Adlong informed that a 40 watt incandescent was equal to about 500 lumens.

Public testimony:

None.

The motion was made and seconded to direct staff to prepare an ordinance to amend the Dundee Development Ordinance to include Section 2.112: Exterior Lighting Standards.

Deliberations:

C. Adlong expressed concern with the exclusion of streetlights from the ordinance. They would not be regulated by the Development Code and could be open to changes in the Public Works Design standards. Pelz replied that streetlights are covered under the Public Works Design Standards, which are pending revision. They would be subject to discretionary review by the City Engineer and subject to Dark Sky Standards. Daykin advised the current standard is the flat lens cobra in the current Design Standards. The intent is to bring back other options for different styles of streetlights to the Council that are Dark Sky compliant. After further discussion the majority consensus was to delete the Streetlight exemption (A.4.) to Section 2.112.03.

C. Adlong questioned the intent of Section 2.112.03 B. Light trespass to “not create a private nuisance in a residential zone.” Daykin relayed that Planning Commission Chair Mock advised there is a way of knowing when it is a private nuisance and ways to adjudicate. City Attorney Phillips replied that nuisances are vague. She recommended a concrete standard, such as being annoying to a “reasonable person”. Mayor Crawford stated the legal standard of “an undue burden of quiet enjoyment”. Councilor Reddell relayed the Planning Commission’s determinations that light trespass is impossible to measure and public safety issues are created by un-illuminated sidewalks for walkers/runners. They determined nuisances would be handled through the nuisance ordinance. City Attorney Phillips added the Nuisance Ordinance addresses injurious to the public health, safety, and welfare. She suggested it should be considered for detriment to a “reasonable person”. Daykin clarified the intent was complaints would refer to the nuisance ordinance and suggested developing another section in the nuisance code dealing with light trespass.

C. Reddell relayed the Planning Commission’s conclusion that you could have light trespass from a light meeting the dark sky standards, located on a house on a hillside, which is a nuisance to a person further down the hill. City Attorney Phillip advised her intent is to review the code for modifications in the future and she will add light trespass can be a nuisance with additional definition to the code. Daykin advised that complaints would be handled by the Municipal Code under nuisances. The Mayor asked why it was limited to residential zones and pointed out that

residences occur in commercial zones also. Daykin replied it is more accepted that commercial activities, including lighting, are more intensive and that it would be hard to protect residences in a commercial zone. Mayor Crawford noted potential mixed use zoning and C. Nelson noted properties abutting commercial zoning. The majority consensus was to delete “in a residential zone” from section 2.112.03 B.

C. Reddell shared the Planning Commission’s considerations regarding the deletion of a date certain for nonconforming lighting fixtures to conform:

- It would be impossible to enforce
- It could create a financial hardship for the homeowner who is already financially stretched
- It could entail the rewire of a home after an electrician trying to install the new fixture, determines the wiring in the home needs to be updated

Planner Pelz suggested combining the definitions of light trespass and light pollution under light trespass: artificial light that shines on neighboring properties emitted from premises so as to be prejudicial.

C. Nelson inquired the solution for a nonconforming light that is a chronic nuisance. Daykin advised a Municipal Court Judge would require the light to be corrected or the owner to be fined. The City Attorney advised that an injunction could be filed in circuit court against a defendant who doesn’t comply, then the judge would order a permanent injunction that the nuisance will no longer occur. If they still violate the court order, they can be found in contempt.

C. Adlong asked for further consideration on the lumen issue. Daykin suggest a threshold amount of 1000 lumens (in lieu of 1800) for section 2.112.03 D. partially shielded lighting and amend section 2.112.03 C. fully shielded lighting to 1000. C. Nelson advised 900 lumens was referenced in landscaping and uplighting. The majority consensus was for 1000 lumens.

The city administrator noted a conflict on the height limitation for street lights, the old standard allows up to thirty feet high. The height limit for lights in the proposed regulation is twenty-five feet. C. Adlong suggested an exception for street lights.

