

**CITY COUNCIL MEETING
TABLE OF CONTENTS FOR MINUTES
January 2, 2013**

Call to Order2
Oath of Offices2
Council President Election2
Council and Staff Attendance2
Public Attendance2
Agenda Changes:2
Public Comment:2
Consent Agenda.....3
New Business3
 Leak Adjustment Appeal3
Old Business3
 Ordinance No. 517-2013, Peddlers and Solicitors.....3
 Review of License Fees4
 Fire Station Project – Solar Energy5
Council Concerns and Committee Reports.....6
Mayor’s Report.....6
City Administrator’s Report6
Public Comment:6

**City of Dundee
City Council Meeting Minutes
January 2, 2013**

Call to Order

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

Oath of Offices

City Administrator Daykin administered the oath of office to Councilors-elect Randy Reddell and Tim Weaver and Mayor-elect Ted Crawford.

Council President Election

The motion was made and seconded for Councilor Nelson to be Council President. The vote was unanimous.

Council and Staff Attendance

Present: Mayor-elect Crawford, Councilors-elect Reddell and Weaver and Councilors Munson, Nelson, and Pugsley. Excused absence: Councilor Adlong. Staff members: Rob Daykin, City Administrator and Debra Manning, Assistant City Recorder.

Public Attendance

Ilsa Perse, Waste Not of Yamhill, Mike Sherwood, Pam Weaver, and Megan Weaver.

Agenda Changes:

New Business item 9.1 Leak Adjustment Appeal was repositioned after the Consent Agenda.

Public Comment:

Ilsa Perse, Waste Not of Yamhill County, was present to address Waste Management's (WM) request of support for their proposed earthen berm at the Riverbend Landfill along Highway 18. McMinnville's City Council is not supporting the proposal at this time. Waste Not of Yamhill County's engineers (Kleinfelder) believe the landfill's soil bordering the river is prone to liquefaction. They anticipate a 9.0 earthquake within the next 100 years. Waste Management's engineers (Geosyntec) state the berm will withstand an 8.5 quake. Earthquakes in subduction zones are noted for their size of magnitude and sustained periods of shaking; which can cause liquefaction of soils near water. Perse asked the Council not to support Waste Management's request. She will forward information from their engineer.

Mayor Crawford asked Councilor Nelson's opinion if a 9.0 earthquake along the coast would register as less than 9.0 at the landfill site. Nelson noted the depth of the quake in the subduction zone determines the impact onshore, a deeper quake will have more effect onshore. Perse will email the updated USGS map noting Yamhill County's position in the high danger zone.

Councilor Reddell asked for an alternative recommendation from Waste Not of Yamhill County. Perse replied that WM does not have an extensive recycling program for Yamhill County, with the exception of their new diversion program to the Hillsboro recycling center. Waste Not supports aggressive recycling and use of the Coffin Butte landfill near Corvallis. Most of the garbage coming into the Riverbend Landfill comes from Washington County. C. Reddell questioned where construction debris would be taken in the event of a large quake. Perse did not have an answer.

Councilor Pugsley inquired Yamhill County's recycling rate compared to Portland metro and nationally. Perse estimated Yamhill County at 40%, Portland Metro at 60%, and the national rate

at 35% to 40%. Marion County has excellent recycle rates. Pugsley asked for information on Marion County's recycling.

City Administrator Daykin questioned if the garbage incinerator in Brooks needs more landfill material to operate. Perse replied they have plenty; when the incinerator is not running the garbage is brought to the Riverbend Landfill. There are alternatives open to WM.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 7.1 City Council Minutes, December 4, 2012 and 7.2 Financial Report Ending November 30, 2012. The motion passed unanimously.

New Business

Leak Adjustment Appeal

Staff can only authorize leak adjustments which meet the City policy's criteria. In two past incidents of accidental water use (not entering the sewer system) the Council gave 100% credit on the sewer charges and no credit for water usage. For the current incident the extra charges for sewer was \$196.44. Mike Sherwood confirmed that the excess water use was related to efforts to winterize the irrigation system and the water did not enter the sewer system. He referred to a prior leak, where he didn't apply for an adjustment and asked for help with this incident. **The motion** was made and seconded to approve a sewer adjustment to Mike Sherwood in the amount of \$196.44. **The motion** passed unanimously.

Old Business

Ordinance No. 517-2013, Peddlers and Solicitors

The ordinance would remove language associated with street vendors and temporary merchants from the licensing provisions of the Dundee Municipal Code as similar provisions also exist under the temporary use permit process as a land use decision. The ordinance:

- removes the fee language for peddler and solicitor and provides this to be addressed by resolution
- requires peddlers and solicitors to inform City Hall when they start door-to-door contacts
- prohibits peddler and solicitors from contacting residents with a posted no solicitation sign
- increases the penalty from \$100 to \$250 and deletes reference to confinement in the city jail

The City of Newberg is also addressing changes in their process.

