

**CITY COUNCIL MEETING
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July 3, 2012**

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City of Dundee
City Council Meeting Minutes
July 3, 2012

Call to Order

Mayor Crawford called the meeting to order at 7:01 P.M.

Council and Staff Attendance

Present: Mayor Crawford, Councilors Adlong, Munson (7:07PM), Miller, Nelson, Pugsley, and Reddell. Staff members: Rob Daykin, City Administrator, Jeff Bennett, City Attorney (7:29PM), John Stock, Fire Chief, and Debra Manning, Secretary.

Public Attendance

Robert Spierling, DKS Associates, Dana Beckwith, DKS Associates, Leslie Lewis, Yamhill County Commissioner, Don Clements, CPRD, Preston Van Meter, Kennedy/Jenks, Michael Humm, Kennedy/Jenks, Truman Stone, Scott Moore, Group Mackenzie, and Dave Haugeberg, Yamhill Parkway Committee.

Agenda Changes

Item 7.5 Update on Fortune Park was added to Old Business.

Public Comment

Yamhill County Commissioner Leslie Lewis stated the County is happy to have completed the pedestrian/bike path on Worden Hill Road.

Presentation:

Highway 99W Lighting Options

Dana Beckwith, DKS Associates, presented a handout with lighting options for the Highway 99W Transportation Enhancement project, including options with LED technology. LED lights: reduce energy consumption (Seattle has seen an estimated 48% savings in residential areas), reduce maintenance (light life is estimated at 20 plus years with a reduction to 70 % of output at end of life), reduce light pollution, improve uniformity, provides a range of light output colors (blue/cold to warmer/amber), durable, and no disposal hazards. LED lights have a higher initial capital cost and there is a lack of history with their newness to the market. Considerations: color rendering index, correlated color temperature (LED renders better color), BUG rating (Backlight, Up light, and Glare, which is similar to Dark Sky), light distribution, lumen depreciation, five-year warranty, cooling systems, and economics (reduced maintenance and energy incentives). Of the five scenarios presented in the packet, three were highlighted:

- ornamental lights from First Street to Parks Drive
- placing ornamental lights on the west side of Highway 99W with new LED cobra heads placed on the PGE utility poles on the east side
- mid-block ornamental lighting with cobra head lights at intersections.

City Administrator Daykin noted that the utility poles will remain in place, TE grant funds will not pay for undergrounding. The original estimate for the lighting portion of the project was \$434,700 (60 units at \$6,300 each with an additional 15% contingency). The first option of installing ornamental lights on both sides of the highway from First Street to Parks Drive is not affordable.

The analysis considered both LED and high pressure sodium. The Westbrook light fixture is on PGE's approved list, which would allow the City the option for PGE to maintain and own the high pressure sodium fixtures (LED unavailable). Daykin shared that the use of grant funds will allow the City to own more expensive lighting fixtures with lower maintenance and lower long-term cost. To maintain a consistent illumination look with the second option, the light fixtures on the utility poles would be replaced with flat LED cobras to match the new LED fixtures installed on the west side. Light options include: Westbrook, Providence (can be viewed at Bridgeport), or Coronet Jr., all of which can be mast mounted.

Councilor Adlong questioned the pole height. Beckwith advised twenty to twenty-five feet with 100 foot spacing. Adlong inquired pole color. Beckwith shared the manufactures provide many color options, and the poles can be custom painted in the field, or powder coated at the factory. Black and dark green colors blend well with landscaping. The suggested pole choices include standard straight or straight tapered. C. Pugsley inquired the cost difference. Beckwith advised they are similar; but the use of different materials can drive up the cost. There are other options available for the bases, but the remaining right-of-way between the inside edge of the sidewalk and the abutting property line is about 18 inches for the highway segment between Fourth Street and Eleventh Street. DKS demonstrated working Providence and Coronet Jr. LED fixtures and a high pressure sodium light fixture.

