

**CITY COUNCIL MEETING  
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November 1, 2011**

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**City of Dundee**  
**City Council Meeting Minutes**  
**November 1, 2011**

**Call to Order**

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

**Council and Staff Attendance**

Present: Mayor Crawford, Councilors Adlong, Miller, Nelson, Pugsley, and Reddell. Excused absence: Councilor Munson. Staff members: Rob Daykin, City Administrator, Cindy Phillips, City Attorney, and Debra Manning, Assistant City Recorder.

**Public Attendance**

Dave Morgan, News Lincoln County, Amanda Winkelman, Newberg Graphic, and Michael Humm, Kennedy/Jenks.

**Agenda Changes:**

Item 6.1.b Change Order No. 2 to MSI related to the WWTP Construction Project was added to Old Business.

**Public Comment:**

None.

**Consent Agenda**

**The motion** was made and seconded to approve Consent Agenda item 5.1 City Council Minutes, October 18, 2011. **The motion** passed unanimously.

**Old Business**

**WWTP Construction Project Status Report**

Michael Humm, Kennedy/Jenks, updated the Wastewater Treatment Plant:

- Headworks: the form work has been erected and two perimeter wet well walls have been poured; rebar work will be started on the upper section
- Operations building: the exterior has been sheeted, the interior framing has been completed, and the trusses have been installed; completion of the roofing and interior plumbing and electrical work is in progress
- MBR structure: construction of the walls continues with the second of eleven pours
- Facultative Sludge Lagoon: work is on hold till spring when the liner and piping will be installed

It was noted there are now protective measures being taken for the cold weather. Pay estimate #4 is \$551,152.95 and includes the MBR concrete slab, the framing work, paving at the Operations building, and rebar work. The project is about 22.4% complete. Change Order # 3 is the building modifications at the Operations building and Change Order #6 is modifications to piping at no additional cost. Change Order #2 includes stubbing utilities (electrical and potable water) outside of the paved areas to facilitate future construction such as a future Public Works building. The Engineer recommends approval of the change order. City Administrator Daykin inquired the urgency to act on the change order tonight. Humm advised that the contractor requested the action to allow them to bill against this at the end of this month.

Councilor Nelson asked if the Team Electric quote is reasonable. Humm replied it is a fair price.

Councilor Pugsley asked for confirmation that there would be substantial cost involved to complete the work at a later date if the City decided to wait on the change order. Humm confirmed it would be substantial.

Mayor Crawford asked for an update on the contingency figure. Humm stated it is at .64% of the contract price including the proposed change order. He advised that these types of change orders are generated during early construction stages.

**The motion** was made and seconded to approve Change Order #2 in the amount not to exceed \$10,709. **The motion** passed unanimously.

Mayor Crawford questioned the overtime charges for the concrete testing. Humm noted that the pour days were very long and include commuting time for the special inspection staff. The Mayor noted that inspection staff had to wait for delivery of the concrete. Humm informed the Council that the contractor is required to coordinate; however, delays may be due to issues outside of their control. The contractor could be asked to incur the cost, where the contractor's coordination doesn't align with the inspector's schedule. Humm stated he will review the issue with MSI to clarify that if the site is not ready for the inspectors the cost will be paid for by MSI.

C.A. Daykin asked for an estimate for delivery of the MBR equipment. Humm advised there are three shipments scheduled starting the first of the year, with the membrane equipment due in March.

### **Viewmont Greenway Project**

The conceptual design for the Viewmont Greenway (the unimproved right-of-way between Dogwood Drive and Alpine Street) was completed earlier this year. The second phase of the engineering design for the drainage swale, trail and landscape improvements was presented in the packet, which was based on a detailed survey of the site. Staff will look for financing to implement the project, which will be further amended to accommodate the needs of the abutting homeowners as the project progresses. The Parks Advisory Committee (PAC) suggested maintaining openness along the trail with potential viewpoints and privacy for abutting homeowners. The estimated cost for the submitted proposal was in excess of \$200,000, which drops to about \$100,000 with City staff providing labor, less plantings and help from volunteers. Funds from the Storm Water CIP will cover about half of the cost with the remaining funding to come from grants. The PAC recommends authorizing staff to apply for a State Park grant to help finance the project. The application is due early in April.

