

CITY OF DUNDEE
CITY COUNCIL MEETING
Fire Hall Community Room

Phone (503) 538-3922 ~ Fax (503) 538-1958

Email: DundeeCity3@comcast.net Website: DundeeCity.org

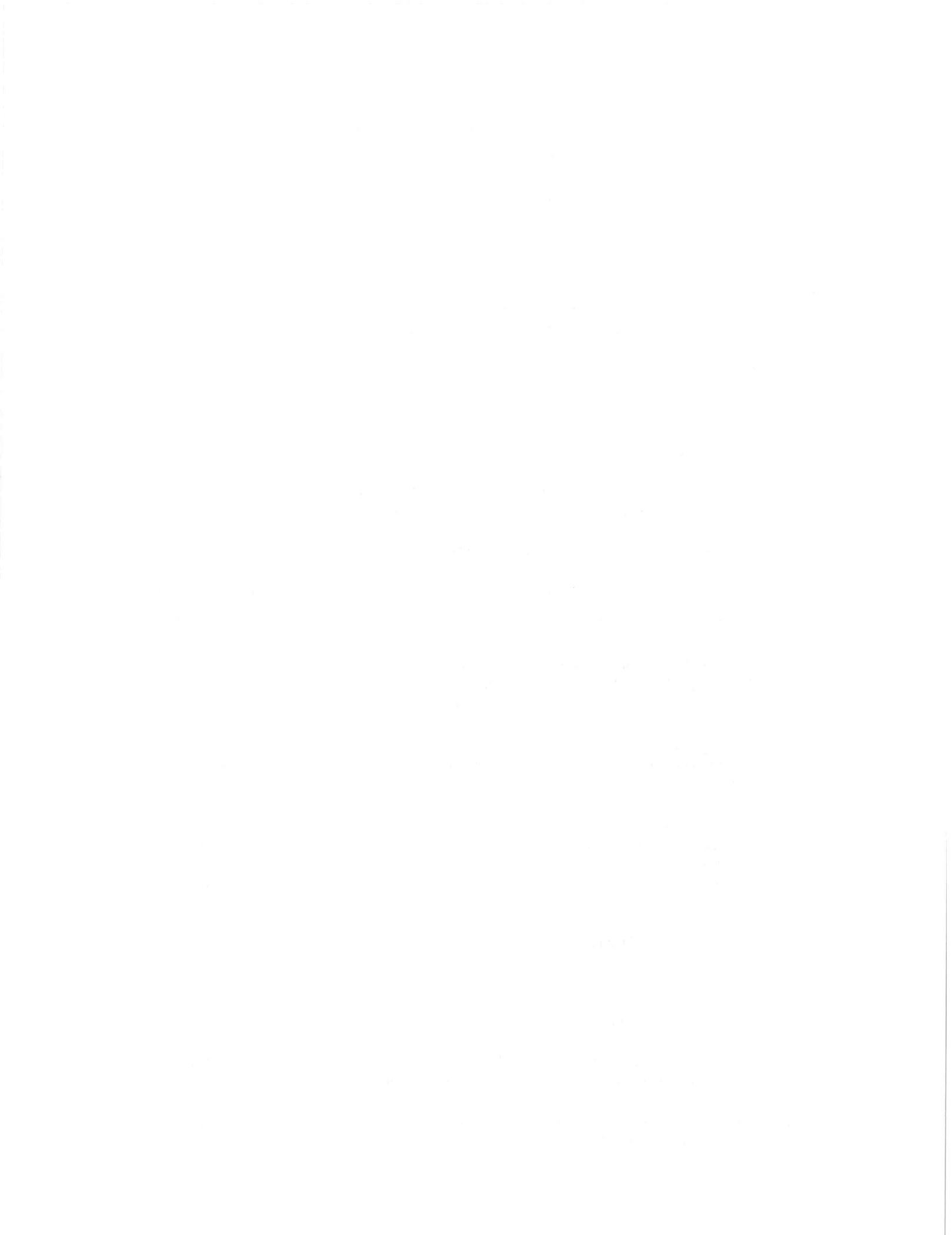
The Mission of City Government is to provide essential, quality public services in support of the livability, safety and viability of the Dundee community.

OCTOBER 18, 2016 7 - 9 PM.

Times printed are estimates. Actual time may vary.

1. Open Regular City Council Meeting
2. Pledge of Allegiance
3. Amendments to the Agenda, if any
4. Public Comment: Each speaker will be allowed up to 5 minutes to speak after being recognized by the Mayor. Out of courtesy for the speaker, please refrain from talking.
5. Presentation: Joe Hannan, Newberg City Manager – Emergency Dispatch Services
6. Consent Agenda: The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member (or a citizen through a Council member) so requests, in which case the item will be removed from the Consent Agenda and considered separately. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.
 - 6.1 City Council Minutes, September 20, 2016 Pages 1-10
 - 6.2 Financial Report Ending August 31, 2016 Pages 10-32

Action Required: Motion to Accept the Consent Agenda
7. Old Business:
 - 7.1 Ordinance No. 551-2016, Stormwater Management Pages 33-52
Action Required
8. New Business:
 - 8.1 Outside Water Service Request Pages 53-58
Action Required
 - 8.2 Water Bill Appeal Pages 59-64
Action Required
9. Council Concerns & Committee Reports
10. Mayor's Report
11. City Administrator Report
12. Public Comment: Each speaker will be allowed up to 5 minutes to speak after being recognized by the Mayor. Out of courtesy for the speaker, please refrain from talking.
13. Executive Session: In accordance with ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.



14. Adjourn

Pending Business:

1. Public Works
 - 1.1 Highway 99W Sidewalk/Streetscape
 - 1.2 Inflow & Infiltration Program
 - 1.3 Charles Street Storm System
 - 1.4 Locust Street Waterline Replacement

2. Planning/Land Use
 - 2.1 Dundee Riverside Master Plan – Future Actions
 - 2.2 Exterior Lighting – Code Update/Street Light Standards
 - 2.3 Helipad Standards

3. City Council
 - 3.1 Update SDC Methodologies
 - 3.2 LID 2013-01 Final Assessment Ordinance
 - 3.3 Urban Renewal Plan

4. Parks & Trails
 - 4.1 Viewmont Greenway Park Improvement
 - 4.2 Harvey Creek Trail Property Rehabilitation
 - 4.3 WWTP Nature Park Grant Application

5. Next Available Ordinance & Resolution No's.
 - 5.1 Ordinance No. 552-2016
 - 5.2 Resolution No. 2016-23

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the Assistant City Recorder at City Hall (503) 538-3922.

**CITY COUNCIL MEETING
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September 20, 2016**

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City of Dundee
City Council Meeting Minutes
September 20, 2016

Call to Order

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

Council and Staff Attendance

Present: Mayor David Russ; Councilors Jeannette Adlong, Tim Weaver, Kristen Svicarovich, Doug Pugsley, and Ted Crawford. Absent: Councilor Storr Nelson. Staff members: Rob Daykin, City Administrator; Kristen French, Associate, Jordan Ramis, P.C. Attorneys at Law; and Greg Reid, City Engineer.

Public Attendance

Michael Humm, Kennedy/Jenks Consultants; Todd Miller, Dundee WWTP Operator; and Dundee resident, Myrna Miller, 941 SW Alder Street.

Agenda Changes

Item 7.5 1990 Fire Engine For Sale was added to Old Business.

Public Comment

None.

Mayoral Proclamation: Diaper Need Awareness Week

Mayor David Russ read the proclamation into the record proclaiming the week of September 26th through October 2nd, 2016 as Diaper Need Awareness Week.

Consent Agenda

The motion was made and seconded to approve Consent Agenda item 6.1 City Council Minutes, September 6, 2016. **The motion** passed unanimously.

Old Business

OLCC Liquor License Application, Cal Erath

Mayor Russ advised that updated information was received pertaining to this application. **The motion** was made and seconded to approve OLCC Liquor License Application, Cal Erath. **The motion** passed unanimously.

MBR Manual Clean Update

Michael Humm, Kennedy/Jenks Consultants, was present to provide the Council with an update regarding the MBR Manual Clean. Mr. Humm provided a powerpoint and video presentation to the Council. Mr. Humm also presented one of the plates from the Waste Water Treatment Plant (WWTP) for the Council's inspection. He explained the clean-in-place process in detail with regard to Train 2; and the fact that this type of cleaning to increase the permeability was only effective very short-term, only a few days. Mr. Humm pointed out that following this observation it was determined that with this low lack of flow capacity, it would be difficult moving forward into the winter season. Mr. Humm reviewed the previously discussed options including chemical acid cleaning as well as manual cleaning. He advised that due to time constraints, it was decided best to proceed with a manual clean using the method previously recommended by Kubota. The

process of manual cleaning was described in detail and a pre-manual cleaning video was shown. Todd Miller, WWTP Operator, was also present to answer questions regarding this process. Mr. Humm discussed the presence of sludge caking as opposed to the more preferred liquid sludge, particularly in areas between the plates. Further video presentation was reviewed by the Council, and evidence revealed that there was sludge dewatering going on, with actual dewatered solids present within the cassettes. Mr. Humm and Mr. Miller further described the cleaning process that ensued. Mr. Miller advised that cleaning using the Kubota recommended method was effective. Further details of the entire process were discussed. Photos were presented and reviewed with the Council. Mr. Miller estimated that 75% of the total surface area across the upper membranes had been covered with sludge solids. Mayor Russ inquired as to the reasons for this type of build-up. Mr. Miller advised that this is due largely extended operations at high flux rates without backing off and having the ability to clean. Mr. Humm further explained that as that accumulation occurs, the permeable surface area decreases which forces the other areas to work harder. Once that happens, he explained, in addition to losing the surface area, the chemicals can also no longer go through those channels because the caking is pushing the membrane up tight against the plastic, so there is no room for the chemical to penetrate. Mayor Russ inquired as to how long the clean-in place process takes to which Mr. Humm replied that it takes approximately four hours to complete. Mr. Humm advised that the contractor was on-site for two days with four staff present for the disassembly/removal and reassembly of the cassettes. City Crews were used to transport the cassettes to and from the wash down area. All ten cassettes were cleaned in seven days. Following the manual clean, an additional chemical clean was then done prior to putting Train 2 back into service. Mr. Miller explained this process in detail. Prior to the cleaning, the permeability of the basin was down to 8-10 gfd (gallons per square foot per day)/psi; an alarm is produced at 10 and the basin normally operates at 30-50 gfd/psi. The Post-cleaning result was 60-70 gfd/psi, a significant improvement.

Following the cleaning for Train 2 and bringing it back online, some work was also done for Train 1. Mr. Miller advised that the sludge was pumped out of Train 1 and an overnight bleach cleaning as well as a two-hour acid clean were completed. He further advised that Kubota indicated to them that, after conducting their own testing, bleach cleaning should clean Train 1 adequately. It was also noted that no similar sludge caking was found in Train 1 that had been previously observed in Train 2. Mr. Humm advised that Train 1 is returning back to equivalent permeability levels. Mayor Russ inquired about whether or not the cassettes in Train 1 were removed for cleaning to which Mr. Humm and Mr. Miller replied that they were not. Mr. Humm further explained the testing process performed by Kubota. A graph reflecting the effects of the cleaning process was shown to the Council and reviewed with Mr. Humm. He also advised that a once-a-year acid clean was recommended moving forward. Mayor Russ inquired about the flow rate of both trains. Mr. Miller advised that presently the lower part of Train 1 has a flow rate of about half of Train 2, at a rate of 35 gfd/psi. Kubota evaluated the condition of the membranes and found them to be in good condition for their age of four years. Mr. Humm advised that in order to move forward and prevent the prior issues of manual build-up from happening again, it has been recommended to make sure that we are permeating at the rates prescribed by the membrane manufacturers, as well as taking the opportunities to clean. Mr. Humm shared his opinion that with proper equalization coupled with the improvements in the collection system to reduce I&I, we should have the tools we need in order to operate things as they need to operate in order to prevent this build-up from happening again. In addition, in working with Kubota, we will want to do a top down inspection every year, every summer during the low flow period. Mr. Humm advised that this is a relatively easy process which he explained in further detail. Mr. Humm suggested that if there is any build-up in the diffuser that it should be addressed annually. The importance of this process was explained in greater detail. Kubota informed that while we do have a good WWTP and the condition of the membranes is good, it is important to go back to the basics of how these membranes operate and use the equalization in controlling the permeate

rates. Councilor Pugsley inquired about a similar WWTP in La Center, Washington that Kennedy/Jenks had been working on. Mr. Humm advised that the La Center facility experienced this same problem during start-up and, although he doesn't recall the specific details as to why, they had to do a manual clean while the contractor was still on-site due to an unknown event which caused the same problem. Mr. Humm pointed out, however, that this is not a common problem and he doesn't expect this to be a problem that the City will have to continually deal with if we can operate and get the cleanings done as they need to be. Mayor Russ pointed out that treatment of the symptoms are being heavily discussed, but he feels the real problem is I&I. Councilor Weaver also shared the same concerns and inquired about whether or not enough is being done with regard to this, although he realizes that much of the problem cannot be controlled. Mr. Humm advised that he is eager to see how things work this winter and that he will better be able to answer that question following that time period.

City Administrator Daykin inquired about the bottom half of Train 1 having the same type of dewatering sludge issue as Train 2, and inquired as to whether we are looking into any kind of process to correct that other than the clean-in-place approach. Mr. Humm advised that due to the unknown length of time the project was expected to take with regard to Train 2, coupled with the fact that the crush and wet weather would be starting soon, the decision was made against doing both trains at once. The decision was made that the present condition of Train 1 would be adequate for the winter. Mr. Humm advised that it would likely be a good idea to clean Train 1 in the same manner as Train 2 next year if it continues to perform below expected levels.

Biosolids Plan Update

Michael Humm, Kennedy/Jenks Consultants, advised that an alternative analysis was done which they previously brought to Council. He advised that they moved forward with the Biosolids Management Plan, a draft of which was submitted to City Staff. He further advised that following City comments, the next step will be forwarding the Plan to DEQ. He informed that DEQ could take 2-6 weeks to review the Plan, and that following this the Plan will be available for a Public Comment period of 30 days. Concurrent to that review process, Mr. Humm advised that they will put together a site authorization which identifies the two locations of the farm land as well as the treatment plant grounds. He advised that this is fairly easy to do, and doing so will provide some flexibility in case there is an issue.

WWTP Control Panel Repair Project

Michael Humm, Kennedy/Jenks Consultants, advised that they put together a memo in April of 2016 that explained the events that occurred during the panel flooding, including the replacements that were done at the time. In order to return the plant to preexisting conditions, Mr. Humm reviewed their recommendations for the proposed the scope of services, budget and schedule for the project. Mayor Russ requested clarification with regard to the electrical components and whether or not their proposal would include complete replacement. Mr. Humm confirmed that replacement would include electrical components within the control panels, the power distribution panels, and any of the conduits that then filled with water and flooded out the equipment below it. Councilor Crawford inquired as to why Kennedy/Jenks has indicated it necessary in Phase 1 to utilize 400 hours to redesign a system that has already designed. Mr. Humm reviewed the details of work inclusive to Phase 1 and noted that he cut the number of hours down some previously, after this concern was expressed internally as well. City Administrator Daykin pointed out that we are also maintaining operations of an existing plant. Mr. Humm advised of the sequencing aspect and stated that he believes that the work is necessary and is captured in the construction support section. He further advised C. Crawford that he'd be happy to revisit the design piece of that to address his previous comment. Mayor Russ shared the same concern with regard to the electrical plan costs as well, and pointed out that since those are already in existence there shouldn't be a change in them. C. Crawford inquired as to how much

of this project will be covered by insurance. C.A. Daykin advised that his presumption is that everything except for the \$1000 deductible should be covered by insurance. Mayor Russ inquired about whether or not clarification with regard to this has been received from the insurance company to which C.A. Daykin confirmed. He further advised that the insurance company paid the first claim in full, and they are waiting for this engineering report. He also advised that the insurance company hired their own engineer to review the initial plan, and they will review this proposal as well. Discussion ensued further regarding the details of the project. **A motion** was made and seconded to approve the Draft Proposal for Engineering Services for the City of Dundee Wastewater Treatment Plant Mechanical Building Flood Damage Repair Project, Proposal Number P16052. **The motion** passed unanimously.

