

**CITY COUNCIL MEETING
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November 17, 2015**

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City of Dundee
City Council Meeting Minutes
November 17, 2015

Call to Order

Council President Adlong called the meeting to order at 7:00 P.M.

Council and Staff Attendance

Present: Council President Jeannette Adlong, Councilors Ted Crawford, Storr Nelson, Doug Pugsley, Kristen Svcarovich, and Tim Weaver. Excused Absence: Mayor David Russ. Staff members: Rob Daykin, City Administrator, and Shelby Rihala, City Attorney, Jim Jacks, Interim Planner, Greg Reid, City Engineer, and Debra Manning, Assistant City Recorder.

Public Attendance

Scott Thomas, Dundee Family Dentistry.

Agenda Changes

Item 8.4 Agenda for the January 19, 2016 Council meeting was added to New Business.

Public Hearing: LURA 15-12, Sign Regulation Amendments

Council President Adlong called the hearing to order at 7:01 P.M. for the continued hearing from the October 20th Council meeting to consider amendments to the Dundee Sign Code. Interim Planner Jacks entered into the record a letter received from Reed Langdon, Principal, Dundee Elementary School and an article from the Illinois Coalition for Responsible Lighting presented by Council President Adlong. Jacks reviewed the staff report noting responses to the concerns from the previous meeting:

1. Electronic Signs - Measuring Brightness: a formula for measuring illumination was provided on page 2 of the packet
2. Electronic Signs – Sign Face Size: the current allowed size is four square feet; proposed addition of sign located on property owned by a unit of government is limited to a maximum of eight square feet
3. Electronic Signs - Colors: Staff recommends colors not be regulated
4. and 5. Electronic Signs - Length of Display and Method of Change: Proposed language is a change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than two seconds between each separate message or display, for signs four square feet and smaller
6. Electronic Signs – ODOT Standards: their standards apply to changeable copy signs on the orange trailers in construction areas and did not delineate brightness levels
7. Landlocked and Narrow Frontage Properties: no clear options to allow an additional sign on a property in front so the back property can have signage

Staff recommends the Council consider the information presented in the staff report, discuss the issues and reach consensus on the most appropriate language.

Scott Thomas, Dundee Family Dentistry, presented the request to allow signage for the flag lot behind the dentistry office for Methven’s wine tasting room and shops. Councilor Crawford inquired if Dr. Methven would bring his current sign into compliance with the sign code. City Administrator Daykin confirmed it is a non-conforming sign; which is too tall and too large for the current standards. There is a timeline for non-conforming signs to become compliant; but any new sign placed on a property with a non-conforming sign will trigger the non-conforming sign to be brought into compliance. He suggested increasing the allowance for all properties which

would allow a property to have two maximum free standing signs of fifty square feet. Properties with more than 150 feet of frontage can have a second free standing sign on the frontage. Methven's property can have an additional sign; but it is limited by .4 times the 166 square feet of frontage. Each individual sign cannot be more than fifty square feet. Daykin suggest an option could be to allow landlocked parcels to have a minimum amount of a twenty square foot free standing sign and allow it to be mounted higher than allowed under the current regulation since the property is located away from the street.

Interim Planner Jacks offered a partition could include a flag pole from the back property to Highway 99W giving the property Highway 99W frontage which would allow a free standing sign of twenty square feet. Councilor Nelson pointed out the blue tourism signage and questioned restricting the sign content. Jacks replied those are government signs in the public right-of-way (ROW). Government cannot control the content of signage on private property. Although the regulation could be crafted to allow properties with street frontage to have more signage for use by adjoining properties that are landlocked, the regulation could not ensure the content of the additional signing is for advertising those landlocked businesses. He noted a flagpole usually accompanies a driveway; in this case it would only be for the purpose of obtaining frontage to allow signage on the back property; although it could allow a sidewalk access to the property. Daykin relayed Dr. Methven's issue is that the current sign, owned by two owners, advertises the current businesses; one of the owners is creating the new property and wants signage for those new businesses. The other partner would have to give up signage to provide signage for the businesses on the back property. The majority Council consensus agreed there is no alternative available for the landlocked properties at this time.

Council President Adlong expressed her concern that the electronic message signs are brighter and more distracting than non-electronic signs. She referred to the handouts and noted that the Planner provided a method to measure the illumination emitted from the light; which measures the light trespass. No method of measure was provided to measure the luminance, the intensity of the light you see from a distance. Daykin clarified the measurement provided measures the footcandles over the ambient light conditions; one measurement with the sign on and one with the sign off. Adlong expressed concern that the .3 footcandles allows invasive light trespass; the Illinois Coalition recommends .1 footcandles. The most important issue is the luminance factor; measuring nits (unit of visible-light intensity). Adlong questioned the proposed language for 17.306.030, D,1.c. ...no electronic display sign shall be brighter than necessary...; asking how you measure brighter than necessary. The handouts provide a means of measuring nits. She cautioned the need to be careful with the language for the brightness of electronic signage.

