

**CITY COUNCIL MEETING
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City of Dundee
City Council Meeting Minutes
July 21, 2015

Call to Order

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

Council and Staff Attendance

Present: Mayor David Russ, Councilors Jeannette Adlong, Ted Crawford, Storr Nelson, Doug Pugsley, Kristen Svicarovich, and Tim Weaver. Staff members: Rob Daykin, City Administrator, Shelby Rihala, City Attorney, John Stock, Fire Chief, and Debra Manning, Assistant City Recorder.

Public Attendance

Jackie Lang, Waste Management, David Huber, Waste Management, Cathy Martin, Argyle Winery, Chris Cullina, Argyle Winery, Bill Ciz, Parametrix, and Kelly Amador, ODOT.

Agenda Changes:

None.

Public Comment:

None.

Presentation:

Green for Growth Grant Award

Jackie Lang and David Huber, Waste Management, were present to award the Green4Growth economic development grant of \$15,000 funded by Waste Management (WM). Dundee will use the funds to help existing business achieve the new design standards for downtown revitalization. Mayor Russ thanked Waste Management for the grant. Lang shared they host a national fund raiser for community partnerships for their vendors every year. This year Yamhill County is receiving \$150,000 in funds. Travel Yamhill Valley will receive a \$5,000 grant and Family Place will receive a \$1,000 donation made possible from remaining funds of the grant which the City of McMinnville did not take.

Dave Huber shared that WM is providing additional training for their hauling operators with a goal to achieve internal certifications. He reminded the Council that the operators now have tablets which can track idle time on the truck, pre and post trip inspections, disposal time, and customers who haven't set out their garbage. He stated that the change of pickup days from Friday to Tuesday has been beneficial.

Lang shared that they are active in the community; noting that she is on the Government Affairs Committee and a member of the McMinnville Rotary and Huber is a member of the Newberg Early Bird Rotary. They distributed a couple of the yearly reports on WM's sustainability work.

Councilor Crawford questioned if WM was still not adding all of the energy captured from methane back on the grid due to limitations from McMinnville Water and Light. Lang confirmed that is the case. McMinnville Power and Light's agreement with WM allows them to meet their Green Energy portfolio standard; after which they purchase the lowest price energy available. WM is ready and able to expand their plant. Currently they can generate enough power for 2,500 homes.

Argyle Winery Improvement Project

Cathy Martin and Chris Cullina, Argyle Winery, updated the Council on the events at Argyle Winery. They moved their production facility to Newberg several years ago. The Dundee property will be used as a visitor center. Eight months ago they started a redesign of the property, taking into consideration sustainability, preservation and consumers expectations, with the intent to reopen during the peak season (Monday August 17th). A main goal was to have convertible indoor and outdoor spaces to use as size needs demand. The main tasting room now provides seated service and larger parties can be hosted away from the tasting floor. Argyle plans on hosting cultural and educational events. They will add ten full-time employees and fifteen part-time employees. They are reusing a lot of the building materials from the site including milled timber from the cellar which they have made into furniture. The plants from the old garden were donated to Chehalem Park and Recreation District for use throughout Newberg. The site will be replanted with Pacific Northwest native plants and drought resistant/tolerant plantings; including broadleaf evergreens which will remain green during the winter and hazel nuts trees in remembrance of Argyle's ties as a former hazel nut roasting company (Nut World).

Councilor Pugsley inquired if the house will be used for special groups. Cullina confirmed it will be used for dinners and classes etc. It cannot be remodeled until the old tasting room is removed.

C. Crawford questioned the capacity for an event. Cullina advised 200 to 300 people on the lawn and patio; but parking is still limited. The south parking lot has been enlarged and paved; the north parking lot will be used for service, employee, and overflow parking.

Consent Agenda

The motion was made and seconded to approve Consent Agenda item 6.1 City Council Minutes, July 7, 2015 and 6.2 Financial Report Ending June 30, 2015. **The motion** passed unanimously.

