

**CITY COUNCIL MEETING
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October 20, 2015**

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**City of Dundee
City Council Meeting Minutes
October 20, 2015**

Call to Order

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

Council and Staff Attendance

Present: Mayor David Russ, Councilors Jeannette Adlong, Storr Nelson, Doug Pugsley (7:07 P.M.), Kristen Svicarovich, and Tim Weaver (7:03 P.M.). Excused Absence: Councilor Ted Crawford. Staff members: Rob Daykin, City Administrator, and Shelby Rihala, City Attorney, Interim Planner Jim Jacks, and Debra Manning, Assistant City Recorder.

Public Attendance

Reed Langdon, Dundee Elementary School, and Scott Thomas (representing Dr. Methven, DDS).

Agenda Changes

Item 8.2 Fire Department Purchase Request for Protective Clothing was added to New Business.

Public Hearing: LURA 15-12, Sign Regulation Amendments

Mayor Russ called the hearing to order at 7:01 P.M. to consider amendments to the Dundee Sign Code.

Call for Declarations of Conflict or Bias by any members of this body:

None.

Objections to jurisdiction by any members of this body:

None.

Staff Report:

Interim Planner Jacks entered the staff report into the record and summarized it. The Planning Commission reviewed the sign regulations at Council's request through three workshops (April 15th, July 15th and August 19th) and a public hearing on September 16th. They considered issues:

- Allowing additional signage for properties with limited Highway 99W frontage. The Planning Commission declined to allow additional signage.
- Allowing free standing signs on landscaping in the public right-of-way (ROW). ODOT regulates the private ROW along Highway 99W and does not allow private signage in their ROW.
- Electronic changeable copy signs; allowed in the current regulations with a limit of four square feet. The **Planning Commission's recommendation** to the Council is to approve the proposed sign regulation amendments, including deleting electronic signs as a type of allowed sign because electronic changeable copy signs are not appropriate for Dundee.

The **Staff recommendation** is to not prohibit electronic changeable copy signs; but to allow an increase from four square feet to six square feet with language limiting brightness and how often the message changes (currently one minute). Staff recommends the City Council pass a motion directing staff to prepare an ordinance adopting the proposed amendments with an Exhibit "A" that either deletes or retains changeable copy signs.

Mayor Russ questioned if there are three types of changeable copy. City Planner Jacks replied there are two types: mechanical/manual and electronically operated signs.

Proponents:

Scott Thomas, Dundee Family Dentistry/Dr. Methven, DDS, advised that Dr. Methven plans to partition and build on his property. He has issues with the amount of signage he will be allowed. He would like to place a sign at the northeast corner of his property which would represent six small businesses which will occupy the back area of the property. Councilor Nelson asked if this would be the same tax lot. Thomas surmised this would be partitioned; a separate lot. City Administrator Daykin clarified that the owner proposes a partition; the front parcel would be allowed two signs with its frontage and Methven could advertise for the back business since the sign regulation does not restrict the content of the signs. The length of the frontage would allow a second sign, however, Methven is concerned that his current sign is too large and would limit a second sign of sufficient size to advertise the other businesses. Dr. Methven recommends increasing the .4 square feet for each linear foot of frontage used for free-standing signs to possibly .8 square feet to allow a second sign of sufficient size.

Chief Stock relayed that two Newberg High School students designed a monument sign reader board for the Fire Hall for their senior project. He received recommendations for a size of six inch tall letters with two lines based on the sign setback and traffic speed. The department would like to place messages advising of burn bans, recruiting volunteers, and safety messages. Stock demonstrated the size differences between: four square feet, six square feet (which would accommodate two lines at six inches), or eight square feet (which would accommodate three lines at five inches high). He supports a minimum of six square feet; with a preference for eight square feet.

Reed Langdon, Dundee Elementary School principal, shared that an electronic reader board would:

- Allow them to keep families informed of what is happening at school
- Allow staff to update from the office quicker and easier
- Allow communication with Spanish speaking families in their language
- Allow emergency notifications during lockdowns and inclement weather closures where staff cannot make it to the school and notice of school closure can be placed from their home.

