

**CITY COUNCIL MEETING
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May 6, 2014**

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City of Dundee
City Council Meeting Minutes
May 6, 2014

Call to Order

Council President Nelson called the meeting to order at 7:00 P.M.

Council and Staff Attendance

Present: Councilors Jeannette Adlong, Jennifer Munson (7:37 P.M.), Storr Nelson, David Russ, and Tim Weaver. Excused Absence: Mayor Ted Crawford and Doug Pugsley. Staff members: Rob Daykin, City Administrator, Charles Eaton, City Engineer, Jessica Pelz, Planner, John Stock, Fire Chief, and Debra Manning, Assistant City Recorder.

Public Attendance

Peter Greenberg, PGPV, LLC, David Jackson, Kelly Amador, ODOT, and Carl Springer, DKS Associates.

Agenda Changes:

Added item 6.4 Bypass Project Noise Variance Request to Old Business.

Public Comment:

David Russ introduced himself as a candidate for Yamhill County Commissioner Position 1. He stressed the need for proper economic development and land use to ensure livability for the populous of the County as the population grows. He will focus on attracting new business and job growth. Russ reviewed his past business experience.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items, 5.1 City Council Minutes, April 15, 2014 and Special City Council Minutes, April 24, 2014. **The motion** passed unanimously.

Old Business

WWTP Solar Agreement

This returns for approval for the City Administrator to execute the City Attorney approved agreement for the installation and operation of a 100 kW photovoltaic system at the Wastewater Treatment Plant.

Councilor Adlong asked for information: how many panels, how tall and the area involved. Peter Greenberg, PGPV, LLC, replied the site encompasses a strip of land below the berm, about forty feet wide. The mounted panels are an estimated seven feet high when deployed. There will be several rows, moving on a tracking system, spaced at eighteen feet apart. The area will be secured with a cyclone fence.

Council President Nelson inquired other systems they have installed in Yamhill County. Greenberg replied Newberg High School, Mabel Rush Elementary School, George Fox University, and at the Dallas Waste Water Treatment Plant.

C.A. Daykin inquired if PGPV, LLC will provide the maintenance of the panels; stressing concern for dust from the gravel road at the site. Greenberg confirmed they will provide maintenance. He suggested possible use of the recycled water from the plant for cleaning and cooling of the panels. His company is in the process of selling the 10 kilowatt system at the Fire

Station to another group of investors; but PGPV, LLC will provide the maintenance for the system.

The motion was made and seconded to authorize the City Administrator to execute an agreement approved by the City Attorney between the City and PGPV, LLC for the installation and operation of a 100 kW photovoltaic system at the wastewater treatment plant. **The motion** passed unanimously.

C.A. Daykin asked if the sale of the system at the Fire Station would occur before or after the installation. Greenburg replied PGPV, LLC will install under the new owners name. Daykin suggested setting up the agreement with the new owners upfront and asked for Council's concurrence to sign the agreement with the new owners; with the City Attorney's approval and recognizing PGPV, LLC as the project's subcontractor for maintenance.

Greenberg shared there is a company that provides small three to five kW inverters for residential systems; which allow access to solar power when the electric lines are down. Instead of the two or three larger inverters, eighteen of these inverters could be installed for an additional amount estimated cost of \$40,000 for the WWTP. Also, the smaller inverters will not be as efficient. Daykin noted the WWTP has a large emergency generator; and if the generator isn't operable during an emergency for an extended period the solar system will not make up the difference. Council concurred that it would not be worth the additional expense.

Fire Station Project Update

Chief Stock, updated site work: the CMU (concrete masonry unit) panels are installed, the generator is onsite, the main garage doors are installed, the interior walls have been insulated, the sheet rocking is nearing completion, the cabinetry is onsite, the lights are in the bays, and the roofing is complete. Work continues on the corrugated metal installation, the cabinetry, the electrical panels, and installation of the suspended sheetrock ceiling. Payment Application #10 is \$353,351.72. The total expended to date is \$2,265,197.38 with the project about 80% complete. The estimated move in date is June 20th with final completion on July 25th.

Due to the lateness of the season, staff is considering negotiation of a change to remove the landscaping from the Fire Station project construction contract. This would provide a large cost savings with staff and volunteers working on the landscaping in the fall. The estimated cost for the landscaping plants and soil amendments is \$47,000. An irrigation system was not included in the project contract.

C.A. Daykin advised additional change orders will be brought to the next meeting. Nelson questioned what the upcoming change order covers. Stock advised it includes addressing: the tower windows placed too high above the finished landing floors (to be paid by Mackenzie), a change from a 2 x 4 wall to a 2 x 6 wall, additional electrical runs, and additional conduit for the highway frontage.

