

**CITY COUNCIL MEETING
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October 21, 2014**

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**City of Dundee
City Council Meeting Minutes
October 21, 2014**

Call to Order

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

Council and Staff Attendance

Present: Mayor Ted Crawford, Councilors Storr Nelson, Doug Pugsley (7:10 P.M.), David Russ and Tim Weaver. Excused Absence: Councilors Jeannette Adlong, and Jennifer Munson. Staff members: Rob Daykin, City Administrator, Peter Watts, City Attorney, Jessica Pelz, City Planner, and Debra Manning, Assistant City Recorder.

Public Attendance

Sue Lamb, Yamhill County Emergency Services, Tom Edwards, Kay Edwards, Rob Molzahn, Brian Varricchione, Mackenzie, Suey Linzmeier, Head Start of Yamhill County, Mario Sanchez, Dixie Hancock, Cathy Martin, Argyle Winery, Lambie Swenson, Dustin Swenson, Chong Park, Danny Sikkens and Robin Sikkens.

Agenda Changes

Item 13, Executive Session was removed from the agenda.

Public Hearing: Commercial Zone Changes, LURA 14-03

Mayor Crawford called the hearing to order at 7:03 P.M. for the hearing to adopt an ordinance amending the Development Code to incorporate new commercial zoning standards and amending the zoning map and comprehensive plan map amendments to create a new comprehensive commercial zoning pattern.

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:

City Planner Pelz read the staff report into the record with the Planning Commission's recommendation that the City Council adopt the code amendments and the map amendments. This is the end product from the Oregon Transportation & Growth Management Program Code Assistance grant the city received to review Dundee's commercial zones.

Staff recommendation:

- 1) Consider the Planning Commission Order of Recommendation;
- 2) Consider public testimony;
- 3) Make findings of fact;
- 4) Review the proposed amendments shown in Exhibit "A" and "B" of the attached Ordinance No. 534-2014.
- 5) Either (A) direct staff to return with a final ordinance for adoption at a future meeting, or (B) vote to adopt Ordinance No. 534-2014, which can be adopted with a unanimous passing vote.

City Administrator Daykin informed the Council that the ordinance had not been noticed a week prior to the meeting and would require two votes; one at this meeting and a second vote at a later meeting.

Proponents:

Brian Varricchione, Mackenzie, representing the 12th and Maple Wine Company, shared their need for a zone change for the parcel on the corner of Highway 99W and Parks Drive from Community Commercial to Light Industrial to support expansion of their operations. This proposal is reflected in the maps presented. He relayed his support for the amendments.

Rob Molzahn, realtor representing Head Start of Yamhill County whose property fronts Highway 99W, advised that part of the property is zoned R-2 Medium Density Residential. They have an interested buyer who has been waiting for a zone change since March. They support this so the property sale can move forward.

Suey Linzmeier, Head Start of Yamhill County, expressed her support for the amendments.

Dixie Hancock, realtor representing the buyer, supports the amendments to complete the sale.

Opponents:

None.

The hearing was closed at 7:11 P.M.

Staff recommended voting in favor of Ordinance No. 534-2014. The ordinance will be brought back for the second reading to the Council workshop on October 28th.

Deliberations:

Mayor Crawford questioned limiting gas stations to six pumps. Planner Pelz replied the intent was to retain smaller gas stations in the city. Crawford inquired the definition of a pump. Pelz stated the intent is a unit, not the number of nozzles. City Attorney Watts clarified that the Council, as the policy makers are able to determine what any undefined term means as not every term will be defined in the code. He stressed the importance of being consistent from one station to another.

Councilor Nelson asked if there was a legend for the code amendment tables. Pelz advised that section 17.202 of the Dundee Municipal Code is the larger table which includes the legend. The amendments are being added to that table.