Four square feet will not support their needs; eight square feet would. They would like to implement an electronic reader board in the next few years.

Mayor Russ questioned if the .3 footcandles measurement only applies to reader boards and not to other sign types. Planner Jacks advised it applies to the electronic changeable copy signs. Russ expressed concern of limiting electronic signs to .3 footcandles while other sign types can be too bright. C.A. Daykin noted that the standards for the other sign types were preexisting. Many of the standards were derived from other communities' standards. The changeable copy illumination takes into consideration the ambient light and the signage light throughout the day; brighter during the day and dimmer at night. City Attorney Rihala informed that the .3 footcandles is included in the Oregon Motorist Information Act of 1971 (377.720) as a state regulation for signs on state highways and applies to all signs regardless of the technology.

Councilor Adlong questioned coloring for background and lettering on the electronic signs. Planner Jacks responded the background and copy can usually be programed based on the color desired. Chief Stock stated that the Fire Department and the school are asking for simple lighting with a single color; such as black background with yellow or red lighting. He referred to ODOT's

reader board. The Interim City Planner stated the one change per minute in the staff recommendation can be whatever timeframe the Council wants.

The Mayor asked if public service announcements could be separated from other messages. The City Attorney counseled no; that would entail taking into consideration what the sign says which would be regulating content. Councilor Pugsley inquired about the recent Supreme Court decision regarding sign code enforcement. Rihala replied that the United States Supreme Court decided that sign content cannot be regulated. Oregon sign regulations have been stringent and the decision will not have a big impact on our regulations.

C. Adlong questioned how the message changes will be regulated. Daykin referred to page 38, item 7 of the packet with the two second limitation. Discussion followed on a minimum and maximum times for the message to dissolve. Mayor Russ suggested no less than one second and no more than two seconds. Councilor Weaver expressed concern that the minimum/maximum dissolve times could be too long for a smaller board. Councilor Svcarovich suggested reviewing ODOT's regulations for portable changeable message signs.

C. Adlong expressed concern that there could be a plethora of businesses who will want electronic signage; which would be overwhelming. She expressed disappointment with newer signage, specifically the Chalice Farms sign, which is too bright and too large. She does not support the electronic signs in the city. Mayor Russ recommended applying a lower footcandles to all signs. C. Svcarovich expressed concern to consider the future environment along Highway 99W.

The Mayor suggested the Fire Department could use a portable reader board for emergency signage. C. Svcarovich referred to past usage of portable reader boards. Daykin shared there are issues with their usage. C. Weaver supports the electronic signage for the school and the Fire Department communication.

C.A. Daykin shared the electronic sign can't be attached to a pole or a building; it must be a monument sign. An option to make it less desirable would be to limit choice of colors. City Attorney Rihala cautioned that color could be considered part of the content and part of the expression message; which could be considered regulating the sign content.

C.A. Daykin suggested closing the public testimony and bringing the issue back to the next Council meeting for further consideration. Mayor Russ cautioned that we may hinder businesses without direct street frontage by not allowing opportunities for additional signs near the street. He suggested .2 square feet for each linear foot of frontage for front and back properties with the agreement from the front business allowing the back property space for signage. He asked the Council to consider options for flag/landlocked lots. Russ directed staff to bring ODOT's standards for the temporary signs for changeability and options limiting electronic sign space to a percentage of the allowed sign space back for further consideration. C. Adlong asked for staff to research the brightness of existing signs in the city.

C.A. Daykin expressed concern in regards to asking the Ford Family Foundation for another extension of their \$17,000 grant for the city to install an electronic reader board; while the city has not been able to change regulations to legally build the sign. The latest extension runs through the end of the year. He asked the Council if they are considering banning the type of sign the city has applied the grant for. The majority consensus appears to be in favor of electronic signage with limitations. Staff expressed concern with measuring the brightness of the current signs. The Council asked staff to bring back information with the use of small light meters. Svcarovich stated she has light meters which staff can use. The distance for measuring the brightness will

need to be determined. **The motion** was made and seconded to continue the public hearing on the LURA 15-12, Sign Regulation Amendments to the November 17th Council meeting. **The motion** passed unanimously.