Old Business

Dundee Bypass Bridge Aesthetics

Kelly Amador, ODOT, updated that beam structure over Highway 99W is expected to be placed in two to three months and both the Fulquartz and Eighth Street bridges should be open for local traffic about September. ODOT is trying to work with Tom Edwards and the city to negotiate additional property to facilitate the change to the Eighth Street alignment. C. Crawford questioned the improvements to the road to accommodate traffic when the bridges open. Amador relayed it would be paved to a point and then gravel.

Bill Ciz, Parametrix, advised the Council that they reviewed reflections off the bridge aesthetics and discovered a small amount of the south side hills is visible from the north side. Also the elevation of the structure allows sight of the north side hills from the south side. The curve of the roadway required a movement of the hills to the east. The majority Council consensus supported a light orange color for the north hills and a darker color for the south hills. Councilor Nelson suggested flipping the hill layout on the north side. Ciz stressed that would require a redesign since the bridge is on a curve. Ciz reminded the Council of their selection of #4 for the river design; a new sample was made on aluminum and present for viewing. The panels will be fifteen to sixteen feet (160 feet of river) supported by a superstructure on the bridge rail. The panel size is limited by the size panel the paint booth can accommodate. Councilor Svicarovich asked if the panels would be coated to allow easy removal of graffiti. Ciz advised there is a clear coat on the panels; but it is unknown if graffiti will clean up easily. Reflection off of the river was tested on sunny days in January and March with a bridge crew putting the sample through various inclines to determine reflection potential. The reflections were dull; no blinding reflection in either the semi-gloss or matt finish.

C. Svcarovich inquired if the location of directional signage on the bridge were taken into consideration of the visibility of the art work. Amador confirmed the design took them into consideration. There is no lighting on the bridge.

Ciz advised that overlapping of the panels causes shadows, dependent on the time of day. A change to a curved edge on the overlap presents a better appearance. Mayor Russ inquired why the panels need to overlap and suggested abutting them edge to edge. Ciz cautioned there would be expansion/contraction problems with the metal panels and possibly gaps. Russ suggested butt welding the panels on site. Ciz relayed that the metal attachments were welded to the panel prior to painting to ensure the welds did not show. C. Pugsley supported the curved edge for the panels; noting that streams and rivers have shadows. The Mayor suggested beveled edges. Parametrix will review a rounded edge. Ciz advised that the panels will overlap in a fish scale overlap; which allows shadows half the day and no shadows the other half of the day. The south side would have shadows in the evening; while the north side could have morning shadows.

C. Svcarovich questioned how long the panels would maintain their color. Ciz advised that they considered options including pre-colored aluminum or stainless steel. They discovered a sign manufacturer who uses automobile paints. The color should wear the same as on the side of an automobile.

Councilor Adlong asked for the concrete color of the bridge to be a neutral color or gray; not white. Amador advised that the bridges are usually ODOT gray. The majority Council consensus was for anything but white. Amador will follow up; but it could be too late in the construction process to make the change.

The contracting process for the hills will be a standard goods and services contract which will include the superstructure to support the river. ODOT will select the low bidder. A two-step process will be used for the river. They will advertise a goods and services contract with a mandatory pre-bid. Bidders will be shown the current samples, review specifications of the project and then they will be asked to bring a similar sample with a cost estimate for fabrication. ODOT will bring the samples to the Council for Council's selection of acceptable samples. A low bidder would be selected from the acceptable samples. C. Nelson questioned the possibility of no responsive bidders. Amador conceded it is a possibility; at which point the company they have been working with would probably get the contract. ODOT's intent is to get to bid and fabricate the aesthetics in time for the current contractor to install the work. The selected sample would be used for quality control for panel fabrication.

ODOT's schedule:

- Completion of final plans - 5/1/2015 to 10/1/2015
- ODOT bid process - 11/1/2015 to 1/31/2016
- Fabrication - 2/1/2016 to 8/31/2016
- Installation on bridge - 9/1/2016 to 10/30/2016

Ciz informed the Council that some of the grind patterns have been toned down to negate the reflectivity. The council supported crossover between the grinds which helps the appearance to be closer to a natural water flow pattern.