Adlong inquired the Council's concerns on item 2. Sign Face Size. Daykin clarified four square feet is allowed in the current code. The Fire Department brought up the request to support a larger sign with a larger message. They have received grant funds to construct a sign with the electronic message feature. The majority consensus support electronic signage of four square feet for private and eight square feet for government. C. A. Daykin relayed the concerns that it took two years for the last update of the sign regulations. This one has been in progress eight months; at a cost of \$5,000 to date. He also stressed the need to determine if an electronic sign will be approved for the Fire Department; which the Ford Family Foundation grant is pending for.

C. Svicarovich asked if we are making rules we can't enforce without measurement equipment. C. Crawford questioned the Illinois Coalition for Responsible Lighting as an objective source on light trespass. C. Nelson suggested a sign audit every five years; with a contractor hired to measure and verify sign compliance. C. A. Daykin relayed that different measuring options were reviewed during the workshops. He questioned if .1 footcandle will be readable. Council President Adlong supports decreasing the amount of footcandles of the illumination. Interim

Planner Jacks shared that .3 foot candles is the standard used by the majority of the cities surveyed. He noted the City of Keizer used nits in their code and found out they can't measure it easily. C. Pugsley suggested including both means of measurements in the regulation. Daykin asked for Councilors Adlong and Pugsley to work with staff to come up with measurement standards using nits.

C. Svcarovich inquired if the Council supported the two second limit for the fade and dissolve message. The majority consensus was good with the fade time.

The motion was made and seconded to continue the public hearing on the LURA 15-12, Sign Regulation Amendments to the December 1st Council meeting. **The motion** passed unanimously.

Public Comment

None.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 6.1 Special City Council Minutes, October 28, 2015, 6.2 City Council Minutes, November 3, 2015, and 6.3 Financial Report Ending October 31, 2015. **The motion** passed unanimously.

Old Business

Tenth Street Improvements Project Change Order No. 1

City Engineer Reid relayed the changes ODOT is requiring before they will issue the permit:

1. Enlarging the existing highway pavement removal and replacement area to remove more of the concrete slab underneath the pavement to the medium line and remove a hump in the pavement. The cost will be \$29.25 per square foot to remove the concrete and asphalt and replace it with eleven inches of asphalt; an additional \$20,000. C. Nelson stated it is not bad pricing. Daykin relayed that ODOT should pay for the additional cost. He added the work area is an estimate until the field work discloses its boundaries; which will affect the pricing. Reid advised that ODOT won't complete the money split until we have costs from the contractor. Up to this point we have nothing in writing as to what they will pay.

The motion was made and seconded to authorize the City Administrator to approve a change order for the additional pavement removal required by ODOT in an amount not to exceed \$25,000. **The motion** passed unanimously.

2. ODOT asserts the Tenth Street driveway design is not ADA compliant. The engineer amended the design per ODOT's recommendation of a raised island at the turning radii of the driveway (packet page 41). Staff is concerned with the tripping hazard and maintenance issues this design presents. Staff recommends planting the raised areas with low shrubs. C. Pugsley suggested making cuts into the concrete curbs to turn the planted areas into bio swales. Reid noted the limited room for alignment of the crosswalk ramps within the ROW by the Dundee Community Center and Lumpy's. There are a couple of other locations which will face the same issues including Third Street.

C. Pugsley questioned the status of the First Street pedestrian refuge island and crossing. Reid advised Freight Mobility denied the middle refuge island; they are requiring a removable island (an island bolted to the pavement) or no island. We are waiting on the updated plan.

C. Svcarovich questioned the difficulty of changing the design to a drop ramp if it is required in the future; noting concern for pedestrians out of the line of sight. Reid replied the concrete would have to be replaced. C. Crawford expressed concern for pedestrians at the intersection by Lumpy's and the line of sight blocked by the building.

C. Nelson questioned fighting ODOT'S requirements. The staff recommendation is not to fight ODOT's requirements; they have advised they will not be amended.

3. Proposal to replace the twenty-four inch pipe across the highway. The contractor suggested replacing the old concrete pipe instead of slip lining. The engineer had to estimate the depth of the pipe. The contractor's survey is placing the pipe deeper than estimated; which will accommodate the manholes. This can't be substantiated without potholing and the design cannot be completed without this information. Replacing the pipe will allow completion of the design. Staff recommends approval of Alternate #2 at \$2,695.05

The motion was made and seconded to approve Alternate #2 for replacement of the storm sewer line in the amount of \$2,695.05. **The motion** passed unanimously.

