

**CITY COUNCIL MEETING
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December 6, 2011**

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**City of Dundee
City Council Meeting Minutes
December 6, 2011**

Call to Order

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

Agenda Changes

None.

Public Hearing: LURA 11-14, Bed & Breakfast Standards

Mayor Crawford called the hearing to order at 7:00 P.M. for the hearing to adopt an ordinance to amend the Development Ordinance to include bed and breakfast (B&B) standards.

Objections to jurisdiction by any members of this body:

None.

Call for Declarations of Conflict or Bias by any members of this body:

None.

Staff Report:

City Planner Nunley read the staff report into the record. Bed and breakfast establishments are currently allowed in the Central Business District (CBD) zone. An update will consider including: the number of permitted guest rooms, the number of parking spaces, owner/manager occupied, and allowance in other zoning districts. Since the Development Code is in the process of an update the Planning Commission recommends that the Council adopt the proposed language to insert into the Development Code. The Development Code will return to the Council when it is revised.

Mayor Crawford inquired what the type 1B application process is. City Planner Nunley advised it is an Administrative review requiring a mailed notice to the neighbors. Crawford asked what triggers a review before the Planning Commission. Nunley replied conditional uses and requests to appear or appeal to the Planning Commission. Crawford questioned if there are fees to the appeal process. C.A. Daykin replied the fee is \$250, which would cover the cost of the appeal.

Councilor Pugsley asked why B&Bs were not being allowed in the commercial zoning districts. The Planning Commission did not want a B&B to convert back to residential usage in a commercial zone.

Mayor Crawford inquired if there is an option to challenge a B&B without paying a fee. Daykin replied if it meets the criteria, an opponent would have to file an appeal with cause to the Planning Commission, if they were still unsatisfied they could appeal to the City Council and LUBA in turn.

Councilor Munson noted a correction on page 5, Attachment "2" strike "and commercial" to read *...bed and breakfast establishments to be located within all the residential zoning districts of the city.*

The Mayor asked for correction on page 3, Attachment "1" item D. *All commercial food service is limited to serving overnight guest of the bed and breakfast.*

Councilor Nelson confirmed that the Planning Commission did not want to allow residential uses in a commercial district. Daykin noted that those uses would be considered a motel in the commercial districts and are permitted uses in the commercial zones

C. Pugsley inquired if the motel would face stricter plumbing requirements than a B&B. Nunley noted if it was more than five rooms it would be subject to Oregon Structural Specialty Code.

Mayor Crawford inquired of existing residential structures in those zones which could be converted to B&Bs. Daykin confirmed there are residences located in the commercial zones.

Proponents:

None.

Opponents:

None.

The hearing was closed at 7:16 P.M.

Staff recommendation:

Consider the Planning Commission Order of Recommendation, make findings of fact; review the tentative amendments shown Attachment "1" as amended, and direct staff to return with a final ordinance for adoption at a future meeting.

Deliberations:

Daykin noted that the B&B uses would still be subject to the nuisance ordinance. He suggested further evaluation of the appropriate uses in the different non-residential zones, including B&B's, in the next phase of updating the development code.

Mayor Crawford expressed concern for the cost to convert of an existing house in the commercial zone to a B&B as a motel compared to the same circumstance in a residential zone.

C.A. Daykin clarified the action tonight would direct staff to bring an ordinance addressing these changes back to the Council. The majority consensus of the Council was to direct staff to return an ordinance to the Council. C. Pugsley confirmed the desire of the Council for information whether a current house in the commercial zone can be converted to a motel without an unequal financial burden to the same conversion in a residential zone. C.A. Daykin will further review that issue.