Daykin reviewed the changes of eliminating street light exemption under 2.112.03 A, modify light trespass to include light pollution, change the lumens in section 2.112.03 C from 1800 to 1000, change the lumens in section 2.112.03 D to 1000 maximum, add streetlights as an additional exception to the height limit, and 2.112.03 B delete “in a residential zone”. C. Nelson suggested amending wording section 2.112.03 I: “Any freestanding luminaire shall not exceed 25 feet in height except street lights.” C. Nelson asked to see an example of 1000 lumens.

The motion was amended and seconded to direct staff to prepare an ordinance to amend the Dundee Development Ordinance to include Section 2.112: Exterior Lighting Standards as amended. **The motion** passed unanimously.

The hearing was closed at 8:32 PM.

Public Comment

Gary Manning shared that the Planning Commission changed the time limit on motion activated lights from five minutes to ten minutes at the request of some elderly citizens, who advised the five minute period is too short for them to safely navigate before the light shuts off.

Consent Agenda

C. Nelson requested deleting the word “confirmed” under the Mayor’s report, 3rd paragraph and amending to “suggested”, regarding the proposed maintenance work on Highway 99W. **The motion** was made and seconded to approve Consent Agenda item 8.1 City Council Minutes, February 1, 2011 as amended, 8.2 Financial Report Ending January 31, 2011, and 8.3 Fire Department Report - 2010. **The motion** passed unanimously.

Old Business

Development Code Audit

C.A. Daykin advised the Scott Siegel, Siegel Planning Service, LLC, provided a memo on the process to execute Phase 2, the rewrite of the code to implement the recommended changes. Phase 2 was not included in the current budget, but sufficient funds are available in the General Fund under Planning Services to accomplish the work.

Scott Sigel, Siegel Planning Services, reviewed how they try to: make the code more understandable and adaptable, make the process more efficient, and look for consistency with adopted city policy. Siegel reviewed the report and the recommendations:

- Readability (clarity, organization, and formatting). Siegel suggested rewriting the code in the same style and syntax, using the same sentence structures.
- Changes in state law for Needed Housing statutes, Family Childcare, and Transportation Planning Rule.
- Adaptability of local policy issues (pages 63& 64) with the recommendation to reorganize the code to compile a generalized list of land use.

C.A. Daykin informed the Council that Code Publishing, the City’s municipal code codifier, would provide a demonstration to City staff this week. It is staff’s intent to have the Development Code professionally maintained once the rewrite is complete. Also, the online version of the Development Code would be more versatile.

C. Pugsley noted Siegel’s recommendation to not change to performance based zoning. Siegel reviewed different ways to put together development regulations. He advised performance based is already in the code, such as the recently approved lighting standards. He added that performance based zoning does not work on a community wide basis; but it is very useful for specific sections of the code. Pugsley asked about applying it to certain areas of the city. Siegel suggested a mixed use zone with performance standards. They will be coordinating with the Riverside Master Plan.

Mayor Crawford asked if the fee includes planning commission meetings and public hearings. Daykin advised it did not. The intent was once the code was compiled the Planning Staff would continue the work with the public hearings for its formal adoption. If it is Council’s wish to include Siegel Planning in that work the fee would be negotiated. Daykin noted that major policy issues not included in the rewrite can be addressed over time or with the use of a code assistance grant.

The motion was made and seconded to approve continuation of Phase 2 of the Development Code Audit by Siegel Planning Services. **The motion** passed unanimously.

Fire Station Task Force

Mayor Crawford recommended Truman Stone, Jeanette Adlong, Ken Warren, Herb Kuhn, Ernie Castro, Rob Daykin, and Chief Stock. **The motion** was made and seconded to accept Mayor Crawford’s recommendation for the Fire Station Task Force appointments. After further

discussion of concerns of an over representation of fire fighter background the majority consensus was to add Myrna Miller to the task force. **The motion** was amended and seconded to accept Mayor Crawford's recommendation for the Fire Station Task Force appointments with the addition of Myrna Miller. **The motion** passed unanimously.

