

**CITY COUNCIL MEETING
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August 2, 2011**

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**City of Dundee
City Council Meeting Minutes
August 2, 2011**

Call to Order

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

Agenda Changes

Item 9.4 Hydrant Water Sale Request was added to New Business.

Public Hearing: Chehalem Park & Recreation District (CPRD) – ZC-11-10/MP-11-11, Zone Change and Partition

Mayor Crawford called the hearing to order at 7:02 P.M. to consider the preliminary plat and zone change for Chehalem Park and Recreation District-ZC-11-10/MP-11-11.

Call for Objections to the notice given:

None.

Objections to jurisdiction by any members of this body:

None.

Call for Declarations of Conflict or Bias by any members of this body:

None.

Staff Report:

City Planner Nunley read the staff report into the record. The request is to partition the property into two parcels approximately 1.25 acres and .96 acres for the park and a zone change from Light Industrial (LI) to Parks and Open Space (PO) for the parcel abutting Locust Street. The Planning Commission recommended that the City Council adopt the proposal. The Transportation System Plan (TSP) calls for the extension of Maple Street from Seventh Street to Eighth Street. A condition of the approval is the dedication of the right-of-way (ROW) for the future Maple Street improvements by the applicant. The City Engineer may defer the street improvements to a later date. ODOT Rail expressed their safety concerns with the railroad tracks and the park. The Planning Commission specified a minimum five foot fence to separate the property from the railroad. The City Engineer offered CPRD an option to propose an alternate path to serve as a sidewalk until the street improvements are completed in the future. CPRD has proposed an asphalt path connecting to the existing sidewalk at the northeast corner of the property and running parallel to Locust Street more or less before reconnecting to Locust Street at the southeast corner. This would serve the park as required ADA access to the playground area and act as an interim sidewalk until street improvements are completed.

Staff recommendation:

- 1) Consider the staff report, written and oral testimony, and the Planning Commission Order of Recommendation
- 2) Deliberate and make findings showing that the proposal is consistent with city policies.
- 3) Direct staff to return to the August 16, 2011 meeting with an adopting Ordinance to approve the requested partition and zone change.

City Administrator Daykin clarified that the ordinance adopting the zone change and approval of the partition is included in this meeting's agenda and will require two votes since it wasn't

available for public review at least one week prior to its consideration. The second vote is anticipated at the August 16th meeting.

Councilor Adlong asked if the development of Maple Street would still be a condition of approval if the TSP was amended not to extend the street. City Attorney Phillips advised that CPRD could request a change of the conditions of approval due to a change of circumstances. C.A. Daykin noted that Council could initiate a vacation of the dedication, with it reverting back to the property owner.

Mayor Crawford questioned if deferral of sidewalks conflicts with the code. Planner Nunley advised that there are conflicting code provisions including the Public Works Design Standards which has sidewalk deferral standards. The Public Works Design Standards also allows the City Engineer to grant a variance to the design standards to place a sidewalk at an alternate location. In the Planner's opinion the City Engineer has discretion to grant a temporary variance until the street improvements are developed in full. It was noted that code updates are under review and potential conflicts with the Public Works Design Standards will be included in the review.

Councilor Pugsley inquired if a sidewalk could be placed on one side on the street. Nunley replied the property owner is required to do a three-quarter street improvement.

C. Adlong expressed concern regarding the fence. Daykin noted it is a temporary fence until the property is developed.

Councilor Nelson asked if the construction deferral agreement for Maple Street was because of the dedication. Planner Nunley advised it is their option. Daykin stated it could be less expensive and would make sense to defer construction until the vacate lot adjacent to the park is developed. The City Attorney noted that the construction deferral agreement requires payment for the improvements. Nunley stated the TSP requires the dedication. The City Council may initiate amendments to the TSP through the legislative process. Daykin stated that the review of the TSP could start in November.

Proponents:

Don Clements, CPRD, relayed their intent to install a park as quickly as possible. He shared that CPRD would prefer all two acres to be a park. They have met with the neighbors who expressed their desire not to see Maple Street extended. The citizen input received from the neighborhood meeting was forwarded to the City Council. CPRD will place barriers at the end of Maple Street to keep vehicles from driving across the property from Seventh Street to Eighth Street. Clements noted that the winery owners adjacent have requested access to the back of their property.