Councilor Crawford inquired about whether or not C.A. Daykin had talked with Kennedy/Jenks Consultants regarding his questions pertaining to automatic shut off valves in the case of a subduction zone earthquake. C.A. Daykin confirmed that he did discuss this with Michael Humm. Mr. Humm advised that they do indeed complete those types of seismic resiliency evaluations on reservoirs. He advised that they have a structural engineer at their San Francisco office that completes these evaluations up and down the West Coast. When he is in town, a site evaluation could be done as well as a report. Mr. Humm advised that they do make an earthquake valve which has an accelerometer within the valve which, once it moves, something is triggered causing the seal to break and it closes, saving the water in the reservoir. C. Crawford inquired and Todd Miller confirmed that he doesn't believe we have any such mechanism in place at this time. Mr. Humm informed that the earthquake valves are installed directly onto the reservoir; there is literally no pipe. C. Crawford supported this idea and Mr. Humm agreed and explained that they are relatively easy to install.

1990 Fire Engine For Sale

Dundee Fire Department Chief John Stock reviewed the fact that he has advertised the fire truck for sale on a national level for three months with no response. He initially listed the fire truck for sale at \$15,000, or best offer. Chief Stock advised that the present offer was the result of a free ad he placed on Craig's list, and he is in support of selling the truck to Monument Fire Department for their offered price of \$8,200.00. **A motion** was made and seconded to approve the sale of the 1990 surplus Fire Engine to the City of Monument Fire Department for their offer of \$8,200.00. **The motion** passed unanimously.

New Business

Water Bill Appeal

Myrna Miller, 941 SW Alder Street, approached the Council with regard to her water/sewer bill appeal. Mayor Russ reviewed the details of her request with regard to this industrial property. He expressed his support of billing Ms. Miller as a residential account as long as the business remains idle, but that at such time the property returns to industrial use the billing would return to the way it was initially set up unless a separate meter is installed. Councilor Pugsley inquired about the industrial use of the property. Ms. Miller advised that the larger pieces of manufacturing equipment are now gone and that they are in the process of cleaning out additional metal from the storage building, though further indicated that 22 tons of metal have already previously been removed from the building. Ms. Miller also advised that she and her son, Clark, presently both maintain offices at the location. She advised that no water is being used for the business. The property is presently for sale. Ms. Miller explained that in March of 2016 there was a water leak on the property which was challenging and expensive to resolve. She described in detail the process by which the water leak was repaired. City Administrator Daykin further explained that Ms. Miller had a substantial service line leak which resulted in a tremendous amount of water use, and even though she did get the standard credit adjustment she still paid out of pocket a substantial amount of money for the remaining balance. Ms. Miller advised that the

repair work cost over \$5000, which she is still making payments towards. C.A. Daykin clarified that there is not a standard irrigation system present on the property, and that the owner is hand-watering the plants so she doesn't lose them. Ms. Miller advised that the properties surrounding her are very dry, and she believes that watering her vegetation is also very important for this reason as well. She further indicated that none of the water she has used for this purpose has entered the sewer system. Councilor Pugsley agreed with Mayor Russ that to require a new meter be placed at this time would be an undue burden to the property owner at this time. C. Pugsley supported the proposal as long as we can assure that the agreement terminates at the sale of the property. Councilor Crawford inquired as to whether there have been any offers on the property to which the owner replied that there are none at this time, although she advised they have had in the past. Ms. Miller explained in detail the previous interest a Cannabis business had with regard to her property. **A motion** was made and seconded to grant Myrna Miller the credit adjustment of \$143.18 for the sewer charges dating back to June 2016, and to continue to bill this property as a residential property rather than a commercial property until the earlier of industrial use is initiated or sale of the property transpires, at which time it will revert back to the industrial rate. **The motion** passed unanimously.

Communication Services IGA

Dundee Fire Department Chief John Stock reviewed his support of and an overview of the details pertaining to the Communications Services IGA with TVF&R. **A motion** was made and seconded to approve the Communications Services IGA between the City of Dundee and Tualatin Valley Fire & Rescue. **The motion** passed unanimously.

Council Concerns and Committee Reports

None.

Mayor's Report

None.

City Administrator's Report

City Administrator Daykin advised that he and City Engineer Reed had a meeting with Tony Snyder, the project manager for the TE project, with regard to the status of the funding agreements. Mr. Snyder informed him that all of the requirements for both State review and Federal approval of adding the extra \$900,000 to the statewide transportation improvement program (STIP) have been met. He further indicated that the next step is to prepare the intergovernmental agreement (IGA) so that we can receive the funding. Mr. Snyder stated he had experienced some difficulty in crafting an amendment to the existing funding agreements, and has now come to the conclusion that a new separate agreement would best remedy the situation. The three funding agreements would include the TE Funding Agreement, the Bike/Ped Funding Agreement, and now a third one for the improvements that the City will be doing for ODOT in Phase 1. Reid advised that some discussions have ensued regarding when we might go out to bid and, although we are not quite there yet, there is optimism that it will still be this fall. Reid indicated that he is working on the final changes to the plans and his goal is to complete that so that when everything has come together with the funding agreements that we will be ready to go out to bid. Reid expressed concerns regarding some of the design issues that he'd like to change and make sure we have some alignment on, particularly with the driveways. The driveways that had been primarily used in the design are the wraparound type, where the actual sidewalk would wrap behind onto the private property. The other alternative was a drop sidewalk option where the sidewalk would stay within the right-of-way and stay within one alignment, but drop down at the driveway and then come back up after the driveway. With the change in the design and the need to raise the curbs to address the ADA issues, Reid expressed concern that the increase in sidewalk grade would affect the wraparound option, creating potential drainage issues behind

with regard to some of the properties. One alternative described would be to go to the driveway which would eliminate those drainage challenges, and Reid inquired of the Council as to whether or not this would be an acceptable alternative. C.A. Daykin advised that both options meet ADA requirements. Mayor Russ expressed his opinion that the wraparound sidewalk provides only visual benefits, and that he doesn't believe that many people will follow it. C. Pugsley shared that opinion as well. Further details were discussed pertaining to the sidewalk options and opinions of those present. Reid advised that an additional option would be to use a mix of both types, identifying properties that would have potential drainage issues and using the drop sidewalk in those instances while also including some of the wraparound sidewalks on other properties. Reid advised that consistency would better be maintained by only choosing to include one type of sidewalk. Reid pointed out some of the pros and cons to each design option, and conversation ensued regarding this. C. Pugsley inquired about whether the cost of a straight sidewalk would be less expensive to which Reid affirmed as it does take more concrete to create the wraparound style. C. Pugsley expressed his support of the straight sidewalk option. C. Crawford expressed his support for the wraparound style to provide visual interest due to the very straight nature of the street already. C. Weaver supported making sure the drainage issues are handled adequately for the property owners in the best way possible. Reid advised that they are preparing to update the property owners on the LID cost estimates and driveway options. He further advised that the property owners may not be interested in the wraparound style if they don't want the sidewalk on their property, and may prefer the drop option. The property owners could potentially make the decision for them, or Reid also advised that if Council prefers the drop sidewalk option, he can present only that option to the property owners. Mayor Russ inquired about whether the City would be liable for drainage issue problems. Reid clarified that if the City creates the drainage issue by changing the sidewalk, the City will also be responsible for fixing that drainage issue. Mayor Russ expressed his support of clean straight lines for the sidewalk. C. Adlong and C. Crawford expressed their opinions that a visual presentation of the options would be helpful to which Reid advised he could provide to them. The consensus of the Council was to review a visual presentation of the sidewalk options.

C.A. Daykin reported to the Council that the Dogwood Street Project has been completed and looks fantastic. He also advised that the contractor, C & M Excavating, was very good to work with as well. Some issues arose during the project and there were concerns about how to maintain the longevity of the project with virtually no base under that street. C & M came up with a solution that would have cost more but they absorbed part of that cost. Reid reiterated that they were really good to work with. He informed that their original design plan was to try to overlay the much deteriorated alligatored street with fabric. Of concern was the fact that there wasn't much base under there, and if taking up the asphalt was attempted there would likely only be dirt remaining. The waterline had to be moved to the middle of the street as opposed to along the side due to the amount of trees and arborvitae present that would have needed taken down in front of the homes there. That left a trench down the middle of the street, and trying to overlay the existing asphalt with fabric with a trench down the middle didn't make a lot of sense. Reid explained that he emphasized to C & M that the City's budget wouldn't allow for an increase of funding for the project. C & M was willing to absorb the extra costs associated with pulverizing the street and regrading it, and really made a nice project out of it. Reid also pointed out that they really worked with him on the grading; regrading it to really match the existing driveways as there was a challenge with the downhill driveways and uphill driveways. Reid felt the project turned out really nice, and further pointed out that the contractor was very concerned about completing the job properly which is important. C. Crawford inquired as to whether or not it is within our TSP Plan to place curbing in that area. C.A. Daykin informed that TSP does not address curb improvements for that street segment, and added that if we were redeveloping this street the standard would require curbs and sidewalks on both sides, but at this time the City does not have the funds to do that. Reid informed that the way the street is set up it would be fairly

easy to put a curb in on the uphill side, but that the street parking on the downhill side would need to be eliminated to keep the roadway section there. Reid advised that as things stand now the existing street sheet flows into the yards on the downhill side. He expressed the importance of maintaining the existing conditions which allow it to sheet flow into the yards and driveways off of the street so that the flow doesn't concentrate or change the drainage for anybody on that downhill side. The asphalt curb was placed on the uphill side to try to keep the erosion that was going along the hill from continuing. Reid advised that there are a couple of roof outlets that need to be extended out over the curb, and he indicated that he will work with public works to get that done. C. Weaver inquired about the possibility of striping the road up the centerline around the curve onto Viewmont Drive. He advised that a lot of people take a hard left turn in that area and cut the corner. Reid advised that this would be possible and discussion further ensued about where to stop and start the striping. C. Weaver supported keeping the parking area on the downhill side of the street for those residents.

C.E. Reid provided the Council with an update on the Viewmont Greenway Park Project. He advised the project is coming together. The picnic table slab was poured today. The lower portion of the trail will be paved tomorrow; it was graded today. The slabs for the stone benches that will be created have been obtained. Reid advised that we have also obtained a bubbler stone that will be turned into a drinking fountain. Public works will be constructing the foot bridge, which we already have the materials to build. Public works will also be excavating for the foundations this week while there is some dry weather so that will get done and rocked; the bridge can be built/fabricated in the rain but once it gets too wet we won't be able to get that accomplished. Reid advised that the final step is to complete the nature play area along with adding some trees and shrubs at the park. He further indicated that we have the plan together for the nature play; we just need to do some coordination to get Public Works to help get that together. C. Adlong inquired about the trail on the vineyard side of the bridge that had previously gotten washed out. C.E. Reid confirmed that will be graded out and more rock put down in that area. He further advised that we will need to grade the trail down a bit to reach the bridge as he indicated the bridge was shortened in length to try to minimize costs and to keep it lower to eliminate having a high structure. Reid offered his recommendation of holding off on seeding the area around the picnic table slab due to the fact that they had to regrade it today right before the concrete was poured. The area wasn't quite the right grade and so they had to lower the downhill edge along the slope. After it cures, Reid advised that Public Works will pull it down a bit so that it will run off and down the slope. He also advised that waiting until that is all completed would be best so that the seed isn't covered up. He informed that the work should be completed this week.

City Engineer Reid informed that we have been authorized to fix the drainage issue on Charles Street. To keep costs down, Reid advised that Public Works went out there and used their level to take some grades off the existing inlets and the inverts, and now hopefully we will have enough information to create the design that without having to go out and get a full survey. Reid further advised that he will try to get those plans together so that work can be completed. Reid also pointed out that it will be important to try and keep the traffic control costs down. He advised that he and Rob talked today about the goal of trying to get the water out of Charles Street and across Neiderberger Road. In order to accomplish this, a pipe will need to go across Neiderberger, which is near the quarry where a lot of traffic flows in and out. Reid pointed out that the trench on the City limit side of Neiderberger would also need deepened. In order to accomplish the excavation work required, traffic will likely be disrupted. The challenges of traffic issues and weather related concerns were further discussed amongst the group. Reid reported that he's hopeful he will get that put together and out to bid this fall.

C. Crawford inquired about the Dundee Women's Hall on 10th street with regard to the area slated to be landscaped courtesy of Tourism dollars. C.A. Daykin advised that City Staff will be completing the project to keep costs down, but there are other projects that will be done first. C.A. Daykin further advised that City Staff will be installing irrigation systems and then will be hauling in the dirt and materials to the Dundee Women's Hall, and then CPRD will be installing the plants.

Mayor Russ inquired about whether 12th & Maple will be putting in a new driveway where construction is taking place on 99W. City Engineer Reid advised that there is already an existing driveway present which they will be required to close. Reid discussed the driveway closure in more detail. He also informed the Council that he has met with 12th & Maple regarding the fact that they would like to gain access onto Parks Street. Initially they wanted an access right next to the railroad tracks which Reid advised wouldn't work unless approved by ODOT Rail. ODOT Rail denied the request and advised them to move it away from the railroad tracks. Reid indicated that he also advised them it would need to be located away from the highway as well. He also advised that the only place they may be able to fit in an access would be right in the middle of their property along Parks Street. Reid further advised that 12th & Maple would first need to prove to Reid that there is an adequate turning radius available not requiring crossing of the center line of Parks Street. He also indicated that he sent them the plan we have showing the real line on the Parks and Highway 99 intersection, which would realign Parks to be closer to the property and make that radius harder. Reid further informed that as a part of that meeting with ODOT Rail he was able to confirm that ODOT Rail is indeed in favor of closing 10th and 12th Street crossings and giving us 11th Street, and they would allow 12th & Maple to keep 12th as a private crossing; they would not oppose that. Reid also noted that ODOT Rail is still willing to donate their help with the cost of the new crossing on 11th Street.

C. Crawford inquired about whether there have been any new talks with Frontier or Comcast with regard to the T&E Project. Reid advised that there have been no new recent discussions. He further indicated that the only communication he's had with them recently is in regard to what would be the impacts of minimizing the highway crossings (because they want more crossings), and what the impact of increasing the number of conduits that go parallel would be. As a part of going through the ODOT comments Reid indicated that he's also going to be looking at whether he can accommodate those additional parallel pipes within the sidewalk and within the limited right-of-way that we have there to do it, or if we're going to have to go back to more crossings to get their services across.

