

**CITY COUNCIL MEETING
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December 3, 2013**

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City of Dundee
City Council Meeting Minutes
December 3, 2013

Call to Order

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

Council and Staff Attendance

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

Public Attendance

Shane Ottosen, ODOT, Kelly Amador, ODOT, Scott Moore, Mackenzie, Tim Potter, ODOT,
Marlena Bertram, Your Community Mediators of Yamhill County, Kristen Kibler, JLA Public
Involvement, and unidentified woman.

Agenda Changes:

Added to Old Business: First Phase of TE Project.

Public Comment:

None.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 5.1 City Council Minutes,
November 19, 2013 and 5.2 Set Special Meeting for Planning Workshop on December 12, 2013-
7:00 PM. **The motion** passed unanimously.

Old Business

Fire Station Project Update

Scott Moore, Mackenzie, updated the council on completed work for the fire station construction
project: the concrete slab, trench drains, site utilities, swale excavation, work in the railroad right-
of-way, and carpentry and masonry material procurement. The floor slab was completed in two
pours due to inclement weather. Upcoming work will continue on the storm water swales and the
site concrete including curbs and aprons. The structural insulated panels (SIPs) are to be delivered
mid-December; with erection in the following four to five weeks. Payment Application #5 to
Baldwin General Contracting is \$119,823.54 and includes: grading, utility work, under slab
plumbing and electrical, rough carpentry and masonry materials, steel column installation, and
the concrete slab. Change Order No. 2 was amended to an estimated \$38,000; it was included in
Payment Application #5. The total expended to date is \$763,760.75. The contractor's master
schedule has a building completion date of February 19th; with a site completion date of April
23rd. Moore estimated they are approximately two to three weeks behind schedule; partly subject
to issues with delivery of the SIPs.

Councilor Nelson inquired if there would be an extension of the completion date. Moore relayed
that the current schedule delays are not due to any fault of the City or the design team. There is a
pending request for a five day extension from Baldwin due to inclement weather affecting the
concrete pours. Non-authorized days past the SIP substantial completion date will bring about
discussion of liquidated damages. Nelson questioned if the building could be finished in the time
frame between the SIP installation the substantial completion date for the building. Moore

estimated it will take longer. Mackenzie's engineers provided loading criteria and capacities for the walls to the SIP provider, Premier SIPs. Premier engineered the panels, but the first submittal was missing walls and had dimensional issues. Premier resubmitted; but there was more dimensional components needing attention. Then the new project Superintendent for Baldwin noticed a wall which did not account for a concrete curb and he asked the SIP engineer for a revision to be submitted for final approval.

C. Nelson questioned the amendments to Change Order 2. Moore advised that the adjustments made, after review of the questions, offset more or less. Nelson expressed concern that the dump truck rates are too high even with the operator included. Moore will bring back a summarization of the adjustments.

Public Comment:

Marlena Bertram, Your Community Mediators of Yamhill County, thanked the Council for their support. Their letter was presented to the Council with an update of services they have provided to the Dundee community from January to September of 2013.

Bypass Project Update

Shane Ottosen, ODOT, presented a power point update on the bypass project construction activities. ODOT will start driving piles for Bridge #4 traversing the ravine east of Fulquartz Landing Road on Wednesday. That phase will be completed in two to three weeks; but there will be associated noise. He noted an estimate of 276,000 cubic yards of stone embankment fill being placed in this phase. Wick drains were placed fifty to seventy feet deep to accelerate settlement of the soil.

Councilor Adlong expressed concern for the limited opportunities for wildlife to cross the completed bypass to the river.

Councilor Weaver inquired if light penetrates the creek culvert located in Newberg. Tim Potter, ODOT, replied there are no provisions for light thru the center of the culvert, and they are designed to accommodate future additional lanes envisioned in the full build of the Bypass. The culverts are filled half full with fish rock to simulate stream bed material.

C.A. Daykin asked for city staff to be included in trail design discussions in Dundee with the Chehalem Parks and Recreation District (CPRD).

