

**CITY COUNCIL MEETING
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October 7, 2014**

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City of Dundee
City Council Meeting Minutes
October 7, 2014

Call to Order

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

Council and Staff Attendance

Present: Mayor Ted Crawford, Councilors Jeannette Adlong, Jennifer Munson (7:08 P.M.), Storr Nelson, Doug Pugsley, David Russ, and Tim Weaver. Staff members: Rob Daykin, City Administrator, Peter Watts, City Attorney, Charles Eaton, City Engineer, and Debra Manning, Assistant City Recorder.

Public Attendance

Kelly Amador, ODOT, William Ciz, Parametrix, Curt Warber, Parametrix, Tess Fields, Comcast, Bart Rierson, CPRD Board, Aaron DeLong, Tim Casey, Mark Brodeur, and Greg Watson.

Agenda Changes:

None.

Public Comment:

Bart Rierson, Chehalem Park and Recreation Department Board (CPRD), is the appointed liaison between the City Council and CPRD. His vision is to connect the cities of Dundee and Newberg with trails. He sees an opportunity for this with the Bypass project, but would like to see a connecting trail, with trees, along the Willamette River frontage.

Aaron DeLong, Dundee resident, noted the recent increase in sewer and water fees and the new telephone tax. He relayed his employment struggles over the past years having been laid off from a well-paying job and finally, years later, getting another job at significantly lower wages and the financial stress he is facing. He asked the Council to consider struggling families when looking at additional increases for the citizens. DeLong noted that he feels he has paid his share for undergrounding when he paid for his utilities to be undergrounded when they built his house.

Presentation:

Internet Essentials Program

Tess Fields, Comcast, advised she is our new Government Affairs Director. Comcast has an internet essentials program for families whose children qualify for reduced school lunches. They can receive limited internet access at the reduced cost of \$9.95 to allow them access for school studies. Comcast wants to reach the families in the city who would benefit from this offering. They will forgive a year's worth of prior bad debt if the customer qualifies for the program.

Fields noted that technology is changing so fast, that it makes it hard for the average person to keep up. She met with Mayor Andrews, City of Newberg and City Administrator Daykin. The suggestion was made to entertain a joint Newberg/Dundee Council meeting allowing an estimated forty-five minute presentation by Comcast providing a basic cable class covering how fiber is laid, the meaning of bandwidth, the history of the cable franchises and a marketing person to explain the options available for the customers.

C.A. Daykin supported a basic cable class at the Dundee Fire Station for community attendance which could be advertised in the quarterly newsletter. Mayor Crawford would consider supporting that type of a class if Frontier, the other cable franchise with the city, is also invited to

participate. He also suggested inviting the other competitors: AT&T, Verizon, and Sprint. Councilor Nelson supported the basic cable class for the community and a separate presentation targeted for the Council. Councilor Pugsley expressed an interest in a presentation at a joint Council meeting.

Consent Agenda

The motion was made and seconded to approve Consent Agenda item 6.1 City Council Minutes September 16, 2014, and 6.4 OLCC Liquor License Application, Melaque, Inc. **The motion** passed unanimously.

Old Business

Viewmont Greenway Park Grading Bids

An updated memo on the project was distributed to Council members. Engineer Eaton advised the project has been separated into phases to allow the grading to go to bid due the lateness of the season. There are an estimated 10,000 plants propagated by the high school horticulture program which are ready to plant. Improvements to Phase 1 (the upper, non-ADA accessible section) will include grading, placement of the path, and plantings. Improvements for Phase 2 (the lower ADA accessible section) will include mow-able ground cover, the asphalt path, parking, nature play items, footbridge, and retaining walls. A request for quote was issued to four contractors for grading, ditching, pipe installation and the gravel portion of the trail. The footbridge and some of the rock walls in the upper section will be addressed later. One bid was received from K & E Excavating in the amount of \$60,384. The quote is an estimated \$6,000 over budget.

City Administrator Daykin noted the original recommendation was to remove the line items related to the gravel path, but after further consideration that the path defines the planting areas the recommendation is to reduce the aggregate base from two inches to one inch of the ¼ inch-0 aggregate. This could save an estimated \$2,000. Also completion of the work on the slopes could be completed in two days, in lieu of three days in the bid, saving \$2,300. Engineering costs could also be reduced on this project with the type of GPS equipment the contractors will use on the project. Staff's recommendation is to award the bid to K&E Excavating less item 6 the ¼ inch-0 aggregate base. K&E Excavating is ready to start Thursday morning.

