

**CITY COUNCIL MEETING  
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April 3, 2012**

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**City of Dundee**  
**City Council Meeting Minutes**  
**April 3, 2012**

**Call to Order**

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

**Council and Staff Attendance**

Present: Mayor Crawford, Councilors Miller, Munson (7:23P.M.), Nelson, Pugsley, and Reddell.  
Excused absence: Councilor Adlong. Staff members: Rob Daykin, City Administrator, Jeff Bennett, City Attorney, and Debra Manning, Assistant City Recorder.

**Public Attendance**

Jeanie Sandall, Terry Sandall, Leslie Lewis, Yamhill County Commissioner, Dave Haugeberg, Parkway Committee, Walter Gowell, Gary Allen, Newberg Graphic, Preston Van Meter, Kennedy/Jenks, and Tyler Anderson, Kennedy/Jenks.

**Agenda Changes:**

Item 12 Executive Session was deleted from the agenda.

**Public Comment:**

Jeannie Sandall, a resident of Yamhill County, shared that she is running for Yamhill County Assessor as a write-in candidate.

**Consent Agenda**

**The motion** was made and seconded to approve Consent Agenda items 5.1 City Council Minutes, March 20, 2012, 5.2 Financial Report Ending February 28, 2012, and 5.3 Purchase Order No. 5176 – WWTP SCADA System Computer. **The motion** passed unanimously.

**Old Business**

**WQWTP Construction Project Status Report**

Preston Van Meter, Kennedy/Jenks, introduced Tyler Anderson who is temporarily onsite filling in for Michael Humm. Wastewater Treatment Plant project update:

- Headworks and Headworks Electrical: the Headworks screens are on site, the discharge pipes and pumps will be installed in the wet well, the walls and a window are up for the Electrical building
- Operations Building: outer concrete panels are in place, interior sheetrock has been completed and electrical wiring is being placed, next is installation of cabinets and the delivery of the lab equipment
- MBR structure: hydraulic testing on the basin walls is in progress
- Site work: a retaining wall between the access road and lagoon no. 4 is under construction

Pay estimate number # 9 is \$596,578, with the project 50% complete. The pay estimates will be larger over the next couple of months with the arrival of the mechanical equipment. The Engineer recommended a Computerized Maintenance Management System (CCMS) for a proactive maintenance program. It would create work orders for the week and a calendar noting actions for the month, six months, and major maintenance items. The cost for the software is estimated at \$2,500. Kennedy/Jenks installed this system for the City of Pendleton at an estimated cost of \$15,000. City Administrator Daykin added that the software will be user defined. The CCMS will

provide a schedule for work to be done and a level of accountability to manage the maintenance requirements for the wastewater treatment plant facilities.

Councilor Pugsley inquired if items such as pump maintenance could be included. Van Meter noted it is expandable. He suggested starting small and expanding as needed.

Mayor Crawford asked the time frame for data entry. Van Meter replied Kennedy/Jenks will require about forty to sixty hours to organize the data and the vendors will need about a hundred hours to populate the system. Crawford inquired why this wasn't included in the initial proposal. Van Meter replied it is typically not included in the development of the scope since the need and extent of these services vary greatly. Daykin added it was considered after discussion regarding concerns for staff workloads. C. A. Daykin inquired if the Council would support the system. The majority consensus was in support. Staff will bring back additional information.

The Mayor inquired of the electronic O&M Manual. Van Meter replied the electronic O&M Manual is a task under the current agreement and provides links for all the individual O & M manuals/requirements for the WWTP equipment. Crawford questioned billing options for the engineering time involved to organize the data. Van Meter will review options including billing to the other direct cost line item.

### **Water Telemetry Project**

#### **The Automation Group (TAG) Proposal**

The proposal is for construction and installation of the control panels for the telemetry system. The intent was to proceed with sole source procurement for the TAG proposal with their onsite involvement and familiarity of the project. City Attorney John Hickey recommended the intermediate procurement process. This would allow the Council to accept the TAG proposal, with documentation of the attempt to bring in two additional quotes. Van Meter expects to have the additional quotes by Friday.

C. Nelson inquired if the Council would have a chance redirect their approval after receipt of the additional quotes. Daykin replied the Council can grant staff authority to accept the TAG proposal subject to the other quotes not being a better deal for the city or to make the decision to accept the best deal. If the Council wants to review the other quotes, they can be brought to the April 17th meeting.

The Mayor expressed concern that future highway bypass structures could affect receipt of the telemetry signal from Well #10/Alder Street. Van Meter advised the telemetry will come through a repeater site at Well # 3/Upland Well. Part of the scope of work from TAG will be to verify the line of site and how to accommodate the springs and the leased Martsoff wells.

**The motion** was made and seconded to accept the water system radio telemetry proposal from The Automation Group in the amount not to exceed of \$46,280 subject to the City Administrator seeking two or more proposals, and if no other proposals are received or if the City Administrator determines the additional proposals do not appear as though they would better serve the City's interest and are not less expensive, then the City Administrator is authorized to enter into a contract with TAG for the services. The Mayor asked if there would be an advantage to use TAG even if they are slightly more expensive. Van Meter answered no. **The motion** passed unanimously.