Amador advised that the test of the City's logo on the bridge columns did not turn out well. She proposed a metal plate with the City's logo for the Council's consideration. The plate would be eight feet by eight feet. The majority consensus approved of the plate. C. A. Daykin will supply the color codes for the logo. C. Crawford inquired if ODOT could use weathered steel which would make it consistent with the City's welcome sign. Amador will follow up on that request. ODOT will not allow use of the wine glass logo on the structures. Councilor Weaver asked if the

wording “Dundee” or “Dundee Hills” could be added at the bottom. Amador replied that text requires a lengthy permitting process.

New Business

Marijuana Legislation Review

Mayor Russ inquired if the City doesn't enact legislation for a 3% tax; then we can't collect the 3% tax. City Attorney Rihala confirmed. Russ asked for confirmation if the City tries to collect the current 5% tax on medical marijuana, the State can stop us from collecting that and then we wouldn't receive any tax. Rihala confirmed. Russ questioned the response from other cities. Rihala advised

- The City of Sandy is banning the sales of marijuana in its entirety
- The City of Scappoose has deleted the reference to federal law in their business license to allow issuance of a medical marijuana business license
- The City of Tigard has designated zones along Highway 99W for the sales

The State legislators have approved the cities imposing a 3% tax with voter approval. Rihala reviewed that the City did adopt and enact an ordinance to tax marijuana. It is unclear how the state will address collection of taxes adopted prior to the state legislation; specifically if the tax has not been collected. The general consensus among city attorneys is that the legislature wanted to preempt cities entirely; if the language is unclear they will return to clarify it. The Mayor inquired if the current ordinance would have to be repealed prior to the process of referring a new tax ordinance for voter approval. Rihala advised that under the city code, referrals are not effective until thirty days after the election. If the city decided to impose the 3% tax; it would not be collectible until thirty days after the election. Rihala counseled it could be a litigation risk to try and collect the current tax. It appears that so far no one is challenging the state on the issue. Counsel confirmed the current ordinance can stand while the process is started to refer a new one to the voters.

Whether the wording of the current ordinance applied to both medical and recreational marijuana was questioned. C. A. Daykin confirmed the intent was to apply to both by removing reference to the medical program. The City Attorney cautioned that the word dispensary applies to the medical program and would not apply to recreational marijuana. A change of language from dispensary to facility would have to be completed through the land use process. Discussion followed on the definition of marijuana noting that state law excludes hemp. The majority consensus was to start the land use process to clarify the language in the current ordinance to apply to any marijuana facility (retailer, wholesaler, producer, and grower) that sells products from a cannabis strain in any form (marijuana/hemp).

C.A. Daykin asked if the Council wants to prohibit early sales of recreational use from a marijuana dispensary. An ordinance would have to be adopted by the August 18th meeting for the thirty day effective date. Council gave staff direction to bring an ordinance back to prohibit early sales of recreational marijuana. An ordinance will be returned to prohibit early sales of recreational marijuana.

The Council was asked if staff should attempt to collect the current 5% tax from the medical dispensary. City Attorney Rihala counseled the state government could see it as an attempt to enforce a grandfathered ordinance or the state could bring litigation for collecting tax revenues against the state's authority. C. Crawford suggested attempting collection of the tax and then proceeding with a new ordinance if the city encounters a problem. Rihala offered an option that other cities are enacting of a marijuana business license with a fee of \$5,000 to \$10,000 based on findings of city expenses. The majority consensus was to attempt to collect the current tax.

C.A. Daykin questioned if there are any marijuana facilities (packet page 29) which should be prohibited. The majority consensus was not to prohibit any of the listed facilities. C. Adlong questioned two facilities could not be within 1000 feet of each other. Rihala advised state law prohibits medical and retail facilities within a 1000 feet of each other. Staff asked the Council to consider if there should be exclusions for specific zones within the city. The OLCC's administrative rules from the state should be available by the end of the year to provide direction for the Council to proceed.