Mayor Crawford noted the possibility that CPRD will not submit the bypass project for a Connect Oregon grant. Kelly Amador, ODOT, noted CPRD was applying for a State Parks grant. ODOT has incorporated the trail design into the project and is ready to meet with the trail group for further conversations. Potter shared the bypass grading will allow a connection for their trail.

The upcoming schedule: D Contract will go to bid on April 17, 2014 (from the overpass connection to Highway 99W just south of Dundee to the east of Columbia Empire Farms) and E Contract (continue to Highway 219) goes to bid in June of 2014. C. Nelson questioned if Edwards Drive and Eighth Street would again be the main access point for truck traffic. Amador confirmed it would. ODOT reviewed traffic flow options and the Fifth Street signal allows better truck access to Highway 99W. She noted flagging was dangerous and subject to restricted work hours from 9:00 AM to noon; which would increase the project cost and completion time. A temporary signal, which would not be interconnected to the Fifth Street signal, will back up traffic in both directions.

Nelson inquired the possibility of getting trucks off of Highway 99 and onto the bypass for their incoming routes by using a temporary road on the east side of Bridge #4. Potter will review the option of taking the trucks off at Fulquartz Landing Road, and have trucks returned to Edwards without having to use Eighth Street. Bridge # 4 will be complete in four months.

Councilor Russ expressed concern with the safety checks the trucks are conducting on Edwards Drive and the limited roadway space. Ottosen will review the site. Potter advised the next phase will provide more room for the trucks to work.

C. Nelson relayed complaints of backups at the Fifth Street light and inquired if the green light for Fifth Street could be extended. Potter reminded the Council it is a compromise with the Highway 99W traffic backups.

The Mayor inquired if a traffic analysis had been completed regarding placement of a temporary light at Parks/Neiderberger. Potter affirmed it was reviewed and would produce a big backup in both directions. He will take another look at the temporary traffic light analysis at that site and the new traffic light to be installed at the Bypass connection to Highway 99W with their traffic staff and bring back their conclusions to the Council.

C. Adlong questioned the planned improvements further south of the overpass connection where Highway 99W goes over a ravine. Potter shared that budget dependent improvements are under consideration: *northbound*-a free lane which would go up and over to join the bypass and *southbound*-an additional right lane off the bypass, widening Highway 99W to four lanes with two bridges or one wide bridge to traverse the ravine. The estimated cost for all of these additional improvements is \$30 million.

C.A. Daykin asked if there would be an opportunity for the City to acquire fill for the wastewater treatment site. Potter will set up a meeting with the contractor for discussion.

Engineer Eaton noted that when the bypass berms are completed the construction trucks will not be able to access the bypass from Eighth Street.

TE Project – First Phase

Update of undergrounding the utilities under the sidewalks along Highway 99W: Comcast (lines on the PGE poles) and Frontier (the heavy lines on the west side). Frontier wants a written order to proceed and a contract including charges for design of their underground piping system. Comcast's estimate is \$267,000. The conduits could be placed now under the new sidewalk and the utilities could underground their wires later. Where there is sufficient right of way, the conduit for the overhead utilities would not have to be installed concurrent with the new sidewalks. The new budgets with Phases A and B are about \$20,000 to \$30,000 short on a total project cost of \$3 million; not including the asphalt and the preservation work. There are funds to complete the lighting component; but not to include the conduit component which would be an additional \$150,000 to \$250,000 for the entire project. Council was asked their direction to keep the utility conduit in design process and get alternate bids. Daykin noted there will be issues acquiring additional easements for driveways going outside of the ROW; those same sites will also face challenges undergrounding the utilities. Eaton noted the City can require dedicated easements for the utilities on vacant lots through the development process. An estimation of the design charges for Frontier was \$5,000 to \$10,000. The majority consensus was to continue planning the installation of conduit for future relocation of the overhead utilities. This will return to the January 7th Council agenda. C.A. Daykin asked for authority to spend funds on a deposit for engineering fees with Frontier. The majority consensus was in agreement with \$5,000.

