

**CITY COUNCIL MEETING
TABLE OF CONTENTS FOR MINUTES
October 16, 2012**

Call to Order	2
Council and Staff Attendance	2
Public Attendance	2
Agenda Changes	2
Presentation	2
Newberg-Dundee Bypass Focus Group.....	2
Public Hearing: Limitations on Outdoor Uses in the C and CBD Zones, LURA 12-08 & Standards for Long-Term Food Cart Vendors, LURA 12-09	3
Public Comment.....	4
Consent Agenda.....	4
Old Business	4
Fire Station – Zone Change/Street Vacation	4
Street Light Request – Maple Street	5
PSU’s Population Projection.....	5
Waste Management Franchise Agreement.....	5
Ordinance No. 513-2012, Solid Waste Management	6
New Business	7
Park Advisory Committee Appointment	7
Council Concerns and Committee Reports.....	7
Mayor’s Report.....	7
City Administrator’s Report	7
Public Comment.....	8

City of Dundee
City Council Meeting Minutes
October 16, 2012

Call to Order

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

Council and Staff Attendance

Present: Mayor Crawford, Councilors Adlong, Miller, Nelson, Pugsley, and Reddell. Excused
Absence: Councilor Munson. Staff members: Rob Daykin, City Administrator, Jim Bennett, City
Attorney, and Debra Manning, Secretary.

Public Attendance

Dean Kampfer, Waste Management, Dave Huber, Waste Management, Kirk Duncan, Waste
Management, Linda Stock, and Kelly Amador, ODOT.

Agenda Changes

The presentation was relocated prior to the Public Hearing.

Presentation

Newberg-Dundee Bypass Focus Group

Kelly Amador, ODOT, referred to the letter in the packet; as part of Phase 1 of the Bypass ODOT is forming a focus group to provide input for specific aspects of the structure design in Dundee. Amador asked for suggestions for twelve members with varied backgrounds to participate in the group. The first meeting will be in December followed by three or four additional meetings. She asked to receive names by Monday, October 22nd to allow time to form the committee.

Planner Nunley suggested use of the members on the Transportation System Plan Project Advisory Committee. Mayor Crawford suggested representation for the south side of the city. Nunley recommended: Councilors Nelson, Adlong, and Miller, Alan Holstein, Rollin Soles, and Planning Commissioner Hinson.

Councilor Adlong inquired if the survey flags located on the Edwards and Lindquist properties represent the Bypass right-of-way (ROW). Amador replied they do represent the ROW; about thirty properties for Phase 1 of the project are being acquired. The ROW has been staked for appraisal clarification purposes.

The Mayor inquired when the property owners will receive purchase offers. Amador noted the first group of appraisals is due to ODOT by October 12th. Property owners should start receiving offers by the end of the month. Crawford questioned the start of construction. Amador advised early next summer culvert work will start at Highway 219 and ODOT will address bridge fills. The contracts for the major portion of the construction will occur in February and April of 2014, followed by the contract for the Springbrook Street improvements in 2015. Mayor Crawford inquired the status of Mart Storm's appeal. Amador stated a notice of intent to file an appeal has been filed, but she is unaware whether the actual appeal has been submitted. Storm has a couple of weeks to complete filing the paperwork.

C.A. Daykin asked if the Council was in agreement with names submitted from the TSP Project Advisory Committee and with the Mayor proposing the remaining members. The majority consensus supported Mayor Crawford making the remaining suggestions.

Public Hearing: Limitations on Outdoor Uses in the C and CBD Zones, LURA 12-08 & Standards for Long-Term Food Cart Vendors, LURA 12-09

Mayor Crawford called the hearing to order at 7:15 P.M. for the hearing for amendments to C and CBD Outdoor Uses and to the Temporary Uses Development Code Sections.

Staff Report:

City Planner Nunley reviewed the staff report included in the packet. In June the Council initiated two development code amendments to clarify the outdoor use in the C and CBD zones and temporary uses. The Planning Commission supported food cart vendors as bringing liveliness to the downtown corridor, supporting good competition and possibly incubating new business which will move into brick and mortar buildings in the future. The current ratio for outdoor seating capacity (75% of indoor seating capacity) was retained, but 12 outdoor seats will always be permitted to provide an equal opportunity for smaller buildings. A noted change was removal of references to restroom facilities, which is regulated by the Yamhill County Health Department.

C. Adlong expressed concern with the City not requiring restroom facilities and the lack of public restrooms in the city. Nunley referred to the Planning Commission discussions that the Yamhill County Health Department regulates restrooms. The regulations are dependent on the size/capacity of the establishment and restrooms are not always required for customers. If the City retains the existing restroom criteria, it could result in the placement of port-a-potties. The Health Department is aware of all the food carts operating in the county. Nunley stated the Planning Commission received a public comment from the owner of Mama OK Market. She had the option to allow placement of a food cart on her property, but the vendor would not be able to use the restroom facilities in the building on site. Therefore, the property owner could not rent to the vendor.