Public Comment

Barbara Collins asked the Council to remove the proposed planting of a honey locust tree on First Street adjacent to her property. Staff has previously agreed not plant two of the proposed six trees in that block to avoid potential conflicts with views and existing landscaping. She expressed concerns: the trees will obstruct their view, proximity to a PGE vault, and pests associated with honey locust trees (including spider mites) which could endanger her current landscaping plants. C.A. Daykin referred to a handout for the positioning, twenty five feet apart, of the proposed trees. Mayor Crawford clarified the number of proposed street trees remaining. Daykin replied three trees are further uphill from the Collins property. C. Nelson questioned other tree options. Daykin advised the Sunburst honey locust was chosen because: it is a shorter street tree variety (30 to 35 foot), it would provide a leaf canopy over the sidewalk allowing filtered light penetration, and provide a visual cue for traffic calming. C. Pugsley inquired if Collins would consider a different tree or shrub. Collins advised she would object. C. Munson questioned the spacing of the trees compared to the placement of other street trees. Daykin referred to the trees

planted on Edwards Street, which several have similar spacing. Collins shared that she was not consulted on the trees to be planted. Daykin acknowledged he did not recognize the side lot owners concerns, until Ms. Collins approached the City with her concerns. Ms. Collins shared that her neighbor, Mr. Benson, also does not want trees planted. The City has accepted responsibility for maintenance of properly placed street trees. The purpose of the trees was to help mitigate temperature and shade issues with the placement of the new sidewalk and aid traffic calming. The majority consensus was for staff to: 1) remove the proposed tree requested by Ms. Collins and 2) to address the tree project with Mr. Benson and review the input of the neighbors.

Council and Staff Attendance

Present: Mayor Crawford, Councilors Miller, Munson, Nelson, Pugsley, and Reddell. Excused absence: Councilor Adlong. Staff members: Rob Daykin, City Administrator, Jeff Bennett, City Attorney, Jessica Nunley, City Planner, and Debra Manning, Secretary.

Public Attendance

Barbara Collins, Gary Allen, Newberg Graphic, Michael Humm, Kennedy/Jenks, Dean Kampfer, Waste Management, Kirk Duncan, Waste Management, Dave Huber, Waste Management, Dave Morgan, News Lincoln County, and David Jackson.

Consent Agenda

Mayor Crawford inquired what the miscellaneous revenue was on page 24 of the Financial Report ending October 31, 2011. It is a refund on prior year's liability insurance premiums. **The motion** was made and seconded to approve Consent Agenda items 6.1 City Council Minutes, November 15, 2011 and 6.2 Financial Report Ending October 31, 2011. **The motion** passed unanimously.

Old Business

Transportation System Plan Update

Planner Nunley referred to the memo in packet. The Transportation System Plan (TSP) project management team had their first meeting on November 28th. One of the first tasks is to assemble the Project Advisory Committee (PAC) and the community stakeholders. The request is for Council to identify four citizens and two council representatives for the PAC by Monday and ten stakeholders by the 19th.

- **The majority consensus for the Council representatives:** Councilor Miller and Councilor Nelson.
- **The majority consensus for the citizen representatives:** Dave Bergen, Carey Ross, Mike Sherwood, Faith Gerstel, and alternates: Dian Maybury, Ken Warren, and Cheri Herr.
- **Majority consensus for the stakeholders:** a representative from the Edwards family, a representative from the Linquist family, CPRD (Don Clements), Mart Storm, Ken Johnston (12 & Maple Wine Company), Tom Mortimor (Bag Connection), Don Sundeen, Maple Street Neighborhood (Ms. Stock), Dixie Hancock (local real estate agent), and a representative from the Dundee Civic Association.

WWTP Construction Project Status Report

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

- Headworks: slab has been poured for the valve vault and the rock grade has been raised for the floor for the channels, they will lay rebar and complete the formwork for the bottom slab next
- Operations building: the roof felt is on, the metal roofing is being installed, and the building walls have been wrapped in plastic against the weather; duct work, rough electrical, and the sprinkler system are being installed

- MBR structure: started installation of the full height concrete walls for the process basins and the piping

Pay estimate number five for \$501,186 is under review; about 40% is related to the concrete work, rebar, and labor. An estimated \$2.6 million (including the pay estimate number five) has been expended with 27% of the project completed.

Resolution No. 2011-21, Garbage & Recycling Rates

This returns from the November 15th meeting. The information requested by the Council regarding the profile of the families and options of the 20 and 35 gallon roll carts is included in the memo in the packet. The majority of the twelve qualified households have 35 gallon carts; none have the 20 gallon carts. C.A. Daykin noted that there would be a reduction in the overall system revenue, which shifts some of the cost of the program to other rate bearers. Account reinstatement and returned checks fees were noted.

