

**CITY COUNCIL MEETING  
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October 1, 2013**

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**City of Dundee**  
**City Council Meeting Minutes**  
**October 1, 2013**

**Call to Order**

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

**Council and Staff Attendance**

Present: Mayor Crawford, Councilors Munson, Nelson, Pugsley, Russ, and Weaver. Excused  
Absence: Councilor Adlong. Staff members: Rob Daykin, City Administrator, John Stock, Fire  
Chief, Peter Watts, City Attorney, and Debra Manning, Assistant City Recorder.

**Public Attendance**

Scott Moore, Mackenzie, Michelle Kropf, Dundee Market/Dundee Hills AVA, Micah Schuer,  
Ava Rotrock, Emily Crosswhite, and Christi Catton.

**Agenda Changes:**

None.

**Public Comment:**

Michelle Kropf, Red Hills Market/ Dundee Hills AVA, shared the Dundee Hills AVA is planning  
a tourism promotion, “Deck the Hills”, for the holiday season. Members of the AVA will be  
encouraged to decorate for the season. They requested allowance to place a banner on the poles at  
Second Street. City Administrator Daykin advised the 2007 policy allows for placement of  
banners for “community related events of general interest to the community”. Now that the city is  
promoting tourism; the Council was asked for direction. Kropf advised placement of the banner is  
slated about Thanksgiving. They are requesting permission now to allow time for the banner to be  
made. The majority consensus was in agreement to allow placement of the banner.

**Consent Agenda**

**The motion** was made and seconded to approve Consent Agenda items 5.1 City Council Minutes,  
September 17, 2013. **The motion** passed unanimously.

**Old Business**

**Fire Station Project Update**

Scott Moore, Mackenzie, updated the Council on the fire station construction project. We are two  
months into the project with completion of site demolition, excavation work (eighteen to twenty-  
four inches below the existing station’s floor), utility work has been started on the sanitary sewer  
lines, a majority of the underground storm facilities are in place, and form work is in progress for  
the footings for the tower and the apparatus bay footings. The contractor, Baldwin General  
Contracting, ran into unforeseen soft soil conditions requiring over excavation (two feet in depth  
replaced with granular fill) to provide suitable compaction at a cost of \$43,240 on a 4,300 square  
foot area.

Councilor Nelson expressed concern not to over excavate too deeply expending funds  
unnecessarily. Moore advised the City’s geotechnical engineer recommended maintaining the two  
foot cut. Chief Stock suggested consideration for over excavation to a depth of eighteen inches, if  
needed, for the area under the current station (demolition estimated in March of 2014) to  
minimize cost.

Work is in progress on the underground utilities and the footings. The expectation is to pour the concrete pad mid-month. The Structural Insulated Panels (SIPs) are expected to arrive onsite the end of October/the first of November and to be erected in about four weeks. Although Baldwin has not indicated a disruption in their construction schedule, staff believes the project is about two weeks behind schedule due to issues with the replacement of the concrete subcontractor; who had a personal conflict and left the project. Baldwin had to find another concrete subcontractor and suppliers.

Payment request #2 is for \$137,697.86 and includes grading, utility work, foundation forming, rebar, and earthwork associated with the over excavation. It was noted that Rural Development is currently closed with the government shut down and will not be authorizing payments until they are up and running again. Change Order 1 is \$50,519.48. The contract sum to date is \$2,698,519.48 with total payments to date of \$365,304.66. The project is 13.5% complete.

### **Baldwin Construction Contract-Change Order 1**

Change Proposal Request (CPR) 003 addresses the eyebrow/cantilever projection on the building, which due to the block veneer will require additional anchors, strapping and a modified frame at a cost of \$4,898.08, CPR 004 is the over excavation and fill at the SE corner of the property at a cost of \$43,976.00, CPR 005 extends a reinforced concrete apron at the east end of the apparatus bay in lieu of asphalt, and CPR 006 represents value engineering savings of \$15,474.60 for using alternate materials for drain pipe and water lines, and an alternate vendor/product for the entrance windows. Mackenzie will collect and review changes in the course of each month and submit as one change order per month.

