

**CITY COUNCIL MEETING  
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September 20, 2011**

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**City of Dundee**  
**City Council Meeting Minutes**  
**September 20, 2011**

**Call to Order**

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

**Council and Staff Attendance**

Present: Mayor Crawford, Councilors Miller, Munson, Pugsley, and Reddell. Excused: Councilors Adlong and Nelson. Staff members: Rob Daykin, City Administrator, Cindy Phillips, City Attorney, Alan Mustain, Public Works Supervisor, and Debra Manning, Assistant City Recorder.

**Public Attendance**

Amanda Kate Winkleman, Newberg Graphic, Chris Nagy, Fueled by Fine Wine Half Marathon, Barton Brierley, City of Newberg, Brian Ginter, Murray, Smith & Associates, Inc..

**Agenda Changes:**

None.

**Public Comment:**

Alejandro Ferrer asked the Council for help with his water bill, he experienced very high usage this past spring without a determined reason. He missed the deadline for an appeal to the City because he did not have a translator. Ferrer is out of work and going through bankruptcy. City Administrator Daykin advised Mr. Ferrer had a large water use around February. City staff checked for a leak and did not find any evidence. After discussion with Mr. Ferrer the City Administrator denied an adjustment on the basis it did not meet the leak credit adjustment criteria. He did not provide an appeal within the ten day period and is asking the Council to address the issue. Councilor Pugsley asked the City's policy for people in bankruptcy and the policies of other utilities. Daykin replied that the City does not differentiate and he is not aware of the policies used by other utilities. He advised the bill was in excess of \$1,000 for the month, there is usually nominal water usage on the account, and the bill returned to normal use the next month. The meter was pulled, tested, and determined to be operating correctly. The majority consensus was to hear Mr. Ferrer's appeal at the October 4th council meeting. Public Works Supervisor Mustain confirmed that he did the leak check and the meter was not running at the time. The meter was tested and found to be working. It is unknown where the water went.

**Mayoral Proclamation: Oregon Days of Culture**

Mayor Crawford read the proclamation into the record proclaiming October 1st through 8th as Oregon Days of Culture.

**Presentations**

**Yamhill County Population Forecast**

Barton Brierley, Planning Director City of Newberg, updated the county's process for population coordination requested by the City of Newberg. State law requires the county to adopt population forecasts for the county and each urban area within the county. The forecasts are to be used for land use planning, particularly expanding urban growth boundaries (UGB). Newberg is looking to expand their urban growth boundary to add industrial land. The State Land Use Board of Appeals had an issue with the coordinated population forecast and the county has been asked to adopt the

Newberg population projection into their Comprehensive Plan. The Department of Land Conservation and Development (DCLD) wants all the cities in the county added to the Comprehensive Plan at the same time. The application has been filed and the Yamhill County Planning Commission has recommended approval. The projection for Dundee comes from the Waste Water Treatment Plant facility plan update with a 2031 population projection of 6,351. Brierley noted that the Council can give input at any time.

Mayor Crawford inquired if the population projection of 39,921 for the City of Newberg was based on the current UGB or anticipated UGB expansion. Brierley replied anticipated UGB expansion. Crawford questioned the numbers if the UGB was not expanded. Brierley estimated 34,000. Newberg is looking at expanding both industrial and residential zones.

C. Pugsley noted that Dundee's population estimates have been overestimated for many years. He asked if adjustments were made during the Waste Water Treatment Plant update. Daykin replied they were not made. Pugsley inquired how to adjust the estimates to a more reasonable figure. Brierley offered two options: 1) Complete our own projection with public input and adoption as the new number or 2) ask the County to complete a projection on another methodology for a short term adjustment. Pugsley inquired if the public process and methodology could allow annual corrections as actual population figures are received. Brierley confirmed it could. Daykin suggested use of the estimates from the Riverside Master Plan with a built out population projection at 5,926. He inquired if the City could submit a request to use this alternate number based on the study completed. Brierley replied yes.

The majority consensus of the Council was to bring a resolution to the County to request use of the population count based on the Riverside Master Plan study with justification that there will not be significant development until the long-term water supply issue is resolved.