City Engineer Monson pointed out the grading plan which addresses the current erosion problems. The upper part of the trail will not be ADA compliant, but the lower part of the trail will be and an ADA parking spot has been included in the budget. The Black Family is open to discussions and they are proposing a route to connect the greenway to Fox Farm Road. Benches can be added to viewpoints. Currently there is private landscaping and a retaining wall encroaching into the right-of-way (ROW), which will need to be addressed with the property owners. Monson suggested denser plantings at the greenway ends and at street intersections with meadows in the middle, with consideration for maintenance of the greenway. Daykin advised that State Parks suggested signage for the ADA access points.

Councilor Adlong inquired if the wetter swale area was retained. Monson replied there will be water in the upper part of the swale in the winter, which will provide an opportunity for wetland plantings in the upper end. Most of the remainder of the swale will be slow growing grasses, which will require mowing twice a year.

C. Nelson inquired how much of the water entering the greenway is from Dundee. Monson replied less than 10%. Most of the water comes from a culvert at Red Hills Estates. Nelson suggested asking Red Hills Estates to help with funds for the project. Monson shared that Public Works Supervisor Mustain relayed that there is not much runoff since the vineyard has been established. The problem is erosion. Nelson asked if the upper part of the greenway will contain check dams. Monson stated there is a potential to place a couple of check dams if they are needed.

C.A. Daykin noted that part of the objective for the project is to remove invasive species.

C. Adlong expressed a desire to negotiate with the Black Family Vineyard for additional ROW to allow the greenway to be extended and the path to be moved further away from the abutting property owners. She referred to a preconstruction meeting with the Black Family Vineyards representative, where they agreed to consider adding land to the ROW for a buffer. City Engineer Monson noted there have not been discussions about additional ROW, which would necessitate a redesign of the subdivision lots. The subdivision concept is large lots with a functioning vineyard.

The Mayor asked the distance between the vineyard and the greenway. Monson stated the vineyard has an informal road between it and the greenway, about fifteen feet from the grape rows. Crawford pointed out that the vineyard will not want to give up ROW, which they need it to operate their tractors.

C. Adlong relayed that the PAC did not receive opposition from abutting homeowners in attendance at the committee discussion, only concerns for privacy and views. She expressed concern to maintain the openness and current habitat of the greenway. The City Engineer noted some existing trees will be retained.

Mayor Crawford supported discussion with Red Hills Estates to help with the project. City Attorney Phillips advised that if Red Hills Estates met their conditions of approval, they do not have to do anything else. Daykin stated Public Works Superintendent Mustain informed him that Red Hills Estates was required to install an on-site detention facility as a condition of their subdivision, which meters the amount of storm water that enters the ditch. C. Pugsley suggested discussions with Red Hills Estates to determine interest in the addition of a section of trail on the north side of Viewmont Drive. The majority consensus of the Council was in support of addressing the issue with Red Hills Estates.

Mayor Crawford suggested offering storm water access to the Black Family Vineyard in exchange for ROW. Daykin clarified the discussions with the Black Family Vineyard are to acquire an easement access to connect to Fox Farm Road. Monson noted their water is not entering the Viewmont swale.

C.A. Daykin noted that once the city accepts funds from the State Parks local government grant program for the Viewmont Greenway, the property will be retained as a park facility unless a replacement facility of equal value is found. The majority consensus was to direct staff to prepare an application for a State Park grant.

#### **Ordinance No. 505-2011, Tourism Committee**

There has not been any formal comment received from the Dundee Civic Association (DCA) on the issue. **The motion** was made and seconded to adopt Ordinance No. 505-2011, an ordinance relating to creation of Tourism Committee and amending the Dundee Municipal Code. **The motion** passed unanimously. **Note:** *The ordinance number was corrected to 506-2011 on November 2nd.*

## **New Business**

### **Resolution No. 2011-20, Temporary Use-Wine Tasting/Sales**

This is a request from the Bag Connection to allow temporary wine tasting and sales on their property during the Thanksgiving weekends. **The motion** was made and seconded to approve Resolution No. 2011-20 a resolution approving a temporary wine tasting and wine sales event on November 19, 20, 25, 26, and 27 of 2011 in the Light Industrial (LI) Zone located at the Bag Connection, 459 SW 9th Street, Tax Lot 3326DD-00900. **The motion** passed unanimously.

