

**CITY COUNCIL MEETING
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April 2, 2013**

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City of Dundee
City Council Meeting Minutes
April 2, 2013

Call to Order

Mayor Crawford called the meeting to order at 7:03 PM.

Council and Staff Attendance

Present: Mayor Crawford, Councilors Adlong, Munson, Nelson, Pugsley, Russ, and Weaver.
Staff members: Rob Daykin, City Administrator, Peter Watts, City Attorney, and Debra Manning, Assistant City Recorder.

Public Attendance

Chris Nagy, Fueled by Fine Wine Half Marathon.

Agenda Changes:

None.

Public Comment:

None.

Presentation:

Fueled by Fine Wine Half Marathon

Chris Nagy advised the Fueled by Fine Wine Half Marathon will return to Dundee Billick Park for the event's fourth year. The route will run a loop through the Four Graces vineyard, through the Dundee hills to Worden Hill Road, and returning to the park by Alder Street; visiting five vineyards. The Newberg/Dundee Police Department is working with the half marathon representatives.

Councilor Pugsley inquired if the city issues sound permits. C.A. Daykin replied Dundee does not. The parade permit, reviewed by the police department, allows use of the public streets. The City's nuisance ordinance would address sound issues. Whether or not Council sanctions the event will determine how sound complaint issues will be addressed. Councilor Munson recommended noticing the event in the city newsletter: the half marathon is a special (limited duration) community event which will have some music/sound associated with it in the morning. Daykin clarified this would apply as a "reasonable person standard" as a community event; where it is reasonable to expect some increase in noise. He suggested the possibility of directing the amplified sound towards the school and highway; away from the majority of residences. Councilor Russ suggested starting with a lower volume of music and gradually increasing volume up to the start of the race.

C. Munson inquired the amount of tourism funds the run brings to the community. Nagy did not have a break down. She noted that the Runner's World magazine lists the half marathon at thirteen of the top twenty-seven half marathons in the country.

The motion was made and seconded to sanction the Fueled by Fine Wine Half Marathon on July 14th. Nagy questioned if the city would allow a large banner over Fifth Street and closure of the street for the event. Daykin referred coordination of the items with the police department. C. Munson noted that the Tourism website should be available for posting the event. **The motion** passed unanimously.

Consent Agenda

Correction to City Council Minutes page two: Council and Staff Attendance: Councilor ~~Ross~~ Russ. Councilor Pugsley questioned what constitutes an excused absence. C.A. Daykin noted past practice: staff receives advance notice, the Council is advised of the absence and it is counted as excused; even though the Council did not take action on it. Pugsley advised that he had notified Mayor Crawford. Daykin clarified the need for excusing absences is to allow a Councilor to continue to serve if absent from Council meetings for an extended period of time. He inquired what process the Council wants to follow. After further discussion the process was clarified for an excused absence to be noticed at the start of the Council meeting without any objections. Mayor Crawford was aware of the absence and the minutes will be amended to excuse C. Pugsley's absence. **The motion** was made and seconded to approve Consent Agenda item 6.1 City Council Minutes, March 19, 2013 as amended. **The motion** passed unanimously.

Old Business

TE Sidewalk/Streetscape Project Committee

C.A. Daykin requested formation of a City Council ad-hoc committee for the TE Sidewalk/Streetscape Project. He expressed concern for members to work with City Engineer's hours; as Eaton is shared among three cities. Councilor Adlong expressed concern for meeting timing and her work schedule. Staff will work to schedule meetings shortly after working hours. The committee members are Councilors Adlong, Nelson and Weaver. C. Adlong will forward her schedule to C.A. Daykin.

Resolution No. 2013-01, State Parks Local Government Grant Project

This resolution affirms the Viewmont Greenway is the preferred project for a Local Government grant from the Oregon Parks and Recreation Department. The project has a new name: Viewmont Greenway Park. The resolution will be amended to reflect the new name. The linear park will include features such as nature play, benches, ADA access, a picnic table, etc.

Mayor Crawford inquired the amount of the local match. Daykin advised that an updated budget has not been completed for the application. The estimated budget for the original application was \$113,000 with a request for a \$75,000 grant. The city's required local match is 20% in funds and in-kind work.

The Parks Advisory Committee will meet tomorrow night to review the updated plan; which has less extensive landscaping. The improvements to the greenway include ADA access on an asphalt path and an open swale to handle drainage for the bottom section, the trail will split around the ditch with intensive plantings at the midpoint section, and reconnect moving up the hill with fewer changes to the ditch and landscaping. Daykin relayed the intent to recycle crushed concrete from the sidewalk project for a base for the trail. Mayor Crawford suggested the possibility of using the large boulders, from vineyard construction on Worden Hill Road. Daykin will forward the information to the Committee.

The motion was made and seconded to approve Resolution No. 2013-01, a resolution authorizing the City of Dundee to apply for a local government grant from the Oregon Parks and Recreation Department for the development of a linear park and trail in the Viewmont Greenway as amended and delegating authority to the City Administrator to sign the application. The Council was reminded that a restrictive covenant for the park use of the right of way was bequeathed to the State last year to remain a park for a forty-year period; but that has not been recorded. **The motion** passed unanimously.