Nunley noted the duration of commercial temporary uses, not including long-term food carts, is clarified “the activity is located on the same lot during only one period, not to exceed 90 consecutive days, in any calendar year”. Standards for a long-term food cart vendor were added under section 3.112 Temporary Use Permit. City Attorney Bennett asked if a long-term food cart vendor could be a permanent food cart. Nunley replied they could, it would be a perpetual temporary use as long as they renew annually and meet the requirements. Bennett clarified that as long as they meet the requirements they can’t be non-renewed.

Staff recommendation:

- 1) Consider the Planning Commission Orders of Recommendation
- 2) Consider Public Testimony; one public letter was received and included in the packet. The Planning Commission felt the concerns in the letter are addressed.
- 3) Make findings of fact
- 4) Review the tentative amendments shown in Attachment “1”. The City Council may modify the text of the amendments prior to the close of the hearing
- 5) Direct Staff to return with an ordinance for adoption at a future meeting

C. Adlong shared that Texas-style BBQ is not allowed in the city limits of Austin, Texas because of the smoke.

Councilor Pugsley inquired if the law could be sunsetted, if this was determined not to be the direction the Council wants in five years. City Attorney Bennett clarified as long as the permit is

not valid for more than one year; they will have to comply with any regulation changes. Councilor Reddell suggested incorporating a public access restroom on new Fire Hall property. The City Attorney Bennett suggested adding to page 7, paragraph 9: ...valid for no more than one year, but may be renewed annually. *Any renewal will be subject to compliance with current regulations.*

C. Adlong inquired how nuisances from a food cart would be handled. Bennett stated a business can be cited for code violations. It was noted there are several local businesses using outdoor smokers already and that type of business will be subject to weather conditions.

C. Adlong expressed concern that there are not any requirements (bathrooms, landscaping, etc.) for long-term food carts located in the CBD business district in Dundee. Councilor Nelson supported food carts as pedestrian friendly for the downtown core and referred to the vibrant atmosphere of the food carts at Pioneer Square in Portland. Councilor Miller pointed out that the carts are mobile, usually on rented property, where it would not be proper to ask them to landscape. C. Adlong asked for information on the Yamhill County Health Department regulations for food carts.

The City Attorney suggested it may make sense to require additional restroom facilities if a lot hosted a specified number of carts. Nunley relayed the Planning Commission noted that the spaces available for this type of use in the city are fairly limited. Mayor Crawford offered that the absence of complaints from the current restaurant owners on the proposed change suggest that the food carts fill a niche and are not competing with the local restaurant businesses.

There were no testimonies from the public. The hearing was closed at 7:53 P.M.

Deliberations:

C. Pugsley summarized the Council would like to review the county regulations for restroom facilities. He supports the return of an ordinance with the opportunity to make changes to the regulations in one year. This will offer different food options for the citizens and an opportunity for small businesses to grow in Dundee. **The motion** was made and seconded for staff prepare an ordinance to return to the City Council at the November 20th Council meeting addressing the restroom requirement questions and the addition of “subject to current regulations” to the annual renewal of the long-term food cart temporary use permit. **The motion** passed unanimously.

Public Comment

None.

Consent Agenda

Mayor Crawford questioned page 31 of the packet. Daykin noted the page was included in error and is not part of the monthly financial report. **The motion** was made and seconded to approve Consent Agenda items 7.1 City Council Minutes, October 2, 2012 and 7.2 Financial Report Ending September 30, 2012. **The motion** passed unanimously.

Old Business

Fire Station – Zone Change/Street Vacation

This is a zone change initiation request regarding the proposed location for the new fire station on Highway 99W on the city owned property straddling Eighth Street. The property is zoned CBD, staff would prefer to change the zoning to Public (P) which would allow the Fire Station as a permitted use. The city is asking for a street vacation for that portion of Eighth Street between Highway 99W and the railroad tracks. The Fire Department will continue to have permission for emergency access at the railroad tracks. **The motion** was made and seconded to initiate the

proposed zone change from CBD to P for the City owned property as shown on Attachment 1 and to initiate the vacation of a portion of Eighth Street located between the railroad and Highway 99W, as shown in Attachment 3. **The motion** passed unanimously. This will be on the agenda for the Planning Commission on November 14th; returning to the Council at the first meeting in December.

