

**CITY COUNCIL MEETING  
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July 1, 2014**

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**City of Dundee**  
**City Council Meeting Minutes**  
**July 1, 2014**

**Call to Order**

Mayor Ted Crawford called the meeting to order at 7:00 P.M.

**Council and Staff Attendance**

Present: Mayor Ted Crawford, Councilors Jennifer Munson (7:25), Storr Nelson, Doug Pugsley, David Russ, and Tim Weaver. Excused Absence: Jeannette Adlong. Staff members: Rob Daykin, City Administrator, Peter Watts, City Attorney, John Stock, Fire Chief, and Debra Manning, Assistant City Recorder.

**Public Attendance**

None.

**Agenda Changes:**

None

**Public Comment:**

None.

**Consent Agenda**

**The motion** was made and seconded to approve Consent Agenda item 5.1 City Council Minutes, June 17, 2014. **The motion** passed unanimously.

**Old Business**

**Noise Variance Request-Fueled by Fine Wine Half Marathon**

The Fueled by Fine Wine Half Marathon is scheduled on Sunday, July 13th; starting with sound system and amplified music at 6:45 A.M. and the start of the race at 7:00 A.M. The current nuisance regulation prohibits this type of noise in parks and next to residential areas on Sundays before 10:00 A.M. The Council may grant a variance. **The motion** was made and seconded to grant the noise variance for the Fueled by Fine Wine Half Marathon as requested. Councilor Nelson questioned how to get notice of the event out to the general public. Councilor Pugsley offered to distribute flyers to the neighborhoods adjacent to Billick Park. City Administrator Daykin added it will be posted on the city website and on Facebook. **The motion** passed unanimously.

**Fire Station Project Update**

A recap of pay estimate #12 for Baldwin General Contracting for the month of June was distributed to the Council. The recap does not include Change Order 6. Representatives from Rural Development, Mackenzie and other subcontractors completed a walk-through of the station. Engineer Eaton noted that the driveway improvements will require modification.

Chief Stock informed the Council that the June 20th move-in date has been pushed out as PGE did not complete the electrical connection to the building. As of this date the building does not have power. A punch list was completed today. Stock noted the interior painting was completed prior to the subcontractors completing their work; which now means most of the painting needs to be redone. Move-in is scheduled for the second weekend in July; but will probably occur on the third weekend. Testing of the generator and the heating and air systems will occur on Wednesday. Concrete moisture has held up completion of the flooring. The flooring subcontractor requires

readings to be below 85% for installation in order to preserve the manufacturer's product warranty. A little over a week ago it was 97% and today it rose to 99%. Stock advised there is a treatment to trap the moisture at an estimated cost of \$20,000. The decision was made to proceed with the flooring installation after further investigation revealed that it is unlikely the flooring will fail due to moisture. The City will have a limited warranty that excludes failures due to higher than recommended moisture levels in the concrete.

C. Nelson questioned the driveway issue. C.A. Daykin advised that the contractor is responsible to grind and replace the asphalt frontage at the driveway (ODOT's requirement). They are required to match the existing conditions; instead they created an estimated three inch difference/drop. The fix will entail sloping the first two feet beyond curb to where it should be. Stock inquired who made the error. Daykin noted the subcontractor appeared to have met the correct elevations at the certain critical key points, they are following ODOT's specifications for that type of driveway approach required by Mackenzie; but the result does not meet the city's specifications to meet existing conditions.

C.A. Daykin advised that the construction phase of the Mackenzie contract expired on May 25th. Staff is negotiating an extension which will be brought back to the July 15th Council meeting. C. Nelson questioned the cost for Mackenzie to construction monitor the project for two months. Daykin estimated \$20,000 to \$25,000 for the additional twelve weeks to final substantial completion on August 15th. Nelson expressed concern with the additional cost. Daykin noted Mackenzie is busy troubleshooting issues with Baldwin and they have final inspections to complete. Mackenzie prefers defined lump sum payments but the city has the option to go to a time and materials basis.