Fire Department Staffing

The Fire Department is having difficulties recruiting volunteers and has been losing experienced volunteer staff that can drive the vehicles and supervise the crews. The current full-time firefighter is trained and has the experience to take on the role of duty officer. There is a need to compensate the position for the additional requirements of on-call/standby rotation.

Chief Stock stated the current rotating officer duty program has three personnel. This means you are on call every third night as supervisor responsible to get the initial apparatus out of the door. The on-call timeframe is evenings during the week and 24 hours on Saturday and Sunday. The training is very time consuming for the volunteers. The full-time firefighter is at a point to help relieve some of the staffing work load. In the past, on-call duty was compensated with time off during the day; but day staff is needed during the day when volunteers are not available.

C. Pugsley questioned if this could help train a replacement for the Fire Chief in the long term. Daykin replied that would be Option 2 which would create a new job description; possibly making the employee exempt from overtime.

Mayor Russ stressed the need to allocate funds during next year's budget meetings to help attract and keep the fire department volunteers. Daykin responded that part 2 of the staff recommendation is to form a Council committee to explore those ideas. The majority consensus was to move forward with the committee. It was noted that the city cannot compete pay wise with other fire departments. The city's firefighters also address administrative duties which would not be required of them at other fire departments. Daykin cautioned the on-call pay will be an additional impact to the budget and could require use of contingency funds as this was not included in this year's budget.

The motion was made and seconded to authorize implementation of Option 1 as described by Chief Stock's memo requesting on-call duty officer. **The motion** passed unanimously. The suggestion was made to include a representative from the Rural Fire Department. Formation of the committee will be on the agenda for the August 4th meeting.

Council Concerns and Committee Reports

C. Crawford advised the Tourism Committee is working on criteria for the façade improvement program to be funded by the grant from WM. Crawford relayed there is an architect who has completed drawings for businesses in Sandy and Lake Oswego for façade improvements. The drawings cost about \$500 to \$800. The architect captured improvements such as awnings, paint, and new siding. The committee will possibly identify one large and several smaller projects and then engage the architect.

Mayor's Report

The Mayor recommended a suggested time limit for presentations. The majority Council consensus was for the agenda to identify a fifteen minute limit.

Mayor Russ lost his bocce game at the third annual Oregon Mayors Bocce Cup tournament.

City Administrator's Report

During the Public hearing for the Transportation System Plan, Mayor Russ questioned if the W2 sidewalk project on First Street was to be removed from the Figure C projects-Sidewalk map. Carl Springer, DKS Associates, did not find it was to be deleted; but it was downgraded from likely to be funded to possibly to be funded.

The Well 8 pump repair project has been completed. The water supply was maintained during the hot weather.

The contract with Pinnell Bush, Inc. for the investigation of the moisture project does not include the city being responsible to hire: 1) a separate contractor for the penetrations and repairs at an estimated cost of \$5,000 and 2) an independent engineer for analysis of the structure if needed.

Chief Stock met with a potential contractor last Friday to discuss a solution for the slab floor. We are under a separate contract with Pinnell & Bush Inc. from last fall for this issue. They have recommended additional testing on the slab floor. Chief Stock advised they have asked for a core sample of the slab to determine the depth of the damage. The contractor applying the fix to the slab will need to know how deep to go. Mayor Russ supports the core sampling to determine the actual scope, treatment and cost of the repair. He suggested we submit our receipts along with the subcontractor's invoice to Baldwin General Contracting's insurance. Staff will follow up on the possibility of recovering the expenditures. The majority Council consensus was to approve core sampling up to \$5,000.

The city received notice of a water leak on Locust Street between Tenth and Eleventh streets. It was an old steel pipe with four separate leaks with prior repair bands. Staff repaired what they could; but there is still a small leak which will have to be addressed at a later date. Staff will look at replacement of the line for entire block; but it will be about three weeks before they will be able to address it.

Public Comment:

None.

The meeting was adjourned at 9:58 P.M.



David Russ
Mayor

Attest:



Debra L. Manning, MMC
Assistant City Recorder