### **Fueled By Fine Wine Half Marathon**

Chris Nagy, Fueled by Fine Wine Half Marathon, updated the marathon went well. She presented a handout with information on results from the marathon. There was 1,200 signed up and 1,103 who competed in the race. Three complaints were received on noise. Nagy inquired if the city has a sound permit. Daykin replied that the city does not have a permit process for amplified sound systems; it is governed by the nuisance ordinance. Local businesses noted a large increase in business before and after the race. After further discussion on sound and the start time of next year's race C.A. Daykin suggested discussion and agreement on how the event is to be operated with sanction by the City Council. Nagy inquired if the city could provide a list for a mailing to the community. Daykin confirmed that the city can provide mailing addresses. Nagy advised a route is under consideration, possibly by Erath vineyard, for next year's marathon slated for July 15th. She noted that contributions from the race proceeds to community organizations were doubled from the previous year.

Mayor Crawford suggested expanding the event to two days. Nagy is open to the idea with more involvement from other community groups.

Nagy noted an issue with the contribution to the Dundee Volunteer Firefighters, discussion with Chief Stock advised an amount of \$2,000 for their services. Nagy advised the highest charge she found after checking with other communities was the Portland Marathon at \$800. C.A. Daykin advised that the fire department would respond to emergency calls in any case. Nagy expressed concern to be fair with the Newberg/Dundee Police Charity getting \$1,000. She is still working on the issue with the fire department. C. Pugsley asked if there were emergency responses. Mayor Crawford had heard there were two responses. Nagy suggested a \$1,500 contribution for both the police and the fire.

## Consent Agenda

**The motion** was made and seconded to approve Consent Agenda item 7.1 City Council Minutes, September 6, 2011, 7.2 Financial Report Ending August 31, 2011, 7.3 Approve Oregon Records Management Solution Agreement, and 7.4 Special City Council Minutes, September 14, 2011.

**The motion** passed unanimously.

## Old Business

### Spring Wells Corrective Action

The City Administrator reviewed the notice from the Health Department requiring the City to take the spring wells out of service with the presence of E. coli bacteria detected in the July 1st test. Following further investigation, the Oregon Health Authority required the City to submit a corrective action plan.

Brian Ginter, MSA, reviewed the three options offered by the Oregon Health Authority: 1) provide an alternative source of water, 2) eliminate the source of contamination, or 3) treat the water to address the risk of contamination. The first two options are not viable. Option 3 is already being addressed: with completion of a form showing that the city is achieving disinfectant contact time, staff can increase chlorine, and recommended modifications to the 200,000 gallon reservoir inlet was completed prior to the reservoir painting. A corrective action plan needs to be completed in 120 days describing how the city will proceed with option 3. This requires an increase in reporting and record keeping. A grab sample is required daily for communities under 3,300 in population and continuous monitoring is required cities over 3,300 in population. The recommendation is to start with grab samples, locations to be determined, and plan to transition to continuous monitoring. The estimate of cost for the corrective action plan is less than \$5,000 and the estimate for the sample station is up to \$2,500. Public Works Supervisor Mustain advised the first hookup is partway down Worden Hill, on the Bergstrom property.

C. Pugsley questioned the increase of chlorine and its cost. Public Works Supervisor Mustain advised that gas chlorine is used at the spring wells with a nominal cost to increase. C.A. Daykin informed that this treatment process would also apply if the City uses water from Harvey Creek. Pugsley asked for an update in the newsletter. Daykin affirmed the actions being taken would be included in the newsletter.

**The motion** was made and seconded to approve the development of a corrective action plan recommended by MSA. **The motion** passed unanimously.

Public Works Supervisor Mustain updated the reservoir status: primer has been applied to the outside of the reservoir. The contractor will paint the floor and the outsides, followed by a required seven-day period before the reservoir can be filled. Mustain estimated two weeks till project completion. C. Pugsley shared that CPRD may be interested in one of the temporary water tanks.

### Resolution No. 2011-15, Display of Information at City Hall

This returns from the last meeting with discussion to broaden the policy. C.A. Daykin referred to additional information supplied in the packet: the City of Newberg's Library policy and basic information from the IRS on 501(c) (3) organizations. If the Council wishes to broaden the resolution staff suggested adding language to allow nonprofits as noted in the report. **The motion** was made and seconded to approve Resolution No. 2011-15, a resolution setting policy for acceptance and display of information in lobby of City Hall amended adding item D. Nonprofit entities registered with the Oregon Secretary of State promoting educational, cultural, and social programs and services within Yamhill County. **The motion** passed unanimously.