Street Light Request – Maple Street

An update on the request from Linda Stock for placement of a street light on the south end of Maple Street: PGE offers two options; based on the assumption of a conduit for electric power at the site. Under Option A, PGE installs and owns the street light and the monthly fee is more. Under Option B, the City pays for the installation of the street light, but PGE will provide routine maintenance. The cost for PGE to install the light is \$1,902; the cost for a private contractor to install the light is \$1,640 (Option B). PGE updated that they have not been able to determine if there is power through the conduit at that location. If there isn't, the additional cost through PGE could exceed \$5,000. A private contractor to energize the conduit is likely to be less expensive than PGE. Staff recommends placement of the streetlight under Option A (the balance of the lights in this part of the city are under Option A and the proposed PGE tariff would convert the fixture to LED technology in the near future). The issue will return to the Council if there is no power in the conduit. **The motion** was made and seconded to approve the installation of a street light at the Maple Street cul-de-sac under Option A if there is power present. **The motion** passed unanimously.

PSU's Population Projection

Daykin advised that the County Commissioners are taking action on the coordinated population plan based on PSU's population projection this Thursday.

Planner Nunley advised that staff did not receive an official notice of the public hearing. In 2011 the Dundee Council adopted a resolution requesting that Yamhill County adopt a year 2031 population figure of 5,926 for the City of Dundee. Instead the County hired Portland State University to develop a forecast. The new figure for 2032 from PSU's study is 4,764. Nunley suggested that the city approve a new resolution adopting the new figure. The City Attorney confirmed the city's obligation to coordinate with the County. Nunley stated this is the number which will be used for the TSP amendment. Daykin informed the city has sufficient UGB capacity, and the timing of a future expansion to the UGB will depend on how fast the land is actually developed. He shared the expectation that SDCs will fund the next level of expansion of the wastewater treatment plant as opposed to helping pay down the DEQ loan. C. Nelson expressed concern to ensure that Dundee citizens are not overpaying rates for growth that is less than anticipated. Daykin noted that Deb Galardi will assist with an update of SDC calculations.

Waste Management Franchise Agreement

Staff worked closely with the City of Newberg and their legal staff on the draft franchise agreement. The Newberg City Council approved their franchise agreement last night.

Dean Kampfer, Waste Management, introduced Dave Huber and Kirk Duncan, both of Waste Management. Huber advised Waste Management acquired Newberg Garbage in March of 2010. They have twenty-seven employees serving Newberg, Dundee and a portion of Yamhill County for commercial, residential, and industrial waste collection. In May of 2012 they transferred customer calls to a call center in Washington and they completed a \$1.4 million construction project at the transfer station. The project improved the facility's safety, separated commercial traffic from public traffic, improved their storm water management system, and allows the diversion of dry waste (construction demolition material including metal and wood) to a recovery facility in Hillsboro. They are installing drive cams in the trucks to capture both the driver and the

forward view through the windshield. This is improving the vehicle incident rates and driver behaviors.

Mayor Crawford referred to the termination clause and noted that if the city elects to terminate early in a seven-year term we would be required to terminate at the end of the then current term. Daykin noted there is an accelerated termination process for breach of contract. The termination clause allowing for the current term to expire addresses the city's decision to use another provider. This would allow Waste Management to amortize their investment over the remaining contract term. Kampfer confirmed this allows depreciation of their equipment over seven years.

City Attorney Bennett clarified that this is a rolling seven-year agreement. Daykin advised the old agreement was a ten-year agreement, where the franchise could come back every two and half years following the start of a new ten-year term and request a new ten-year agreement. The new agreement requires an annual financial/activity report from Waste Management. The Mayor inquired the maximum franchise fee the city could charge and the next opportunity to amend the fee. Daykin replied there is no legal maximum imposed by State or Federal law. The fee can be changed anytime, with notice to allow implementation, but Waste Management can recover the increased cost through increased rates.

C. Pugsley inquired if the Newberg City Council had any issues with passing the franchise agreement. Kampfer noted they had some clerical issues on the rate schedule, which have already been corrected on Dundee's agreement.

C.A. Daykin noted there is a change to the process. Previously the franchise agreement was adopted by ordinance and codified as part of the Municipal Code. Staff is proposing adoption of the regulatory side separately, which gives authority to enter into the franchise agreement by Council resolution. The proposal is to adopt Ordinance No. 513-2012 with an effective date of January 1, 2013. The Franchise agreement will return to a future meeting to be approved by resolution.

Mayor Crawford inquired the addition of glass recycling services. Huber noted that Waste Management can bring a proposal back to the Council to add those services. Daykin advised there will be a cost for curbside collection of glass, which would be reflected in customer rates. Crawford asked for quotes on addition of that service for Dundee and a quote reflecting cost if the city of Newberg also participated.