C.A. Daykin advised that at the request of Mr. Lindquist, a meeting was held between the City Planner and he along with Stu Lindquist, his son-in law, Rod Grinberg, and Stu's business associate, Dale Bernards, with regard to the same issues. They inquired about the status moving forward with the development of their property. C.A. Daykin explained to them that the Council did pass the resolution to authorize the City to submit an application for a TGM Grant to do the additional planning work per what they indicated they would like us to do once again, knowing that the funding would not be available until July 1, 2017. Daykin informed that once again, they are anxious to develop right away and inquire as to why they can't simply do that. Daykin reminded them that the City Council said that they were not going to abandon the Master Plan. They then inquired as to why they can't simply take part of the property out of the Master Plan area. They pointed out that the area of interest is located between Edwards Drive and the bypass. Daykin advised them that even to do that is a significant change, a comp plan change as well as a change to the Riverside Master Plan that would have to be analyzed. He further explained that the process takes time and comes at an expense, and requires public workshops, a public hearing before the Planning Commission and public hearing before City Council. Daykin pointed out that he is not sure how much this process would propel things forward, plus they would need to

convince the City Council to initiate that action. He explained to them that it is a political process and they can approach the City Councilors to ask them to initiate this process if they desire. Daykin advised that they did seem motivated at the prospect of doing that, and are considering attending the first City Council meeting in October. C.A. Daykin explained to the Council how this process would work with regard to the need for amending the Comp Plan as well as amending the Riverside Master Plan. Councilor Adlong inquired as to how many acres the discussed parcel is. The land area was discussed and determined to likely include approximately 50 acres. C.A. Daykin advised that the Lindquist's were pleased with the much greater densities that are allowed in the Riverside Master Plan, the 10 units per acre average. C.A. Daykin further reviewed the fact that to simply go back to the existing zoning would not likely meet the other objectives of the Riverside Master Plan.

Public Comment

None.

The meeting was adjourned at 8:48 PM.

David Russ, Mayor

Attest:

Rob Daykin, City Administrator/Recorder

City of Dundee
Statement of Revenues & Expenditures
01-General Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

UNAUDITED

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|--------------|-----------------------------------|--------------------------|
| REVENUES | | | | | |
| Taxes | 14,826 | 54,166 | 677,200 | -92% | (623,034) |
| Franchise Fees | 11,600 | 11,600 | 139,700 | -92% | (128,101) |
| Licenses & Permits | 23,408 | 29,639 | 63,200 | -53% | (33,561) |
| Intergovernmental Revenue | 8,969 | 15,513 | 151,200 | -90% | (135,687) |
| Charges for Services | 17,196 | 40,099 | 212,300 | -81% | (172,201) |
| Fines & Forfeitures | 5,886 | 8,864 | 54,000 | -84% | (45,136) |
| Miscellaneous Revenues | 2,914 | 3,636 | 7,700 | -53% | (4,064) |
| Total REVENUES | 84,798 | 163,516 | 1,305,300 | -87% | (1,141,784) |
| EXPENDITURES | | | | | |
| General Govt | 30,750 | 57,456 | 337,700 | 83% | 280,244 |
| Court | 1,453 | 2,922 | 21,400 | 86% | 18,478 |
| Community Development | 29,576 | 30,810 | 121,800 | 75% | 90,990 |
| Police Services | 47,998 | 47,998 | 479,500 | 90% | 431,502 |
| Fire Services | 38,169 | 63,109 | 404,200 | 84% | 341,091 |
| Total EXPENDITURES | 147,946 | 202,295 | 1,364,600 | 85% | 1,162,305 |
| Excess (deficiency) of Revenue Over Expenditures | (63,147) | (38,779) | (59,300) | -35% | 20,521 |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfers In | 8,504 | 16,841 | 92,200 | -82% | (75,359) |
| Transfers Out | 0 | 0 | (248,000) | -100% | 248,000 |
| Other Uses | 0 | 0 | (80,000) | 0% | 80,000 |
| Total OTHER FINANCING SOURCES (USES) | 8,504 | 16,841 | (235,800) | -107% | 252,641 |
| NET CHANGE IN FUND BALANCE | (54,643) | (21,938) | (295,100) | -93% | 273,162 |
| BEGINNING FUND BALANCE | 509,826 | 477,120 | 480,700 | -1% | (3,580) |
| ENDING FUND BALANCE | 455,182 | 455,182 | 185,600 | 145% | 269,582 |

CITY OF DUNDEE

Statement of Revenues and Expenditures

01 - Admin / Finance

001 - General Fund

From 8/1/2016 Through 8/31/2016

(In Whole Numbers)

| | <u>Current Period Actual</u> | <u>Current Year Actual</u> | <u>Total Budget</u> | <u>Percent Total Budget Remaining</u> | <u>Total Budget Variance</u> |
|----------------------------|----------------------------------|--------------------------------|---------------------|---|----------------------------------|
| EXPENDITURES | | | | | |
| Personnel Services | | | | | |
| Salaries & Wages | 12,823 | 25,498 | 154,400 | 83 % | 128,902 |
| Personnel Benefits | <u>5,761</u> | <u>11,360</u> | <u>74,100</u> | <u>85 %</u> | <u>62,740</u> |
| Total Personnel Services | 18,584 | 36,858 | 228,500 | 84 % | 191,642 |
| Materials & Services | | | | | |
| Supplies | 881 | 1,305 | 4,000 | 67 % | 2,695 |
| Professional Services | 4,675 | 6,196 | 48,100 | 87 % | 41,904 |
| Contractual Services | 110 | 220 | 1,300 | 83 % | 1,080 |
| Travel & Training | 366 | 4,571 | 12,800 | 64 % | 8,229 |
| Insurance | 0 | 0 | 7,800 | 100 % | 7,800 |
| Regulatory Requirements | 0 | 0 | 900 | 100 % | 900 |
| Utilities | 570 | 1,057 | 6,400 | 83 % | 5,343 |
| Repairs & Maintenance | 497 | 712 | 9,200 | 92 % | 8,488 |
| Other Materials & Services | <u>592</u> | <u>2,061</u> | <u>14,200</u> | <u>85 %</u> | <u>12,139</u> |
| Total Materials & Services | 7,691 | 16,123 | 104,700 | 85 % | 88,577 |
| Capital Outlay | | | | | |
| | <u>4,475</u> | <u>4,475</u> | <u>4,500</u> | <u>1 %</u> | <u>25</u> |
| Total EXPENDITURES | <u>30,750</u> | <u>57,456</u> | <u>337,700</u> | <u>83 %</u> | <u>280,244</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
02 - Court
001 - General Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|----------------------------|--------------------------|------------------------|--------------|--------------------------------------|--------------------------|
| EXPENDITURES | | | | | |
| Personnel Services | | | | | |
| Salaries & Wages | 690 | 1,371 | 8,600 | 84 % | 7,229 |
| Personnel Benefits | 472 | 928 | 6,700 | 86 % | 5,772 |
| Total Personnel Services | 1,162 | 2,299 | 15,300 | 85 % | 13,001 |
| Materials & Services | | | | | |
| Supplies | 0 | 0 | 200 | 100 % | 200 |
| Professional Services | 0 | 0 | 400 | 100 % | 400 |
| Contractual Services | 274 | 548 | 3,900 | 86 % | 3,352 |
| Travel & Training | 4 | 4 | 500 | 99 % | 496 |
| Other Materials & Services | 12 | 71 | 1,100 | 94 % | 1,029 |
| Total Materials & Services | 290 | 624 | 6,100 | 90 % | 5,476 |
| Total EXPENDITURES | 1,453 | 2,922 | 21,400 | 86 % | 18,478 |

CITY OF DUNDEE
Statement of Revenues and Expenditures
03 - Community Development
001 - General Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|----------------------------|--------------------------|------------------------|--------------|--------------------------------------|--------------------------|
| EXPENDITURES | | | | | |
| Personnel Services | | | | | |
| Salaries & Wages | 810 | 1,611 | 10,300 | 84 % | 8,689 |
| Personnel Benefits | 431 | 846 | 8,000 | 89 % | 7,154 |
| Total Personnel Services | 1,240 | 2,457 | 18,300 | 87 % | 15,843 |
| Materials & Services | | | | | |
| Supplies | 0 | 0 | 900 | 100 % | 900 |
| Professional Services | 7,807 | 7,807 | 50,500 | 85 % | 42,693 |
| Contractual Services | 20,444 | 20,444 | 36,000 | 43 % | 15,556 |
| Travel & Training | 13 | 13 | 1,100 | 99 % | 1,087 |
| Other Materials & Services | 72 | 88 | 15,000 | 99 % | 14,912 |
| Total Materials & Services | 28,336 | 28,352 | 103,500 | 73 % | 75,148 |
| Total EXPENDITURES | 29,576 | 30,810 | 121,800 | 75 % | 90,990 |

CITY OF DUNDEE
Statement of Revenues and Expenditures
04 - Police Dept
001 - General Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | <u>Current Period Actual</u> | <u>Current Year Actual</u> | <u>Total Budget</u> | <u>Percent Total Budget Remaining</u> | <u>Total Budget Variance</u> |
|----------------------------|----------------------------------|--------------------------------|---------------------|---|----------------------------------|
| EXPENDITURES | | | | | |
| Materials & Services | | | | | |
| Contractual Services | 47,998 | 47,998 | 479,500 | 90 % | 431,502 |
| Total Materials & Services | 47,998 | 47,998 | 479,500 | 90 % | 431,502 |
| Total EXPENDITURES | 47,998 | 47,998 | 479,500 | 90 % | 431,502 |