C. Nelson asked if the lost revenue would be added to the upcoming year's contract. Dean Kampfer, Waste Management, replied that a discount in the system revenue will have to be made up somewhere.

The motion was made and seconded to approve Resolution No. 2011-21, a resolution adopting solid waste & recycling service rates for Waste Management, Inc. effective January 1, 2012. C. Nelson suggested the option of offering the 50% discount to the 35 gallon cart on the larger sizes. C. Pugsley inquired how the utility discount on water worked. Daykin advised the program provides a 50% discount to the base rate, based on meter size. Councilor Reddell suggested applying the 50% discount to the 20 gallon cart rate, no matter which service is selected. **The motion** was amended and seconded to adjust the utility discount to 50% of the 20 gallon roll cart (\$7.99), which will apply to the other service categories. **The motion** passed unanimously. **The motion** was made and seconded to approve Resolution No. 2011-21, a resolution adopting solid waste & recycling service rates for Waste Management, Inc. effective January 1, 2012 as amended. **The motion** passed unanimously.

Special Yard Debris Program

C.A. Daykin referred to the updated memo correcting the actual cost of the program to \$1,416.35 for seventy-seven cubic yards of material collected. The question to the Council is how to proceed with the program or discontinue the program.

C. Nelson expressed the intent to wean the activity down, reducing the number of pickups and box locations and continue review of the program.

Dean Kampfer, Waste Management, offered two suggestions for a clean-up event:

- A clean up event on a Saturday from 9 A.M. to 2 P.M. with mailed notification including a coupon
- Issue coupons for disposal at the transfer station (A sample was distributed)

Kampfer noted that either of the two suggestions would allow the City better information on how the program is used and deter potential abuse.

C. Pugsley expressed concern that this doesn't solve the issue for citizens who can't get the debris off of their property. C. Munson confirmed that the city would have to rent a drop box for a clean-up event. Councilors Reddell and Pugsley have both received negative feedback from citizens on the burn ban.

C. Nelson referred to the option of dropping debris at SP Newsprint for free and stated an interest in an option in Dundee. The majority consensus was to use the fall schedule for spring and review the results next fall.

C. Munson suggested listing alternatives such as: SP Newsprint, composting, and the curbside debris cart with the advertisement for the city's debris program. Munson will work with the Dundee Civic Association (DCA) to get volunteers to help some of the citizens who can't transport debris off of their property. C. Pugsley offered the George Fox Serve Day as another option. C. Nelson suggested the addition of a statement from the Council that this service may be discontinued in the future. C.A. Daykin inquired if the DCA was still involved with SOLV's spring cleanup. Munson expressed concern that they might not be ready for the clean-up event. Daykin asked the time of year the event occurs. Munson replied mid-May, the week before Memorial Day. Daykin suggested limiting the City's debris program from April 15th to May 15th.

Fire Station Project

Mayor Crawford, Councilor Nelson, Fire Chief Stock, and the City Administrator met with the Rural Fire District on November 29th. The letter handed out to the Council from Herb Kuhn; dated December 6th expresses the commitment of \$1,288,600 (1/3 of the cost) toward the construction of the City's new fire hall. The offer is contingent on the following:

- The City will pay all costs necessary to place the District measure on the ballot including the cost of any promotional actions the City requests, an estimate of \$1,200. The city could accomplish this by allowing Rural Fire to reduce amount due the city under their operating agreement
- Reducing taxes collected by Rural Fire to city from 95% to 85% to cover the additional costs such as audits
- City & district to share additional audit and insurance fees
- City to reimburse remaining costs should the City terminate the contract prior to 25 years after the last bond is sold. This anticipates a change to a long-term agreement with Rural Fire
- Costs to sell bonds will be reimbursed by the City or from bond proceeds otherwise due the City. The City Attorney Bennett suggested capping with a not to exceed cost.

C.A. Daykin will encourage the District to look for bond counsel services to represent them to allow their bond to be filed in early March. Mayor Crawford relayed support that the details can be worked out in an intergovernmental agreement (IGA) with the District.

C. Nelson asked if the current operating agreement was 25%. Daykin advised that the City gets 95% of what the District collect in property taxes from their permanent tax rate. It covers about 25% of our costs.

