

**CITY COUNCIL MEETING
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November 5, 2013**

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City of Dundee
City Council Meeting Minutes
November 5, 2013

Call to Order

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

Council and Staff Attendance

Present: Mayor Crawford, Councilors Munson, Nelson, Pugsley, Russ, and Weaver. Excused
Absence: Councilor Adlong. Staff members: Rob Daykin, City Administrator, Peter Watts, City
Attorney, John Stock, Fire Chief, and Debra Manning, Assistant City Recorder.

Public Attendance

Jeff Humphreys, Mackenzie, Francisco Stoller, Tino Aleman, Wayde Rice, Alex Pfeiffer, and
Adam Perez.

Agenda Changes:

None.

Public Comment:

Alex Pfeiffer, McMinnville resident, questioned the Mayor's affiliation with Mayors against
Illegal Guns. Mayor Crawford replied that was his personal stance on illegal guns, not a
representation of the City or the Council. Pfeiffer questioned what an illegal gun was. Crawford
replied illegal guns are defined by local, state and federal laws. The group looks to address
pertinent legislation and facilitate efficient management of gun registration for people with
mental health issues and criminal backgrounds.

Adam Perez, Dundee resident, asked Council to amend section 9.24.010 of the Dundee Municipal
code to allow open carry by an individual. He referred to a recent Supreme Court ruling that an
individual does not have a right to a concealed carry. City Attorney Watts recommended that
counsel review the ordinance for compliance with State law and the recent case law.

Wayde Rice, Logan Lane, Dundee, expressed his concern with the excessive and dangerous
bypass construction traffic. He noted 435 trucks passed his house today and this has been ongoing
for two months. Rice suggested the trucks use Parks Drive and asked the Council to address the
issue. Councilor Pugsley suggested an option such as the use of flaggers at Parks to facilitate the
use of Parks by the trucks. Councilor Nelson stated it appears that the ODOT start time is not in
compliance with the Noise Ordinance 522-2013. He has received complaints regarding the
number of trucks, backing up local traffic, at the Fifth Street light. City Administrator Daykin
advised that the Intergovernmental (IGA) agreement with ODOT has been received. It does
include the expected compensation for the wear and tear on the streets; but there are a number of
unexpected issues which staff has just started to review. Staff will review the IGA with Kelly
Amador, ODOT, regarding the maintenance of and acceptance of certain completed facilities.
Newberg/Dundee Police Chief Casey visited the area and determined the trucks have not been
speeding or violating any traffic laws. Staff addressed the issue of the use of Parks Drive with
ODOT; they advised it would be problematic. Daykin shared that discussion with ODOT and the
Police Chief regarding the Noise ordinance exemption from 7:00 A.M. to 7:00 P.M. for those
activities; driving on the streets may not be a violation of the ordinance. The construction activity
creating the noise would be the violation. The Mayor inquired a means to get a flagger at Parks
Drive and Highway 99W; possibly between rush hours of 7:00 A.M. to 9:00 A.M. and 4:00 P.M.
to 6:00 P.M. C. Nelson suggested the timing when children are picked up and dropped off from

school. Mayor Crawford supports a redirection of the bypass traffic off of Fifth Street in the IGA. He shared ODOT's intent is to stay on the bypass ROW once the road base is constructed. Councilor Russ inquired if the light sequence at Fifth Street could be changed to address the backup at the light. Daykin replied ODOT sets the timing for the light. The IGA will be brought to the Council. Daykin suggested inviting ODOT to a Council meeting for further discussion. City Attorney Watts stated ODOT needs to hear the impact directly from the citizens. C. Munson suggested scheduling a meeting with ODOT on the Council's agenda with an invitation to the public to attend and voice their issues.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 5.1 City Council Minutes, October 15, 2013, 5.2 Financial Report Ending September 30, 2013, 5.3 OLCC Liquor License Application, Precept Brands – Precept Wine, and 5.4 OLCC Liquor License Application, Precept Brands – Grape and Grain. **The motion** passed unanimously.