CITY OF DUNDEE
Statement of Revenues and Expenditures
05 - Fire Dept
001 - General Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|----------------------------|--------------------------|------------------------|----------------|--------------------------------------|--------------------------|
| EXPENDITURES | | | | | |
| Personnel Services | | | | | |
| Salaries & Wages | 14,587 | 29,741 | 180,400 | 84 % | 150,659 |
| Personnel Benefits | <u>9,587</u> | <u>15,757</u> | <u>82,400</u> | <u>81 %</u> | <u>66,643</u> |
| Total Personnel Services | 24,174 | 45,498 | 262,800 | 83 % | 217,302 |
| Materials & Services | | | | | |
| Supplies | 1,506 | 2,286 | 18,500 | 88 % | 16,214 |
| Professional Services | 0 | 0 | 2,000 | 100 % | 2,000 |
| Contractual Services | 7,499 | 9,400 | 30,000 | 69 % | 20,600 |
| Travel & Training | 701 | 1,081 | 3,100 | 65 % | 2,020 |
| Insurance | 0 | 0 | 16,600 | 100 % | 16,600 |
| Regulatory Requirements | 330 | 330 | 9,000 | 96 % | 8,670 |
| Utilities | 1,111 | 1,627 | 16,500 | 90 % | 14,873 |
| Repairs & Maintenance | 182 | 219 | 18,500 | 99 % | 18,281 |
| Other Materials & Services | <u>0</u> | <u>0</u> | <u>700</u> | <u>100 %</u> | <u>700</u> |
| Total Materials & Services | 11,328 | 14,943 | 114,900 | 87 % | 99,957 |
| Capital Outlay | | | | | |
| | <u>2,667</u> | <u>2,667</u> | <u>26,500</u> | <u>90 %</u> | <u>23,833</u> |
| Total EXPENDITURES | <u>38,169</u> | <u>63,109</u> | <u>404,200</u> | <u>84 %</u> | <u>341,091</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
110 - Street Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|------------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Taxes | 3,422 | 6,374 | 40,000 | (84)% | (33,626) |
| Intergovernmental Revenue | 14,886 | 31,584 | 185,000 | (83)% | (153,416) |
| Miscellaneous Revenues | 58 | 99 | 200 | (50)% | (101) |
| Total REVENUES | <u>18,366</u> | <u>38,058</u> | <u>225,200</u> | <u>(83)%</u> | <u>(187,142)</u> |
| EXPENDITURES | | | | | |
| Personnel Services | 5,161 | 9,635 | 59,400 | 84 % | 49,765 |
| Materials & Services | | | | | |
| Supplies | 188 | 353 | 4,200 | 92 % | 3,847 |
| Professional Services | 541 | 541 | 7,300 | 93 % | 6,759 |
| Travel & Training | 0 | 92 | 500 | 82 % | 408 |
| Insurance | 0 | 0 | 1,600 | 100 % | 1,600 |
| Regulatory Requirements | 0 | 0 | 100 | 100 % | 100 |
| Utilities | 1,877 | 3,679 | 22,300 | 84 % | 18,621 |
| Repairs & Maintenance | 1,078 | 1,295 | 26,600 | 95 % | 25,305 |
| Interfund Services | 2,341 | 4,682 | 28,100 | 83 % | 23,418 |
| Other Materials & Services | 0 | 0 | 200 | 100 % | 200 |
| Total Materials & Services | <u>6,025</u> | <u>10,643</u> | <u>90,900</u> | <u>88 %</u> | <u>80,257</u> |
| Capital Outlay | 0 | 0 | 7,000 | 100 % | 7,000 |
| Total EXPENDITURES | <u>11,187</u> | <u>20,278</u> | <u>157,300</u> | <u>87 %</u> | <u>137,022</u> |
| Excess (deficiency) of Revenue over Expenditures | 7,179 | 17,780 | 67,900 | (74)% | (50,120) |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfer Out | 0 | 0 | (97,200) | (100)% | 97,200 |
| Other Uses | 0 | 0 | (5,000) | (100)% | 5,000 |
| Total OTHER FINANCING SOURCES (USES) | <u>0</u> | <u>0</u> | <u>(102,200)</u> | <u>(100)%</u> | <u>102,200</u> |
| NET CHANGE IN FUND BALANCE | <u>7,179</u> | <u>17,780</u> | <u>(34,300)</u> | <u>(152)%</u> | <u>52,080</u> |
| BEGINNING FUND BALANCE | 74,185 | 63,585 | 38,800 | 64 % | 24,785 |
| ENDING FUND BALANCE | <u>81,365</u> | <u>81,365</u> | <u>4,500</u> | <u>1,708 %</u> | <u>76,865</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
111 - Street CIP Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|------------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Franchise Fees | 0 | 0 | 41,400 | (100)% | (41,400) |
| Intergovernmental Revenue | 0 | 0 | 1,385,000 | (100)% | (1,385,000) |
| Miscellaneous Revenues | 145 | 241 | 260,200 | (100)% | (259,959) |
| Total REVENUES | <u>145</u> | <u>241</u> | <u>1,686,600</u> | <u>(100)%</u> | <u>(1,686,359)</u> |
| EXPENDITURES | | | | | |
| Capital Outlay | 6,440 | 6,440 | 2,233,500 | 100 % | 2,227,060 |
| Debt Service | 0 | 0 | 26,600 | 100 % | 26,600 |
| Total EXPENDITURES | <u>6,440</u> | <u>6,440</u> | <u>2,260,100</u> | <u>100 %</u> | <u>2,253,660</u> |
| Excess (deficiency) of Revenue over Expenditures | (6,295) | (6,199) | (573,500) | (99)% | 567,301 |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Debt Proceeds | 0 | 0 | 76,000 | (100)% | (76,000) |
| Transfers In | 0 | 0 | 85,000 | (100)% | (85,000) |
| Other | | | | | |
| Interfund Loan | 0 | 0 | 200,000 | (100)% | (200,000) |
| Total Other | <u>0</u> | <u>0</u> | <u>200,000</u> | <u>(100)%</u> | <u>(200,000)</u> |
| Total OTHER FINANCING SOURCES (USES) | <u>0</u> | <u>0</u> | <u>361,000</u> | <u>(100)%</u> | <u>(361,000)</u> |
| NET CHANGE IN FUND BALANCE | <u>(6,295)</u> | <u>(6,199)</u> | <u>(212,500)</u> | <u>(97)%</u> | <u>206,301</u> |
| BEGINNING FUND BALANCE | 210,120 | 210,024 | 215,000 | (2)% | (4,976) |
| ENDING FUND BALANCE | <u>203,825</u> | <u>203,825</u> | <u>2,500</u> | <u>8,053 %</u> | <u>201,325</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
112 - Street Reserve Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|---|--------------------------|------------------------|-----------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Miscellaneous Revenues | 30 | 62 | 200 | (69)% | (138) |
| Total REVENUES | <u>30</u> | <u>62</u> | <u>200</u> | <u>(69)%</u> | <u>(138)</u> |
| EXPENDITURES | | | | | |
| Capital Outlay | 0 | 0 | 42,900 | 100 % | 42,900 |
| Total EXPENDITURES | <u>0</u> | <u>0</u> | <u>42,900</u> | <u>100 %</u> | <u>42,900</u> |
| Excess (deficiency) of Revenue over Expenditures | 30 | 62 | (42,700) | (100)% | 42,762 |
| NET CHANGE IN FUND BALANCE | <u>30</u> | <u>62</u> | <u>(42,700)</u> | <u>(100)%</u> | <u>42,762</u> |
| BEGINNING FUND BALANCE | 42,760 | 42,729 | 42,700 | 0 % | 29 |
| ENDING FUND BALANCE | <u>42,791</u> | <u>42,791</u> | <u>0</u> | <u>0 %</u> | <u>42,791</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
122 - State Revenue Sharing Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|-----------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Intergovernmental Revenue | 6,267 | 11,536 | 25,500 | (55)% | (13,964) |
| Miscellaneous Revenues | 9 | 11 | 100 | (89)% | (89) |
| Total REVENUES | <u>6,276</u> | <u>11,547</u> | <u>25,600</u> | <u>(55)%</u> | <u>(14,053)</u> |
| EXPENDITURES | | | | | |
| Materials & Services | | | | | |
| Professional Services | 0 | 0 | 28,500 | 100 % | 28,500 |
| Contractual Services | 0 | 570 | 7,600 | 93 % | 7,030 |
| Total Materials & Services | <u>0</u> | <u>570</u> | <u>36,100</u> | <u>98 %</u> | <u>35,530</u> |
| Total EXPENDITURES | <u>0</u> | <u>570</u> | <u>36,100</u> | <u>98 %</u> | <u>35,530</u> |
| Excess (deficiency) of Revenue over Expenditures | <u>6,276</u> | <u>10,977</u> | <u>(10,500)</u> | <u>(205)%</u> | <u>21,477</u> |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfers In | 0 | 0 | 13,000 | (100)% | (13,000) |
| Transfer Out | 0 | 0 | (5,000) | (100)% | 5,000 |
| Total OTHER FINANCING SOURCES (USES) | <u>0</u> | <u>0</u> | <u>8,000</u> | <u>(100)%</u> | <u>(8,000)</u> |
| NET CHANGE IN FUND BALANCE | <u>6,276</u> | <u>10,977</u> | <u>(2,500)</u> | <u>(539)%</u> | <u>13,477</u> |
| BEGINNING FUND BALANCE | 6,283 | 1,582 | 2,500 | (37)% | (918) |
| ENDING FUND BALANCE | <u>12,559</u> | <u>12,559</u> | <u>0</u> | <u>0 %</u> | <u>12,559</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
127 - Equipment Reserve Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|------------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Miscellaneous Revenues | 408 | 818 | 3,800 | (78)% | (2,982) |
| Total REVENUES | <u>408</u> | <u>818</u> | <u>3,800</u> | <u>(78)%</u> | <u>(2,982)</u> |
| EXPENDITURES | | | | | |
| Capital Outlay | 0 | 666 | 680,400 | 100 % | 679,734 |
| Debt Service | 0 | 29,314 | 58,600 | 50 % | 29,286 |
| Total EXPENDITURES | <u>0</u> | <u>29,979</u> | <u>739,000</u> | <u>96 %</u> | <u>709,021</u> |
| Excess (deficiency) of Revenue over Expenditures | <u>408</u> | <u>(29,162)</u> | <u>(735,200)</u> | <u>(96)%</u> | <u>706,038</u> |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfers In | 0 | 0 | 136,200 | (100)% | (136,200) |
| Total OTHER FINANCING SOURCES (USES) | <u>0</u> | <u>0</u> | <u>136,200</u> | <u>(100)%</u> | <u>(136,200)</u> |
| NET CHANGE IN FUND BALANCE | <u>408</u> | <u>(29,162)</u> | <u>(599,000)</u> | <u>(95)%</u> | <u>569,838</u> |
| BEGINNING FUND BALANCE | 573,222 | 602,792 | 599,000 | 1 % | 3,792 |
| ENDING FUND BALANCE | <u>573,630</u> | <u>573,630</u> | <u>0</u> | <u>0 %</u> | <u>573,630</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
131 - Parks Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|-----------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Intergovernmental Revenue | 0 | 0 | 5,700 | (100)% | (5,700) |
| Miscellaneous Revenues | 8 | 15 | 4,100 | (100)% | (4,085) |
| Total REVENUES | <u>8</u> | <u>15</u> | <u>9,800</u> | <u>(100)%</u> | <u>(9,785)</u> |
| EXPENDITURES | | | | | |
| Materials & Services | | | | | |
| Professional Services | 0 | 0 | 2,500 | 100 % | 2,500 |
| Repairs & Maintenance | 0 | 0 | 1,000 | 100 % | 1,000 |
| Total Materials & Services | 0 | 0 | 3,500 | 100 % | 3,500 |
| Capital Outlay | 2,325 | 2,325 | 30,000 | 92 % | 27,675 |
| Total EXPENDITURES | <u>2,325</u> | <u>2,325</u> | <u>33,500</u> | <u>93 %</u> | <u>31,175</u> |
| Excess (deficiency) of Revenue over Expenditures | (2,317) | (2,311) | (23,700) | (90)% | 21,389 |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfers In | 0 | 0 | 5,000 | (100)% | (5,000) |
| Total OTHER FINANCING SOURCES (USES) | <u>0</u> | <u>0</u> | <u>5,000</u> | <u>(100)%</u> | <u>(5,000)</u> |
| NET CHANGE IN FUND BALANCE | <u>(2,317)</u> | <u>(2,311)</u> | <u>(18,700)</u> | <u>(88)%</u> | <u>16,389</u> |
| BEGINNING FUND BALANCE | 14,221 | 14,214 | 19,100 | (26)% | (4,886) |
| ENDING FUND BALANCE | <u>11,904</u> | <u>11,904</u> | <u>400</u> | <u>2,876 %</u> | <u>11,504</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
151 - Tourism Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|-----------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Taxes | 8,160 | 12,568 | 43,100 | (71)% | (30,532) |
| Miscellaneous Revenues | 49 | 81 | 5,100 | (98)% | (5,019) |
| Total REVENUES | <u>8,208</u> | <u>12,649</u> | <u>48,200</u> | <u>(74)%</u> | <u>(35,551)</u> |
| EXPENDITURES | | | | | |
| Materials & Services | | | | | |
| Professional Services | 0 | 0 | 2,500 | 100 % | 2,500 |
| Contractual Services | 344 | 1,058 | 47,000 | 98 % | 45,942 |
| Total Materials & Services | 344 | 1,058 | 49,500 | 98 % | 48,442 |
| Capital Outlay | 0 | 0 | 50,000 | 100 % | 50,000 |
| Total EXPENDITURES | <u>344</u> | <u>1,058</u> | <u>99,500</u> | <u>99 %</u> | <u>98,442</u> |
| Excess (deficiency) of Revenue over Expenditures | 7,865 | 11,592 | (51,300) | (123)% | 62,892 |
| NET CHANGE IN FUND BALANCE | <u>7,865</u> | <u>11,592</u> | <u>(51,300)</u> | <u>(123)%</u> | <u>62,892</u> |
| BEGINNING FUND BALANCE | 60,714 | 56,987 | 52,600 | 8 % | 4,387 |
| ENDING FUND BALANCE | <u>68,578</u> | <u>68,578</u> | <u>1,300</u> | <u>5,175 %</u> | <u>67,278</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
201 - Fire Station Construction
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|----------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Miscellaneous Revenues | 13 | 21 | 0 | 0 % | 21 |
| Total REVENUES | 13 | 21 | 0 | 0 % | 21 |
| EXPENDITURES | | | | | |
| Materials & Services | | | | | |
| Professional Services | 621 | 1,925 | 178,000 | 99 % | 176,075 |
| Total Materials & Services | 621 | 1,925 | 178,000 | 99 % | 176,075 |
| Capital Outlay | | | | | |
| | 0 | 97 | 4,000 | 98 % | 3,903 |
| Total EXPENDITURES | 621 | 2,023 | 182,000 | 99 % | 179,977 |
| Excess (deficiency) of Revenue over Expenditures | (608) | (2,002) | (182,000) | (99)% | 179,998 |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfers In | 0 | 0 | 180,000 | (100)% | (180,000) |
| Total OTHER FINANCING SOURCES (USES) | 0 | 0 | 180,000 | (100)% | (180,000) |
| NET CHANGE IN FUND BALANCE | (608) | (2,002) | (2,000) | 0 % | (2) |
| BEGINNING FUND BALANCE | 18,372 | 19,766 | 2,000 | 888 % | 17,766 |
| ENDING FUND BALANCE | 17,764 | 17,764 | 0 | 0 % | 17,764 |

