

**CITY COUNCIL MEETING
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March 19, 2013**

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City of Dundee
City Council Meeting Minutes
March 19, 2013

Call to Order

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

Council and Staff Attendance

Present: Mayor Crawford, Councilors Adlong, Munson, Russ, and Weaver. Excused Absence: Councilors Nelson and Pugsley. Staff members: Rob Daykin, City Administrator, Charles Eaton, City Engineer, and Debra Manning, Assistant City Recorder.

Public Attendance

Kelly Warren, Confederated Tribes of the Warm Springs Reservation of Oregon.

Agenda Changes:

Added Consent Agenda item 6.3 OLCC License Application, Dundee Market LLC.

Public Comment:

None.

Presentation:

ODFW Grant Application Letter of Support

Kelly Warren, Confederated Tribes of the Warm Springs Reservation, informed the Council of the Willamette Mitigation Project. The Bonneville Power Administration (BPA) is required to mitigate 24,500 acres by 2025 for damage created by twelve dams in the Willamette Valley. Conservation groups, agencies and three Indian tribes are reviewing options for land acquisition to assist with the land mitigation. The Confederated Tribes of the Warm Springs Reservation will work in partnership with Trout Mountain Forestry, who is the holder of the acquisition at Trappist Abbey. The 270 acre parcel is south of the Abbey's property; with a similar habitat of mixed oak woodland and wetland forest and has been under same ownership since 1962. Trout Mountain Forestry has managed the forest on the property for landowners since 1988.

The Confederated Tribes of the Warm Springs Reservation are a treaty tribe with the right to expand their lands into their areas that were historically important to their tribe; this property was winter grounds. They will be equal partners with BPA and Oregon Department of Fish & Wildlife on the project. The property has or has restoration potential for cultural species including camas, Oregon white oak, black tail deer, birds of prey, berries, grouse, and quail, etc. The agreement with BPA will be in perpetuity.

Mayor Crawford inquired if the property will managed in the same way as the Abbey's property. The tribe will discuss management with the abbot. They expect to offer cultural education and a trail system with the possibility of connecting with the Abbey's trails. Mayor Crawford suggested the tribe consider purchasing of Ash Island in the Willamette River.

The tribe will be responsible for managing the property and the habitat. The Douglas fir forest will be thinned. Culturally important species will be planted as the tribe will look for a sustainable cultural harvest from camas, berries, and black tail deer. Information boards will be located on site noting opportunities on the property and at other tribal properties. The expectation is to partner with Trout Mountain Forestry and the US Fish and Wildlife Service Partners Project. A decision should be received by the end of August.

The majority consensus approved the letter of support for the grant application for acquisition of Red Hills Tract by the Confederated Tribes of the Warm Springs Reservation.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 6.1 City Council Minutes, March 5, 2013, 6.2 Financial Report Ending February 28, 2013, and 6.3 OLCC License Application, Dundee Market, LLC. **The motion** passed unanimously.

Old Business

TE Sidewalk/Streetscape Cost Sharing Options

C.A. Daykin shared the need to act quickly on a number of design decisions to keep the TE project on track to go out to bid in 2014. City Engineer Eaton determined there are a lot of sidewalk sections that should be included in the project, due to ADA issues and to present a cohesive look to the completed project, which were not originally considered. Additional funding resources will be needed to complete the project properly. Council has shown an interest in obtaining the additional resources from the property owners benefiting from the new/repaired sidewalks.

City Engineer Eaton presented updated cost estimates for the assessments per tax lot. The initial calculations considered a percentage for sidewalks and 100% for driveways and curbs. The current estimate uses a 50/50 property owner/city match of funds for sidewalks, driveways and curbs including the Second and Fourth Streets section and the additional bike/pedestrian funding for the Second and Fourth Streets section. Ramps were not included as they are part of the Preservation work by ODOT. The Local Improvement District (LID) would cover from First Street to Parks Drive; with a limitation on depth of 200 feet for the assessment. Daykin noted the Bag Connection property as an example with a ten foot highway frontage on four acres. He clarified for the sidewalk assessment a split of 50% based on frontage and 50% based on the area of the lot is being used.