### **Ordinance No. 506-2011, Assessment for Public Improvements**

The ordinance removes any ambiguities on the use of the Assessment method to capture some of the cost of the Transportation Enhancement project. After research staff prepared a substitute chapter that is clearer and less cumbersome to use. Legal Counsel has reviewed and given input on the ordinance.

C. Pugsley asked for clarification if the potential for someone to initiate a referendum was a weakness in the new language. Phillips replied it was a weakness in the old language.

C. Nelson questioned the use of the word “expedient” under 3.16.010. City Attorney Phillips supported the use of the word. Noting that sometimes you are waiting for development to happen and rather than waiting for a build-out, it is more expedient for the city to do it and assess the properties. C.A. Daykin noted it is the same language used in the current ordinance. After further discussion and review of the definition of “expedient” as *appropriate to a purpose*, the majority consensus was to leave the wording as is.

**The motion** was made and seconded to adopt Ordinance No. 506-2011, an ordinance relating to special assessments for public improvements and amending the Dundee Municipal Code. **The motion** passed unanimously. **Note:** *The ordinance number was corrected to 507-2011 on November 2nd.*

## **Council Concerns and Committee Reports**

None.

## **Mayor’s Report**

Mayor Crawford relayed there are possible delays in final Environmental Impact Statement, which could delay the Record of Decision (ROD) by twenty to forty days. The two major property owners with land in the bypass ROW can’t sell their land until the ROD released.

Discussions on the type of agreement for the \$20 million local match for House Bill (HB) 2001 considered an infrastructure bank loan. C.A. Daykin expressed concern that a loan agreement would be debt for the entity. An intergovernmental agreement with ODOT is being considered for a portion of the gas tax dollars to fund the \$900 million bond. Gas tax revenues are lower than expected and ODOT has warned that some projects will not occur as listed in HB 2001. Tim Potter, ODOT, advised that the Bypass will receive \$192 million for construction, since the environmental process has been completed for it. C. Adlong inquired how much the city would commit for the match. Crawford replied a per capita estimate of \$9. C. Pugsley noted the funds from the gas tax revenues would be more than we have been receiving over the past several years. Adlong asked if the local gas revenues were decreasing. Daykin affirmed local gas tax revenues are about 20% lower than several years ago, but noted that the city can adjust the local 2% gas tax in the future. He stated that 3% is common from a review of different cities in the

area. C. Adlong inquired how long the bond would tie up the revenue. C.A. Daykin replied twenty years would be typical.

### **City Administrator's Report**

The City Administrator, City Engineer Monson and Public Works Supervisor Mustain met with the Transportation Enhancement design team in Dundee and walked the project limits. C. A. Daykin expressed concern that lighting is important and shared that the Council wants to be involved. Staff has been asked to research lighting and bring the information back to the design team. Daykin asked for help from the Council. He noted this is to be pedestrian lighting and more lights may be required for coverage. The expectation exists for the Frontier lines on the west side of the highway to be buried in the future. The PGE lines cannot be buried due to the high voltage being carried. An ODOT suggestion was to address sidewalks and decorative pedestrian lighting on one side of Highway 99W. Staff will bring back options once ODOT crews complete their survey. Adlong asked the area included in the project. Daykin replied the entire length of Highway 99W in the city. C. Pugsley asked for more aggressive pedestrian crossings including options such as flashing lights, flags and texture differences.

Staff has received the draft of the survey questions for the proposed bond for the fire station. There will be a conference call with the surveyors on Wednesday morning to review the questions. C. Adlong inquired if the surveyors would be calling off a voters list. The City Administrator stated that they will talk to registered voters only. Adlong questioned how they would know who they are talking to.

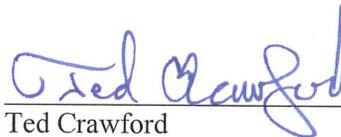
The rock has been added to the approaches to the new bridge over Harvey Creek and some additional grading work has been completed on the trail between the bridge and Red Hills Road.

The assessed value for Dundee increased only 2.5% over the prior year, resulting in an expected shortfall of \$3,600 in tax revenue from the budgeted estimate. It appears there are properties whose assessed value has been capped at their real market value.

### **Public Comment:**

None.

The meeting was adjourned at 8:47 PM.



Ted Crawford  
Mayor

Attest:



Debra L. Manning, CMC  
Assistant City Recorder