Old Business

Planning Commission Appointment

Three applications were received for two open Planning Commission positions from Scott Ragsdale, Francisco Stoller, and Tino Aleman. Mr. Stoller and Mr. Aleman were present. C. Pugsley nominated Francisco Stoller and Tino Aleman to the two vacant Planning Commission seats. It appears that Susan Baird will not look to be reappointed to her current seat when her term expires in December. **Stoller** advised he is invested in the Community, approves of the bypass project, and wants to see Dundee grow. **Aleman** has lived in Yamhill County since 1963, agrees the traffic is a difficult issue, has resided in Dundee for one year and wants to be of assistance to the city. **The motion** was made and seconded to appoint Francisco Stoller and Tino Aleman to the Planning Commission to a terms expiring December 31, 2013. **The motion** passed unanimously. The expiring terms will be advertised for appointment/reappointments at the January 7, 2014 Council meeting.

Fire Station Project Update

Jeff Humphreys, Mackenzie, updated completed site work: earthworks, site utilities, foundation, under slab utilities, storm water swales are in place, and some steel erection. The pouring of the concrete slab will be done Wednesday with the structural insulated panels (SIPs) expected on site at the end of the month. C. Pugsley inquired what seismic rating the building could withstand. Humphreys estimated a category 8 event. Payment application #4 for \$278,632 includes: grading, utility work, foundation concrete, under slab utilities and plumbing, some masonry and steel erection. The total expended to date is \$643,937.

Baldwin Construction Contract-Change Order 2

C.A. Daykin advised staff is looking for missing documentation and clarification of issues for Change Order No. 2. Council was asked to authorize the change order with minor changes.

Humphreys reviewed the change proposal requests: CPR 001 represent revisions from the building permit review and increasing the width of the sidewalk to conform to the TE project.

C. Nelson questioned Mealue Excavating's labor rate of \$90 (page 59); which appears to be twice the BOLI published labor rates. Humphreys advised the project is not restricted to BOLI wages. The weekly certified payrolls, which the subcontractor is required to submit, can be reviewed to ensure what is being paid. Nelson stated the going rate for a solo dump truck is about \$85 an hour versus their \$127; which appears again on page 86. He asked for a breakdown of the \$855 for labor for Ryland Thompson (page 61).

CPR 007 reflects the roofing system upgrade, CPR 008 and 009 documentation of scope change without added cost, CPR010 unforeseen event where the existing sanitary sewer line did not show up in the survey, service was interrupted and a temporary connection established to correct the issue, CPR 012 is over excavation required by the geotechnical engineer, CPR 014 is credit adjustment for the automatic transfer switch for the emergency generator which the city is providing. Humphreys recommended moving forward with change order to keep work moving. Mackenzie will bring back the requested information.

The motion was made and seconded to approve Change Order No. 2 in the amount of \$38,532 to the contract with Baldwin General Contracting Inc. for the Fire Station construction project, subject to possible minor adjustments and approval by Rural Development. **The motion** passed unanimously.

Emergency Generator Bids

Chief Stock advised that the payment for the automatic transfer switch was included in Baldwin's base bid. When the emergency generator went out to bid the companies requested the switch be added to the bid. Peterson Power Systems was the low bidder and the bid includes one year of maintenance. Stock noted the generator at the Wastewater Treatment facility is also a CAT. Installation costs will come later. Chief Stock recommended approval to purchase the emergency generator through Peterson Power Systems, the low bidder. **The motion** was made and seconded to approve the purchase of the Caterpillar model D150-8 standby generator from Peterson Power Systems in the amount of \$42,775. **The motion** passed unanimously.

New Business

Leak Adjustment Appeal

Gerald Fiedler had multiple water leaks and received a credit for a water leak earlier this year. Another leak occurred in August and it was repaired in a timely manner. The City's policy allows one leak credit adjustment every two years. The letter in the packet asks Council to reconsider the policy.

C. Nelson noted the intent of the two year period was to address older systems and multiple leaks. He asked for more information from the customer regarding the ages of the house and the irrigation system. He suggested tabling the issue to allow the customer to attend a Council meeting. C. Russ expressed concern with altering policy for one person and setting a precedent. Nelson suggested reviewing the policy to determine if changes should be made. The majority consensus of the Council was to table the issue until the customer can address the issue in person.