Discussion followed on Argyle's sidewalk which is built off of the right-of-way (ROW). If it is included in the project it will be improved at curbside without the grass strip. Daykin clarified public funds can only be expended in the public ROW. ROW acquisition was not included in the application. Argyle's section of sidewalk is free of utility poles as they are located in the grass. Councilor Russ suggested the possibility that Argyle might want to donate property. Daykin noted that if they retain the grass section, they would be responsible for any sidewalk repairs. Eaton pointed out that property dedication by Argyle may not be possible with the current application; clarification will need to be obtained. Federal rules are very strict; once the project is identified (as the TE project has); property cannot be received by the city without undergoing a specific acquisition process. If Argyle wants to maintain the grass section, it will need to be pulled from the project. They would be required to repair the sidewalk to ADA standards with their own funds. If the city receives a complaint on the sidewalk; staff would have to notice Argyle in writing to fix the issue or the city will fix the issue billing the improvement cost to Argyle.

Eaton noted that since providing initial calculations to the city administrator that went into the report to the Council, he has refined his analysis. The original TE project budget estimates for sidewalk related work is \$244,622 instead of the \$191,987 on page 42 of the agenda packet, and the updated project cost is \$461,266 instead of \$500,371. An assessment of 40% of the improvement costs from property owners is estimated to finance the difference of \$216,644 for the expanded project. C.A. Daykin noted this will be the fourth year the City has set aside funds from Street fund for the TE local match, which were no longer available for local street projects.

He recommended if the Council adopt a 50/50 plan for this project; it could be applied to all future sidewalk improvements. A 50/50 formula would: 1) supplement the expanded budget to complete all sidewalk work in the TE project, 2) reduce the amount of commitment with local street funds; which would free funds for local street maintenance, and 3) set a precedent for a 50/50 split on placement of city initiated new sidewalks. Council could adopt the sidewalk cost sharing process through a resolution.

Eaton updated the highest assessment on page 42 at 50% is \$7,826 (40% is \$6,261) in lieu of \$14,049 for a parcel with 330 feet of highway frontage and the 125 feet of frontage is \$6,618 at 50% (40% is \$5,294) in lieu of \$10,509 with two driveways. The average assessment per parcel for sidewalk work only is \$2,274 at 50% in lieu of \$2,394 (40% is \$1,819).

C. Adlong questioned the LID process. C.A. Daykin noted the Council would direct the City Engineer to prepare a report defining the boundaries, identify the property and owners, the methodology, type of improvements, unit per cost, and the overall assessment cost. The next step would be a public hearing, following which the Council could direct the work to be completed. Once the project is completed, the final cost is determined with a final assessment. The property owner may dispute the assessment, pay the assessment, or contract for an installment payment plan. Councilor Weaver clarified installment payments would become a lien on the property. C.A. Daykin affirmed. The amount of assessments the City will need to carry for the ten years will determine whether the debt is carried internally or with outside financing.

C. Weaver questioned if this would be tax deductible for the property owner. Daykin responded that is a good question for the City Attorney.

The majority consensus of the Council agreed with 50/50 split.

C.A. Daykin shared that completing a larger consistent amount of sidewalk work could allow for better cost effective placement of the street lights. He noted an existing four inch waterline under the sidewalk, in limited ROW, on the west side of the highway, which needs to be replaced when the sidewalk improvements are completed. Eaton estimated a three block area. The intent is to use water revenues for that portion of the project. Staff offered two options for a couple of undeveloped properties, non-water customers: 1) do not improve the waterline and allow the property owners to improve the waterline alongside the sidewalk when they improve the property at their cost or 2) the city could front the cost to remove a barrier to investment.

The Council was asked if they would like to create a committee to help address the details of the project such as the width of sidewalk, configurations, placement of the lights, crosswalk design, etc.

Some of the lighting project could be addressed this year with non federalized funds: 1) ODOT has asked the city to complete sidewalk improvements from Second and Fourth streets with Bike/Pedestrian funds and 2) the City will receive credit from ODOT for sidewalk improvements for the section between Third and Fourth streets. C.A. Daykin wants to complete waterline replacement and sidewalk improvements on the developed properties, with the limited ROW, on the west side of Highway 99W between Seventh and Tenth streets.