Mayor Crawford questioned the proposed zoning change to Commercial Destination Resort (CDR) for the property owned by Ivon Miller. Daykin noted that the zoning on that property was not changed to the CDR zoning. The old CDR zoning was intended to be applied to the riverside area and is now irrelevant. The new Riverside District Master Plan calls for new zoning designation for the riverside. The Miller property was previously zoned CBD (Commercial Business District) and was changed to C (Commercial); it will now revert to the CBD zoning.

Councilor Pugsley noted that pages 52 and 53 of Exhibit "A" do not contain a list of approved street trees and inquired if a list could be added later. Pelz replied yes, by a code amendment. The Mayor questioned if a list would be included in the Street Design Standards in the Transportation System Plan (TSP). Daykin suggested it belongs in the Public Works Design Standards; where the approved tree list can be updated without going through a public hearing process. City Attorney Watts suggested noting in the section "approved and prohibited tree species are

provided for in the Public Work Design Standard document". Pelz was in favor of leaving it in Development Code with a code amendment to adopt the tree species at a later date. The majority consensus agreed with a code amendment to add the list of approved street trees later.

The motion was made and seconded to adopt Ordinance No. 534-2014, an ordinance amending the Dundee Development Code to incorporate new commercial zoning standards and amending the zoning map and comprehensive plan map to create a new commercial zoning pattern. **The motion** passed unanimously. The ordinance will come back to the October 28th Council Workshop for the second reading.

Public Comment

Mario Sanchez owns property on Hagey Road. He asked the Council for approval to connect to city water. C.A. Daykin replied there is an ordinance in effect which does not allow any extension of city services outside of the city limits. One of the reasons the ordinance was passed is due to the water supply shortage. He suggested Sanchez contact the other private water provider serving the Dayton Avenue area.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 6.1 City Council Minutes, October 7, 2014 and Financial Report Ending September 30, 2014. **The motion** passed unanimously.

Old Business

Resolution No. 2014-17, KeyBank Loan

The option of an external loan with KeyBank to finance the Public Works Equipment building was introduced at the last meeting. Originally the project was to be financed with an interfund loan from the Water Fund with the intent to repay the Water Fund over an estimated ten year period. The Public Works Equipment building and some of the water projects are more costly than anticipated. The City Administrator recommends use of external financing; this will allow construction of the anticipated water improvements to move ahead. He referred to page 147 of the packet with a Water CIP Fund Pro Forma highlighting the projects through 2017. The major projects include:

- Water Master Plan budgeted at \$120,000; estimated completion cost is \$135,000 due to additional drill work with the possible riverbank filtration option
- Dogwood Drive and Canyon Drive waterlines both have undersized, deteriorating waterlines which need to be improved prior to the street work in those locations
- Worden Hill Road waterline where the private developer is willing to install about a third of a project identified in the Water Master Plan to upgrade the Worden Hill Road waterline in exchange the developer will receive the benefit of emergency fire suppression. The city will contribute \$14,000 to the improvement.
- Transitioning the test well into a production well. It appears it will be a good water producer during the summer, high use months. The paperwork has been filed to transfer the water rights to that location. The project will require additional work to update the controls for the pump structure and the addition of a third booster pump. The project is estimated at \$500,000 higher than anticipated.
- The Public Works Equipment building at \$350,000
- Two loans to finance the Transportation Enhancement (TE) improvements including \$400,000 for sidewalks to be repaid through property assessments and \$60,000 for storm water improvements along the west side of Highway 99W from Seventh Street to approximately Eighth or Ninth streets where it will connect to the railroad ditch.

Daykin recommended financing the Public Works building externally.

Mayor Crawford questioned the ramifications if the loan isn't taken. Daykin stated the waterline improvements under the sidewalks and the other TE related projects have to be completed in 2015. If the well project is considered a priority; it could be the third quarter of 2016 before the project is completed. The Water Master Plan does need to be updated; which will require improvements to address deficiencies in the system for current water users and to accommodate future growth.