C. Nelson inquired if complaints had been received from citizens about starting collection too early. Huber stated the start time has been changed to 5:35 A.M. placing the trucks on the routes at 6:00 A.M.; prior to June 24th they started at 4:40 A.M. placing the trucks on the routes by 5:00 A.M.

C.A. Daykin informed that the opportunity for residential garbage service on call has been reinserted in the rate schedule. Staff will bring the resolution to approve the franchise agreement to a future meeting.

Ordinance No. 513-2012, Solid Waste Management

The ordinance gives the city authority to enter into franchise agreement by Council resolution and stipulates specific regulatory requirements where a penalty can be applied for violations. One of the new prohibitive actions regard placement of the waste container in the ROW (not sooner than twenty-four hours and it must be removed within twenty-four hours of service). C. Nelson inquired if there was any conflict with the burn ban and section E on page 88. Crawford noted a correction to E...or incinerate solid waste *within* the city..... Daykin noted chapter 8.12 is

reflective of the current outdoor burning regulation. **The motion** was made and seconded to adopt Ordinance No. 513-2012, an ordinance relating to solid waste management and amending the Dundee Municipal Code correcting 8.04.060 E to change “with” to “within” the city. **The motion** passed unanimously.

New Business

Park Advisory Committee Appointment

Susan Baird has resigned the Parks Advisory Committee. The application for Melody Osborne, City of Dundee Planning/Utility Billing Secretary was handed out to the Council. **The motion** was made and seconded to confirm the Mayor’s appointment of Melody Osborne to the Parks Advisory Committee. C. Adlong advised that David Bergen has not attended any committee meetings in over a year. She requested that he be removed and the position be filled. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Adlong shared the Harvey Creek Trail looks very good with the work from city staff. C.A. Daykin advised Matt Novak is interested in helping work on the trail.

Mayor’s Report

Mayor Crawford met with Ken Wright to discuss linking trails with the Yamhill Westside trail (an estimated seventeen miles of Union Pacific railroad track running from the trestle on Highway 99W to Hagg Lake). The County is the applicant on a transportation enhancement grant for the project. Crawford suggested a letter of support for the project. C. Pugsley inquired how close the trails can get. Crawford suggested a possible connection through Abbey Road to Sylvania Ridge. Dick Erath has contacted CPRD to work with them on a vineyard trail.

City Administrator’s Report

The well house project is out to bid for a stick built structure with a deadline for bid opening of November 8th.

The City did not receive the OPRD grant for the Viewmont Greenway. The representative for the grants mentioned if the application had been made in their alternate funding cycle (with more dollars available) the city would have received the grant. The Parks Advisory Committee wants to resubmit. There will be new criteria, but the representative will work with the city prior to submission. The drawing submitted proposed a lot of landscaping and even though the narrative relayed that we would not implement that amount of landscaping OPRD commented on the amount of landscaping. The drawing could be updated to incorporate nature play items, native planting with descriptive signage, and remove some of the landscaping.

C.A. Daykin will be involved in the Yamhill County Economic Development project. This will encompass ten meetings once a month for about four hours each meeting. The first meeting is scheduled for October 23rd in Sheridan. Their purpose is to develop a strategic plan using lottery funds for two pilot projects to encourage job creation/economic development.

Geotech has finished the report on the Fire Station property. Scott Moore, Group Mackenzie, has advised that the infiltration testing results were not good and trying to incorporate impervious paving at the site will not work.

The celebration of the Newberg Second Street Fire Station remodel will be held on November 3rd at 10:00 A.M.

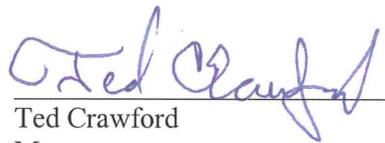
Councilor Reddell suggested the addition of a public restroom on the Fire Station property. Daykin stated there will be a restroom facility for the public in the building. Reddell suggested a separate facility outside the building. Daykin cautioned that the schematic plans are tight; it appears there will not be room.

C. Reddell shared discussion with Newberg/Dundee Police Chief Casey. Casey suggested that Council meetings be held at the new Fire Hall for security reasons. Daykin relayed options discussed with Brooks Bateman, Newberg Building Official, including possibilities of replacing the window by the minute takers desk with a door or addition of a door to another wall. An additional advantage of the Fire Hall is more space for the Council setup.

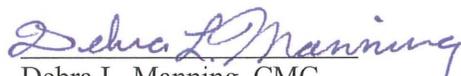
Public Comment

None.

The meeting was adjourned at 9:24 P.M.


Ted Crawford
Mayor

Attest:


Debra L. Manning, CMC
Assistant City Recorder