Linda Stock expressed safety concerns for children with the railroad tracks and also with the extension of Maple Street and the increased congestion and usage as a bypass for drivers wanting to avoid Highway 99W traffic congestion.

Opponents:

None.

The hearing was closed at 7:38 P.M.

Deliberations:

Councilor Nelson supported the idea of building a detached sidewalk along Locust Street concurrent with the park improvements and allowing deferment of the other street improvements. The majority consensus agreed that Maple Street should not be extended until the policy issue

with the TSP is reviewed. City Attorney Phillips suggested changes to Exhibit A: Conditions of Approval 1.c.ii and iii to amend the wording from “may” to “shall” if the Council’s decision is that the improvements will be deferred.

The motion was made and seconded to adopt Ordinance No. 505-2011, an ordinance approving a partition for a property located between Locust Street and the railroad, Tax Lot 3325CC-400, and approving a zone change from LI (Light Industrial) to PO (Parks and Open Space) for parcel 2 of the partition with changes on page 15, Exhibit A: Conditions of Approval 1.c. ii. and iii. A Construction Deferral Agreement *shall* **The motion** passed unanimously.

Public Comment

David Jackson inquired if the corrective actions on the contaminated water well will be permanent or if additional filters will be required. Daykin replied it is under investigation. The well was removed from service immediately upon receiving notice of the presence of e-coli. Yamhill County Health required the pipe be removed from the well in order to video tape the well shaft and to see if there are any defects. That video tape will be reviewed by health officials. It is unknown if there is influence with surface water or if the well is considered at risk. Jackson asked for clarification that the contaminants did not enter the drinking water supply. Daykin noted this was a source water test, which the Department of Health Services has recently initiated. The City has not had any bad tests in the water distribution system. This was the first and only test that was positive for e-coli at that well. The well water is chlorinated prior to entering the distribution system. The State might require additional testing and an engineering analysis to prove adequate contact time from the source water to the first customer. A photo of the pipes removed was distributed to the Council and it was recommended the corroded galvanized pipe be replaced with PVC piping. The estimated cost of removing the pump, replacing the pipe and re-installing the pump is \$3,000 to \$4,000 at this point.

Council and Staff Attendance

Present: Mayor Crawford, Councilors Adlong, Miller, Munson, Nelson, Pugsley (out 8:30P.M.), and Reddell. Staff members: Rob Daykin, City Administrator, Cindy Phillips, City Attorney, Jessica Nunley, City Planner, and Debra Manning, Secretary.

Public Attendance

David Jackson, Don Clements, Chehalem Parks & Recreation District, Preston Van Meter, Kennedy/Jenks, Jennifer Van Meter, Michael Humm, Kennedy/Jenks, Linda Stock, Rob Buckholtz, and an unidentified woman.

The Fueled by Fine Wine Marathon presentation has been rescheduled to August 16th.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 7.1 City Council Minutes, June 19, 2011. **The motion** passed unanimously.

Old Business

WWTP Construction Project

Status Report

Preston Van Meter, Kennedy Jenks, updated the Wastewater Treatment Plant project:

- One native turtle has been sited and relocated to Lagoon 4
- The excavation at the headworks has been completed
- Eighty-one auger cast piles are being placed at the MBR site
- Work to set eighteen auger cast piles at the headworks is expected to start next week

- Work has started to weatherize the site to allow work this winter
- The Operations/lab building has plumbing, electrical, sewer and water lines roughed in with the expectation for the concrete slab to be poured next week
- The contractor is dealing with water seepage from Lagoon two into the facultative sludge lagoon
- Pay estimate number one (\$663,290.33) is under final review with the project at 7% complete
- In consideration of a future public works building, electrical conduits have been stubbed out of the operations building and sewer and water are to be stubbed outside of the construction limits, this could provide access for future park improvements. Connections are available for reclaimed water.
- The engineer is working with PGE and the contractor, MSI, to overhead electrical to the headworks and then place it underground and to add another four-inch conduit in the electrical trench.
- Kennedy/Jenks is working with the contractor on the dewatering of the facultative sludge lagoon; the contractor is responsible for it.