#### **Baldwin Construction Contract - Change Order 6**

A revised summary page of the Change Order document was distributed to the Council as page 15 of the packet did not carry forward the correct numbers from prior approved change orders. The total contract sum prior to the change is \$2,834,256.11 with this change order of \$11,469.54 amending the total contract sum to \$2,845,725.65. Chief Stock noted the tower windows were set at an improper elevation in the plans, but this was not discovered until after the concrete block was set. Mackenzie will reimburse the city for the change order to correct the issue. Daykin noted there are additional Change Proposal Requests (CPR) under review; the majority were questionable and have been directed to Mackenzie for review. **The motion** was made and seconded to approve Change Order No. 6 in the amount of \$11,469.54 to the contract with Baldwin General Contracting Inc. for the Fire Station construction project. **The motion** passed unanimously.

#### **Initiate Review of DMC 17.303 Exterior Lighting**

Staff is following up on concerns that the new LED street lights do not comply with the Dundee Municipal Code provisions that describe a 25 degree angle of shielded light under Chapter 17.303. The section is poorly worded. The 25 degree angle limit was carried over from prior regulation on floodlights and is not applicable to a LED street light fixture which is recessed and not shielded. Daykin noted part of the problem is that some of the public does not like the white LED light which can appear to be very bright. The PGE representative referred staff to a model ordinance developed for outdoor lighting by the Illuminating Engineering Society of North America (IESNA). Lighting standards will need to be determined for the Riverside. We can stay with PGE or have our own standard (as on Highway 99W) and own the utility. The issues can be brought back to the Planning Commission for additional study. Their agenda is full and it could be awhile before they can address the issues. C. Pugsley questioned the number of complaints received on the streetlights. Daykin replied one. C. Russ supports further research and shielding as needed to address the issues. Daykin advised that the lights were not installed correctly for the Vineyard Estates subdivision. There is a problem with the bolts on the standards which caused the

masts to shift and allowed the light to shine at an angle into the private properties instead of on the street. Under the conversion option with PGE we are responsible for the light fixture. PGE agreed to rotate the light if the city hires a contractor to replace the bolts. They are addressing shielding on the light closest to the person who turned in the complaint. The complaint asked the Council to consider aesthetics and not to rely just on PGE for lighting options. C. Russ expressed concern to consider the light standards, what is available, and the cost involved. Daykin noted the adopted outdoor lighting regulation has a ten year sunset on compliance. The change to the LED brings the majority of the city's lights into compliance. The decorative fixtures, Acorn and Town and Country lights will be expensive to bring into compliance. Staff has discussed the possibility of a Lighting District with a fee to pay for the street lighting program. C.A. Daykin reiterated the need to address the item in the Municipal Code, to consider design standards for new development-particularly the Riverside District, and to address how to bring the non-compliant decorative lights into compliance with the lighting regulations. This will be added to the Council's Pending Business list under Planning/Land Use.

### **League of Oregon Cities Legislative Priorities**

The League of Oregon Cities has asked the Council to identify four priorities from the list of recommendations (page 31 of the packet) that they would like to see the League focus on in the 2015 session. After discussion the majority consensus was: 1) Community Development – A, 2) Finance & Taxation – H, 3) General Government – L, and 4) Transportation - S.

## **New Business**

### **Ordinance No. 532-2014**

New utilities are required to be located underground where existing utilities are currently underground. The proposed ordinance would make it clear that any new utility provider, locating along Highway 99W, would have to underground their utility. If above ground utilities exist in rights of ways outside of Highway 99W; then new utilities would have to use the current existing poles. **The motion** was made and seconded to adopt Ordinance No. 532-2014, an ordinance requiring undergrounding of utilities and amending Section 12.28.070 of the Dundee Municipal Code. C. Nelson questioned how it applies to new development. Daykin replied the Development Code requires new utilities needed to serve new development be placed underground and that any existing overhead utilities next to the property to be developed is also placed underground. This ordinance covers use of city right-of-ways (ROW) by private utilities. **The motion** passed unanimously.