New Business

Riverside Master Plan Joint Workshop Meeting

The consultant has proposed a workshop to update both the Planning Commission and the City Council on the on the Riverside Master Plan in early April. The next stage is a public hearing before the Planning Commission in May with the implementing ordinances. The Commissioners that responded affirmed they are available for any of the proposed April dates and an earlier start time of 6PM. Food could be provided to accommodate commuters. Staff recommends April 6th at 6PM. The majority consensus was in agreement with the date of Wednesday, April 6th at 6PM. There is a scheduled open house on March 10th at 6PM at City Hall, which will be noticed on the website, with notices posted around town, and with flyers distributed on the riverside by volunteers.

City Administrator's Purchasing Authorization Limits

C.A. Daykin referred to the survey of City Administrator purchasing authority for Oregon cities with population under 5,000 included in the packet. He recommended a two tier threshold where the City Administrator has one limit and the second level with the Mayor's approval, in the case of an emergency, is subject to report to the City Council. C. Adlong questioned whether it is appropriate to give the Mayor that authority with our "weak Mayor" system. C. Pugsley inquired the limit recommended by Preston Van Meter, Kennedy/Jenks for change orders related to the proposed Wastewater Treatment Plant improvements project. Daykin replied \$10,000. He suggested increasing the City Administrator's limit to \$10,000. **The motion** was made and seconded to authorize the City Administrator to prepare an ordinance amending the City Administrator's Purchasing Authorization limits to \$10,000. **The motion** passed unanimously.

Council Concerns and Committee Reports

Councilor Miller referred a citizen request to revisit the backyard burn issue and noted she has received similar requests from other citizens. C. Munson relayed a citizen request for how often and where the debris collection bins would be placed. C.A. Daykin advised this is on the March 1st agenda with four options for alternative yard debris disposal methods. Munson advised of an elderly citizen with concerns of getting the debris to the collection bin. Daykin suggested use of the collection bins later in the season, mid-April to mid-May, when yard maintenance is more active. DEQ will allow open burning of yard debris March 1 pending local regulations; staff recommends the burning alternatives be explained in the next quarterly City newsletter in early April. Gary Manning noted that tree and shrub pruning requires specific times of the year, which is not in sync with the later dates for the collection bins, leaving no economical options available to citizens for their yard debris. C. Pugsley suggested a possible option of placing the bins out for a couple of weeks early and a couple of weeks late.

C. Adlong asked the status of the replacement of the trees on Fifth Street. Daykin stated that staff intends on replacing them with Western Red Cedar trees. C. Munson suggested purchasing the trees from French Prairie Perennials in Dundee.

Mayor's Report

Mayor Crawford advised that Northwest Wine Company will be locating their winery and tasting room on the county side of Neiderberger Road. Concern was expressed for the affect of the additional water usage on the City wells. C.A. Daykin advised that they are an existing customer

on the rural line and they have been informed that they cannot use the water for nondomestic purposes. Staff will monitor their water usage.

ODOT will be holding public workshops and open houses for Phase 1 of the Newberg Dundee Bypass this spring.

City Administrator's Report

C. A. Daykin expressed urgency with the upcoming Master Plan workshop and the need to make the appointment to the vacant Planning Commission seat by the March 15th meeting. The opening will be noticed in the Graphic, on the website, and with local postings.

There are four open positions for the Budget Committee. Staff has received two applications (one new and one incumbent).

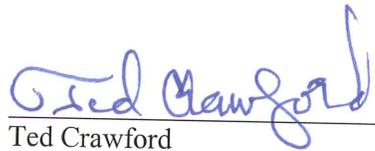
The tentative dates of March 5, 12, and 19th are under consideration for a tour of the Wilsonville Water Treatment Plant. Staff will follow-up with the Councilors on their availability for a Saturday tour. Chris Uber, MSA, expressed an interest in attending.

Preston Van Meter, Kennedy/Jenks updated that bids are pending to go out about March 2nd. He will update the Council on the Ovivo agreement at the March 1st meeting. The final design approval letter is still pending. Staff is working with Bank of America on interim financing.

Public Comment

Gary Manning thanked the Council for their consideration on the Dark Sky Ordinance.

The meeting was adjourned at 9:56 PM.



Ted Crawford
Mayor

Attest:



Debra L. Manning, CMC
Assistant City Recorder