CITY OF DUNDEE
Statement of Revenues and Expenditures
310 - Bonded Debt
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|---|--------------------------|------------------------|----------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Taxes | 319 | 1,651 | 150,000 | (99)% | (148,349) |
| Miscellaneous Revenues | 10 | 20 | 400 | (95)% | (380) |
| Total REVENUES | <u>328</u> | <u>1,670</u> | <u>150,400</u> | <u>(99)%</u> | <u>(148,730)</u> |
| EXPENDITURES | | | | | |
| Debt Service | 0 | 0 | 150,200 | 100 % | 150,200 |
| Total EXPENDITURES | <u>0</u> | <u>0</u> | <u>150,200</u> | <u>100 %</u> | <u>150,200</u> |
| Excess (deficiency) of Revenue over Expenditures | 328 | 1,670 | 200 | 735 % | 1,470 |
| NET CHANGE IN FUND BALANCE | <u>328</u> | <u>1,670</u> | <u>200</u> | <u>735 %</u> | <u>1,470</u> |
| BEGINNING FUND BALANCE | 13,356 | 12,014 | 11,600 | 4 % | 414 |
| ENDING FUND BALANCE | <u>13,684</u> | <u>13,684</u> | <u>11,800</u> | <u>16 %</u> | <u>1,884</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
431 - Water Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|------------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Charges for Services | 68,330 | 137,670 | 619,900 | (78)% | (482,230) |
| Miscellaneous Revenues | 144 | 232 | 1,100 | (79)% | (868) |
| Total REVENUES | <u>68,474</u> | <u>137,902</u> | <u>621,000</u> | <u>(78)%</u> | <u>(483,098)</u> |
| EXPENDITURES | | | | | |
| Personnel Services | 13,859 | 26,752 | 169,400 | 84 % | 142,648 |
| Materials & Services | | | | | |
| Supplies | 4,113 | 4,443 | 14,300 | 69 % | 9,857 |
| Professional Services | 60 | 1,932 | 11,400 | 83 % | 9,468 |
| Contractual Services | 0 | 0 | 10,000 | 100 % | 10,000 |
| Travel & Training | 236 | 525 | 1,800 | 71 % | 1,275 |
| Insurance | 0 | 0 | 5,400 | 100 % | 5,400 |
| Regulatory Requirements | 293 | 520 | 7,200 | 93 % | 6,680 |
| Utilities | 2,473 | 8,634 | 43,600 | 80 % | 34,966 |
| Repairs & Maintenance | 2,453 | 3,153 | 39,800 | 92 % | 36,647 |
| Interfund Services | 6,683 | 13,366 | 80,200 | 83 % | 66,834 |
| Other Materials & Services | 743 | 1,408 | 6,500 | 78 % | 5,092 |
| Total Materials & Services | 17,053 | 33,981 | 220,200 | 85 % | 186,219 |
| Capital Outlay | 544 | 544 | 32,300 | 98 % | 31,756 |
| Total EXPENDITURES | <u>31,456</u> | <u>61,277</u> | <u>421,900</u> | <u>85 %</u> | <u>360,623</u> |
| Excess (deficiency) of Revenue over Expenditures | 37,018 | 76,625 | 199,100 | (62)% | (122,475) |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfer Out | (3,341) | (6,466) | (293,900) | (98)% | 287,434 |
| Other Uses | 0 | 0 | (20,000) | (100)% | 20,000 |
| Total OTHER FINANCING SOURCES (USES) | <u>(3,341)</u> | <u>(6,466)</u> | <u>(313,900)</u> | <u>(98)%</u> | <u>307,434</u> |
| NET CHANGE IN FUND BALANCE | <u>33,677</u> | <u>70,159</u> | <u>(114,800)</u> | <u>(161)%</u> | <u>184,959</u> |
| BEGINNING FUND BALANCE | 168,603 | 132,120 | 120,600 | 10 % | 11,520 |
| ENDING FUND BALANCE | <u>202,279</u> | <u>202,279</u> | <u>5,800</u> | <u>3,388 %</u> | <u>196,479</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
432 - Water CIP Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|------------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Charges for Services | 21,759 | 27,082 | 29,600 | (9)% | (2,518) |
| Miscellaneous Revenues | 478 | 867 | 9,000 | (90)% | (8,133) |
| Total REVENUES | <u>22,237</u> | <u>27,949</u> | <u>38,600</u> | <u>(28)%</u> | <u>(10,651)</u> |
| EXPENDITURES | | | | | |
| Capital Outlay | 0 | 0 | 550,200 | 100 % | 550,200 |
| Debt Service | 0 | 0 | 117,300 | 100 % | 117,300 |
| Total EXPENDITURES | <u>0</u> | <u>0</u> | <u>667,500</u> | <u>100 %</u> | <u>667,500</u> |
| Excess (deficiency) of Revenue over Expenditures | <u>22,237</u> | <u>27,949</u> | <u>(628,900)</u> | <u>(104)%</u> | <u>656,849</u> |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfers In | 0 | 0 | 220,000 | (100)% | (220,000) |
| Other | | | | | |
| Interfund Loan | 0 | 0 | (200,000) | (100)% | 200,000 |
| Total Other | 0 | 0 | (200,000) | (100)% | 200,000 |
| Total OTHER FINANCING SOURCES (USES) | <u>0</u> | <u>0</u> | <u>20,000</u> | <u>(100)%</u> | <u>(20,000)</u> |
| NET CHANGE IN FUND BALANCE | <u>22,237</u> | <u>27,949</u> | <u>(608,900)</u> | <u>(105)%</u> | <u>636,849</u> |
| BEGINNING FUND BALANCE | 650,110 | 644,399 | 617,300 | 4 % | 27,099 |
| ENDING FUND BALANCE | <u>672,347</u> | <u>672,347</u> | <u>8,400</u> | <u>7,904 %</u> | <u>663,947</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
441 - Sewer Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|------------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Charges for Services | 103,259 | 207,489 | 1,244,000 | (83)% | (1,036,511) |
| Miscellaneous Revenues | 82 | 89 | 200 | (55)% | (111) |
| Total REVENUES | <u>103,340</u> | <u>207,578</u> | <u>1,244,200</u> | <u>(83)%</u> | <u>(1,036,622)</u> |
| EXPENDITURES | | | | | |
| Personnel Services | 13,430 | 26,073 | 162,900 | 84 % | 136,827 |
| Materials & Services | | | | | |
| Supplies | 2,692 | 4,201 | 26,800 | 84 % | 22,599 |
| Professional Services | 21,563 | 23,435 | 44,600 | 47 % | 21,165 |
| Contractual Services | 90 | 90 | 600 | 85 % | 510 |
| Travel & Training | 236 | 285 | 1,800 | 84 % | 1,515 |
| Insurance | 0 | 0 | 14,800 | 100 % | 14,800 |
| Regulatory Requirements | 2,000 | 4,696 | 6,900 | 32 % | 2,204 |
| Utilities | 5,107 | 10,408 | 82,100 | 87 % | 71,692 |
| Repairs & Maintenance | 3,583 | 5,875 | 123,800 | 95 % | 117,925 |
| Interfund Services | 6,425 | 12,850 | 77,100 | 83 % | 64,250 |
| Other Materials & Services | 649 | 1,314 | 6,300 | 79 % | 4,986 |
| Total Materials & Services | <u>42,345</u> | <u>63,155</u> | <u>384,800</u> | <u>84 %</u> | <u>321,645</u> |
| Total EXPENDITURES | <u>55,774</u> | <u>89,228</u> | <u>547,700</u> | <u>84 %</u> | <u>458,472</u> |
| Excess (deficiency) of Revenue over Expenditures | <u>47,566</u> | <u>118,350</u> | <u>696,500</u> | <u>(83)%</u> | <u>(578,150)</u> |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfer Out | (62,163) | (124,374) | (770,100) | (84)% | 645,726 |
| Other Uses | 0 | 0 | (20,000) | (100)% | 20,000 |
| Total OTHER FINANCING SOURCES (USES) | <u>(62,163)</u> | <u>(124,374)</u> | <u>(790,100)</u> | <u>(84)%</u> | <u>665,726</u> |
| NET CHANGE IN FUND BALANCE | <u>(14,597)</u> | <u>(6,025)</u> | <u>(93,600)</u> | <u>(94)%</u> | <u>87,575</u> |
| BEGINNING FUND BALANCE | 129,689 | 121,117 | 110,500 | 10 % | 10,617 |
| ENDING FUND BALANCE | <u>115,092</u> | <u>115,092</u> | <u>16,900</u> | <u>581 %</u> | <u>98,192</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
442 - Sewer CIP Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|------------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Charges for Services | 51,501 | 60,343 | 28,200 | 114 % | 32,143 |
| Miscellaneous Revenues | 469 | 792 | 788,000 | (100)% | (787,208) |
| Total REVENUES | <u>51,970</u> | <u>61,134</u> | <u>816,200</u> | <u>(93)%</u> | <u>(755,066)</u> |
| EXPENDITURES | | | | | |
| Capital Outlay | 39,354 | 39,354 | 864,000 | 95 % | 824,646 |
| Debt Service | 0 | 0 | 694,600 | 100 % | 694,600 |
| Total EXPENDITURES | <u>39,354</u> | <u>39,354</u> | <u>1,558,600</u> | <u>97 %</u> | <u>1,519,246</u> |
| Excess (deficiency) of Revenue over Expenditures | 12,616 | 21,780 | (742,400) | (103)% | 764,180 |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfers In | 57,000 | 114,000 | 695,000 | (84)% | (581,000) |
| Total OTHER FINANCING SOURCES (USES) | <u>57,000</u> | <u>114,000</u> | <u>695,000</u> | <u>(84)%</u> | <u>(581,000)</u> |
| NET CHANGE IN FUND BALANCE | <u>69,616</u> | <u>135,780</u> | <u>(47,400)</u> | <u>(386)%</u> | <u>183,180</u> |
| BEGINNING FUND BALANCE | 590,145 | 523,981 | 541,000 | (3)% | (17,019) |
| ENDING FUND BALANCE | <u>659,761</u> | <u>659,761</u> | <u>493,600</u> | <u>34 %</u> | <u>166,161</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
451 - Storm Water Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|-----------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Charges for Services | 7,778 | 15,679 | 104,700 | (85)% | (89,021) |
| Miscellaneous Revenues | 13 | 15 | 100 | (85)% | (85) |
| Total REVENUES | <u>7,791</u> | <u>15,694</u> | <u>104,800</u> | <u>(85)%</u> | <u>(89,106)</u> |
| EXPENDITURES | | | | | |
| Personnel Services | 2,333 | 4,538 | 28,900 | 84 % | 24,362 |
| Materials & Services | | | | | |
| Supplies | 94 | 176 | 2,200 | 92 % | 2,024 |
| Professional Services | 0 | 0 | 5,900 | 100 % | 5,900 |
| Travel & Training | 3 | 45 | 400 | 89 % | 355 |
| Insurance | 0 | 0 | 600 | 100 % | 600 |
| Regulatory Requirements | 0 | 0 | 100 | 100 % | 100 |
| Utilities | 62 | 88 | 600 | 85 % | 512 |
| Repairs & Maintenance | 122 | 231 | 2,400 | 90 % | 2,169 |
| Interfund Services | 1,141 | 2,282 | 13,700 | 83 % | 11,418 |
| Other Materials & Services | 91 | 91 | 400 | 77 % | 309 |
| Total Materials & Services | <u>1,513</u> | <u>2,914</u> | <u>26,300</u> | <u>89 %</u> | <u>23,386</u> |
| Total EXPENDITURES | <u>3,846</u> | <u>7,451</u> | <u>55,200</u> | <u>87 %</u> | <u>47,749</u> |
| Excess (deficiency) of Revenue over Expenditures | 3,945 | 8,243 | 49,600 | (83)% | (41,357) |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfer Out | 0 | 0 | (54,200) | (100)% | 54,200 |
| Other Uses | 0 | 0 | (5,000) | (100)% | 5,000 |
| Total OTHER FINANCING SOURCES (USES) | <u>0</u> | <u>0</u> | <u>(59,200)</u> | <u>(100)%</u> | <u>59,200</u> |
| NET CHANGE IN FUND BALANCE | <u>3,945</u> | <u>8,243</u> | <u>(9,600)</u> | <u>(186)%</u> | <u>17,843</u> |
| BEGINNING FUND BALANCE | 14,187 | 9,889 | 10,100 | (2)% | (211) |
| ENDING FUND BALANCE | <u>18,132</u> | <u>18,132</u> | <u>500</u> | <u>3,526 %</u> | <u>17,632</u> |

CITY OF DUNDEE
Statement of Revenues and Expenditures
452 - Storm Water CIP Fund
From 8/1/2016 Through 8/31/2016
(In Whole Numbers)

| | Current Period Actual | Current Year Actual | Total Budget | Percent Total Budget Remaining | Total Budget Variance |
|--|--------------------------|------------------------|------------------|--------------------------------------|--------------------------|
| REVENUES | | | | | |
| Charges for Services | 24,171 | 25,743 | 12,000 | 115 % | 13,743 |
| Miscellaneous Revenues | 165 | 298 | 200 | 49 % | 98 |
| Total REVENUES | <u>24,337</u> | <u>26,041</u> | <u>12,200</u> | <u>113 %</u> | <u>13,841</u> |
| EXPENDITURES | | | | | |
| Capital Outlay | 0 | 0 | 234,000 | 100 % | 234,000 |
| Debt Service | 0 | 0 | 23,700 | 100 % | 23,700 |
| Total EXPENDITURES | <u>0</u> | <u>0</u> | <u>257,700</u> | <u>100 %</u> | <u>257,700</u> |
| Excess (deficiency) of Revenue over Expenditures | <u>24,337</u> | <u>26,041</u> | <u>(245,500)</u> | <u>(111)%</u> | <u>271,541</u> |
| OTHER FINANCING SOURCES (USES) | | | | | |
| Transfers In | 0 | 0 | 42,000 | (100)% | (42,000) |
| Total OTHER FINANCING SOURCES (USES) | <u>0</u> | <u>0</u> | <u>42,000</u> | <u>(100)%</u> | <u>(42,000)</u> |
| NET CHANGE IN FUND BALANCE | <u>24,337</u> | <u>26,041</u> | <u>(203,500)</u> | <u>(113)%</u> | <u>229,541</u> |
| BEGINNING FUND BALANCE | 208,167 | 206,463 | 206,600 | (0)% | (137) |
| ENDING FUND BALANCE | <u>232,504</u> | <u>232,504</u> | <u>3,100</u> | <u>7,400 %</u> | <u>229,404</u> |

R E P O R T

To: Mayor Russ and City Council

From: Rob Daykin, City Administrator

Date: October 11, 2016

Re: Ordinance No. 551-2016, Stormwater Management

In 2006, DEQ issued the Willamette Basin Total Maximum Load (TMDL) as an Order, which was subsequently approved by the EPA. The TMDL was required under the Clean Water Act since the Willamette River and many of its tributaries did not meet water quality standards, including bacteria, mercury and temperature. The intent is for collective actions to be implemented by the Willamette Basin communities to reduce pollution and restore and protect water quality. The City of Dundee was named as a Designated Management Agency and required to submit a Willamette River Basin TMDL Implementation Plan (Plan). Dundee submitted its Plan on December 4, 2008, which was approved by DEQ. One of the action items in the Plan is to adopt an ordinance prohibiting illicit discharges into the stormwater system. Ordinance No. 551-2016 was prepared for that purpose.

Ordinance No. 551-2016 amends the existing Chapter 13.20 Stormwater Management of the Dundee Municipal Code – redlined version attached. Chapter 13.20 was originally adopted in 1997 for the main purpose of establishing a stormwater utility and authorizing a stormwater user fee. Also, at the time the sanitary sewer regulations adopted under Ordinance No. 115 and codified under DMC 13.16 regulated both sanitary and storm water sewers. DMC13.16 was subsequently amended to regulate only sanitary sewers. The main changes to Chapter 13.20 include the following:

- Clarifies all developed properties will pay a stormwater fee and undeveloped properties are exempt from the fee.
- Clarifies that only mitigation facilities constructed in excess of the minimum requirements set forth under the Dundee improvement design standards are eligible for a credit against the monthly fee upon review and approval of the City Engineer.
- Defines illicit connections and illicit discharges, and deletes unnecessary or unused definitions.
- Updates the stormwater fee and service billing sections to reflect current practices.
- Establishes regulations covering the discharge to the stormwater system, including preparation of an accidental spill prevention plan for dischargers that are not otherwise permitted by DEQ but store or use toxic substances on site.
- Authorizes the city administrator to require responsible persons to remediate pollution of stormwater and affected properties.
- Prohibits illicit discharges and illicit connections.

- Requires persons to properly operate and maintain on-site mitigation facilities.
- Updates the Violation – Penalty section to be similar to the section used in Chapter 13.16 Sewer.

The amended Chapter 13.20 was reviewed by the City Engineer and the City Attorney.

Recommendation: Motion to adopt Ordinance No. 551-2016, an ordinance relating to stormwater management and amending the Dundee Municipal Code.

Chapter 13.20 STORMWATER MANAGEMENT

Sections:

- [13.20.010](#) Findings.
- [13.20.020](#) Purpose.
- [13.20.030](#) Definitions.
- [13.20.040](#) Request for service, initiation of billing.
- [13.20.050](#) Stormwater service charges.
- [13.20.060](#) Stormwater service charges – Billing.
- [13.20.070](#) ~~Stormwater service charges—When delinquent~~Regulations and requirements.
- [13.20.080](#) ~~Prohibitions~~Delinquent charges—Lien.
- [13.20.090](#) On-site mitigation~~Appeal.~~
- [13.20.100](#) Right of access.
- [13.20.110](#) Tampering with system.
- [13.20.120](#) Compliance required.
- [13.20.130](#) Violation – Penalty.
- [13.20.140](#) Classification.

13.20.010 Findings.

The city council of the city of Dundee finds as follows:

A. The city of Dundee provides a valuable public service by operating and maintaining a stormwater system for the collection and disposal of stormwater and other runoff water discharged from impervious surfaces in the city and from the public rights-of-way within the city. The stormwater system constitutes a public utility owned and operated by the city of Dundee. The utility exists to provide a municipal service in a developed or developing urban environment which is essential to the public health, safety and welfare. The services provided are one step in the city's efforts to comply with state and federal laws pertaining to stormwater discharges. Effective management of stormwater flow helps keep public rights-of-way free of flooding, thereby improving personal and emergency access for all users of the city's transportation system and protecting property.

B. Every person that uses property has an obligation to take actions necessary to minimize or eliminate detrimental water quantity and quality impacts on other persons or property that result from such use. One aspect of that obligation is the control of the flow of surface water from the property, if the person's use includes alteration of the property in any way that increases the flow of surface water from the property.

~~C. Users of property who use stormwater drainage services~~All developed tax lots within the city limits shall
~~ought to~~ be charged rates that recover the cost of operating and improving the stormwater system in the city.
~~Users of Undeveloped tax lots property shall~~ought not be charged a stormwater fee~~compelled to use this utility,~~
~~nor to pay utility charges, if the utility is not to be used by the person.~~ Users of property who undertake the
installation of facilities on the property that reduce ~~the rate of or eliminate the~~ discharge of runoff into ~~public~~the
stormwater ~~drainage facilities~~system beyond the minimum requirements established pursuant to the
improvement design standards as set forth in Chapter 12.04 of the Dundee Municipal Code ~~ought to~~may, on
review and approval of the city engineer, be given credit, in proportion to the degree of reduction, against
stormwater utility charges that would otherwise be due. Accordingly, the structure of the stormwater utility is
intended to be a fee for service and not a charge against property. ~~Although this structure is intended to~~
~~constitute a service charge, if it is determined to be a charge against property or against a property owner as a~~
~~direct consequence of ownership of that property, the utility's rate structure should allow the owner the choice~~
~~of using the system and give the owner the ability to control the amount of the charge. Similarly, t~~The utility's
rate structure ~~should is intended to~~ reflect the actual costs of providing the service to all developable tax lots in
the city limits and not impose charges on persons not receiving a service. The actual costs may include all
costs the utility might incur were it in private ownership.

~~D. The city council finds that persons using water from the city's water system may use water for irrigating
lawns and gardens, washing structures, sidewalks and parking lots, and for other activities which may result in
the discharge of runoff into the city's stormwater system. These uses of water establish a relationship between
customers' use of the city water system and their use of the city stormwater system.~~

13.20.020 Purpose.

The city finds and declares that ~~absent the lack of~~ effective maintenance, operation, regulation and control,
existing stormwater drainage conditions in all drainage basins and subbasins within the city constitute a
potential hazard to the health, safety and general welfare of the city. The city council further finds that natural
and manmade stormwater facilities and conveyances together constitute a stormwater system and that the
effective regulation and control of stormwater can best be accomplished by the city.