C. Nelson asked if the new sidewalk will have the scoring pattern at the fire hall. Eaton confirmed it would. All street light poles will be installed with the TE project; temporary metal bollards will be placed over the pole bases at the fire hall during the interim. The sidewalk and curb improvements need to be completed prior to the removal of the asphalt surface. ODOT wants to complete full depth asphalt replacement in the travel lanes through the city. Eighth to Eleventh streets is full concrete; removing all of the concrete to the curb is considered reconstruction and would require water treatment facilities. Sidewalk work will be completed in the summer 2014 with pavement work in 2015.

PGE Franchise

PGE labels franchise fees, above 3.5%, as a privilege tax on the customer's bill. The city wants it labeled as a franchise fee. State law allows collection of a privilege tax if you do not have a franchise fee. The PUC allows the 3.5% to be an expense of the utility when looking at rate setting. The PUC requires anything above 3.5% to be disclosed on the customer's bill. When questioned, PGE responded that their approach to this issue it has been their practice for many years and they want to avoid confusing their customers. Daykin noted Northwest Natural Gas accommodates the franchise fee label for fees in excess of the amount embedded in the rates. The choices are to accept PGE's terms or abandon the franchise and go with licensing and collection of a privilege tax. Another issue is how the franchise fee is paid. PGE prepays the franchise fee for the year based on the previous year's gross revenues in March of the franchise year. A different methodology would provide a gap in the city's cash flow. Another option would be a franchise fee plus a privilege tax; the additional amount above the 3.5% (privilege tax) could be collected on a quarterly basis and the franchise fee of 3.5% continued to be paid annually.

C. Adlong inquired if franchise fee could be raised to assist with the Local Improvement District. Daykin suggested an option of dedicating the 1.5% fee for a specific purpose such as undergrounding overhead utilities.

City Attorney Watts cautioned the public will have concerns over the label "privilege tax". Options for the PGE franchise will be brought back to the Council.

New Business

Ordinance No. 527-2013, Water Leak Adjustments

This returns from Council's direction at the November 19th meeting to modify leak adjustments from one in a two-year period to one per one-year period. **The motion** was made and seconded to adopt Ordinance No. 527-2013, an ordinance relating to water leak adjustments and amending Section 13.04.150 of the Dundee Municipal Code. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Nelson expressed concern with the lack of progress on the fire station and no apparent concern with the possibility of liquidated damages from the contractor. Daykin stated we are withholding retainage. The SIPs are being manufactured in Washington.

The Parks Advisory Committee will meet Wednesday to review the Viewmont Greenway Park project with the adjacent neighbors.

Mayor's Report

The Tourism Committee chose black for the color of the chain link fence replacement next to Chan's parking lot; behind the "Welcome to Dundee" sign. Daykin advised the quote from the contractor was just received and not yet been reviewed.

City Administrator's Report

The City received the \$50,000 Special City Allotment grant for the Dogwood Drive overlay improvement project. With the current projects the city is involved in; staff has decided to defer this project and its concurrent waterline replacement to 2015.

Mayor Crawford inquired the possibility of applying for a grant for a trail to connect the Viewmont Greenway to the Harvey Creek trail. Daykin advised this is not a good project for a park grant. He wants to look at the possibility of forming a Local Improvement District outside of the city to pay part of the cost of Viewmont Drive road improvements.

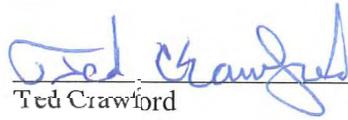
The resolution which adopted the rate structure for water use from the city's hydrants is composed of three pieces: a \$50 administration fee, a minimum \$20 per day consumption charge, and a \$10 hydrant meter rental fee. This works well for short term projects, but the three month billing for the water use for the fire hall project as an example was \$128. The billing would have been \$2,800 under the city's policy. An amendment to the policy will be brought for Council's consideration.

C. Adlong expressed concern that the lettering on the city hall sign is too small. Daykin noted that the lettering will be more visible as the background metal of the sign rusts; a planned color contrast.

Public Comment:

None.

The meeting was adjourned at 9:45 PM.



Ted Crawford
Mayor

Attest:



Debra L. Manning, CMC
Assistant City Recorder