C.A. Daykin asked the Council to extend the City Administrator's spending authority beyond \$5,000 to \$10,000 for the Fire Station project as was done for the Wastewater Treatment Plant. The majority consensus was in agreement with the \$10,000 limit and for emergency Council meetings as needed. The contracted substantial completion date for the building is February 19, 2014 with site completion following sixty days after. If the contractor goes over his schedule, through no fault of the City or their consultants, then they pay \$500 per diem to the City as liquidated damages until completion.

**The motion** was made and seconded to approve Change Order 1 in the amount of \$50,519.48 to the contract with Baldwin General Contracting Inc. for the Fire Station construction project. **The motion** passed unanimously. **The motion** was made and seconded to extend the City Administrator's approval authority to \$10,000 for the Fire Station Construction project. **The motion** passed unanimously.

### **Mackenzie Agreement Amendment**

C.A. Daykin explained staff reviewed a claim of additional unanticipated work by Mackenzie for architectural services related to the fire station construction project, including issues with the permitting process, an extended construction schedule, and a negotiated price to provide monthly updates to the Council which was not part of the original contract. Staff negotiated a fee with Mackenzie for the additional services as described in the memo to the Council, page 29 of the agenda packet. The original fee in the agreement for design and construction administration services was \$304,128, with the proposed increase of \$30,162; the amended fee will be \$334,290, representing 12.6% of the base construction contract amount. Scott Moore shared the bidding process was more extensive with the large response to the project and the additional fees for the permitting process is due to the extended the time and meetings involved. **The motion** was made and seconded to authorize the City Administrator to execute an amendment to the agreement with Mackenzie as proposed, subject to review and approval by Rural Development. **The motion** passed unanimously.

### **Ordinance No. 522-2013, Noise**

Per the Dundee City Charter, Ordinance No. 522-2013 returns for a second vote after a non-unanimous passing vote for adoption at the September 17th meeting.

Councilor Russ expressed concern with the demonstration of noise levels at the last meeting. He noted a private outdoor party would be louder than the proposed daytime level of 55 dBA. Russ suggested 60 or 65 dBA for the daytime level.

C. Nelson noted the use of differing time restrictions in the various sections of the ordinance, some using 7:00 AM to 7:00 PM and others using 8:00 AM to dusk.

**The motion** was made and seconded to increase the daytime residential (7:00 AM to 10:00 PM) noise level to 60 dBA. **The Vote:** Mayor Crawford-aye, Munson- nay, Nelson- aye, Pugsley- aye, Russ-aye, Weaver-nay. **The motion** passed 4 to 2 in favor.

C. Nelson inquired if the two cited noise prohibitions for Section 8.28.020.C.4 - Emergency Signaling Devices and Section 8.28.020.C.11 Blowers and Similar Devices should remain at 7:00 AM to 7:00 PM. The majority consensus was in agreement to retain Section 8.28.020.C.4, strike Section 8.28.020.11 and renumber 8.28.020.12 to 8.28.020.11. After further discussion on the terminology, “dusk” for the time limits for Section 8.28.050 - Exemptions; council consensus was to use 8:00 AM to 8:00 PM or sunset whichever is later for items 2 – domestic power tools for lawn care and 3 – power tools engaged in hobby craft.

**The motion** was made and seconded to amend the ordinance striking Section 8.28.020.11 and renumber 8.28.020.12 to 8.28.020.11, amending hours on Section 8.28.050, items 2 and 3, to 8:00 AM and 8:00 PM or sunset, whichever is later. **The motion** passed unanimously.

C. Nelson questioned the exemption limits for construction under Section 8.28.050, item 9. CA Daykin noted the Council could authorize a variance for specific projects; such as the upcoming work for Highway 99W. Nelson relayed he has received construction complaints already; including start times of 5:45AM. He inquired if the time limits should be included on the construction contracts for City projects. Daykin agreed that would be appropriate. The majority consensus was to leave the exemption limits for construction activities as is currently written.