Business License Exemptions

C.A. Daykin included additional exemptions, pages eleven and twelve of the packet, from other cities for Council's consideration. The expanded exemption list included temporary businesses, which are now administered through the Dundee Development Ordinance. He noted the question was asked whether entities conducting business with the City such as the City Attorney should be required to have a business license with the City. This has not been the case historically. He suggested exempting city activities since the purpose of registering businesses through the licensing provisions is to facilitate Code enforcement by the City and that the purpose of the license fee is to offset the cost of administering the licensing regulations.

Mayor Crawford questioned if a home office, doing work for an off-site employer, would be required to obtain a business license and would enforcement be an issue. Councilor Russ noted a home office, does not usually have customer foot traffic and suggested an exemption to address this. City Attorney Watts noted the home office provides dedicated services to an employer located elsewhere versus a business open to the public. C. Pugsley questioned an employee for an offsite travel agency, with a home office, performing services for local citizens. Watts counseled if you are performing services for people who live in Dundee and are contacting you for your services; it appears that you are doing business and would need a business license. Daykin clarified currently if you meet the definition of home occupation in the Land Use code; you would need a business license. He referred to the examples on page twelve of the packet of entities which appear that they should be licensed. A contractor taking out a building permit is required to be licensed with the City. The registrations allow the city to know who is out there in terms of zoning regulations, who to contact, emergency contacts for the police department and hazardous materials information for the fire department.

C. Russ inquired of legal counsel if we are creating problems trying to define what is exempt and what is not exempt. The City Attorney replied that people can manipulate their situation to fit an exemption. The question is; is it enforceable. A business, doing work in the city once, will not realize they need a business license. He noted the list seems reasonable.

The Mayor inquired if a private contractor applies for permits for his subcontractors. Daykin noted electrical permits are processed through the county, the city issues structural permits to entities with a business permit with the city. C. Nelson noted some general contractors will require their subcontractors to get a business license. Daykin offered the suggestion to exempt trades with a brick and mortar business location outside of the city from the business license requirement. Enforcement currently consists of the addition of late fees. The Mayor noted local licensed businesses are an asset to the city. C. Russ suggested a review of the current requirements for a business license. This will return to the April 16th Council meeting for further discussion with a review of the current requirements for a business license and the criteria for home occupations.

New Business

Water Leak Appeal

The residence at 227 SW 11th Street was listed for sale and vacant when a leak was found and promptly repaired. The owner, Mr. Bryant, was late in filing the paperwork for a leak adjustment credit with the City. The house has been sold and the bill is unpaid. Council was asked to consider the City's policy, the documentation from the owner regarding the circumstances, and decide whether to provide a credit or to deny the appeal. The majority consensus was to deny the adjustment with consideration the owner was responsible for prompt forwarding of his mail and bills due. **The motion** was made and seconded to deny a water and sewer adjustment to Randy Bryant. **The motion** passed unanimously.

Council Concerns and Committee Reports

The Parks Advisory Committee will meet Wednesday night. Neighbors abutting the Viewmont Greenway Park have been invited to attend the meeting for an update on the project.

C. Adlong advised she will be absent from the April 16th Council meeting.

The Tourism Website subcommittee will meet on Friday with the website designer to review the content for the website. C. Munson will not be available for the April 9th Tourism meeting. Mayor Crawford will chair the meeting.

The Overpass Design Committee is trying to mitigate the appearance of the concrete overpass with texture and column designs, a storm water detention pond and landscaping. C.A. Daykin shared ODOT will present the concepts to the City Council and the Planning Commission at 6:30 PM. on April 25th before the first Budget Committee meeting.

Mayor's Report

Mayor Crawford met with representatives from CPRD, the City of Newberg, and ODOT to discuss a trail following the Bypass ROW on the north side; switching to the south side at Chehalem Creek. Further consideration is being given to placement of the trail at the Chehalem Creek Overpass and at SP Newsprint and the railroad tracks.

Yamhelas Westside Trail received a \$1.5 million grant for the Rails-to-Trails from Carlton to St. Joe.

City Administrator's Report

Staff received the fire station plan set for building permit application submittal. Staff is waiting for approval from Rural Development to advertise bids. The updated plan set has been provided to the cost estimators with an update expected in about a week. We do not have to use Federal prevailing wages for the project; only BOLI prevailing wages will apply.

The Safety Committee recommended, Committee Secretary Manning applied and a grant was received for \$3,687 from City/County Insurance Services (CIS) to purchase two automated external defibrillator (AEDs) for placement at City Hall and the WWTP. Staff will receive CPR/AED training/certification on Tuesday.

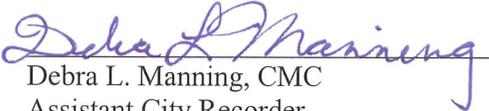
Public Comment:

None.

The meeting was adjourned at 8:45 PM.


Ted Crawford
Mayor

Attest:


Debra L. Manning, CMC
Assistant City Recorder