Mayor Crawford inquired if staff could add the top dressing next summer. Daykin confirmed that city crews could complete that work next summer.

Councilor Russ expressed concern that larger rock aggregate could be slippery under foot. Eaton suggested posting signage that the park is not open while it is under construction. It was noted that soil will get mixed into the gravel path as the workers move about with the plantings.

Councilor Adlong questioned the estimated cost of the project after Phase 1. Eaton estimated \$10,000 remaining in the budget for grading, but the need is for \$16,000.

The motion was made and seconded to award the bid to K & E Excavating, Inc. for the Phase 1 grading of the Viewmont Greenway Project less item 6 from the base bid. **The motion** passed unanimously. An update of the start of the project will be posted on the city's website and by door hangers for the abutting property owners.

Transfer of County Roads Agreement

This follows up Resolution No. 2014-13 accepting Yamhill County's offer to transfer jurisdiction of the four County road segments to the City of Dundee. The agreement affirms the City's authority to issue permits for work and maintain segments outside of the City. City Attorney Watts clarified the resolution is necessary to extend the city's jurisdiction into the county. **The**

motion was made and seconded to authorize the City Administrator to execute the intergovernmental agreement with Yamhill County regarding the transfer of jurisdiction over the use and maintenance of certain county roads outside of the city limits. **The motion** passed unanimously.

Dundee Bypass Bridge Aesthetics

This issue was addressed prior to item 7.3 Fire Station Project Update. Kelly Amador, ODOT, advised this returns for further consideration of aesthetic treatments to the Bypass bridge over Highway 99W, including Council's input from the August 19th meeting.

The contract for the Newberg portion of the Bypass was awarded to Wildish Construction. They have started work near Highway 219 on a water quality facility. On Dundee portion, traffic in the area should soon see relief as work is nearing completion on the rock hauling. Work will progress through the winter on bridges, pile driving, finishing the fill and the pond.

The Mayor inquired why work was not progressing on the Pamplin property. Amador relayed that the lay of the land would involve erosion control with the onset of winter. It is better to address that piece of the project in the spring. Crawford asked if ODOT had access to Pamplin and Columbia Empire Farms property. Amador replied ODOT has access to all the properties in the project. The Mayor questioned the migratory window. Amador stated March 1st; she advised that ODOT can hire agencies to clear for birds.

Curt Warber, Parametrix, stressed the need to get the final shapes for the river and the mountains to the contractors. Council had asked for a change to take the river behind the hills. ODOT offered two new examples. Council approved of the river diverting behind the hills; with the majority consensus supporting example 1 with a bigger island.

William Ciz, Parametrix, offered four samples of options for the river: 1) the previously preferred waterfall pattern, 2) one with an open center with the grind on the outside and less color on the inside, and two new samples, in both semi-gloss and matte finishes, with the same river grind/color pattern: 3) in aluminum and 4) in stainless steel. The aluminum appears to be brighter under light. It was noted that aluminum has better durability and involves less weight on the supports. C. Adlong questioned how wide the river will be. Warber replied six feet in many places.

ODOT is reviewing the following options with the material providers to decrease the reflection off the materials to avoid blinding drivers: varying the grind patterns, tilting the material, etc. Ciz stated the engineers are using a CAD program to determine the reflection. The north side reflection is negligent with reflection possible on June 20th with the sunrise and the sunset. The south side has large reflection areas in December with the reflection disappearing in March.

Mayor Crawford suggested use of reflectors along the base to make the water look like it is moving.

ODOT will continue work on more detailed design for the river, how to support the structures on the rail, reducing glare, and contracting the project. They will bring this back to the Council's agenda.

Fire Station Project Update

C.A. Daykin updated that Baldwin General Contracting, Inc. initially submitted a pay estimate that included substantial release of the retainage. Staff did not approve the pay estimate. The City could release some retainage, under contract, provided sufficient funds are withheld for any

incomplete work. Rural Development has to approve the pay estimates. They have made their position clear to the city on the issue of releasing retainage as it applies to liquidate damages in the contract. We do not have an approved pay request for actual work performed last month.