Challenges on the west side of Highway 99W include the utility poles with low lines, which will overshadow the decorative lighting. Daykin inquired if there are other fixtures which would work better on the west side. Beckwith offered lollipop lights (LED globes), but they are not dark sky compliant. The pole height can be minimized to address the line issues. The lines can sag to less than twenty feet in the summer months.

C.A. Daykin asked if the Council supports LED (with the City responsible for the maintenance) or PGE sanctioned lighting and what option. The majority consensus was LED. Councilor Nelson supported option 4, with the use of cobra lights at the intersections and ornamental lighting in between. Councilor Reddell expressed concern that any improvements on the west side will be lost in the utility poles and wires. He inquired the current cost for lighting for a year and the estimated savings from LEDs. DKS will return information to the Council. Spierling suggested the use of a standard decorative base throughout the city, whether Cobra or ornamental.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 6.1 City Council Minutes, June 19, 2012 and 6.2 Special City Council Minutes, June 26, 2012. **The motion** passed unanimously.

Old Business

WWTP Construction Project Status Report

Michael Humm, Kennedy/Jenks updated the Wastewater Treatment Plant project:

- Headworks: the pumps, the overhead hoist, and the odor control system have been installed and the exterior building has been painted; stucco will be applied in two weeks
- Headworks Electrical Building/Operations Building: the exterior building has been painted, office doors, lab and sink hardware have been installed; the entryway floor will be installed on Friday with an expected move in date for personnel after the 9th
- Process basin: exterior stairways and grating have been installed, and the motor control centers are operative
- Mechanical Building: the ultraviolet system is in, the trains and part of the blowers have been started; the pipes will be field cut

- Site work: the final grading has been started and will be completed after substantial plant completion, work has resumed on the facultative sludge lagoons with de grubbing and contouring prior to liner installation on the 23rd

Ovivo will start their testing on Monday, the 9th. They will complete a clean water permeate test the week of the 23rd, with seeding occurring on Tuesday or Wednesday followed by a switch to wastewater on the 26th. Preliminary training has started. Contract time is running on the outfall; construction work should start next Monday. Pay estimate number #12 is \$451,462.79. The project is 86.03% complete with \$8,067,637.45 expended to date. Three change orders are pending: 1) exterior lighting shrouds to comply with Dark Skies at a cost of \$6,384 (Kennedy/Jenks will credit labor), 2) sample tap relocation at \$2,125, and 3) the valves for the vacuum pumps are under review, since they are different than specified.

Van Meter provided contact information for SkyShots Aerial Photography; who can provide an aerial photo of the completed plant for City Hall. He suggested the option of a brass plaque for the facility dedication. A brochure: "Recycled Water: How Safe is it?" was left for review.

Group Mackenzie, Fire Station Design Phase 2 Services

Scott Moore, Group Mackenzie, advised the scope of service entails all of the design and engineering through completion into the one-year warranty. The geotechnical engineering and special inspection services are not included, since those consultants will directly represent the City. He reviewed the scope included in the packet. Group Mackenzie will track the budget through each phase to ensure it stays within the allotted project funding and they will look at alternatives to reduce cost or improve the facility. The scope: includes assistance with the Land Use process, permitting, and the full open public bid process, estimates an eight month construction process, and includes the one-year warranty period review. The base fee is \$303,519 and is proposed on a fixed fee basis. Moore reviewed additional LEED services options A through C (page 24), with options A and B shadowing the LEED program without the certification. Daykin inquired if the source of the credits is mainly the Energy Trust of Oregon. Moore replied the credits are a scoring system, not financial incentives; there could be incentives such as Energy Trust of Oregon.

Mayor Crawford asked the deadline for the decision on the optional services. Moore advised they would like a decision by the schematic design phase (October) to take the measures into account.