It is expected that ODOT will place the preservation work outside of Dundee out to bid in September. The City could receive a better bid by going out to bid after ODOT; possibly in January.

The Council will determine committee members at the April 2nd meeting. C.A. Daykin and Mayor Crawford will approach Argyle Winery to review options for their sidewalks. Engineer Eaton shared the need to have the assessment hearing by the time of the design approval process (DAP). If Council does not use the LID; the project would have to be reconfigured to available funding.

Ordinance No. 518-2013, Garage Sales

The ordinance adds the definition of garage sale, clarified there will be no starts earlier than 7:00 A.M., signs will be removed by twenty-four hours after the end of the sale, adds exemptions to a garage sale, and no permit is needed to conduct a garage sale. **The motion** was made and seconded to adopt Ordinance No. 518-2013, an ordinance relating to garage sales, and amending the Dundee Municipal Code. **The motion** passed unanimously.

New Business

Geotechnical Special Inspections Proposal

GeoPacific, contractor for design related work for the fire station, was asked to provide a proposal for assistance through the construction phase. The agreement was reviewed and approved by Scott Moore, Group Mackenzie; the City Attorney provided a revised format of the agreement to GeoPacific. **The motion** was made and seconded to accept the proposal for geotechnical observation and testing services with GeoPacific Engineering Inc., subject to approval of the City Attorney's changes, for the Dundee Fire Station and to authorize the city administrator to execute an agreement with GeoPacific in a format approved by the city attorney. **The motion** passed unanimously.

Council Concerns and Committee Reports

C.A. Daykin, Krista McCallum, 237 Marketing + Web, and C. Munson met to get clarification on the status of the project's billing and to address changes to the marketing plan. The Sign subcommittee will meet on April 2nd. The Marketing and Website subcommittee provided a site map for a new Dundee Tourism website.

The Parks Advisory Committee met on March 6th for a continued discussion of the grant re-application for the Viewmont Greenway. The Engineer's design is being finalized. A resolution will be brought to the April 2nd Council meeting reaffirming the Viewmont Greenway is the City's designated project for grant submittal.

Mayor's Report

The Mayor will attend a meeting with Chehalem Parks and Recreation and ODOT representatives to discuss use of the bypass ROW to link up CPRD's trails. C.A. Daykin advised the intent is to use ODOT's ROW for a bike/pedestrian trail on the west side of the bypass between Dundee and Newberg.

City Administrator's Report

The Mayor and C.A. Daykin met with Chief Stock to address the Ford Family Foundation grant. The representative from the Foundation indicated a lack of wide-spread community support for the project as submitted; because it is heavily dependent on municipal sources. The original application requested \$115,000 in grant funds for expansion of the training room, wainscoting, benches, electronic reader board, cabinetry, AV equipment, and seats and tables. Requests for grants of \$50,000 or less requires less board scrutiny as they are more of a staff review. They want to see community support for the meeting room in the form of additional resources, volunteer work, donations, local fund-raising, and other grant resources. A handout supplies a possible budget; with the question for other resources. A revised plan/budget needs to be

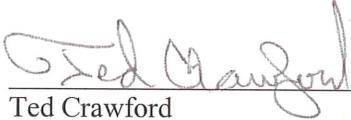
submitted in the next couple of weeks, by early April. If they approve the plan, then we need to provide matching funds from the community within twelve months. C. Munson shared that the Dundee Community Committee is proposing disbandment. She noted they have a small fund and suggested maybe it could be donated to the project. Several funding sources were suggested: Newberg Community Foundation, Rotary, and the sale of bricks. Daykin noted that the budget can be scaled back. The majority consensus was in favor of fundraising through community support.

Public Comment:

None.

Executive Session:

The City Council entered Executive Session at 9:03 P.M. in accordance with ORS 192.660 (2) (i) review the employment related performance of the chief executive officer of any public body, a public officer, employee, or staff member who does not request an open hearing. Executive Session ended at 9:45 P.M. and the Council did not reconvene.



Ted Crawford
Mayor

Attest:



Debra L. Manning, CMC
Assistant City Recorder