### **Resolution No. 2014-14**

The resolution sets the fees for Chapter 12.28 of the Dundee Municipal Code. It also closes a current loophole for a provider to ask for a license in lieu of a franchise agreement by paying a lesser fee for what is essentially a transmission line, but using the percentage of gross receipts method with a limited number of customers and limited revenue. This adds a minimum privilege tax of \$5,000 based on gross revenue and the minimum payment on linear footage is \$1,000 per annum. The Section 1 license application fee was modified from \$50 to \$100 for license renewals and \$1,500 for new licenses. Staff is reviewing Chapter 12.28 for further modifications to provide for authority to charge a fee to negotiate a franchise. The majority Council consensus supports the additional modifications which will be brought back to the Council. **The motion** was made and seconded to approve Resolution No. 2014-14, a resolution establishing privilege taxes and fees for public utilities operating within the City of Dundee rights of way. **The motion** passed unanimously.

### **Parks Advisory Committee Appointment**

Parks Advisory Committee Chair Adlong supports the application received from Kristin Judy for appointment to the committee. She has been invited to join her first Parks Advisory Committee

meeting tomorrow evening. **The motion** was made and seconded to confirm the appointment of Kristin Judy to the Parks Advisory Committee. **The motion** passed unanimously.

### **WWTP Ultraviolet System Service Agreement Proposal**

This is a request to authorize service of the ultraviolet disinfection system at the Wastewater Treatment Plant. The plant has been in operation for almost two years. The manufacturer recommends servicing every six months, staff concluded servicing should be completed every eighteen to twenty-four months. Public works staff will observe the servicing to learn to address some of it themselves and reduce future servicing costs. **The motion** was made and seconded to accept the proposal of \$5,500 from ETS UV Technology for preventative maintenance for the UV units at the Wastewater Treatment Plant. C. Nelson inquired if they are the only company to supply this service. Daykin noted that they are the proprietary owner of the technology. **The motion** passed unanimously.

### **Council Concerns and Committee Reports**

The Tourism Committee purchased 5,000 Dundee passport booklets (a sample was given to each Councilor); 1,500 will be used for the Fueled by Fine Wine Half Marathon swag bags. The Committee is considering advertising in a magazine published by the Chehalem Valley Chamber of Commerce; subject to cost. The Marketing subcommittee is working on brochures and/or postcards. A \$2,500 grant from Yamhill County was received for economic development and will be matched with city funds for landscaping, a bench, and a vertical banner holder near the Fifth Street and Highway 99W intersection. The Tourism kiosk at Ponzi provides access to the Travel Dundee, Oregon website.

C. Pugsley noted that a search of the Travel Oregon website for the paddle launch doesn't come up with any information. He asked if the Tourism Committee had contacts with Travel Oregon to promote aspects of Dundee. C. Russ relayed that Travel Oregon doesn't accept much input. City Attorney Watts suggested contacting the Destination Marketing Organization (DMO) for the region. He will provide the information.

### **Mayor's Report**

ODOT will start work on the railroad crossing outside of Newberg on July 12th at 4:00 A.M. The weekend of the Fueled by Fine Wine Half Marathon and the Special Olympics. They advised it was the only day they could do the work with the railroad's schedule.

The bids for the Newberg side of the Bypass are set to be opened on August 22nd. The ROW acquisitions are coming in at or below estimates. The Mayor had lunch with Congresswoman Bonamici who advised she will push for the Tiger Grant and support of the Yamhelis Westside trail.

Crawford relayed a conversation with a resident on Neiderberger Road regarding construction traffic and side street access to Highway 99W. He suggested asking ODOT for a reduced construction speed limit south of town.

### **City Administrator's Report**

The Parks Advisory Committee will tour the decommissioned lagoons at the WWTP and review the nature park concept plan with Mike Faha, GreenWorks, at their July 2nd meeting.

City Engineer Eaton has received a response from ODOT on the Highway 99W storm drain system. ODOT will dedicate more resources towards the design. Feedback has been received on the street lighting drops.

The Public Works building project is out to bid with bids due back on July 8th. City Engineer Humm suggested a change to the bid documents to provide for a deduct alternate to reduce the number of bays. Feedback from contractors, who attended the site visit, is that the project will cost more than budgeted (up to a \$100,000 per bay). The proposed project is a metal building on a concrete slab; which was budgeted at \$360,000 including consultant fees.

The paving projects for local streets is expected to go out to bid next week with information due back at the August 5th meeting.

**Public Comment:**

None.

The meeting was adjourned at 8:38 P.M.



Ted Crawford  
Mayor

Attest:



Debra L. Manning, CMC  
Assistant City Recorder