

**CITY COUNCIL MEETING
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January 2, 2018**

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City of Dundee
City Council Meeting Minutes
January 2, 2018

Call to Order

Mayor David Russ called the meeting to order at 6:59 P.M.

Council and Staff Attendance

Present: Mayor David Russ; Councilor President Kristen Svicarovich; Councilors Ted Crawford, Storr Nelson, Tim Weaver, and Jeannette Adlong. Absent: Councilor Doug Pugsley. Staff members: Rob Daykin, City Administrator; Peter Watts, City Attorney; Greg Reid, City Engineer; and Melissa Lemen, Administrative Assistant.

Public Attendance

Andy Wilder; Pat Vial; Char Ormonde; and Shannon Howland.

Agenda Changes

None.

Public Comment

None.

Consent Agenda

The motion was made and seconded to approve Consent Agenda Item 5.1 City Council Minutes, December 5, 2017, and Agenda Item 5.2 Financial Report ending November 30, 2017. **The motion** passed unanimously.

Old Business

Planning Commission Appointments

M. Russ reviewed that there are three vacant Planning Commission positions and three applicants. C.A. Daykin explained that applicant Don Webb was unable to attend the meeting tonight due to a medical issue. He noted that Mr. Webb is scheduled for surgery later this week and will be fully capable to serve shortly thereafter. Charlotte Ormonde and Shannon Howland were present at the meeting. C. Nelson thanked the applicants and pointed out that each candidate brings a unique perspective that will assist Planning Commission. C. Adlong voiced her support of the new application format and process used. She inquired if Francisco Stoller had expressed interest in reapplying for Planning Commission. C.A. Daykin explained that Francisco has indicated that he is likely moving to Newberg. **A motion** was made and seconded to reappoint applicant Shannon Howland and appoint new applicants Charlotte Ormonde and Don Webb to the Planning Committee. **The motion** passed unanimously.

Commercial Building Design Standards

M. Russ explained that this discussion is a continuation of one with regard to the property at 992 SW Highway 99W. C.A. Daykin reviewed the previously expressed concerns and noted that Andy Wilder, the property owner, is present at the meeting. C.A. Daykin explained that though Mr. Wilder proposed to move the entrance of the building from the street facing façade to the side, near existing parking, this is a conflict with the 2014 commercial building standards that were adopted by the City Council, the details of which were discussed. C.A. Daykin reviewed City Council has the option, if they so desire, to initiate a change to the Code by vote. The code

adjustment process was described in detail. Detailed discussion ensued. M. Russ pointed out that not a single building has yet been built under the new code and he is unsure about changing it. C.A. Daykin informed that the City Planner had pointed out that the small size of the building offers less flexibility. Discussion ensued. Mr. Wilder reviewed that due to the extent of the damage of the masonry building from the accident, the whole street side as well as north side of the building would need to be addressed during the repair. Mr. Wilder noted that there are ten parking spaces available at this time and relocating the door to the courtside area would still allow parking to remain the same. He indicated he would provide a sidewalk from the front of the building to the new side entrance.

C. Nelson pointed out that this property along with the adjacent parcels form a unique configuration, almost a courtyard-type setting as similarly described in the code. C.A. Watts lead a detailed discussion with regard to the potential interpretation of the Code in relation to this unique property. He pointed out that the present Code is common for Cities which have a pedestrian orientation. C.A. Watts explained that there is some flexibility in the Code with regard to a pedestrian plaza; potential options were discussed. C.A. Daykin pointed out that whether or not there is a pedestrian plaza, the Code requires a front entrance facing Highway 99W though pointed out that the Commercial Zone does allow for the option of an entrance not facing the street if certain guidelines are met.

C. Svicarovich reviewed that many of the properties along Highway 99W are small lots which equate to small buildings. She expressed concern about the potential formation of a row of small buildings with side entrances. C. Nelson pointed out that the other adjoining businesses have side entrances as well, and reviewed that the Mr. Wilder's property is unique. C. Adlong expressed concerns regarding the fact that the building is set back a notable distance from the highway. She discussed the ease of parking in the central parking area near the building and walking the short distance to a front entrance. C. Nelson reviewed that the City is in the process of making the area more pedestrian friendly with improvements and easy access to businesses. Additional detailed discussion ensued. M. Russ pointed out that if the entrance were allowed to be moved to the side of the building this change may create more of a pedestrian plaza type of arrangement. C. Weaver voiced a safety concern with regard to leaving the entrance in the same location and felt that the request to move the door seemed reasonable. Discussion ensued with regard to potentially formulating an additional flexible design standard that could be mitigated with some other types of additional features. C. Crawford suggested that adding a bench and/or additional landscaping might assist in creating a pedestrian plaza area. C. Svicarovich expressed concern that a side entrance at this property with parking nearby will be potentially difficult to discern from a pedestrian point of view. Mr. Wilder pointed out that the other adjacent businesses have entrances which are located further back than his. The consensus of the Council was to initiate a code amendment to the commercial building design standards for entrances. **A motion** was made and seconded to request the Planning Commission review alternate standards for front entries to the CBD Zone for smaller existing buildings. **The motion** passes unanimously.