C. Adlong questioned if proactive measures were being addressed for the nature park site. Van Meter shared that the berm material and the excavation materials will be used to reshape the lagoons.

- The engineers are working on finalizing the legal description for swale and the City will need to start discussions with the Lindquist family for the swale easement.
- No comments have been received on the draft NPDES permit.

Water Re-use Feasibility Study

C. Pugsley requested a broad discussion on purple pipe use including toilets and laundry water. Van Meter replied those uses are considered Class A, achievable with the MBR facility. He noted that usually the extensive use of recycled water is not feasible and it is sometimes difficult to get users. He questioned if water demands will offset the need to build a water treatment facility.

The Mayor noted that developers can't build without a new water source. Recycled water could allow that expansion. He suggested that Northwest Wineworks could be a potential large purple pipe customer for the city, using the water for cleaning etc. Van Meter advised the wineries in town were not interested in the purple pipe water.

Daykin stated that if we are trying to defer construction of an expensive water treatment plant for the river water source we should also consider the costs to build an extensive secondary water distribution system with funding dependant on water sales, which would also compete with water sales needed to support a new water treatment plant.

Nelson stated the "desire to use recycled water" is harder to make work than "a need for water". He noted it would be expensive to deliver the water to the existing homes on the hill. Daykin stated the intent for the recycled water was new development and possibly irrigation of Billick Park. Van Meter relayed a requirement with the City's permit to pursue higher and better uses of the water and that this would be reviewed by DEQ at some future time.

C.A. Daykin questioned the estimated cost for a scope of work. Van Meter estimated \$20,000 to \$30,000. There could be funding opportunities in conjunction with other projects, such as development of a wetlands, were the recycled water is a small part of the project. The majority consensus was in favor of Kennedy/Jenks returning a proposal to the Council.

Water Reservoir Coating Project Bids

Bids were received from seven bidders. MSA recommends awarding the bid to the lowest bidder, Coatings Unlimited Inc in the amount of \$61,800. Daykin noted that the reservoir bypass will be installed and tested in a few weeks. **The motion** was made and seconded to award the bid for the .2MG Reservoir coating project to the lowest bidder Coatings Unlimited, Inc. in the amount of \$61,800. **The motion** passed unanimously.

New Business

City Banner Signs

The resolution would initiate a change to the Development Code to correct a potential conflict in the sign code provisions and the City placement of decorative banners on utility poles along Highway 99W. Daykin noted that the Council supported the banner placement project and taking the action to initiate the update to the Development Code will resolve the issue. He added that since the Development Ordinance is in the process of being reformatted, including minor changes, staff will look for other possible conflicts. Attorney Phillips noted the last word from Council was the banners should be placed. She stated if the Council does not want to adopt the resolution they may opt to remove the banners, change the code and then re-hang the banners, but it would be an expensive option.

C. Adlong expressed concern to use caution to not create all ordinances exempting the City. Daykin clarified that the City would not exempt itself from standards which any other business would have to apply for permanent signs. This ordinance would also allow placement of banners and noticing public hearings at the entrance to the city.

The motion was made and seconded to approve Resolution No. 2011-14, a resolution initiating an amendment to the Dundee Development Ordinance relating to the placement of banner signs on utility poles under authority of the City. **The vote:** Mayor Crawford-aye, Adlong-nay, Miller-aye, Munson-aye, Nelson-aye, and Reddell-aye. **The motion** passed five in favor to one against.

Display of Business Cards & Flyers at City Hall

The memo in the packet addresses the variety of communication devices placed at City Hall from sources such as: The Dundee Civic Association (DCA), The Dundee Community Committee (DCC), the Chehalem Valley Chamber of Commerce, the Dundee Woman's Club, winery guides, maps, and various business cards. C.A. Daykin suggested a separation between governmental and nongovernmental with a disclaimer noting this is for community use and the City does not endorse the activities/businesses. A number of cities noted they do not support this, but many of them have chambers which provide this service.

C. Munson asked if city staff would be responsible for maintenance of the information or could the community place anything on the bulletin board at City Hall. Daykin noted that staff would be included in review of the material. The City provides a listing of businesses registered with the city and links for the DCA, the DCC, and the Dundee Woman's Clubs on the city's website. The City Attorney clarified the problem of providing a forum, unless you specifically define the forum it is wide open and you can't pick and choose based on like or dislike. She suggested an example of narrowing the criteria to those that have a physical address within the city. Daykin offered criteria where the City provides funding to an organization or services such as the food bank. Phillips suggested criteria of providing temporary assistance for food and/or shelter for the needy.