4. Construction Schedule update: the contractor has submitted the contract; we are allowing an additional three weeks to complete the work by January 15th. Reid will work to redesign the storm system this week, then it has to be approved by ODOT. The intent is to start work the week after Thanksgiving.

New Business

Resolution No. 2015-13, Land Use Application Fees

The resolution updates land use fees to be consistent with current types of applications and ensuring fees are sufficient to cover the processing costs. The intent is for development to pay for the application processing. One change is the sign review process with the current fee of \$65 per sign; which does not cover the review cost. The proposed fee is \$120 for the first sign and \$40 for each additional sign with the same application. Also, fees for home occupations, bed & breakfast businesses and vacation home rentals were reduced to reflect a more streamline review process than other Type I applications. The more complex applications are still based on a deposit approach to fully collect actual costs of processing the applications. **The motion** was made and seconded to approve Resolution No. 2015-13, a resolution establishing Land Use fees and repealing Resolution No. 2013-09. **The motion** passed unanimously.

Online Banking Services Agreement

C. A. Daykin referred to the memo in the packet (page 53) from Office Manager Hartman reviewing the online bill pay component of the utility billing program. It requires two agreements: Express Bill Pay and Chase Paymentech for the merchant service agreement to process the credit card activities. He noted there will be savings in staff processing time of on-line bank checks and pre-authorized manual bankcard transactions. Adlong inquired if the additional cost is for credit card payment processing. Daykin confirmed this will allow customers to go online to use their bank cards for payment and also to access their statement information. Adlong asked if the cost will be passed on to the customer. Daykin confirmed it will not be. **The motion** was made and seconded to authorize the City Administrator to execute agreements with Express Bill Pay and Chase Paymentech. **The motion** passed unanimously.

Standby Utility Charge Policy

A request from a customer (packet page 97) for the water to be shut off at a property without standby billing. The property owner left the residence five years ago to move into an assisted living residence. She will not be returning to the property and the house is up for sale. They have been on a standby fee of \$30 per month for water and sewer; which they do not want to pay. The Council was asked if they wish to reconsider the policy. C. Crawford noted this has been discussed previously. One of the discussion points was the water connection is maintained for emergency purposes. The majority Council consensus was to continue the standby utility charge. Daykin inquired if the Council would like to review the fees when utility fees are reviewed this spring. The consensus agreed.

Agenda for January 19, 2016 Council Meeting

C.A. Daykin noted historically every two years the second meeting in January has been a Council goalsetting workshop and inquired the Council's input for the upcoming year. The majority consensus agreed with a workshop hosted by Nancy Boyer, Mid-Willamette Valley Council of Governments at the January 19th Council meeting.

Council Concerns and Committee Reports

C. Pugsley thanked the Public Works crew for the new barriers at Seventh and Alder streets.

Council President Adlong inquired if the Council members were aware of the new trails on Harvey Creek. She surveyed the members to determine if horses should be banned from the trail. The majority Council consensus agreed with banning horses from the trail. C. A. Daykin advised new signs can be posted specifying no horses allowed. Adlong thanked Chehalem Park and Recreation District (CPRD) for their help on the project.

Mayor's Report

Council President Adlong relayed a message from Mayor Russ that he was contacted by a Dundee resident by email noting a concern that the city was not part of Newberg Library system. He advised the resident that the citizens previously turned down a property tax assessment that would have given Dundee residents access to the library system. Any interested party could start a committee to place the issue on the ballot.

City Administrator's Report

Traditionally the Council has not held a meeting on the second Tuesday of December; but has hosted the Employee Recognition event on that date. C. A. Daykin inquired their intent for this December. The majority consensus was for the Employee Recognition Event at 5:00 P. M in lieu of the Council meeting.

The Urban Renewal Project Committee will meet November 30th. The Feasibility Study will be presented to the Council at the January 5th meeting. The city attorney advised the Charter language should be amended if the Council decides to proceed with Urban Renewal. The deadline date to file a measure to amend the Charter would be in February for the May 2016 election.

Public Comment

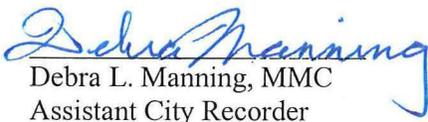
None.

The meeting was adjourned at 9:25 P.M.



David Russ
Mayor

Attest:



Debra L. Manning, MMC
Assistant City Recorder