### **Design and Programming Work Order**

This is for additional design and programming for the project at an estimated cost of \$12,500. C. Nelson questioned if the \$12,500 was dependent on TAG. Van Meter advised it wasn't. **The motion** was made and seconded to accept the proposal for engineering design and programming services for work related to the water system radio telemetry from Kennedy/Jenks Consultants in the amount of \$12,500. **The motion** passed unanimously.

### **Newberg/Dundee Bypass Phase 1 – Local Funding Match**

Financing for the construction of phase 1 of the Bypass anticipated a \$20 million local match. The Tribe of Grand Ronde committed \$4 million to the local match, leaving \$16 million to be provided by Yamhill County agencies. Work on the local match needs to proceed to allow the funding to be in place for ODOT to authorize contracts. The anticipated project start date is 2013 with roadway work occurring in 2014. Staff is looking for authorization to begin work on the drafts of the intergovernmental agreements (IGA), which will be brought to the respective councils for approval. The intent is for agreement between the county and the cities involved on the local match formula and application to the ODOT infrastructure bank.

Mayor Crawford noted that the Newberg Council approved the start of work on their IGA.

C. Nelson questioned where the idea for the local match originated. Commissioner Lewis replied the Parkway Committee directed Lobbyist Dave Barrows to request two items from the legislators compiling House Bill 2001: 1) a specific earmark for the Newberg/Dundee Bypass in HB2001 and 2) an earmark large enough to build Phase 1. She noted that funding for the bypass project had not been accomplished through any of the Oregon Transportation Investment Act measures (OTIA 1, 2, and 3). ODOT's response was if you want the earmark in HB 2001 you will be expected to allocate some of the new funds you will receive from HB 2001. Nelson expressed concern that this is a form of double taxation. Dave Haugeberg noted other areas of the state are paying the same level of gas taxes and will receive the same tax revenue per person as Dundee, but will not receive funds for major construction projects. Lewis advised of other entities sharing in the cost of their projects: Urban Renewal funds have been used to purchase ROW for the Sunrise corridor and the City of Woodburn committed \$8 million to the Woodburn Interchange. Haugeberg noted the City of McMinnville funded \$1 million for the Lafayette Avenue project.

Mayor Crawford suggested amending the first motion to strike "complete and submit" and insert "prepare". Walt Gowell stated he researched the ODOT infrastructure bank option and the suggested motion was designed to give city leadership the ability to proceed with the application process without coming back to the Council. Crawford expressed concern for the city to "not be severely liable". Gowell stated the first goal is to negotiate with ODOT to try and avoid any of the cities being sought after for more than their proportional share. The IGA can create the contractual obligation that cities have against each other to enforce that obligation. Crawford stated a twenty year loan is under consideration.

C. Nelson inquired why the City of Dayton was not included. Haugeberg noted that representatives from Dayton have not been active participants on the Parkway Committee; it is only a nuisance issue for them. It was determined that the anticipated amount of funding and commitment which they would contribute at this time would not be cost effective given the additional complexity of including additional partners in the local match process. Lewis added that Phase 1 does not go near Dayton; the intent is to include them with the later phases closer to them.

**The motion** was made and seconded to: 1. authorize city staff and the mayor to cooperate and prepare a joint cities/county application to the Oregon Department of Transportation for an infrastructure loan to fund all of Dundee's portion of the Bypass local match requirement; and 2. approve the proposed preliminary allocation of loan principal and repayment amounts based on the formula presented by Dundee Mayor Crawford at the Yamhill County Parkway Committee held on February 29, 2012; and 3. authorize staff and legal counsel to prepare and present for future Dundee council consideration, a form of an intergovernmental agreement between the cities of Dundee, McMinnville and Newberg, and Yamhill County, relating to such infrastructure loan, loan administration and local match Bypass funding. **The motion** passed unanimously.

### **Parks Drive-Fulquartz Landing Road Overpass Configuration**

C. A. Daykin and the Mayor met with Tim Potter and Terry Cole, both of ODOT, to discuss issues related to the Bypass connection to Highway 99W just south of Dundee, including the overpass from Fulquartz Landing Road to Parks Drive. The overpass connects two roads under County jurisdiction, but did not take into consideration the large area in the City limits east of Fulquartz Road, which is proposed for 519 dwelling units. The question to ODOT was for a better transition other than a "T" and stop sign. ODOT suggested a "Y" interchange similar to Wilsonville Road in the City of Newberg. They will try to accommodate sidewalks in the design, but the sidewalks may not be constructed. Also addressed was the portion of Parks Drive which may have driveway access issues and landscaping to screen light intrusion from vehicles on the overpass into nearby residences. The County wants to be included in the decisions on what is the best facility and long term maintenance for the facility. ODOT has been responsive.