TSP Downtown Connectivity Options

Planner Pelz and Carl Springer, DKS Associates were present to address questions. The Transportation System Plan (TSP) update is moving along and they need Council's decisions on downtown connectivity options. Three options are: Ninth Street, Tenth Street and Eleventh Street. City Engineer Eaton reviewed the options:

1. *Ninth Street* extends across the tracks, and continues through the Lindquist property to connect to the Bypass bridge. This includes the Linden Lane connection from Ninth Street to Eleventh Street.

C. Adlong questioned the Linden Lane connection. Eaton noted it is in all of the options as a place holder for a connecting street to improve local connectivity; which will likely be

constructed concurrent with future development. Eaton stated the actual route and connection point at Ninth Street may vary, but stressed the need for the connection off of Eleventh Street is at a specific location due to existing development. Adlong asked if the existing portion of Linden will remain residential. Pelz replied the recommendation from the consultants facilitating the commercial zone discussions is to keep it residential at this time following recent community input. Adlong questioned the chances of getting a railroad crossing at Ninth Street. Eaton replied we can get it by giving up another crossing. Stock noted the emergency crossing at Eighth Street was a private agreement between himself and the President of the railroad; it should be retained. Eaton confirmed that private negotiations are separate from ODOT Rail negotiations.

2. *Tenth Street* option would improve and upgrade the current roadbed, extend it on the west side to the Linden Lane connection, and improve down to Edwards. It will not provide a direct connection to either bridge over the Bypass to the east Riverside area.
3. *Eleventh Street* option could follow the grid patterns with a right turn movement to connect to Fulquartz Bridge or use a sweeping pattern following the streambed to the Fulquartz Bridge.

Concerns:

- Impact on Ninth Street and the Highway 99W intersection with the direct connection of Worden Hill/Ninth Street from Highway 240
- Fourteen residential driveways on Tenth Street and six on Ninth Street
- Dundee Community Center parking at the Tenth Street stub
- Pending development proposal for the Headstart property
- The Fulquartz overpass is expected to feed a majority of the riverside residential population
- Ninth Street requires the purchase of five properties (two houses, two garages and possibly one additional house near the railroad tracks)
- ODOT will change the ninety degree corner at Eighth Street into a sweeping curve, unless the Council selects the Ninth Street option
- Proximity of the streambed to the roadway (Eaton noted the road would run parallel to the stream, with a ROW exchange with the neighbor it could be a no cost ROW acquisition)
- The residential development in the southern Riverside area would be easiest for the city to serve for utilities
- The developer build out of the north/south collector (which parallels the bypass) is dependent on a set number of houses being built on the east side of the Bypass and north of the WWTP property
- Tenth Street is the most expensive option (300 feet longer) and Eleventh Street is the least expensive
- Ninth Street acquisition would be by either purchase or eminent domain (City Attorney Watts recommended the use of a letter disclosing possible eminent domain to allow the property owner to get tax advantages)
- Which railroad crossing to use and which to give up (We have a letter from ODOT Rail stating if we give up the Tenth and Twelfth Street railroad crossings; they will help pay for the Eleventh Street crossing. Daykin stated two crossings one block apart will not be allowed by ODOT Rail. Nelson inquired the best crossing option for emergency services. Chief Stock responded Eleventh Street is the best for access and return.)
- Cost of riverside connectivity between the upper and lower riverside/the two bridges
- Concern that traffic headed for the northern portion of the riverside will deter through residential neighborhoods

It was noted that Twelfth and Maple Winery wants Twelfth Street between Highway 99W and Maple Street vacated; this will be on an upcoming Council agenda.

The majority consensus was to wait for the full Council prior to making any decisions. This will be brought back in the near future for further consideration. C. Weaver asked for larger colored maps. Daykin suggested the addition of the north/south connector between the two bridges. Planner Pelz asked the Council's input on the Linden Lane cross connection. Daykin stated it provides the access to develop the undeveloped property. C. Adlong questioned why Alder Street does not provide enough connectivity. The City Engineer clarified with the removal of Tenth Street; the options would be a cul-de-sac or another non-connected way to serve the property. Pelz added it could be a large industrial development, with the proposed zone change. The majority consensus was in agreement with the cross connection. Springer noted the cross connection is recommended because of the distance from Ninth Street to Alder Street (1/4 mile). Eaton advised deep lots adjacent to Ninth Street could be rezoned, split, and developed commercially with the road providing access.