13.20.030 Definitions.

~~"City" means the city of Dundee, a municipality, and its authorized employees.~~

~~"City council" means the city council of Dundee.~~

~~“Customer” means a person in whose name service is rendered as evidenced by the signature on the application/contract for stormwater, sanitary sewer or water service or, in the absence of a signed instrument, by the receipt and payment of bills regularly issued in his/her/its name.~~

“Developed” means an area which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area, which affects the hydraulic properties of the location,

~~“Equivalent service unit (ESU)” means a configuration of development or impervious surface estimated to contribute an amount of runoff to the city’s stormwater system which is approximately equal to that created by the average developed single-family residence within Dundee. One ESU is equal to 3,000 square feet of impervious surface area.~~

~~“Illicit connection” means any unpermitted connection to the stormwater system or any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the stormwater system.~~

~~“Illicit discharge” means any direct or indirect discharge to the stormwater system that is in violation of this chapter.~~

“Impervious surface” means that hard surface area which either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, trafficked gravel, and oiled, macadam or other surfaces which similarly impede the natural infiltration or runoff of stormwater.

“Improved premises” means any area which the ~~public-works department~~ city engineer determines has been altered such that the runoff from the site is greater than that which could historically have been expected.

“Improved premises” does not include public roads under the jurisdiction of the city, county, state or federal government.

~~“One or two-family residential” means an area which is improved with one or two attached single-family dwelling units for occupancy each by a single family or a similar group of people, provided each dwelling has a separate billing within the city’s utility billing system.~~

“On-site mitigation control system facility” means a stormwater drainage facility which ~~the public-works department has determined~~ prevents the discharge or substantially reduces the discharge of stormwater or nonpoint source pollution into a receiving water or public stormwater system facility.

“Person responsible” means the occupant, lessee, tenant, contract purchaser, owner, agent or other person having possession of property, or if no person is in possession, then the person in control of the use of the property, or in control of the supervision of development on the property.

“Stormwater” means water from precipitation, surface or subterranean water from any source, drainage and nonseptic wastewater.

“Stormwater service” means the operations of the city’s stormwater utility in providing programs and facilities for maintaining, improving, regulating, collecting, and managing stormwater quantity and quality within the city’s service area.

“Stormwater system” means any structure or configuration of ground that is used or by its location becomes a place where stormwater flows or is accumulated, including but not limited to pipes, sewers, curbs, gutters, manholes, catch basins, ponds, creeks, open drainageways and their appurtenances. “Stormwater system” does not include the Willamette River.

“Toxic substances” mean any chemical listed as toxic under Section 307(a)(1) of the Federal Clean Water Act (CWA) or Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA).

“Undeveloped” means any area which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area, which affects the hydraulic properties of the location.

13.20.040 Request for service, initiation of billing.

A request for water service constitutes a request for stormwater service and will initiate appropriate billing for stormwater services as established by this chapter. If development of a parcel does not require initiating water service, the creation of an improved premises from which stormwater may be discharged into the public stormwater system shall constitute a request for service and initiate the obligation to pay the fees and charges authorized by this chapter.

13.20.050 Stormwater service charges.

A. Stormwater service fees shall be based on the total impervious surface of developed properties. The average impervious surface area of a single-family residence in Dundee is assumed to be 3,000 square feet. Except as the charges may be reduced under subsection (C) of this section or avoided under subsection (D) of this section, the obligation to pay stormwater service charges arises whenever there is a request for stormwater

~~service for an improved premises. Unless another person responsible has agreed in writing to pay and a copy of that writing is filed with the city, the person receiving the city's water utility charge bill shall pay the stormwater charges as set by city council resolution. If there is no water service to the property or if water service is discontinued and the property is an improved premises, the stormwater charges shall be paid by the person responsible for the property. The person required to pay the charge is hereafter referred to as the "customer."~~

B. The city council may shall by resolution establish fees and charges necessary to provide and operate a stormwater system and service.

~~C. Upon completion of an on-site mitigation credit application, a customer of the utility may request a reduction of the stormwater service charge. The service charge will be reduced in relation to the customer's ability to demonstrate that on-site stormwater facilities meet or exceed the city's standards for stormwater quantity and quality control at that site. Any reduction given shall continue until the condition of the property is changed or until the public works department determines the property no longer qualifies for the credit given. Upon change in the condition of the property, another application may be made by a customer. The city council may by resolution establish guidelines to be used in administering and approving an on-site mitigation credit application.~~

~~D. Service charge avoidance may be requested through application to the public works department. The criteria for waiver of the service charge as it applies to a specific customer includes total retention of stormwater with no effective discharge to the city's stormwater system; the petitioner's ability to demonstrate through hydrologic/hydraulic analysis that the site receives no stormwater service from the city's stormwater system; and proof that stormwater facilities are constructed and maintained to city standards.~~

~~E. For the purposes of this chapter, dry wells are not an on-site mitigation control system eligible for service charge reduction or service charge avoidance because of the potential water quality impact that dry wells may have on the city's groundwater resources.~~

13.20.060 Stormwater service charges – Billing.

~~A. Charges for stormwater service supplied by the city to any customer shall be charged for, and billed to, and collected from each such customer in accordance with Chapter 13.04 of the Dundee Municipal Code. rates established by the city council. Stormwater service fees and charges as established by the city council shall be added to and made a part of the billings for water and sewer service.~~

~~B. The customer shall be responsible for all stormwater service fees and charges, except as allowed by DMC 13.20.050. The city may require deposits prior to providing stormwater service or, in lieu of a deposit, obtain a signed agreement from the property owner, whether the customer or not, that they will be ultimately liable for the charges and that the city may use a lien as one method to secure payment if the charges are not paid.~~

~~C. Billings may be prorated. The proration shall be a daily rate determined by dividing the annual minimum billing by 365 days times the number of days of occupancy from last meter reading and/or billing date.~~

13.20.070 Regulations and requirements Stormwater service charges—When delinquent.

~~A. Compliance with NPDES permits. Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES permit issued by the Oregon DEQ, from which pollutants may enter the stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by federal regulations. Proof of compliance with said permits may be required in a form acceptable to the city engineer prior to issuance of any grading, building, or occupancy permits. The city shall prepare and mail billings to customers in a timely manner. The billings are due and payable upon the rendering thereof and shall be delinquent if not paid by 5:00 p.m. on the twentieth calendar day from the date of billing.~~

~~B. Compliance with federal, state, and local regulations. All users of the stormwater system, and any person or entity whose actions may affect the system, shall comply with all applicable federal, state and local laws. Compliance with the requirements of this chapter shall in no way substitute for, or eliminate the necessity for compliance with applicable federal, state and local laws. Any provisions or limitations of this chapter, and any rules adopted pursuant hereto, are superseded and supplemented by any applicable federal, state or local requirements or adopted subsequent hereto which are more stringent than the provisions and limitations contained herein. Any provision of this chapter and rules adopted pursuant hereto which are more stringent than any such applicable federal, state or local requirement shall prevail and shall be the standard for compliance by the connectors to and the discharges to the stormwater system. A delinquent fee, in an amount established by resolution of the city council, shall be added to the outstanding charges on the twenty first calendar day from the date of billing.~~

~~C. Accidental spill prevention and notification of spills. Dischargers who are not required to obtain an NPDES permit; but who handle, store, or use hazardous or toxic substances or discharges prohibited under section 13.20.080.C, on their sites; shall prepare and submit to the city engineer an Accidental Spill Prevention Plan~~

within sixty (60) days of notification by the city. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this section. As soon as any person in charge of a facility, or responsible for emergency response for a facility, becomes aware of any suspected, confirmed, or unconfirmed release of material, pollutants, or waste creating a risk of discharge to the stormwater system, such persons shall:

1. Begin containment procedures;
2. Notify proper emergency personnel in case of an emergency;
3. Notify appropriate city and/or state officials regarding the nature of the spill;
4. Follow up with the city regarding compliance and modified practices to minimize future spills, as appropriate.

The notification requirements of this section are in addition to any other notification requirements set forth in federal, state, or local regulations and laws. The notification requirements do not relieve the person of necessary remediation. The city administrator (or designee) is authorized to determine what constitutes a de minimis account balance and to waive the penalties in subsections (B) and (C) of this section in de minimis or extenuating circumstances.

D. Illicit connections. The city administrator may require by written notice that a person responsible for an illicit connection to the stormwater system comply with the requirements of this chapter to eliminate the illicit connection or secure approval for the connection by a specified date. If, subsequent to eliminating a connection found to be in violation of the chapter, the responsible person can demonstrate that an illicit discharge will no longer occur, that person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense. In addition to other lawful remedies, the city administrator may enforce the collection of charges authorized by this chapter by withholding delivery of water to any premises where the stormwater service fees and charges are delinquent or unpaid. However, the city administrator shall not deny or shut off water service to any subsequent tenant based upon an unpaid claim for services furnished to a previous tenant who has vacated the premises.

E. Pollution remediation. Whenever the city administrator finds that a discharge of pollutants is taking place, or has taken place, which will result in, or has resulted in, pollution of stormwater or the stormwater system, the city administrator may require by written notice to the responsible person that the pollution be remediated and the affected property restored, to the standards established by the city administrator, within a specified time.

13.20.080-~~Prohibitions~~Delinquent charges—Lien.

~~A. No person may throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, catch basin, inlet, or other component of the stormwater system, materials that may cause or contribute to pollution, including, but not limited to, any refuse, garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, dirt, sod, sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations. If the property owner elects pursuant to DMC 13.20.060 to authorize the use of a lien on real property to secure stormwater charge payment in lieu of a security deposit, all stormwater charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the city pertaining to its municipal stormwater system, and such ledger record or other record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Whenever a bill for stormwater service remains unpaid 60 days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 223.610 or in any other manner provided by law or city ordinance.~~

~~B. Runoff from commercial or industrial operations or that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not discharge directly to a stormwater system; this includes, but is not limited to, outdoor commercial, industrial, or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities discharges directly or indirectly to a stormwater system.~~

~~C. It is unlawful to discharge or cause to be discharged directly or indirectly into the stormwater system any of the following:~~

~~1. Any discharge having a visible sheen, or containing floating solids or discoloration (including, but not limited to dyes and inks);~~

~~2. Any discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic substances;~~

~~3. Any discharge which causes or may cause damage, interference, nuisance, or hazard to the stormwater system or the city personnel;~~

~~4. Any discharge containing human sanitary waste or animal feces.~~

~~D. It is prohibited to establish, use, maintain, or continue illicit connections to the stormwater system, or to commence or continue any illicit discharges to the stormwater system.~~

13.20.090 On-site mitigation Appeal.

~~Any customer aggrieved by any determination made with regard to the customer's account or a decision on charge reduction or avoidance may request a review thereof to the city administrator or administrator's designee by filing with the city a written request not later than 10 days after receiving the initial determination. The city administrator will issue a written decision on the review request within 14 days of the date of the written request of the aggrieved customer. The city administrator's or designee's decision shall be subject to review by the city council upon filing of an appeal within seven days of the date of the notice of the decision.~~

A. All on-site mitigation facilities; including stormwater detention, retention, and water quality treatment facilities required by the City; shall be designed and constructed to meet the City of Dundee Improvement Design Standards adopted pursuant to chapter 12.04 of the Dundee Municipal Code. Except as permitted by the city engineer, on site mitigation facilities shall be located on private property and shall not be located in a public right-of-way or public easement.

B. Prior to connection to the stormwater system, an operation and maintenance plan for an on-site mitigation facility shall require approval by the city engineer. Failure to properly operate or maintain an on-site mitigation facility according to the approved operation and maintenance plan is a violation of this chapter.

13.20.100 Right of access.

Employees of the city shall be provided access during regular business hours to all parts of the premises ~~which include portions of the~~ that convey, treat or discharge to the city's stormwater drainage system for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the system is used. Should there be no one available on the premises, notice will be provided to the owner, tenant, occupant or their agent that arrangements must be made to allow the inspection.

13.20.110 Tampering with system.

A. No unauthorized person shall damage, destroy, uncover, deface or tamper with any conduit, structure, appurtenance or equipment which is a part of the stormwater system.

B. The city administrator or administrator's designee may adopt such rules and regulations as are necessary to protect the stormwater system and the public health, safety and welfare. Violation of said rules or regulations is deemed a violation of this chapter and shall be punished accordingly.

13.20.120 Compliance required.

The provisions of this chapter must be strictly complied with in every instance, and service must be paid for by all premises supplied, according to the rates established by the city council. Exceptions to these provisions shall be made only upon the written authorization of the city administrator or the administrator's designee.

13.20.130 Violation – Penalty.

Any person, firm or corporation violating any provisions of this chapter shall be subject to a civil penalty of not less than \$25100.00 nor more than \$500.00 for each violation, and a separate violation shall be deemed committed on each day during or on which a violation occurs or continues. In addition to the above penalty, any person violating any provisions of this chapter shall become liable to the city of Dundee for any expense, loss or damage occasioned by the city by reason of such violation.

13.20.140 Classification.

The city council determines that the fees imposed by this chapter are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

ORDINANCE NO. 551-2016

**AN ORDINANCE RELATING TO STORMWATER MANAGEMENT
AND AMENDING THE DUNDEE MUNICIPAL CODE.**

THE CITY OF DUNDEE DOES ORDAIN AS FOLLOWS:

Chapter 13.20 of the Dundee Municipal Code is hereby amended to read as set out in Exhibit "A" attached hereto.

ADOPTED by the Council this _____ day of _____, 2016.

Approved:

David Russ
Mayor

Attest:

Rob Daykin
City Administrator/Recorder

Chapter 13.20 STORMWATER MANAGEMENT

Sections:

- [13.20.010](#) Findings.
- [13.20.020](#) Purpose.
- [13.20.030](#) Definitions.
- [13.20.040](#) Request for service, initiation of billing.
- [13.20.050](#) Stormwater service charges.
- [13.20.060](#) Stormwater service charges – Billing.
- [13.20.070](#) Regulations and requirements.
- [13.20.080](#) Prohibitions.
- [13.20.090](#) On-site mitigation.
- [13.20.100](#) Right of access.
- [13.20.110](#) Tampering with system.
- [13.20.120](#) Compliance required.
- [13.20.130](#) Violation – Penalty.
- [13.20.140](#) Classification.

13.20.010 Findings.

The city council of the city of Dundee finds as follows:

A. The city of Dundee provides a valuable public service by operating and maintaining a stormwater system for the collection and disposal of stormwater and other runoff water discharged from impervious surfaces in the city and from the public rights-of-way within the city. The stormwater system constitutes a public utility owned and operated by the city of Dundee. The utility exists to provide a municipal service in a developed or developing urban environment which is essential to the public health, safety and welfare. The services provided are one step in the city's efforts to comply with state and federal laws pertaining to stormwater discharges. Effective management of stormwater flow helps keep public rights-of-way free of flooding, thereby improving personal and emergency access for all users of the city's transportation system and protecting property.

B. Every person that uses property has an obligation to take actions necessary to minimize or eliminate detrimental water quantity and quality impacts on other persons or property that result from such use. One aspect of that obligation is the control of the flow of surface water from the property, if the person's use includes alteration of the property in any way that increases the flow of surface water from the property.

C. All developed tax lots within the city limits shall be charged rates that recover the cost of operating and improving the stormwater system in the city. Undeveloped tax lots shall not be charged a stormwater fee. Users of property who undertake the installation of facilities on the property that reduce the rate of discharge of runoff into the stormwater system beyond the minimum requirements established pursuant to the improvement design standards as set forth in Chapter 12.04 of the Dundee Municipal Code may, on review and approval of the city engineer, be given credit in proportion to the degree of reduction against stormwater utility charges that would otherwise be due. Accordingly, the structure of the stormwater utility is intended to be a fee for service and not a charge against property. The utility's rate structure is intended to reflect the actual costs of providing the service to all developable tax lots in the city limits. The actual costs may include all costs the utility might incur were it in private ownership.