C. Pugsley inquired if Mackenzie has completed fully certified LEED projects. Moore shared Hillsboro's Cherry Lane Fire Station (with a PV array on the roof) is gold certified and their Port Fire Station is silver certified. Pugsley asked for an estimate of the additional cost for the certification. Moore estimated \$66,000 for full LEED certification (everything but the application fee).

C. Adlong expressed concern for the Council to review the design of the building. Moore stated they are open to further meetings with the Council to solicit feedback. C. Pugsley asked for the Fire Department Taskforce to be included.

Truman Stone, Fire Department Taskforce Chair, shared the members of the taskforce were not excited with the two design options presented. They were asked to focus on the square footage and building usage. The outside of the building will have a more refined design.

C.A. Daykin relayed two items to be completed for the USDA Rural Development loan application: 1) a specific site plan and 2) an environmental review. The goal is to have the application to USDA by mid-August and to close on the loan by September 30th. **The motion**

was made and seconded to approve the scope of services and fee proposal from Group Mackenzie for Fire Station Design Phase 2 Services. **The motion** passed unanimously.

Newberg/Dundee Bypass Project-Local Funding Share

The intergovernmental agreement (IGA) between the cities of Dundee, Newberg, McMinnville and Yamhill County is a joint application to ODOT's Infrastructure Bank for the local match financing for Phase 1 of the Newberg/Dundee Bypass project.

Dave Haugeberg, Yamhill Parkway Committee, advised that the City of Newberg was the last of the three cities to approve the IGA on Monday evening. The county commissioners will address it at their meeting on Thursday. Haugeberg sent a draft of the loan application to ODOT to complete their part of the application and he notified the other entities of items they will need to submit with the application. The application will come back for further review by early August.

C. Pugsley inquired if the IGA holds the entity responsible for their portion only. Haugeberg confirmed that is the intent, this could end up as multiple loans to address that issue.

The motion was made and seconded to authorize the Mayor to sign the four copies of the Intergovernmental Agreement-Newberg Dundee Bypass Project. **The motion** passed unanimously.

Fortune Park Update

The Fortune Park update was addressed next to accommodate audience attendance. C.A. Daykin noted two conditions of the Master Plan for the park need to be addressed to allow completion of the park: 1) dedication of Maple Street to the city and 2) a deferral construction agreement with Chehalem Park and Recreation District (CPRD) for the construction of street improvements abutting the park property.

City Attorney Bennett advised there are issues with the provision addressing what would occur in the event of a delay with the construction of street improvements. Options include: 1) CPRD to construct on their own, 2) the City to create a local improvement district (LID) including the park property, 3) the City would give 120 days notice to the district once Dundee receives an application for development of the property adjacent to the park, they would need to submit plans for the improvement and complete it within 360 days. CPRD responded that Oregon budget laws do not allow them to obligate for that requirement. Bennett counseled Oregon budget allows reserve accounts for public improvements covered by the Oregon Public Contracting law. One issue is an end point to the obligation, such as ten years. CPRD has asked for addition of a clause making their obligations under the construction deferral agreement subject to their appropriation for the improvement. Counsel does not recommend addition of the clause which allows the CPRD avoidance of the condition by not appropriating.

Truman Stone, Counsel for CPRD, shared their analysis is a future board can't be obligated to pay for an unknown. It must be a set amount through the budget process. The city would need to rely on the good faith of CPRD's board to budget it at the time of construction. It is impractical to budget for an item which might not occur for twenty years without an estimate of the cost.

C. Pugsley inquired if a public entity with a board is different from a business. Stone relayed a public entity can only spend through the budgeting process. Pugsley asked if they had addressed this issue with the City of Newberg. Don Clements, CPRD, advised they have not had any problems with the clause from the City of Newberg. Pugsley asked for examples. Clements offered Jaquith Park and the Senior Center (involving both the school district and the city). The board is following their legal counsel's advice. Stone stated an agreed upon amount could

budgeted with a capital improvement account, but without a dollar amount and no end date, it is impossible to accomplish.