Mayor Crawford asked how a resident would identify a peddler at their door. C.A. Daykin suggested addition of a requirement requiring the peddler/solicitor display their license to the resident.

Councilor Weaver shared the City of Newberg found that licensing peddlers often was licensing criminals; who will use the guise to determine if the property is currently unoccupied prior to a criminal act. C.A. Daykin noted the City of Newberg is considering a change to their process to require a background check prior to issuance of the license; which Dundee currently requires. C. Weaver stressed the need to make it hard for criminals to use a peddler/solicitor license as a tool.

C. Reddell suggested placing an article in the City newsletter informing citizens to look for a peddler/solicitor to display their license. He suggested consideration to combine licensing efforts with the City of Newberg.

C. Nelson suggested limiting the hours of operation. The majority consensus was to amend to 10:00 AM to 7:00 PM.

C. Weaver suggested an additional item for denial of a license; if the person has an outstanding warrant. He stressed covering property crimes and personal crimes; including registered sex offenders. C.A. Daykin shared the proposed language from Newberg's ordinance: "If the registrant has a previous criminal history of arrests, convictions, incarcerations and/or dispositions of charges that include but are not limited to theft, burglary, robbery, fraud, deceit or any other crime of violence within the ten year period prior to the date of registration". Weaver recommended language addressing property crimes or personal crimes and pending criminal charges or warrants for arrest. C.A. Daykin suggested a question on the application inquiring if they have any outstanding warrants or pending court cases.

The ordinance will return to the January 15th meeting with the modification to the hours of operation from 10:00 AM to 7:00 PM and the additional requirement that a peddler or solicitor displays the license to the resident. The majority consensus was to include an article on the licensing requirements of peddlers and solicitors in the city newsletter.

C. Nelson noted that the definition of a peddler does not support every peddler being required to have a background check. Mayor Crawford suggested deleting "or persons" from the definitions of peddler and solicitor and deleting the sentence: "Person" or "persons" means any natural.....

Review of License Fees

City Administrator Daykin reviewed a report with the Council on the history of the business related license fees and the business groups licensed in 2012. He asked for direction from the Council whether to adopt a new fee structure or to provide exemptions for certain types of temporary merchants/temporary commercial uses which have gone through the land use process. The process for a typical commercial temporary use activity involves a ninety-day permit with an application fee of \$125. He inquired if Council wants to require a business license fee also and at what amount. The current exemptions to the business license fee are listed in DMC 5.04.030. Yard sales and auctions and Christmas trees and fireworks sales do not pay the \$125 land use application fee. Long-term food cart vendors go through the land use process and pay the \$125 fee for a one year term and would be subject to regulations in place at their annual renewal. If Council wants to charge a renewal fee, a minimal amount such as \$50 or \$60 to determine if there have been changes in the use or regulations was suggested.

C. Pugsley shared the discussion on fees in 2006 was that they were not intended to generate revenue; but to provide information on what businesses are in the city. He suggested including other temporary use business types in the business license fee.

C. Nelson suggested no fee for a week or under, such as yard sales and auctions, and a fee for Christmas trees/fireworks, farmers markets and food carts.

C.A. Daykin inquired if a non-resident business, in town for a limited period of time, should be charged the same rate as a year round business. He suggested returning the half-year fee option. Majority consensus was in favor of retaining the current \$45 fee, applying it to (for profit) Christmas tree/fireworks sales and farmers markets, and not applying it to businesses which have gone through the land-use process. C.A. Daykin confirmed the Council's direction if a business goes through the land-use process with approval; capturing the information to add the business to the registration list, they would be exempted from the provisions of Municipal Code chapter 5.04, without collection of further fees.

A business which goes through the land use process for home occupation and/or B & B in residential zones only has to go through it once. They pay a discounted license fee of \$20 for a business license. The question was asked if they should pay the \$45 fee or the discounted fee. C. Nelson questioned why home occupations are required to go through the land use process. Discussion followed that it provides a checklist of issues which might affect the neighbors, such as parking, use of hazardous materials, etc. The majority consensus was to charge the \$45 fee.

Second Hand Dealers pay an annual license fee of \$65; does the Council want to charge \$45 for a business license also. These licenses are subjects to additional requirements by the police department. The majority consensus was good with \$65 at this time and to exempt Second Hand Dealers.