C.A. Daykin relayed that there are no legal restrictions until the measure is filed. Opportunities include a postcard mailer and the City newsletter. The elected officials can state their positions. The City Attorney clarified that city resources cannot be used to promote the measure. Daykin asked if a pamphlet created before the motion is filed could be used post filing. Bennett confirmed they could not be used. C. Pugsley referred to the school bond election where the campaign material was produced by a citizen committee at a neutral site and suggested creation of a citizen's committee responsible to raise funds, make the calls, and canvass. The Mayor questioned an open house at the fire station. Bennett noted that would have to be done prior to the filing to promote the bond. He asked the ballot deadline. Daykin replied early March. Daykin questioned an elections official if the city could post filing of the measure and display pictures of proper turnout storage during the pancake feed with a negative response. Bennett cautioned the Council to be careful not to violate ethics or elections laws. Daykin questioned what could be

related to the citizen's in the January newsletter. Bennett stated you could share what is being done, what the plan is, alternatives to be considered, discussions and involvement of the Rural Fire District, and reasoning to support the project.

C. Nelson expressed concern presenting the issue to the voter. Daykin concurred and advised that the only way the larger facility can be built at another location is for both bond measures to succeed. If the city's bond measure passes and the Rural Fire District bond fails, there could be another opportunity for Rural Fire District to place the measure before their voters in the fall. Daykin noted that staff will look to bond counsel for help. An agreement for bond counsel services will be on the agenda for the January Council meeting.

Tourism Committee Appointments

Appointments to the Tourism Committee require concurrence of the Council. The majority consensus was in agreement with the appointments and terms as presented by the Mayor as follows:

Councilor Representative	Jennifer Munson	December 31, 2012
Tourism Industry	Nancy Ponzi	December 31, 2012
At-Large Resident	Jennifer Sitter	December 31, 2012
Tourism Industry	Brandon Tebbe	December 31, 2013
Chamber Representative	Sheryl Kelsh	December 31, 2013
At-Large Resident	Valerie Cutz	December 31, 2013
At-Large Resident	Myrna Miller	December 31, 2013

New Business

Community Service Recognition

C.A. Daykin referred to the passing of Planning Commissioner Larry Lietz, who had been on the Commission for many years. Options for recognition could include flowers, a plaque, or a community bench similar to what was done for Police Chief Peterson. An estimated cost for a bench and pavers would be \$1,900. CPRD is onboard with location of a bench in Billick Park. Daykin suggested it could be community driven project and asked direction from the Council for the City's involvement. He inquired how the City wants to recognize other significant community pioneers/volunteers. Daykin offered the suggestion of a walking path where family members could memorialize deceased members with a tree and plaque and noted that CPRD is not interested in accommodating that at Billick Park due to maintenance concerns. The Alder Street lots owned by the City could be a consideration. The majority consensus was to contribute \$100 to the placement of a bench in memoriam of Larry Lietz.

Council Concerns and Committee Reports

None.

Mayor's Report

Senator Merkley met with some of the local business owner's at the Red Hills Market on Sunday. The Senate wants a two-year reauthorization of the transportation funding while the House of Representatives wants cuts. Merkley believes that the housing crisis needs attention and that we need to quit assisting the banks and provide assistance to homeowners struggling with mortgage crisis.

City Administrator's Report

The City received notice that we did not receive the Special City Allotment (SCA) grant. The project submitted is a good project and may be resubmitted for the next grant application period.

The revenue from property taxes has come in about \$3,500 lower than forecasted. The assessed value was anticipated to increase 3.3% and it increased 2.5% instead. This was partially due to a number of properties which had increases in their assessed value limited by their real market value. The trend could continue into the next budget year.

Staff has initiated discussions with Comcast and PGE for renewal of their respective franchise agreements.

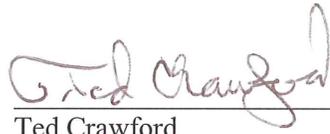
The population estimate for 2011 from Portland State University is 3,175.

Kennedy/Jenks is working on a grant to match the \$28,500 scope of work previously approved by the Council for a water reuse study to allow a more detailed analysis. Decision on the grant will be awarded in June of 2012.

Public Comment

None.

The meeting was adjourned at 9:55 PM.



Ted Crawford
Mayor

Attest:


Debra L. Manning, CMC
Assistant City Recorder