Bypass Project Noise Variance Request

This agreement contains more specific restrictions than the previous draft agreement. Most of the night work will be concentrated around the reconstruction of Highway 99W and the placement of the bridge beams. The exemption to allow for night work would exclude trucks hauling material/equipment; except for that specific work area.

Council President Nelson asked for clarification that the traffic will stay off of the Parks Drive/Edwards Road/Fifth Street route to access the signal on Highway 99W. Councilor Russ pointed out that the nighttime traffic volume on Highway 99W should allow for exit off of Parks Drive. Nelson and Russ asked for the agreement to reflect this.

Councilor Munson clarified the maximum number of consecutive days of night work is five. Kelly Amador, ODOT confirmed.

Adlong questioned how a resident of an adjoining neighborhood would know when work is scheduled. C.A. Daykin relayed the contractors typically do not want to work at night. ODOT requires night work due to the impact to the highway and for the bridge beams. Eaton clarified most of the night work will be for the redo of the highway roadbed from Neiderberger Road south. Amador noted the work will be continuous to finish the redo and then the bridge beams will be set in one night. Daykin noted the nighttime work can be noticed on the city website. Amador informed ODOT will send out a newsletter/flyer ahead of time.

The motion was made and seconded to grant the noise variance to ODOT as requested with the addition that the trucks will not utilize the currently approved haul route during nighttime operations. **The motion** passed unanimously.

New Business

City Administrator Salary

This is the fourth amendment to the employment contract for the City Administrator prepared by the City Attorney per Council's direction. **The motion** was made and seconded to approve the Fourth Amended Employment Agreement for the City Administrator effective July 1, 2014. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Weaver referred to the Medical Marijuana Moratorium; he suggested the need for a plan to re-educate the community in preparation for such facilities to come to the city in the future. City Attorney Watts noted that the City of Seattle has developed "reasonable restrictions"; which could be of use to the Council. He noted the challenge under the moratorium is to determine "reasonable" restrictions, if any, in addition to current restrictions set by the State. Weaver shared he attended a conference on the topic hosted by the League of Oregon Cities. They stressed the

major concern is preparing for the problems that will follow approval of recreational marijuana. It will be expensive for the community; demanding use of additional local resources. They suggested the community would be in better shape having a medical marijuana system in place by the time recreational marijuana phases in. After further discussion the City Attorney noted there are three separate law schemes involved: 1) Federal law-marijuana is a Schedule 1 narcotic (illegal), 2) State law-marijuana is considered medicine and may be possessed with a card, and 3) the city's home rule where the city decides what visions and values are part of that city. It appears safety related restrictions would be allowable: brick and mortar building, easily accessible to police, hours of operation, etc. Restrictions where you can show the intent is public safety for the people operating the business, for the patients and for the city over all. Adlong questioned why brick and mortar building. Watts noted it would follow the rules for pharmacies selling prescription drugs and banks with money, both handling items people may want to steal; wood frame buildings are easier to break into. Marijuana dispensaries have both; a lot of "illegal" drugs and money; since they can't take credit/debit cards under Federal law. With that consideration in mind a brick and mortar building would be a reasonable request for the safety of their employees, the safety of the patients, and for the safety of the community.

C. Munson referred the question if a Medical Marijuana facility was in place and a school/preschool opened within the 1,000 feet limit after it was established; would the Medical Marijuana facility still be a legal business and/or would the school/preschool be able to open. Watts replied the preschool would probably be defined as a school. It is unclear how the establishment of a new school would affect an existing medical marijuana dispensary; the intent of the moratorium is to give time to develop answers to these questions through legislative and common laws.

Mayor's Report

None.

City Administrator's Report

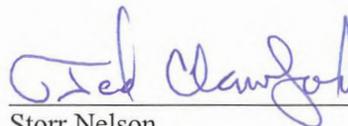
The Council will meet in Executive Session on Tuesday, May 20th at 7:00 P.M., prior to the regular Council meeting, for a discussion regarding the Baldwin contract for the Fire Station project.

One of the proposers on the Water Master plan has provided their scope of work and fees that is in excess of the budget estimate. Staff will meet with them this Friday and bring the information back for the committee's review.

Public Comment:

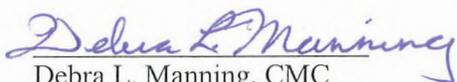
None.

The meeting was adjourned at 10:02 P.M.



Storr Nelson
Council President

Attest:



Debra L. Manning, CMC
Assistant City Recorder