C. Pugsley inquired if the Water Master Plan update could be put on hold. Daykin responded we could cancel the contract; but he didn't support that option. Pugsley questioned the comment in the October 16th report from the City Administrator (page 145 of the packet) that "Part of reason for delaying the waterline projects is the demand of current ongoing projects with City Engineer Eaton and that contracting out engineering services for the waterline work will likely increase the cost of the project." Daykin noted that the Canyon Drive and Dogwood Drive waterline projects had been included in this year's budget; but it is unlikely, with the demands on the City Engineer, that he will be able to design, place the project out to bid, and construct the project in this fiscal year. Eaton recommended contracting out the projects to Kennedy Jenks; but their engineering rates are \$250 per hour versus \$75 per hour for Eaton. C.A. Daykin suggested a possible option for consideration for the Dogwood Drive improvements; to place a line crossing the street where we are paving and preinstall the services for the households; then install the waterline at a future date outside of the street surface. We will not be able to complete the Canyon Drive and First Street project with that option, since the waterline is located under the streets.

Kay Edwards relayed her concern regarding the water supply. She encouraged the city to move forward with the new well. Mayor Crawford asked if the Edwards' had plans to start development of their property in the next two years. Edwards replied their expectation is to move ahead as soon as ODOT moves past their property with the Bypass construction. Daykin stated that they need to address zone change and land use processes; which will probably take about six months to complete. Pelz stated it is not clear that a subdivision would be approved which would serve more lots than exist today without the water to serve them plus the existing in-fill lots. Daykin noted the 2008 condition on the zone change was based on the availability of water to serve new development.

C. Pugsley asked if we could afford to build the Public Works Equipment building if we delay the Dogwood Drive and Canyon Drive projects. Daykin replied the well would also have to be delayed.

The Mayor questioned the additional engineering resources needed to do the waterlines. Daykin replied we can ask Kennedy Jenks to prepare a cost estimate for the project.

C.A. Daykin relayed staff met with representatives from CH2MHill and Larry Eaton, GIS Water Solutions, Inc. previewing the upcoming workshop; the new well will play an important part in the City's long-term water supply.

The motion was made and seconded to approve Resolution No. 2014-17, a resolution authorizing the execution and delivery of a full faith and credit financing agreement in a principal amount not to exceed \$361,200; designating an authorized representative and special counsel; and related matters. Daykin advised the Dogwood project involves a \$50,000 grant and we cannot apply for another grant until we use this one. The water utility work has to be completed prior to resurfacing. He will review the project with the engineer to determine if piping can be placed under the pavement and then complete the connections to the improvements at a later date. **The motion** passed unanimously.

New Business

Resolution No. 2014-18, Hazard Mitigation Plan

Sue Lamb, Yamhill County Emergency Services, relayed the hazard mitigation plan has to be updated every five years. The current plan, last done in 2009, expired July 17, 2014. The cities of Carlton and McMinnville did not participate in the update. Review of the plan started in February between eight cities and the County. Chief Stock represented the City of Dundee. Currently we are out of compliance with the expired plan. An approved plan has to be in place to receive maximum reimbursement for a grant application for either pre-disaster planning or a disaster event. The plan has been reviewed by the State and the Federal Emergency Management Agency (FEMA).

Councilor Weaver inquired why the cities of Carlton and McMinnville did not participate. Lamb replied that Carlton has participated in the past; but did not having personnel available this time. McMinnville has not participated previously and when they found out the time and cost for them to develop their portion of the plan they opted not to participate.

The new mitigation plan includes a maintenance plan where every jurisdiction is to meet and review the action plan twice a year. The County Emergency Preparedness group meets monthly; they will review the plan with the cities in January and July of each year. Lamb's intent is to look for a grant in three years to fund a contractor to assist with the next update.

The Mayor inquired why the Wastewater Treatment facility was not included in list of the city's critical infrastructure and noted that the lagoons are still included. Lamb suggested noting it and any other corrections for the next update. Crawford inquired if the omission of the facility from the list would affect FEMA funds if the facility incurred damage in a disaster. Lamb speculated the city would have to document the facility existed at the time of the disaster and that it was inadvertently left of the list. She will note the omission and try to get it added prior to returning the document to FEMA.