Chief Stock updated that the contractors are moving ahead with the hardscape in front of the station with the intent to finish sidewalks and curbs this week. The pavers are scheduled to start work on the 14th with the expectation of completion on the 15th. Stock questioned C. Nelson as to how much rain would stop the pavers from completing their work. Nelson replied substantial rain which would produce a finished product with a coarse open appearance. Engineer Eaton suggested the option of doing a two-inch base and returning to complete the top two inches when it is dry. Work on landscaping is progressing. An **Open House** is scheduled for October 18th. The moisture in the flooring is still at 99%. The flooring sub-contractor claims the installed resilient flooring is trapping the moisture. Stock asked Council's guidance whether to end the flooring with the contractor and fix the issues later. The floor material still carries a ten year warranty; it is the adhesion warranty which is unredeemable. Daykin advised this would involve a negotiated reduction in price with Baldwin General Contracting, Inc. since the contractor will not be completing the work. Rural Development will allow the City to hold a reserve to complete the flooring.

Mayor Crawford inquired when the last of the concrete would be poured. Stock advised they are pouring three different textures: currently the two foot square, tomorrow they will complete a stamped section and then end with a sand finished section by Friday.

C.A. Daykin queried the Council if a policy for usage of the meeting room should be developed. City Attorney Watts supported a policy delineating time, place, a local Dundee group, number of evening meetings a month, and meeting time duration. He cautioned: restricting speech, the need to remain neutral regarding campaign events, and not to preclude a group based on their viewpoints. Watts reminded the Council the primary function of the building is a fire department and you do not want to interfere with its operations. Staff could be called away during a scheduled meeting event leaving the building unattended. Daykin relayed the original intent is a meeting place for service clubs/organizations giving back to the community; not for private events. The Dundee Community Center provides a venue for private events. Counsel can draft a policy allowing use by not-for-profit (501(c)(3)) organizations and government entities.

Councilor Weaver suggested monitoring the meetings scheduled for the first six months. He relayed the Newberg police training room has been taken over with meetings and is not usable now for training.

Chief Stock updated Council on the Yamhill County Hazard Mitigation Plan. Five years ago state funds were received to develop a hazard mitigation plan for Yamhill County. It is now time for the annual five year renewal. Stock served on the steering committee and helped update the appendix that is specific to Dundee. The plan requires a formal adoption by resolution of the City Council. This will be on the October 21st agenda.

New Business

Resolution No. 2014-17, KeyBank Loan

The resolution comes before the council to address budget concerns: higher than anticipated costs for the Public Works building, water issues including the upgrade of the four-inch line to the ten-inch line along Highway 99W, the Dogwood Drive grant for street improvements which include replacement of a waterline, the transfer of the test well into a production well, and funds to apply to the Local Improvement District (LID). Many of these projects will require funding in the near future. The Water Fund CIP Fund reserves will rebuild after the initial capital projects from water

revenues in excess of expenditures. Future projects will include additional water storage reservoirs (one for the traditional low pressure zone for the existing population and a future one for the riverside as it develops) and additional pressure reducer valve stations. Daykin recommended consideration of external financing for the Public Works building project. KeyBank has offered a loan of \$361,500 at 3.41% with fees; which will replace the loan from the Water Fund to pay for the Public Works building using excess funds from the Wastewater loan program at 4.04% with an estimated net additional difference over the seven-year term of \$300. If Council decides not to pursue this route, the water projects will have to be prioritized with delays to some of the projects if the Water Fund has to finance the Public Works building. Delayed water projects would likely see an increase in their cost by the time funds are available for the improvements. Daykin relayed the greatest priorities/concerns are the Public Works building, the test well conversion to a production well and having funds available to finance the LID until such time assessment payments are due the City.

C. Russ suggested the City refinance the loan to itself as soon as financially possible to avoid paying the interest to a financial entity. Daykin noted if the City found itself in a position to pay off the loan early; it could as there is no early payment penalty.