Public Comment

None.

Consent Agenda

C. Nelson requested the minutes be amended to reflect an excused absence for him as he had notified the Mayor of his pending absence prior to the meeting. **The motion** was made and seconded to approve Consent Agenda items 6.1 City Council Minutes, October 6, 2015 amending Councilor Nelson's absence to an excused absence and 6.2 2016 Meeting Calendar. **The motion** passed unanimously.

Old Business

Water Line Easement

The city is looking to obtain an easement from the Dundee Woman's Club to accommodate realignment of the new ten-inch water line from outside of the highway right-of-way (ROW) past the Dundee Community Center to line up with the ten-inch line crossing Eleventh Street. The permanent easement will be fifteen feet in depth in the lot south of the Community Center and a temporary easement in the lot in front of the Community Center during the construction period. Their current stairs at the front of the building are in the way of the Tenth Street project and encroach in the ROW. In exchange for the easement the city will provide funds for the steps to be rebuilt at a later date. The city and the Woman's Club have agreed to \$6,500 in exchange for the easement. The Woman's Club has requested a thirty day notice in lieu of a seven day notice for non-emergent work activities in the permanent easement. They will have three signers on the document.

The second agreement will be with Nancy Garvin, Dundee Bungalows Holding, LLC, owner of the property to the south and behind the Community Center and will entail two documents: one document for a permanent easement for a fifteen-foot wide utility and one agreement to reimburse the city for the cost of the upgrade from a four-inch water line to a ten-inch waterline.

Work on the improvements will start soon. The Dundee Woman's Club easement is more critical. The Council was asked to authorize the City Administrator to execute the multiple agreements with minor changes subject to approval by the City Attorney. **The motion** was made and seconded to authorize the City Administrator to execute the easement agreement with the Dundee Woman's Club and the easement and reimbursement agreements with Dundee Bungalows Holding, LLC, with any minor modifications to the agreement subject to approval by the City Attorney. **The motion** passed unanimously.

New Business

Resolution No. 2015-12, Administrative Fees

The resolution updates administrative fees and modifies them to become compliant with OLCC's license application. **The motion** was made and seconded to approve Resolution No. 2015-12, a resolution establishing fees for certain administrative services and business licenses and repealing Resolution No. 2014-03. **The motion** passed unanimously.

Fire Department Purchase Request for Protective Clothing

Chief Stock is asking to replace four sets of structural protection clothing; which was included in the budget but exceeds the City Administrator's spending limit. C. Nelson questioned the cost of

the last sets purchased. Stock replied it was close to this quote. Four to five sets are scheduled for replacement every year to two years. This replaces gear which is ten years old. **The motion** was made and seconded to authorize the purchase of four sets of structural protection clothing; not to exceed \$6,552. **The motion** passed unanimously.

Council Concerns and Committee Reports

None.

Mayor's Report

None.

City Administrator's Report

The Tourism Committee met with Ralph Tahrán, Tahrán Architecture and Planning, LLC, to review the four projects they are considering for the façade improvement program. The committee has asked him to bring improvement possibilities back for review.

Work starts on the Viewmont Greenway on Wednesday. The City Engineer and the contractor are further reviewing the amounts of material next to the ditch to determine if there will be additional cost involved.

The documents are being executed for the Tenth Street improvements project.

Public Comment

None.

Executive Session:

The City Council entered Executive Session at 8:32 P.M. in accordance with ORS 192.660 (2) (h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Executive Session ended at 10:10 P.M. and the Council did not reconvene.



David Russ
Mayor

Attest:



Debra L. Manning, MMC
Assistant City Recorder