C. Weaver expressed his support for the plan and the need to have the FEMA approved plan in place to receive FEMA disaster funds.

C. Pugsley asked if there are any grant funds available for preventative projects for the predicted "big" earthquake for our consideration in regards to the new fire station. Lamb was not aware of any specific funds.

The motion was made and seconded to approve Resolution No. 2014-18, a resolution adopting the Yamhill County Multi-jurisdictional Hazard Mitigation Plan with the amendments to update the list of critical infrastructure. Assistant City Recorder Manning asked for clarification on the motion. City Attorney Watts clarified it is possible that the amendments may or may not be added at this point. The Federal government usually looks for a plan and they recognize that the city's assets will change over a five-year period. The Council's instruction to Lamb, if possible, is to delete the lagoons and add the Wastewater Treatment facility. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Weaver advised that the City has received \$2,500 from the Newberg Charitable Organization for the community meeting room improvements at the new Fire Hall.

Mayor's Report

The Mayor inquired when Council meetings would be moved to the community room at the Fire Station. Daykin advised there are improvements which need to be purchased prior to that move

including: tables, chairs, audio equipment, and a recording system and flags. Crawford expressed his desire to be in by December.

The Mayor has received complaints regarding flooding; including Fir Court and Riteway Meat Company. He shared that storm water issues will be addressed at the November 4th meeting. C. Russ expressed concerns with the storm water flow down the Ninth Street sidewalk. Robin Sikkens, Ninth Street resident, relayed that the flow does intrude into their home. Daykin advised that Kennedy Jenks has been asked to analyze Basin 3, the southwest quadrant of city bordered by Alder Street to Ninth Street, and provide options for improvements. Also under consideration are storm water improvements from Myrtle Street across Neiderberger Road to the ditch on the other side.

A complaint was received regarding campaign signs blocking the view along Highway 99W, specifically on Hal Medici's property. Daykin informed the Council that there is a vision triangle, from the corners, where structure signs can't be placed between two and four feet. Planner Pelz added there is a restriction on the number of campaign signs which can be placed on one lot. Daykin noted a similar complaint was received on signage for the church on the corner of Eleventh Street and Highway 99W. The signs at that location are legally placed. The proper driving procedure is to stop at the stop sign and proceed slowly forward to determine when it is clear to enter the highway. Pelz advised the lot under consideration is allowed a temporary sign not exceeding six square feet normally; during elections they are allowed fifty square feet of additional signage. Staff will review.

City Administrator's Report

A special workshop on the long-term water supply will be held on October 28th at the Fire Station; the public has been invited. The second vote on Ordinance No. 534-2014 will be addressed first at this meeting. C. Nelson suggested pizza at the workshop to facilitate attendance at the special meeting.

K & E Excavating has completed work on the Viewmont Trail. They have left a gravel pile, partially on the Four Graces' vineyard property, which staff will follow up on. K & E Excavating did not complete the upper section at Laurel Street at the request of Public Works Supervisor to allow a waterline to be abandoned at this location. After completion of the abandonment; staff finished the final connection of the gravel trail from the hammerhead on Laurel Street to its termination. Plantings will be coordinated with the Newberg High School Horticulture program and the Newberg High School Catalyst group will spread the top dressing at a later date.

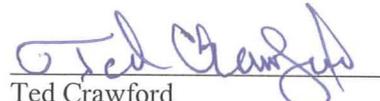
Mayor Crawford expressed concern for the landscaping at the corner of Highway 99W and First Street; where the rain is eroding the top soil into the storm water grate.

Public Comment

Cathy Martin, Argyle Winery, shared that they are starting to plan renovations to their Dundee property.

Robin Sikkens asked for the crosswalks on Highway 99W to be restriped. C.A. Daykin advised ODOT will have new thermal-plastic crosswalk markings installed following completion of the highway preservation work next year.

The meeting was adjourned at 8:35 P.M.


Ted Crawford
Mayor

Attest:


Debra L. Manning, MMC
Assistant City Recorder