The motion was made and seconded to approve Resolution No. 2014-18, a resolution authorizing the execution and delivery of a full faith and credit financing agreement in a principal amount not to exceed \$361,200; designating an authorized representative and special counsel; and related matters. C.A. Daykin stated he will not execute the loan after the next council meeting to bring back information to address some of the more specific projects. The motion was withdrawn since it was made under Resolution No. 2014-18 not 2014-17. The resolution will return with more information to the October 21st meeting.

Council Concerns and Committee Reports

C. Pugsley inquired if note cards with the city logo were available. Assistant City Recorder Manning confirmed they are available. He asked for a card to be prepared to congratulate Gretchen Boock, Dobbs Winery, on her promotion to Chief Operating Officer.

C. Nelson questioned the status of the environmental excavation at the fire station. Apex will be onsite after October 23rd to complete the test drillings with one boring next to Craig Nies' property and five borings on the fire station property. Nelson inquired why complete the borings after the asphalt is laid. Stock relayed concern for the sidewalk concrete to cure to prevent damage to the sidewalks and to have the area clear of the other subcontractors. The borings will be a four-inch diameter. Engineer Eaton relayed that work is progressing on the farming plan for the contaminated soil stockpiled at the wastewater treatment plant.

C. Munson relayed a complaint from a citizen that the signal light at Fifth Street and Highway 99W will skip the westbound traffic's turn. She asked if the concern should be forwarded to ODOT. C. Nelson noted that smaller vehicles can miss triggering the sensor if they pull to close to the concrete island.

C. Munson relayed a thank you from the Dundee Community Committee for the donation which helped fund the Movie in the Park and the Party in the Park events; both were successful.

C. Pugsley noted a request from David Bergen, owner of Tina's, for reimbursement for their financial losses from the twenty-four hour closure due to the gas leak at the fire station and asked if staff had received any other requests. Daykin confirmed receipt of a letter from Bergen to Baldwin Contracting, asking for compensation from Baldwin. Stock noted the affected businesses were Zerba Cellars, Dundee Garden Art, City Center Market, and Tina's.

Mayor's Report

The Mayor noted the recent Supreme Court tax decision that categorized Comcast as a communication service. He inquired how that affects the franchise in terms of Comcast's phone services. Daykin stated the ruling dealt mainly with property tax values. Once the City completes the negotiations with Northwest Natural Gas, the Comcast phone service issue will be next on the agenda for review.

City Administrator's Report

The contractor for the Public Works building is onsite placing rock; with the intent to complete the concrete slab prior to inclement weather.

K& E Excavating should complete the outfall repair work this week.

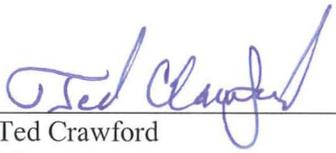
Public Comment:

Tim Casey, candidate for the Yamhill County Sheriff, stated his intent to provide professional law enforcement services in an ethical, physical, and responsible manner. The department will spend only on needs; not wants. He wants the department/deputies involved in the communities. Casey sees the biggest issues to be protection of the citizens, with special attention to the elderly and children. He wants the department involved at the schools working with students on education of the use of alcohol and drugs and the consequences. C. Nelson asked if the County has a post in the east county. Casey noted they can work out of the Newberg/Dundee Police Station; but they usually find it easier to work out of their cars. Dundee is in the north district; which covers the cities of Dundee, Carlton, Lafayette, Newberg, and Yamhill. There appears to be a trend in the counties which have lost public safety funding and officers that they are attracting criminals and the crime rate is rising because the law enforcement agencies do not have the ability to respond.

Mark Brodeur, Dundee resident and a detective with the Yamhill Sheriff's office, stated the deputies support Tim Casey for Sheriff. He noted Casey has strong ties to the community and believes in teamwork. The community is invited to a benefit for the Henderson House, sponsored by Tim Casey's campaign, from 5:00 P.M. to 8:00 P.M. on Sunday, October 12th at Cathedral Ridge Winery and to a meet and greet with Tim Casey will be held on Monday, October 13th from 5:00 P.M. to 8:00 P.M. at Red Hills Market.

Executive Session:

The City Council entered Executive Session at 9:45 P.M. in accordance with ORS 192.660 (2) (h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Executive Session ended at 10:30 P.M. and the Council did not reconvene.



Ted Crawford
Mayor

Attest:



Debra L. Manning, MMC
Assistant City Recorder