13.20.020 Purpose.

The city finds and declares that the lack of effective maintenance, operation, regulation and control, existing stormwater drainage conditions in all drainage basins and subbasins within the city constitute a potential hazard to the health, safety and general welfare of the city. The city council further finds that natural and manmade stormwater facilities and conveyances together constitute a stormwater system and that the effective regulation and control of stormwater can best be accomplished by the city.

13.20.030 Definitions.

"Developed" means an area which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area, which affects the hydraulic properties of the location,

"Illicit connection" means any unpermitted connection to the stormwater system or any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the stormwater system.

"Illicit discharge" means any direct or indirect discharge to the stormwater system that is in violation of this chapter.

"Impervious surface" means that hard surface area which either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, trafficked gravel, and oiled, macadam or other surfaces which similarly impede the natural infiltration or runoff of stormwater.

“Improved premises” means any area which the city engineer determines has been altered such that the runoff from the site is greater than that which could historically have been expected. “Improved premises” does not include public roads under the jurisdiction of the city, county, state or federal government.

“On-site mitigation facility” means a stormwater drainage facility which prevents the discharge or substantially reduces the discharge of stormwater or nonpoint source pollution into a receiving water or public stormwater system facility.

“Person responsible” means the occupant, lessee, tenant, contract purchaser, owner, agent or other person having possession of property, or if no person is in possession, then the person in control of the use of the property, or in control of the supervision of development on the property.

“Stormwater” means water from precipitation, surface or subterranean water from any source, drainage and nonseptic wastewater.

“Stormwater service” means the operations of the city’s stormwater utility in providing programs and facilities for maintaining, improving, regulating, collecting, and managing stormwater quantity and quality within the city’s service area.

“Stormwater system” means any structure or configuration of ground that is used or by its location becomes a place where stormwater flows or is accumulated, including but not limited to pipes, sewers, curbs, gutters, manholes, catch basins, ponds, creeks, open drainageways and their appurtenances. “Stormwater system” does not include the Willamette River.

“Toxic substances” mean any chemical listed as toxic under Section 307(a)(1) of the Federal Clean Water Act (CWA) or Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA).

“Undeveloped” means any area which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area, which affects the hydraulic properties of the location.

13.20.040 Request for service, initiation of billing.

A request for water service constitutes a request for stormwater service and will initiate appropriate billing for stormwater services as established by this chapter. If development of a parcel does not require initiating water service, the creation of an improved premises from which stormwater may be discharged into the public

stormwater system shall constitute a request for service and initiate the obligation to pay the fees and charges authorized by this chapter.

13.20.050 Stormwater service charges.

- A. Stormwater service fees shall be based on the total impervious surface of developed properties. The average impervious surface area of a single-family residence in Dundee is assumed to be 3,000 square feet.
- B. The city council shall by resolution establish fees and charges necessary to provide and operate a stormwater system and service.

13.20.060 Stormwater service charges – Billing.

Charges for stormwater service supplied by the city to any customer shall be charged for, billed to, and collected from each such customer in accordance with Chapter 13.04 of the Dundee Municipal Code.

13.20.070 Regulations and requirements

- A. Compliance with NPDES permits. Any industrial discharger, discharger associated with construction activity, or other discharger subject to any NPDES permit issued by the Oregon DEQ, from which pollutants may enter the stormwater system, shall comply with all provisions of such permits, including notification to and cooperation with local entities as required by federal regulations. Proof of compliance with said permits may be required in a form acceptable to the city engineer prior to issuance of any grading, building, or occupancy permits.
- B. Compliance with federal, state, and local regulations. All users of the stormwater system, and any person or entity, whose actions may affect the system, shall comply with all applicable federal, state and local laws. Compliance with the requirements of this chapter shall in no way substitute for, or eliminate the necessity for compliance with applicable federal, state and local laws. Any provisions or limitations of this chapter, and any rules adopted pursuant hereto, are superseded and supplemented by any applicable federal, state or local requirements or adopted subsequent hereto which are more stringent than the provisions and limitations contained herein. Any provision of this chapter and rules adopted pursuant hereto which are more stringent than any such applicable federal, state or local requirement shall prevail and shall be the standard for compliance by the connectors to and the discharges to the stormwater system.
- C. Accidental spill prevention and notification of spills. Dischargers who are not required to obtain an NPDES permit; but who handle, store, or use hazardous or toxic substances or discharges prohibited under section 13.20.080.C, on their sites; shall prepare and submit to the city engineer an Accidental Spill Prevention Plan

within sixty (60) days of notification by the city. If other laws or regulations require an Accidental Spill Prevention and Control Plan, a plan that meets the requirement of those other laws and regulations will satisfy the requirement of this section. As soon as any person in charge of a facility, or responsible for emergency response for a facility, becomes aware of any suspected, confirmed, or unconfirmed release of material, pollutants, or waste creating a risk of discharge to the stormwater system, such persons shall:

1. Begin containment procedures;
2. Notify proper emergency personnel in case of an emergency;
3. Notify appropriate city and/or state officials regarding the nature of the spill;
4. Follow up with the city regarding compliance and modified practices to minimize future spills, as appropriate.

The notification requirements of this section are in addition to any other notification requirements set forth in federal, state, or local regulations and laws. The notification requirements do not relieve the person of necessary remediation.

D. Illicit connections. The city administrator may require by written notice that a person responsible for an illicit connection to the stormwater system comply with the requirements of this chapter to eliminate the illicit connection or secure approval for the connection by a specified date. If, subsequent to eliminating a connection found to be in violation of the chapter, the responsible person can demonstrate that an illicit discharge will no longer occur, that person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

E. Pollution remediation. Whenever the city administrator finds that a discharge of pollutants is taking place, or has taken place, which will result in, or has resulted in, pollution of stormwater or the stormwater system, the city administrator may require by written notice to the responsible person that the pollution be remediated and the affected property restored, to the standards established by the city administrator, within a specified time.

13.20.080 Prohibitions.

A. No person may throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, catch basin, inlet, or other component of the stormwater system, materials that may cause or contribute to pollution, including, but not limited to, any refuse, garbage, litter, yard debris, landscape materials, compost, topsoil, bark, gravel, dirt,

sod, sediment-laden runoff from construction or landscaping activities, hazardous materials, or other discarded or abandoned objects, articles, and accumulations.

B. Runoff from commercial or industrial operations or that wash or detail vehicles, engines, transmissions, equipment, interior floors, or parking lots, shall not discharge directly to a stormwater system; this includes, but is not limited to, outdoor commercial, industrial, or business activities that create airborne particulate matter, process by-products or wastes, hazardous materials or fluids from stored vehicles, where runoff from these activities discharges directly or indirectly to a stormwater system.

C. It is unlawful to discharge or cause to be discharged directly or indirectly into the stormwater system any of the following:

1. Any discharge having a visible sheen, or containing floating solids or discoloration (including, but not limited to dyes and inks);
2. Any discharge having a pH of less than 6.5 or greater than 8.5 or that contains toxic substances;
3. Any discharge which causes or may cause damage, interference, nuisance, or hazard to the stormwater system or the city personnel;
4. Any discharge containing human sanitary waste or animal feces.

D. It is prohibited to establish, use, maintain, or continue illicit connections to the stormwater system, or to commence or continue any illicit discharges to the stormwater system.

13.20.090 On-site mitigation

A. All on-site mitigation facilities; including stormwater detention, retention, and water quality treatment facilities required by the City; shall be designed and constructed to meet the City of Dundee Improvement Design Standards adopted pursuant to chapter 12.04 of the Dundee Municipal Code. Except as permitted by the city engineer, on site mitigation facilities shall be located on private property and shall not be located in a public right-of-way or public easement.

B. Prior to connection to the stormwater system, an operation and maintenance plan for an on-site mitigation facility shall require approval by the city engineer. Failure to properly operate or maintain an on-site mitigation facility according to the approved operation and maintenance plan is a violation of this chapter.

13.20.100 Right of access.

Employees of the city shall be provided access during regular business hours to all parts of the premises that convey, treat or discharge to the city's stormwater drainage system for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the system is used. Should there be no one available on the premises, notice will be provided to the owner, tenant, occupant or their agent that arrangements must be made to allow the inspection.

13.20.110 Tampering with system.

A. No unauthorized person shall damage, destroy, uncover, deface or tamper with any conduit, structure, appurtenance or equipment which is a part of the stormwater system.

B. The city administrator or administrator's designee may adopt such rules and regulations as are necessary to protect the stormwater system and the public health, safety and welfare. Violation of said rules or regulations is deemed a violation of this chapter and shall be punished accordingly.

13.20.120 Compliance required.

The provisions of this chapter must be strictly complied with in every instance, and service must be paid for by all premises supplied, according to the rates established by the city council. Exceptions to these provisions shall be made only upon the written authorization of the city administrator or the administrator's designee.

13.20.130 Violation – Penalty.

Any person, firm or corporation violating any provisions of this chapter shall be subject to a civil penalty of not less than \$100.00 nor more than \$500.00 for each violation, and a separate violation shall be deemed committed on each day during or on which a violation occurs or continues. In addition to the above penalty, any person violating any provisions of this chapter shall become liable to the city of Dundee for any expense, loss or damage occasioned by the city by reason of such violation.

13.20.140 Classification.

The city council determines that the fees imposed by this chapter are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

REPORT

To: Mayor Russ and City Council
From: Rob Daykin, City Administrator
Date: October 13, 2016
Re: Outside Water Service Request

Larry Rice is requesting connection to city water for a new residence he plans on building at 23554 NE Vangie Lane (Tax Lot 1701). Vangie Lane is a private road connecting to Hagey Road that runs through Tax Lot 1704 to provide access to Tax Lot 1701. It is my understanding that Mr. Rice is selling (or sold) his current residence at 23550 NE Vangie Lane (Tax Lot 1704) that is served by a private well. In his letter requesting service, Mr. Rice inferred that the cost of drilling a new well is a financial hardship and that the water quality in the well serving Tax Lot 1704 is poor (way too much iron).¹ Pursuant to DMC 13.12.040 (attached), the decision to provide water to properties outside of the city limits is at the discretion of the City Council provided there is excess capacity and the following three criteria are met:

1. The City Council finds that a genuine hardship exists due to quality and/or quantity of water for domestic consumption and authorizes the application for water service outside of the city limits.
2. The property to be served is within 400 feet of the city's water main and the city engineer finds that the service connection may be made without detriment to existing users.
3. Prior to connecting to the city water main the owners of the property shall execute and record an agreement to annex to the city at such time as annexation is legally possible and is requested by the city.

The City water main located on Hagey Road is within 400 feet of the property, although the presumed route of the service line on Vangie Lane would be much longer to connect to the water main. An analysis of possible connections to the Dayton Avenue Water System conducted by JMS Engineering in 1989 stated 18 users may be connected to the 2-inch water line on Hagey Road. Currently, there are 12 service connections. This analysis was based on estimated instantaneous flows with limited irrigation useage. Note: Irrigation is not permitted for non-city water customers and a review of the most recent year's consumption shows no indication of irrigation use by the Hagey Road customers. However, the 1989 study also assumed that 240 feet of an existing 1-inch line would be upgraded to a 2-inch line. This improvement did not take place and the last two services on the Hagey Road line are attached to the

¹ Mr. Rice also referred to spending \$4,000 to fix a landslide threatening his access road that he claimed was due to the upsizing of a culvert located under the private road over Hagey Creek by the City of Dundee and other upstream storm water improvements that took place in 2003 that allowed more water to enter his property during winter storm events. The claim was investigated by CIS and subsequently denied.

1-inch segment. Also, upon closer examination in the field it appears the 1-inch line is longer than indicated in the 1989 analysis, about 500 feet instead of 240 feet. We also received concerns from the end customer on the 1-inch line of water pressure fluctuation earlier in the year. Staff met with the customer and provided an instrument to monitor pressure at his residence; however, the customer did not notice any change in pressure. The static pressure registered at 110 psi at the customer's residence; however, we are not able to conduct a residual pressure test since there is not a blow-off valve at the end of the line. The customer was not able to recall the specific circumstances of pressure fluctuation, although there was a substantial water main leak and a water service leak that was detected and repaired in June and July respectively that would have affected supply at the end of the line. Since the original study assumed an upgrade to the 1-inch line and after receiving the anecdotal information on pressure reduction (although it may have been associated with supply problems - leaks), we asked City Engineer Michael Humm to take another look at the original 1989 analysis and provide an opinion on whether an additional connection to the 2-inch line would adversely impact the existing down flow customers. As of the preparation of this memo the analysis from Engineer Humm was not available, but we do expect to provide this additional information prior to the October 18 meeting. The attached map shows the location of the existing customers receiving city water from the Hagey Road water line and the Larry Rice property.

With the completion of improvements at well no. 13, the City expects to have sufficient water supply to accommodate new development for ten or more years. The update to the Water Master Plan will also include options for developing additional future water supply. Council should consider the merits of the request and whether the "genuine hardship" criteria have been satisfied.

Recommendation: Motion to authorize (or deny) a City water service application by Larry Rice for 23554 NE Vangie Lane.

13.12.040 Service outside of city limits.

A. Water service may be provided, at the discretion of the city council, to property outside of the city limits if the city council determines that the city has excess capacity and the following three criteria are met:

1. The city council finds that a genuine hardship exists due to quality and/or quantity of water for domestic consumption and authorizes the application for water service outside of the city limits.
2. The property to be served is within 400 feet of the city's water main and the city engineer finds that the service connection may be made without detriment to existing users.
3. Prior to connecting to the city water main the owners of the property shall execute and record an agreement to annex to the city at such time as annexation is legally possible and is requested by the city. This agreement shall be deemed an annexation contract under ORS 222.115.

B. All water used in an area outside of the city limits: (1) shall be for human consumption only, including washing, bathing, drinking, food preparation, and other uses to the extent accommodated by the city prior to September 15, 2009, and (2) shall not be used for irrigation or other exterior uses, except for use in a community garden for growing produce (not for resale), less than one-half acre in size and available for use by the general public. Such water will be provided to users outside of the city limits as long as there are sufficient quantities available for areas within the city limits. If an emergency occurs, the water service to users outside of the city limits will be the first to be terminated. The existence of an emergency due to insufficient quantities of water for use within the city limits will be determined by the city council in its sole discretion.