Attorney Bennett had conversations with Attorney Allyn Brown, representing CPRD, regarding an estimate of the cost of the improvement. It is a trust issue to place the clause requested by CPRD into the construction deferral agreement and trust that CPRD will complete the condition of approval. The clause opens an out for CPRD if they decide not to appropriate funds for the project. A suggested alternative is an estimation of the cost, CPRD pays the amount and satisfies their obligation, and the city holds the funds for completion of the project at a later date. The City can estimate the fee and ask CPRD to budget based on the fee. Stone noted this is a condition of approval, the district is obligated and if they refused to budget then the city would have recourse through a legal claim against the park district.

C. Nelson suggested settling on an estimated construction cost now, one of their options. Clements noted the board will make the decision. CPRD started placement of the playground equipment, but were asked to stop by city staff till the issue is resolved. Land use approval was conditioned on the dedication of Maple Street and execution of the deferral construction agreement for street improvements prior to the installation of playground equipment.

After further discussion City Attorney Bennett inquired if one of two alternatives would be acceptable to CPRD; an agreement on the estimated cost for the improvement with an index and either ask for payment now or to budget for it. Stone relayed the board would probably be agreeable with inclusion of the estimated cost in a budget with an ending time period. Mayor Crawford suggested ten years. The majority Council consensus was in agreement with either an amount paid or an estimated amount with an index and a time limit. C. Pugsley offered to attend the CPRD Board meeting to help facilitate resolution of the issue. C.A. Daykin reminded the Council a modification of the conditions of the land use decision, would reopen the process. Clement will contact Mike McBride, President CPRD board, to call a special board meeting. The City Attorney will draft language to present to the board. Mayor Crawford noted that the deferral of Maple Street is also a condition of approval, although it is possible it may not be necessary if the Dundee Transportation System Plan is revised to remove that planned improvement. Clement acknowledged that they have no problem with meeting the condition of dedication for Maple Street. C. Nelson will work with Larry Anderson, CPRD board, to develop an estimate of the cost for the improvements.

Bond Counsel Scope of Services Proposal

This is the fee proposal for bond counsel services for the interim financing phase of the rural development loan for the fire station. **The motion** was made and seconded to approve the scope of services and fee proposal from Mersereau Shannon LLP for \$2,500,000 bond anticipation note with a fee of \$9,750. **The motion** passed unanimously.

New Business

League of Oregon Cities Legislative Survey

The Council will review the survey and forward their top four legislative priorities to C.A. Daykin. He will narrow them to the top four to forward to the LOC by the end of July.

Council Concerns and Committee Reports

C. Pugsley stressed the need to include the Fire Department Taskforce in the early design for the new Fire Hall.

Councilor Munson updated that Mayor Crawford, C.A. Daykin and herself met with the consultants on the logo designs. A meeting is set for the 16th to review refined designs. Mayor

Crawford noted the logo needs to be able to be reproduced clearly in concrete for the bypass pedestrian bridges.

The Mayor advised ODOT will have discussions with C.A. Daykin and the Mayor to schedule community meetings to receive feedback on appearances for the bridges.

The July 5th Parks Advisory Committee meeting is being rescheduled due to the holiday.

Mayor's Report

None.

City Administrator's Report

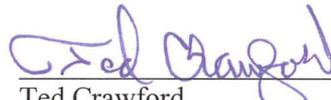
None.

Public Comment

None.

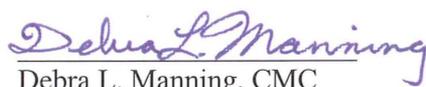
Executive Session:

The City Council entered Executive Session at 10:13 P.M. in accordance with ORS 192.660 (2) (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions. Executive Session ended at 11:04 P.M. and the Council did not reconvene.



Ted Crawford
Mayor

Attest:



Debra L. Manning, CMC
Assistant City Recorder