The question followed of what to charge Peddlers and Solicitors and the length of term for their license. The City of Newberg is considering a six month licensing period. C.A. Daykin suggested a separate initial nonrefundable application fee, a per person background check fee of \$5/\$10, possible options for length of the license, and a license fee once approved. The majority consensus was to set a ninety-day license term and a \$45 fee on top of the application fee based on the number of per person background checks.

Business license fees are due January 1st. Currently a new business paying their fee prior to December 31st is covered for the following year. The question is to clarify a new business applying after mid-November paying the fee would be paid for the following year or would they be required to pay the \$45 fee again on January 1st. After further discussion the suggestion was made to consider licenses paid during the renewal period from mid-November to January to include the following year.

C. Weaver expressed concern for four yard/estate sales in a year; which can become a perpetual business. C.A. Daykin noted that the Dundee Development Code is currently being rewritten and will come before the Council for review and input. The issue can be addressed at that point or they can be exempted through the licensing.

C.A. Daykin will consolidate the Council feedback and bring the discussion back to the next meeting.

Fire Station Project – Solar Energy

Background information on solar energy for the new fire hall was provided in the packet. Staff is working with City Attorney Bennett on the Department of Energy's required process for the project. A power purchase agreement could satisfy the requirement. Where a third party provides, owns, operates and maintains the photovoltaic panel system with the city paying a discounted rate for the energy it generates. The City would own the infrastructure at the end of the term. It is a way to obtain solar energy with minimal investment up front. The agreement would be subject to prevailing wage. One provider advised if they have to include prevailing wage in their business model; they would require an upfront fee of approximately \$13,000 for the cost. C. Pugsley inquired if we have the funds in the project's budget. Daykin stated updated budget numbers will be available on January 14th. The proposed roofing membrane will not be required; which would cut the cost of the project. C. Pugsley restressed the Council's consensus from the December 4th meeting to ensure the roof's capacity to hold solar equipment. C.A. Daykin noted the updated design will be at 70% completion for bidding. The bid document will contain alternates to allow for a contingency for unknown costs. C. Reddell questioned what would occur if the provider of the photovoltaic panel system defaults. C.A. Daykin will follow up.

The traditional option of including the 1.5% solar energy requirement (about \$47,000) as a bid alternate with the fire station construction contract would only capture 15% of the project's

estimated energy use. Using a power purchase agreement with provisions to protect the city's long-term commitment, the photovoltaic panels on the station's roof could be installed post construction of the new fire station. C. Pugsley asked for an updated drawing to incorporate the proposed panels. It would be a racking system with the panels flush with the roof angles. Daykin will address with the supplier and look into a presentation to share information, no commitments.

Council Concerns and Committee Reports

C. Reddell advised that they are moving out of state; a letter of resignation will be submitted as this is his last Council meeting.

The Tourism Committee will meeting on Friday, January 11th to discuss marketing plans. The Dundee Hills AVA has been invited to join the meeting; the committee would like to obtain their support. C. Pugsley inquired if work is proceeding on the two logos. Councilor Munson confirmed it was.

Mayor's Report

ODOT will start clearing trees on the bypass route; with a need to complete by date of the end of March. After that date they would have to acquire a special permit and a biologist to ensure that there are no nesting migratory birds in the trees. Property acquisition offers to Lindquist, Edwards, and Pamplin are moving slowly.

City Administrator's Report

MSA was contracted by ODOT to identify potential utility conflicts. A waterline conflict was identified at 8th Street for the 2013 work. The estimated cost to relocate the waterline is \$430,000; the city would be reimbursed. ODOT wants the work complete by March 28th. The city would like the conduit sleeve for the purple pipe system installed at the same time at an estimated cost of \$60,000 with the relocation work. Staff is trying to get ODOT to fund part or all of the estimated cost for the purple pipe installation.

The Bank of America \$6.1 million loan for interim/construction financing for the WWTP has been paid with overall savings of \$3,200 with use of the loan in lieu of the DEQ loan funds.

Approval for the USDA loan for the Fire Station project is expected. The interest rates could be 3.25%; representing about a \$4,000 reduction in the annual debt service.

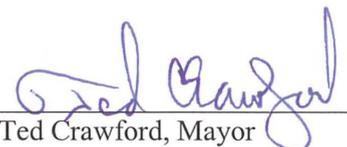
The city has received approval for the first round for the Family Foundation grant for \$115,000 to expand the training room space for a community meeting room and equipment. Submission for round two is due by January 15th.

Chuck Eaton, City Engineer, will meet with staff and ODOT tomorrow to come up to speed on the TE project and address crosswalks on Highway 99W.

Public Comment:

None.

The meeting was adjourned at 9:28 PM.


Ted Crawford, Mayor

Attest:


Debra L. Manning, Assistant City Recorder