Mr. Wilder inquired about what his present options are with regard to the building on his property. M. Russ reviewed that at this time the present code must be adhered to.

Tourism Committee Appointments

Council reviewed Chair Crawford's Tourism Committee appointment recommendations. C. Svicarovich shared her belief that Joe Buck is running for Metro Council. Brief discussion ensued. **A motion** was made and seconded to approve the appointments of Sheryl Kelsh, Joseph Buck, Marque Wright, Diana Szymzak, and Noel Johnson to the Tourism Committee per the recommendation of Chair Crawford. **The motion** passed unanimously.

Highway 99W Sidewalk/Streetscape Project Change Order

C.E. Reid briefly discussed the change order and reviewed that overall the proposal seemed reasonable given the amount of scope change. The additional work involved changing the corner radiuses at the Ninth Street intersection at the Highway in order to better meet current Dundee Improvements Design Standards. C. Svicarovich inquired as to whether or not this estimate is in any way indicative of the potential work needed at the Third Street intersection. C.E. Reid reviewed that while it will be similar there are also differences with the steeper terrain at Third Street. Brief discussion ensued and C. Nelson pointed out that the asphalt costs of the Third Street intersection will be substantially more. **A motion** was made and seconded to approve Change Order #4 from K&E Excavating, Inc. at a cost of \$8,593.98. **The motion** passed unanimously.

New Business

Water Bill Appeal

C.A. Daykin reviewed background on the issue noting this account is one of ten water meters which were installed around the same time period and programmed incorrectly. He briefly discussed the process by which the City has back-billed ten customers for the under billing that resulted from the meters being incorrectly programmed. C.A. Daykin reviewed that the customer at 280 NW Peach Street has appealed the action and is present at the meeting tonight. Additional details pertaining to the back billing process were reviewed as noted in the Agenda Report on page 65 of the packet. C.A. Daykin also reviewed that at this time the Municipal Code does not specifically address the issue of billing errors. C. Adlong expressed concern that dealing with these types of issues on a case by case basis may set a precedent. C.A. Daykin reviewed that there may be inconsistencies through that type of process based on circumstances and City Council members at the time. C. Crawford inquired as to how often these types of issues surface to which C.A. Daykin informed that problems of this nature are infrequent. Detailed discussion ensued; Council members shared their thoughts and ideas. Concerns were expressed with regard to the fact that the resident at 280 NW Peach Street was unaware of the increase in water use the first month it occurred. C. Adlong suggested averaging the water usage in prior two summers (2015 and 2016) as a way to gauge a base for the summer months of 2017. Pat Vial, the resident at 280 NW Peachtree Street, voiced her belief that in the discussed three summers she only received one bill that showed an overage which she was charged for. She informed that she has lived in Dundee for over fifteen years and to her knowledge that is the only bill in which she has received an overage charge. Council discussed that the record reflects that Ms. Vial received overage charges for June, July and August of 2015. C.A. Daykin clarified that the corrected billing begins October 2015 through September 2017. The consensus of the Council was to apply the averaged meter reads from the known correct reads from 2015 and the adjusted rates for 2016 to determine the cap amount for what would have been billed in 2017. With regard to the other affected meters, the consensus of Council was to handle each individually as any future appeals are received.