### **Resolution No. 2011-16, CWSRF Loan Agreement Amendment No. 2**

The resolution will authorize the City Administrator to execute the amendment to the loan agreement with DEQ increasing the loan amount from \$3 million to \$10 million. Added items were reviewed with the City Attorney including Appendix G noting the City will not use funds to lobby the federal legislature. Staff recommends approval of Amendment No. 2 to the loan agreement. The interim financing, has a lower interest rate than this loan. The City can determine when we want to receive these funds, at which point we would pay back the interim financing, possibly February of 2012. **The motion** was made and seconded to approve Resolution No. 2011-16, a resolution authorizing amendment No. 2 to Clean Water Revolving Fund Loan Agreement No. R29650 with the Oregon Department of Environmental Quality. **The motion** passed unanimously.

### **IGA-Dundee Transportation Enhancement Grant Project**

This is the intergovernmental agreement (IGA) with the State regarding Dundee's Transportation Enhancement (TE) grant. Under this agreement ODOT will combine the TE project with the Highway 99W road preservation project scheduled for 2013. The agreement has been reviewed by the City Attorney and staff recommends authorization for the City Administrator to execute the IGA.

C. Pugsley asked if the credit for the waterline project around Third Street was included. Daykin clarified the project represents installation of a waterline and replacement of the sidewalk along the highway. The City will receive credit for the sidewalk replacement that would be otherwise replaced as part of the TE project. Pugsley inquired about removal of the plum trees in the area, where the ripe seasonal fruit creates a fall hazard. Daykin replied staff will address the issue with the property owners. The City will look for easements for tree planting after the project is completed.

**The motion** was made and seconded to authorize the City Administrator to execute Agreement No. 28069 with the Oregon Department of Transportation relating to the Dundee Transportation Enhancement grant project along Highway 99W in Dundee. **The motion** passed unanimously.

### **Tourism Committee**

The consensus of the Council was to address the issue when the absent Council members are in attendance. **The motion** was made and seconded to table the item to the October 4th Council meeting. **The motion** passed unanimously.

## **New Business**

### **Community Garden Proposal**

The recommendation from Parks Advisory Committee is to allow the planting of a cover crop to a portion of the City owned Alder Street property to amend the soil for future development as a community garden. Jan Newhouse and Linda Luke will bring a detailed plan for the garden for approval of the Parks Advisory Committee.

Mayor Crawford suggested planting the entire property in a cover crop.

C. Pugsley recommended the understanding this is temporary usage subject to future improvement decisions for the property by the Parks Advisory Committee and City Council. Daykin advised of discussion of the possibility of incorporating an ongoing community garden into the plan for the park improvements.

The majority consensus was to allow a cover crop on the Alder Street property.

### **Resolution No. 2011-17, Newberg Dundee Bypass Phase 1 Funding**

The resolution supports the application by ODOT for a TIGER 3 grant with the Federal government for the Woodburn and the Newberg-Dundee Bypass projects. With the passing of House Bill 2001, there was an agreement for a local match of \$20 million from Yamhill County, Newberg, Dundee, and McMinnville. The resolution supports ODOT's request for funds and supports the city providing our portion of the local match out of the increased gas tax revenues. It does not commit the city to any funding at this time. **The motion** was made and seconded to approve Resolution No. 2011-17, a resolution expressing the City of Dundee's support of funding efforts for Phase I of the Newberg-Dundee Bypass Project. **The motion** passed unanimously.

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

None.

### **Mayor's Report**

Mayor Crawford received a letter advising that the Oregon Housing and Community Services and the State Housing Council has approved funding for additional affordable housing in the City, to the Duck Country Apartments in Dundee.

There is an Open House for the Newberg-Dundee Bypass on Tuesday, September 27th from 5:00PM to 8:00PM at the Dundee Community Center on the proposed bypass route. There will be a meeting on Wednesday, the 28th of September in Newberg. The City of Newberg's Council adopted a letter in support of the route. C. A. Daykin advised that ODOT representatives are expected to meet with the City Council on October 4th to review why this route was chosen as the preferred alternative. There were expressed concerns with the dip area outside of the city and the addition of a stop light in the area to access the overpass.

The Worden Hill Trail group had a public meeting last week. The County advises that the trail can go from Alder Street on the south side of the street to Viewcrest Drive, where it would cross to the north side of the street to Fairview Drive.

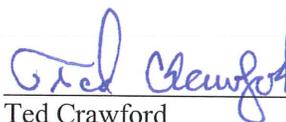
### **City Administrator's Report**

None.

### **Public Comment:**

None.

The meeting was adjourned at 8:56 PM.



Ted Crawford  
Mayor

Attest:



Debra L. Manning, CMC  
Assistant City Recorder