The majority consensus for criteria: government agencies, entities the City financially supports, and entities providing services such as shelter or food. The policy will return to the Council. Mayor Crawford suggested a flyer noting that the City policy is not to promote local businesses

and referral to the City website business directory or the Chehalem Valley Chamber of Commerce.

Memo of Agreement – Winter Family

Scott Ferguson has requested a memo of agreement to show local support for the 280 acre conservation easement on the Winter family property. The City of Lafayette is applying for a grant for the project, which could provide further interconnection of the trails in the Dundee Hills. C. Adlong objected to the listing of vineyard in the second paragraph. The rewording suggested: *The City of Dundee, Oregon desires to inform its citizens of the value of surrounding local natural resources. The City supports the development of trail systems into...* City Attorney Phillips recommended amending the wording in the last paragraph regarding the City supporting a conservation easement. Daykin suggested *encourages the development of a forest conservation easement on the Winter Family property and is willing to work...* He clarified that the last paragraph is not binding to the city as it notes it has to be acceptable to both parties. The majority consensus was in agreement for the Mayor to sign the revised document on behalf of the City.

Hydrant Water Sale Request

Public Works Supervisor Mustain relayed a request from the contractor for the new winery outside of the city limits to purchase water for compaction of gravel at the site. The request is for a couple thousand gallons a day for up to fourteen days. The city has not provided this service in the past. C.A. Daykin recommended charging at the highest volume rate, a \$50 administration fee, and a \$10 per day meter rental rate. C. Adlong questioned the cubic feet involved. C. Nelson replied it would amount to a water truck a day, about 2,000 gallons. He advised that the City of Newberg charges a \$35 flat fee. He supports a one-time contractor setup fee and the \$10 meter charge. Nelson inquired the cost for 2,000 gallons at the highest rate. Daykin estimated 28,000 gallons at \$190. Nelson suggested a minimum charge. Daykin replied a \$20 minimum plus the \$10 meter rental plus the \$50 administration fee. The majority consensus was in favor of the sale of the water.

Council Concerns and Committee Reports

C. Adlong reminded the Council of the Parks Advisory Committee meeting on Wednesday evening. Items on the agenda include the Fortune Park facility plan and a trails update. C.A. Daykin shared that Jan Newhouse, Promise Church/Pantry, will make a presentation to the Parks Advisory Committee regarding a community garden on the Alder Street lots at the September meeting.

Mayor's Report

The statewide winner of the "If I were Mayor" contest was Natalie Nelson, a Dundee fourth grader.

The final Environmental Impact Statement (EIS) for the bypass will be delayed to July of next year. The project was presented with all the phases, which created concerns regarding traffic impacts coming off of Phase I onto the collector streets in Newberg and the need for further studies. Paul Mather, ODOT, advised that they intend to make the 2014 target date to start construction of the bypass. He is creating a list of milestones to get the Record of Decision by January 2012. The Mayor advised that there are TIGER 3 (Transportation Investment Generating Economic Recovery) grants available nationwide from the federal government for infrastructure projects, the bypass fits the criteria. The focus is to get ODOT to declare the Newberg/Dundee Bypass as their first priority project. ODOT is looking at an option of shortening Phase I to cut the project's funding deficit.

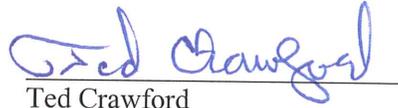
City Administrator's Report

Bernadette Hanson, Greater Yamhill Watershed Council, confirmed that the Harvey Creek culvert project is a priority project for them to complete this year. Work is expected to start mid-August to mid-October. Brian Doyle will be the designer.

Public Comment

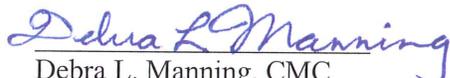
None.

The meeting was adjourned at 10:02 PM.



Ted Crawford
Mayor

Attest:



Debra L. Manning, CMC
Assistant City Recorder