Council Concerns and Committee Reports

The new Dundee welcome sign is in place; electrical will be installed. C. Munson asked if the landscaping would be finished to the corner at First Street. C.A. Daykin replied it was not an anticipated expense. Mayor Crawford noted the cost of the sign was budgeted without inclusion of the \$5,000 contribution from the Dundee Hills AVA. Mayor Crawford would like to see completion of the landscaping and replacement of the current fence. The landscaper estimates the cost to be under \$5,000 to complete the project. Crawford noted that Chan's has expressed concern that the new sign will obstruct the line of sight to their sign. Crawford stated Planner Pelz advised Chan's sign could receive a variance for a 20% higher placement of the sign. Crawford would support waving the fees for a variance.

Installation will start on the sign at City Hall next week. C. Weaver suggested the use of solar power for the signs.

C. Pugsley shared that the County is preparing to pave the unpaved portions of Worden Hill Road in the county. A resident adjacent to Worden Hill Road is preparing a request to Yamhill County to post the speed limit on the road at 45 mph. Pugsley suggested the Council consider a proclamation or a resolution supporting the 45 mph speed limit. C.A. Daykin will research the issue and bring it back to the Council.

C. Weaver commented on the press release from the Oregon Association of Municipal Recorders noting that Assistant City Recorder Debra Manning was recently installed as 2013-2015 OAMR Region II Director.

Mayor's Report

Chehalem Park and Recreation Department (CPRD) is considering a bond for an \$18 million improvement project for the swimming pool complex.

CPRD has been looking for a Connect Oregon grant to build segments of the heritage trail. With the cost of the trail at an estimated \$1.6 million; they are now considering three projects for the grant.

City Administrator's Report

The stakeholder interviews on commercial zones and other planning issues, held by the Angelo Planning Group, went well. The next phase includes a joint Planning Commission/City Council workshop on December 3rd with a questionnaire compiled by Planner Pelz.

The property tax levy was better than forecasted at a 4% gain in lieu of the anticipated 1.5%.

A letter was distributed to Council from Kristi Jensen. She does not qualify for the utility assistance program. She has recently accumulated medical bills and is asking for relief from the city utility charges based on the fact that she uses less than the minimum amount. Daykin asked direction to add the request to a future agenda for Council consideration. C. Pugsley would support placement on an agenda for her to come and present her request to the Council; but he would not support an exception for one person. Daykin shared some cities set funds aside for hardship cases, which don't fit policy. City Attorney Watts stated some jurisdictions allow rate payers an option to donate a specific amount to a fund for modest means individuals.

A revised letter was distributed to the Council from Oregon Water Resources Department verifying that the city will not need to complete the abandonment of the test well a second time. Joint discussions on the next steps for the project will follow with Larry Eaton and City Engineer Van Meter.

The Council was asked for direction to continue with the second meeting date in December for an afternoon employee recognition event. The majority consensus was in agreement. C. Nelson suggested a continuation of the Chili cook-off.

Daykin inquired if and how the Council wanted to recognize committee volunteers. The majority consensus was to recognize the volunteers in the summer, possibly in conjunction with Party in the Park.

Public Comment:

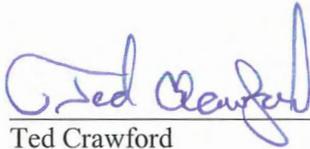
Alex Pfeiffer expressed concern for lawful citizens with collections of guns/ammunition. He cited one of the aims of the Mayors against Illegal Guns to keep lethal military style weapons and high capacity ammunition magazines off of the streets. Pfeiffer owns an AR15, a semi auto version of

the military style weapon. He is looking to protect citizen's rights who currently legally own those types of weapons.

Francisco Stoller noted he has a concealed weapons permit and is a firm believer in the Second Amendment rights. He supported the Mayor signing the ban on illegal guns. He praised the Mayor for advising the CPRD Board that their direction is not benefitting the Dundee community, for his work with the removal of the purple house down and his work with the Bypass.

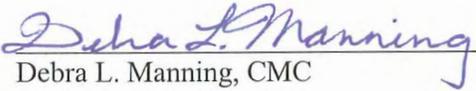
Adam Perez stated he is disappointed with the lack of emotion by the Council to Mr. Rice's traffic issues. He is not in favor of the new city sign and the tourism logo.

The meeting was adjourned at 9:03 PM.



Ted Crawford
Mayor

Attest:



Debra L. Manning, CMC
Assistant City Recorder