Lewis noted that an updated version from ODOT's Tim Potter addressed the access concerns with the dwelling units on Parks Drive. Yamhill County doesn't install sidewalks on county roads and expressed concerns with long-term maintenance issues. Potter relayed that ODOT was looking for concurrence from the County to build a ROW which would accommodate sidewalks and access to the residential units. The County has no objections to accommodate the design for better traffic flow and room for sidewalks. They are expected to maintain the elevated bridge structure, since it is on their road. C. Pugsley expressed concern for pedestrian/bike access from the river to the hills whether a sidewalk or accessible ROW access. C. A. Daykin noted that the City could take jurisdiction over Parks Drive at some point in the future. Daykin stated a properly constructed sidewalk should expect to last fifty years or more before significant maintenance is required. The County would entertain further discussions on landscaping maintenance with the city staff.

C. Nelson noted concern that redesign of the area will negatively impact current traffic in the area, while the design is for future growth. C. A. Daykin advised that interim traffic measures are under consideration with ODOT until traffic patterns change.

### **Ordinance No. 509-2012, Outside Water for Community Gardens**

This returns from discussion of expanding City water uses outside of the City limits to allow community gardens with specific restrictions and to recognize other existing outside uses that are not specifically residential. The current code restricts the use of water for domestic purposes. The new use would be for irrigation for a community garden, restricted to: produce is not for resale, the property less than one half acre in size, and available for use by the general public.

C. Nelson suggested amending "general public" to "Dundee citizens". City Attorney Bennett advised the intent was for it to be available to everyone for public use, whether it was a resident inside or outside of the city. Councilor Reddell reminded that enforcement would be an issue.

C. Pugsley inquired how easily changes can be made at a later date. Bennett noted by Council's amendment. Pugsley questioned "property less than a half acre in size". Bennett suggested "community garden less than a half acre in size".

**The motion** was made and seconded to adopt Ordinance No. 509-2012, an ordinance relating to water service outside of the city limits and amending Section 13.12.040 of the Dundee Municipal Code as modified by removing "on property" and " (not for resale),". **The motion** passed unanimously.

## **New Business**

### **Water Leak Adjustments**

C.A. Daykin referred to a question received on the definition of internal plumbing used to determine eligibility for credit adjustments for water leaks, which can be interpreted two ways. The proposal to clarify the wording addresses internal plumbing around the perimeter, defined by the outer walls of the living area of the building. Originally Council authorized leak adjustments on sewer related charges not water charges. Following an appeal to a catastrophic water leak in a service line which was not apparent to the customer, the policy was modified to include a water credit under limited circumstances. The question is where the responsibility should lay for water leaks.

City Attorney Bennett relayed the intent appears to say if property owner couldn't reasonably have known of the leak, it wouldn't be held against them. An unresolved, manifested leak inside the building would not receive a credit. The restrictive wording "plumbing within the outer walls of the living area of the building, could also be interpreted literally as plumbing inside the outer wall of the building as opposed to plumbing inside an inner wall of the building.

Daykin stated the proposed revised subsection C would cover water loss, which did not enter the sewer system, with a credit to the sewer charges. This reflects the two appeals heard and approved by the Council that involved water use outside of the building.

It was noted that it is a large cost to the homeowner for the excessive amount of water use, both water and sewer, but the production cost to the city is nominal. The policy's aim is to be an incentive for correction of the problem. Mayor Crawford suggested leniency for the sewer charges. Daykin asked if the Council wants to allow a water credit for certain water leaks and if the credit should be restricted to the interior plumbing. Bennett shared that many cities allow a credit for a leak, which the property owner is unaware of, between the meter and the point of the pipe's entry into the house. Daykin asked for consensus on the language: no adjustments to water charges shall be made for leaks that occur with internal plumbing of a building excluding crawl spaces. Further discussion followed on leaks in crawl spaces and finished/unfinished basements. The majority consensus was to table the discussion to the April 17th meeting for further consideration.

## **Council Concerns and Committee Reports**

The next Tourism Committee meeting will be Monday, April 9th to review the Identity Project RFPs.

There will be an information booth for the new Fire Hall at the Easter Egg Hunt/Garden Club Plant sale on Saturday, April 7th at Dundee Billick Park.

The Volunteer Firefighter's Pancake Breakfast is Sunday, April 15th, from 7 AM to 1 PM, at the Fire Hall.

## Mayor's Report

The Chehalem Valley Chamber of Commerce is considering incorporating a wine education center in the Visitor's Center.

## City Administrator's Report

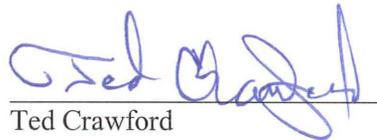
The Outfall easement documents have been received from Stuart Lindquist. The deed will be recorded and the payment of \$11,250 will be mailed. Kennedy/Jenks is proceeding with the call for bids for the Outfall project.

Staff met with representatives from 12th and Maple Wine Co. to address the outside lighting complaints. The fixtures are pre-existing, but were not being used until recently. They are exempt under the ordinance, till the 2021 conversion date. The owners are reviewing ways to mitigate the concerns. They have had to address issues of vandalism, theft and destruction of property since the holidays. It was noted that both Dobbs and Argyle wineries have added lights because of the recent crime issues.

## Public Comment:

None.

The meeting was adjourned at 9:04 PM.



Ted Crawford  
Mayor

Attest:



Debra L. Manning, CMC  
Assistant City Recorder