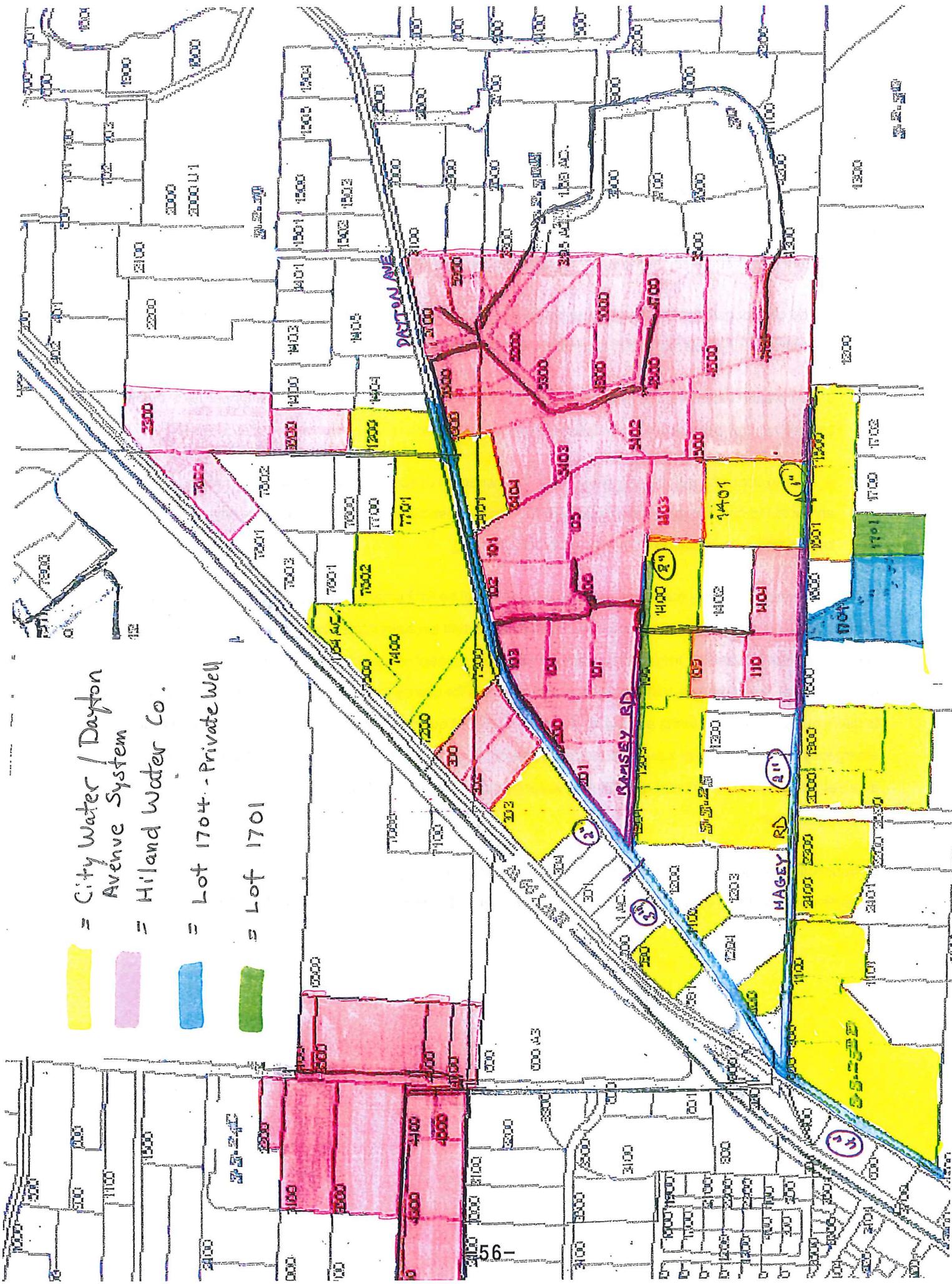
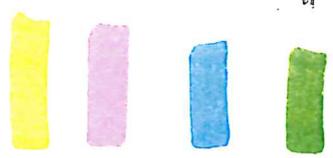
C. Subsection (A) of this section shall not be deemed to affect existing services to property located outside the limits as of September 15, 2009, except that extensions or enlargement of their services shall not be allowed.

= City Water / Dayton Avenue System

= Highland Water Co.

= Lot 1704 - Private Well

= Lot 1701



RECEIVED

SEP 12 2016

CITY OF DUNDEE

Sept 2016

To the City of Dundee

I would like to hook up to City Water. Due to the fact I have no money for a well filter at the estimate of twenty thousand I fail to get rights to my last house, had way to much iron and my wife would not approve a filter system, so please sell me rights to city water as things look down the road I will run short on building a home half the size of my last house.

P.S. I spent 4,000 or more fixing a land slid due to extra water run off of city drains. Thank You
Karin Rice 971 217 2286

REPORT

To: Mayor Russ and City Council
From: Rob Daykin, City Administrator
Date: October 11, 2016
Re: Water/Sewer Bill Appeal

Michael Gunn, Craig Kosmicki and Stan Kosmicki (owners) purchased the residence at 237 SW Oliver Court through a foreclosure sale on August 25, 2016. Prior to their purchase of the residence the water has been shut off for over six years and has accumulated \$2,376.34 in charges, mostly standby fees, that the owners had to pay in order to have water service restored for the property. The owners appealed the application of the standby fee and requested a refund of the \$2,376.34.

Prior to the adoption of the standby fee in 2009, the base monthly rate was the minimum amount charged to all developed properties that have a water service connection. The minimum charge was also applied to accounts that were shut off and unoccupied. At that time sewer base rates were projected to increase substantially and the Council approved a lesser standby fee for water and sewer services to recognize that while there is an ongoing cost to the systems to ensure availability of service upon customer demand, it was appropriate to charge a lesser amount than the full minimum base amounts. Also, unoccupied buildings benefit from the water system for fire protection. The standby fee does not reduce the monthly stormwater fee based on the rationale that unoccupied developed properties still benefit equally and should continue to pay the full fee to support the operation and maintenance of the storm water collection system. The standby rate is currently \$31 and the minimum combined monthly base rate for water, sewer and storm water services is \$94. The only time a customer is not charged a minimum amount (either standby fee or base fee) is during the period between owners/occupants not exceeding 15 continuous days or during the reconstruction or repair of premises that are not suitable for human occupation as determined by the Building Official.

The standby fee is only available in full month increments when the water service is shut off. For periods that include partial months, the minimum base is charged on a pro-rata basis. As a matter of practice, the utility clerk initiates the change to standby status for those accounts that have their water meter shut off for more than 30 days and new ownership has not yet been established with an application for service. All accounts with past due balance of 60 days or more are recorded as a lien on a monthly basis to the on-line lien search service authorized under ORS 93.643.

The standby fee policy and a similar request to not charge a standby fee was last discussed at the November 17, 2015 meeting and the Council elected to not amend the policy.

Recommendation: Review the appeal by Michael Gunn, and make a determination (deny or approve an adjustment) by motion of Council.

RESOLUTION NO. 2009-02

**A RESOLUTION ESTABLISHING DEPOSITS, FEES AND OTHER CHARGES
REQUIRED FOR THE BILLING AND COLLECTION OF CITY UTILITY
SERVICES.**

WHEREAS, Section 13.04.130 of the Dundee Municipal Code authorizes deposits, fees and charges required for the billing and collection of City utility services be established by resolution of the City Council; and

WHEREAS, the City Council finds it necessary to establish a new fee schedule;

NOW, THEREFORE, THE CITY OF DUNDEE RESOLVES AS FOLLOWS:

Section 1. The following utility billing deposits are hereby established:

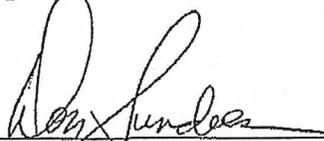
- | | | |
|-----|--|----------|
| (A) | Service Application Deposit | \$125.00 |
| (B) | Meter Test Deposit: | |
| | Meters up to 1.5" | \$120.00 |
| | Meters over 1.5" – Deposit based on a cost estimate from a certified water meter tester. | |

Section 2. The following utility billing service fees and charges are hereby established:

- | | | |
|-----|---|---------|
| (A) | Service Application Processing Fee | \$15.00 |
| (B) | Water Shut Off 24-Hour Notice (Door Hanger) | \$25.00 |
| (C) | Delinquency Notice (Mailed) | \$2.00 |
| (D) | Reconnection of Water Service | \$25.00 |
| (E) | Standby Charges (Monthly): | |
| | Water | \$10.00 |
| | Sewer | \$15.00 |
| | Stormwater – Regular Monthly Rate | |

PASSED by the City Council this 3rd day of February 2009.

Approved:



Don Sundeen, Mayor

Attest:



Rob Daykin, City Administrator/Recorder

Appeal of Water/Sewer/Storm Drain Lien Amount

Regarding 237 SW Oliver, Dundee OR

To: The Honorable Mayor David Russ and City Council Members – City of Dundee

Current owners of 237 SW Oliver, GunnMike LLC (an OR LLC with a single member and Michael G. Gunn as manager), Craig B. Kosmicki, and Stan Kosmicki (herein known as “owners”), pursuant to Dundee City Ordinance #13.04.160, hereby respectively appeal to the Dundee City Council the lien amount of \$2,376.34 that current owners were required to pay in order to obtain water/sewer/storm water service to the said property.

A summary of the background of the owners is as follows:

Michael G. Gunn was born and raised in Newberg. He has lived in Dundee for the past 40 years and practiced law in Newberg for 25 years and has been involved in real estate for 40+ years.

Craig Kosmicki and Stan Kosmicki were both raised in Roseburg. Craig has lived in Newberg since the late 1970’s and has owned Abby’s Pizza in Newberg since the late 1970’s. Stan has resided in Lafayette since 2013 as he moved there after retiring from working in Alaska for more than 30 years.

For the past 3+ years, owners have been purchasing foreclosure properties, rehabbing them, and then reselling them to new owners. They feel they are assisting the community in rehabbing properties that have been allowed to fall into a state of disrepair and allowing new owners (primarily first time homeowners) to purchase these rehabbed properties.

A summary of the operative facts of the matter is as follows:

1. On or about 9/14/05, Wendy Williams (herein known as “Williams”) acquired ownership via a purchase of the said property. As an integral part of the said purchase, Williams borrowed money from lender, American Home Mortgage, and American Home Mortgage as collateral recorded a 1st position trust deed associated with the said property. That said trust deed was assigned to various lenders with The Bank of New York – Mellon (herein known as “Mellon”) being the ultimate beneficiary lender of the said trust deed.
 - a. In or about March 2010, Williams notified Melody Osborne that she was permanently vacating the said property as Mellon was going to institute foreclosure proceedings against her (this statement is based on information communicated to Michael Gunn by Melody Osborne), and Williams did permanently vacate the said property in or about March 2010, because Williams was delinquent in her payments to Mellon which would allow Mellon to commence foreclosure proceedings.
 - b. In or about March 2010, at the time that Williams notified Melody Osborne that she was permanently vacating the said property, there was nothing owing to the City of Dundee associated with her water/sewer/storm drain bill (again, this statement is based

on information from Melody Osborne). At this same point in time, the City of Dundee “locked” the water meter to the said property so that it was impossible for anyone, had they been residing at the said property, to be able to utilize any water and/or utilize the sewer system. At this same time, Melody Osborne began billing water/sewer/storm drain service to the said property at the “standby” rate of \$30/month.

- c. Sometime subsequent to March 2010 (the exact time is not known by the City), the City of Dundee electronically recorded a City Lien against the said property associated with the unpaid water/sewer/storm drain bill. Notwithstanding the fact that the property was permanently vacated, it is the City’s current policy to continue the monthly billing of \$30 until the bill is paid in full.
- d. On or about 3/18/16, Mellon instituted non-judicial foreclosure proceedings against the said property. In that manner, Mellon was exercising its rights as a secured creditor to ultimately sell the said property at a non-judicial trustee’s sale. At the time Mellon instituted the said non-judicial foreclosure proceedings, Williams had not made a payment associated with the said property since October 2008.
- e. On or about 8/25/16, the trustee associated with the Mellon trust deed which was being foreclosed, conducted a non-judicial foreclosure sale at the Yamhill County Courthouse. It is important to note that notwithstanding the fact that the property had been vacant for some 6 ½ years prior to the actual date of the foreclosure sale, that Williams was still the legal owner of the property until the foreclosure was actually conducted. During this said 6 ½ year period of time, since the water meter was “locked”, even if someone had been residing at the said property, no one would have been able to utilize either the water or sewer at the said property. At the said foreclosure sale, owners were the highest bidders of the property, and by reason of the said sale, the ownership interest of Williams was involuntarily foreclosed and terminated from the property and transferred to owners. Subsequent to the date of the foreclosure sale, when owners attempted to obtain water/sewer/storm drain service to the said property, owners were informed that they were required to pay the entire amount of the lien in order to obtain service. Owners then paid the full amount of the lien “under protest” and with a full reservation of rights to allow them to appeal the amount of the lien to the City Council.

Reason for appeal to the City Council

Owners understand the City relies on Dundee City Ordinance 13.04.120.C as reason for billing the \$30/month standby fee in a situation where the City has “locked” the water meter not by request of the owner for a stand by fee but based upon a unilateral action by the City. Owners respectfully submit that the situation with this property was not anticipated at the time this ordinance was adopted and furthermore that is not fair and not good policy to assess the standby fee under these circumstances.

The text of the City Ordinance is as follows:

13.04.120 Temporary vacancies.

A. In the case of temporary vacancy of any premises due to change of ownership or occupation between tenants for periods of less than 15 continuous days, city utility charges shall not be assessed; provided, that less than 20 cubic feet of water is used during the period of no occupancy.

B. Where premises receiving city utility services is rendered uninhabitable as determined by the building official, city utility charges shall not be assessed during reconstruction or repair of the premises; provided, that less than 20 cubic feet of water per month is used during the period of no occupancy.

C. A customer requesting discontinuance of service for more than 30 continuous days shall upon written request to the city have the water service disconnected to the premises and shall be billed at the normal monthly rates up to end of the current billing cycle. During the period of no occupancy, the account shall be billed a monthly service standby fee. Upon written request for resumption of water service, the account shall be billed at the normal monthly rates starting at the beginning of the billing cycle preceding the date of water service restoration. [Ord. 476-2009 (Exh. A)].

Owners respectfully submit that in this situation, Williams did not request discontinuance of service as set forth in paragraph C) above and as contemplated by paragraph C) above. Rather, she informed the City that she was permanently vacating the property due to the fact that Mellon would eventually foreclose on the property. It is owners' understanding that the aforesaid ordinance was adopted to benefit and assist owners who would temporarily vacate the property for a certain number of months (say as an example 4 to 5 months while they resided out of the area – ie, "snow birds" as an example) so that these owners would not be required to pay the normal minimum water/sewer/storm drain bill while the property was temporarily vacant, and no water and sewer was being used. The owners would then pay the amount of the standby fee while the property was vacant for several months, and then when the owners moved back into the property, the normal monthly billing amount would resume.

In this situation, based upon the fact that William permanently vacated the property, the City "locked" the water meter and began billing the standby fee and ultimately recorded the City water/sewer lien.

Owners understand that if Williams had temporarily vacated the property and voluntarily requested the standby fee as contemplated by ordinance paragraph C) above, that the ordinance

would then allow the City to bill Williams the standby fee until Williams resumed occupancy of the said property. In that situation, Williams, by her action in requesting the standby fee associated with the temporary vacancy, would have agreed to the City billing the standby fee until she resumed occupancy. Owners agree that it is fair for the City to bill the standby fee under those circumstances.

However, in this situation, Williams did not request that water/sewer/storm drain service be discontinued because of a temporary vacancy. She informed the City that she was permanently vacating the said property, because of an imminent foreclosure. It was the City that made the decision to "lock" the water meter, and to begin billing the standby rate. Owners again submit that it is not fair and not good policy for the City to bill the property at the standby rate when the City has chosen to "lock" the water meter (with this action not requested by the owner), which causes an ultimate purchaser (such as current owners) at a foreclosure sale to be responsible for the payment of the outstanding amount.

Therefore, owners respectfully request a refund of the amount previously paid by owners.

Respectfully submitted,



GunnMike LLC

By: Michael G. Gunn Manager

Also on behalf of Craig B. Kosmicki
And Stan Komicki