Building Code Amendments

C.A. Daykin reviewed that Council members previously expressed concern with regard to the property at 375 SW Viewmont Drive. He advised that a permit was issued in January of 2010. He noted that the deck was apparently replaced, though inspections were not called and after two years the permit expired. C.A. Daykin shared that while work is continuing, the work that's continuing may not necessarily require a permit. He explained that if the property owner sells the house and subsequent review shows that there's no permit for the deck this could raise some issues which were briefly discussed. C.A. Daykin reviewed the protocol which the Building Official uses when a permit expires. He pointed out that after review of the Code, it was determined that DMC Section 15.04.010 adoption of specialty codes is out of date and will be amended. C.A. Watts pointed out that it is very rare to see a situation where a permit has expired

and the project is left incomplete. M. Russ noted that the present building code isn't working well enough to prevent this from happening. C.A. Watts explained discussed the difficulty of forcing someone to complete a project unless there is some nuisance or other standard that can be cited to. C. Crawford voiced concern that property owners below this property may be concerned about the possibility of the deck collapsing onto their properties. C.A. Watts lead a detailed discussion and indicated that the Building Official could take action in the event of a complaint; based on what happens in other jurisdictions, the action likely taken would be removal of the deck or removal of enough of the deck so that the inspections could be completed. Additionally, he pointed out that the deck inspection and the siding are two separate issues. C.A. Watts reviewed that at this time the property owners have an illegal uninspected deck which will be an issue if they want to sell their house. Additionally, he discussed the issue of the missing siding in detail. M. Russ pointed out that his concern is with regard to safety and the overall appearance of the property for the sake of the City. Detailed conversation ensued regarding the fact that the appearance is a nuisance and a blight to the neighborhood and the City of Dundee; it can be seen from all over town. C.A. Watts offered suggestions to Council. M. Russ expressed his overall concern with regard to the Code and how it relates to future projects, and the fact that it allows this type of situation to arise. C.A. Watts discussed the possibility of drafting up something that's enforceable which meets the City goals and makes sense moving forward. C. Svicarovich pointed out the commonality of permits not being closed out after projects are completed or partially completed. She expressed concerns for making accommodations for someone who may have taken out a permit but then has a family hardship or other issue arise. C.A. Watts reviewed that the ultimate goal is for the property owner to have a safe deck that's been inspected, as well as ensuring that the work is completed in the future. He suggested that the process should likely begin with a conversation with the property owner; if the property owner is non-responsive then the Building Official can step in. Additional discussion ensued. C.A. Daykin advised that Staff will follow up with the concerns expressed. C. Adlong pointed out that the height of the discussed home is nonconforming as measuring wasn't done correctly; there is a lot of additional stress on the deck behind it. She informed that the first deck had to be torn down due to it coming off of the footings.

City Engineer Agreement Amendment

C.A. Daykin discussed the 90 day agreement. He advised that he discussed the issue with C.A. Watts who recommended that the City start a new process of solicitation of qualified firms prior to entering into any kind of new agreement for city engineer services. C.A. Daykin informed that he will begin that process and bring the information back to Council in February or early March. C.A. Watts reviewed that there is no exception which would allow the present engineering services contract be extended out a year. **A motion** was made and seconded to approve the Second Amendment to Engineering Services Contract ("Amendment") between the City of Dundee, an Oregon municipal corporation ("City") and Streamline West LLC ("Engineer"). **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Crawford reviewed that the new lights have been installed. Discussion ensued regarding the light intensity and C. Svicarovich pointed out that there has been a movement to go down to 3,000 Kelvin; much that has been installed to date has been around 4,000. She explained that lightening is designed for end of life; this means that the indicated amount of light will emit on the roadway at the end of life. The lights are meant to be installed for a period of approximately twenty years. Additionally, she pointed out that at the beginning of life there is actually much brighter light so that by the time they are at the end of their lifespan the Standard is still being met. C. Crawford inquired as to whether LED lights degrade in this same way to which C. Svicarovich confirmed that they do though not nearly as much as with HPS. C. Crawford shared

his opinion that the new lights look much better and the glare is gone. His only concern at this time is the blue light.

C. Adlong informed that she often walks the path along the side of Ninth Street going towards Warden Hill Road. She informed that there is some type of debris on the path which she feels is dangerous in this area given the narrow walking space. She also indicated that there are blackberries growing in the area which are reaching the road and posing a tripping hazard for walkers. She reviewed that in the City nuisance ordinance the property owner is responsible for maintaining blackberries and noxious vegetation from going into the street though is uncertain about the vines in the right-of-way. She expressed her opinion that this is a safety concern. C.A. Daykin reviewed that he has met with Public Works Superintendent, Alan Mustain, with regard to this issue previously. C.A. Daykin thought he recalled that Alan had indicated that these had been cut by PW in the past. Additionally, C. Crawford pointed out that there is also a pine tree now growing in the path which C.A. Daykin confirmed that he communicated to PW as well.