Following the reading of the ordinance by title, it was moved and seconded to adopt the ordinance as amended. **The motion** passed unanimously.

### **Resolution No. 2013-14, Budget Transfer**

This returns from Council direction to transfer funds from the General Fund to State Revenue Sharing Fund for a request for funding of \$600 from the Dundee Community Committee (DCC) and for adding an appropriation for the City Hall sign. The amount for the sign was increased to cover permitting cost. **The motion** was made and seconded to approve Resolution No. 2013-14, a resolution transferring budget line item amounts within a department or fund for Fiscal Year 2013-2014. C. Munson noted she would vote against the funding to the DCC. **The Vote:** Mayor Crawford-aye, Munson- nay, Nelson- aye, Pugsley- aye, Russ-aye, Weaver-aye. **The Motion** passed 5 to 1 in favor.

### **New Business**

#### **OPRD Grant Agreement-Viewmont Greenway Park**

C.A. Daykin presented the agreement with Oregon Parks and Recreation Department for a \$75,000 grant for the Viewmont Greenway Park project. The grant will cover about half of the

project cost. OPRD's standard contract language stipulates that 25% of the work will be completed in six months; but they have accepted the proposed schedule for the project that includes construction in summer 2014. **The motion** was made and seconded to authorize the City Administrator to execute the Local Government Grant Program Grant Agreement with Oregon Parks and Recreation Department for the Viewmont Greenway Park project. **The motion** passed unanimously.

### **SDC Pre-existing Use Allowance**

Item 7.2 SDC pre-existing use allowance was tabled to the October 15th meeting.

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

C. Nelson asked what is happening with the building at Fifth Street and Highway 99W. Daykin replied staff has met with the owner to discuss the proposed project. He is currently completing repairs while looking for a tenant. He may apply for a land use application later. Mayor Crawford shared the owner plans to have the current building occupied by November and then build two new buildings on the site.

### **Mayor's Report**

Mayor Crawford stated the Oregonian will feature Dundee in their Travel section this weekend. The reporter researched the area including the wineries, the bypass and the City's future infrastructure plans. Crawford relayed the opportunities with the local trails and the Willamette River.

Councilor Pugsley advised the Great Willamette River Cleanup is scheduled for this Saturday 8:30 AM to noon.

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

There will be a Transportation System Plan update meeting with the advisory committee on Thursday, October 3rd at 6:30 PM. The City's website has a link to the TSP update process.

Staff will meet on Monday, October 7th, with ODOT's project team for an update on the Transportation Enhancement project. Feedback was received on the Neiderberger/Parks intersection design from ODOT that will require staff to look for other options. Staff is looking to determine the time frame for the design acceptance package and moving the project forward.

Street paving work on segments of Maple, Locust and Eleventh has been completed.

The USDA Rural Development is on furlough, until the government starts up again. The city has the resources to authorize the construction payment for the Fire Station project to meet our contractual obligations. USDA will have to retroactively authorize the payment when they are up and going again.

Inflow and Infiltration (I & I) work has been started revealing some problems; which could bring additional cost forward.

The excavation work at Lagoon 2 has been completed.

The work on the "Welcome to Dundee" sign has been delayed due to the weather. The expectation is to pour footings on Friday and complete the project next week

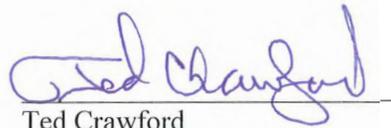
C. Pugsley inquired how the WWTP performed with the inclement weather. Daykin replied there were no problems.

C. Russ tourism advised the Tourism Committee is on hold through the winter. Councilor Munson asked the contact for the Tourism website. Russ replied Molly Bailey. Munson advised she is receiving requests for newsletter signups and she has noticed items needing corrections. Russ will follow up.

**Public Comment:**

None.

The meeting was adjourned at 9:35 PM.



Ted Crawford  
Mayor

Attest:



Debra L. Manning, CMC  
Assistant City Recorder