M. Russ inquired as to whether or not the swale has been cleaned out. C.E. Reid informed that though he is unsure if it has yet been done, areas needing cleaned out have been identified. C.A. Daykin reviewed that when the County road crews cut into that bank it was left too steep and does not meet standards; he shared his belief that the bank will continue to erode and collapse into the ditch. He discussed additional problems and concerns with regard to this improvement which require correcting and will likely be costly. He informed that the City Engineer did view the site and will bring back recommendations on how to properly correct the situation so it won't be an ongoing maintenance issue or a hazard in the future. C.E. Reid briefly discussed potential corrective options for the area though no cost estimates are known at this time.

C. Svicarovich praised and thanked Mayor Russ for doing a nice job representing the City of Dundee at the Bypass Ribbon Cutting Ceremony. C. Weaver voiced his praise as well and noted that the bypass is scheduled to open on January 6th.

Mayor's Report

None.

City Administrator's Report

C.A. Daykin advised that the City's dump truck, which City Council authorized PW to surplus, did sell for \$9,100. This was noted to be a good price considering the condition and age of the truck.

C.A. Daykin informed that the first review of applications for the WWTP Operator is set for January 28th. He reviewed that only one application has been received thus far.

C.A. Daykin advised that 35 out of 45 property owners have provided signed release forms back to the City. He informed that notices will be sent to the remaining ten property owners requesting them to provide a correction action report within thirty days, though they still also have an opportunity to join in on the community inspection program if they desire.

C.A. Daykin informed that Community Survey comments are posted on the City website. A copy of the Community Survey was provided to Council as well. C.A. Daykin reviewed that 180+ people participated in the survey which was noted to be a good turnout. C. Adlong indicated that there may be valuable information contained within the many comments provided on the survey.

C.A. Daykin advised that he and C.E. Reid did meet with Lisa Nell and Tony Snyder last Friday. He reviewed that they had a good conversation regarding the project and ODOT's efforts to move

forward with Phase 2. He informed that ODOT will be coming back to a future Council meeting to provide a presentation on these issues. C.E. Reid reviewed that Ms. Nell did indicate that she had met with M. Russ previously which he felt was effective. He reviewed that ODOT is looking at ways to install the City lights prior to Phase B starting, though noted that they are also looking at trying to push Phase B out. C.E. Reid indicated that Tony Snyder identified a funding mechanism which may allow them to obtain the money earlier; this would allow ODOT to bid the work next year and complete the work in 2019 at the earliest. Additional detailed discussion ensued. It was noted that all information received thus far in this regard has been verbal communication only; nothing has yet been received in writing.

M. Russ reviewed that 3-4 weeks ago he met with Lisa Nells and Tony Snyder, as well as James LeBraun of Regional Solutions. He discussed some of the meeting highlights and noted that Tony Snyder explained that part of the delay in this process stems from the fact that he is striving for ODOT to replace the road surface rather than only doing an overlay. M. Russ advised that he stressed the importance of ODOT installing the street lights and not allowing the traffic cones to remain in place long-term. C.E. Reid reviewed that Tony Snyder is planning to come back in February to provide an update. Additional detailed discussion ensued. C. Svicarovich expressed concerns regarding the conduit under the traffic safety cones which she noted becomes exposed at times. C.A. Watts pointed out that the City of Dundee has done all that they can to request ODOT to complete their commitment and finish the work. C.E. Reid advised that he will see what can be done with regard to the conduit until the lights are installed.

C. Crawford pointed out that K&E left tarps all over the sidewalk area work for an entire week during the recent holidays which he noted to be very unsightly. C.E. Reid was unaware that the tarps were left for this period of time though pointed out that the tarps were needed to cover the curing concrete due to the cold temperatures.

C.E. Reid reviewed that both of the funding changes will need to go to the Oregon Transportation Commission (OTC). Additional discussion ensued. C.E. Reid informed that ODOT indicated the City writing letters advocating these changes to the OTC would be helpful. C. Crawford volunteered to attend an upcoming OTC meeting which M. Russ indicated he will do as well; it will likely be March or April before the proposed changes will be included on their agenda. Detailed discussion ensued regarding obtaining additional letters of support for the OTC.

Public Comment

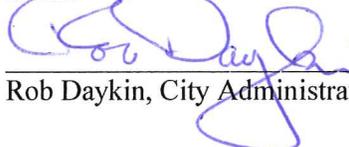
None.

The meeting was adjourned at 8:36 P.M.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder