

**CITY COUNCIL MEETING  
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January 15, 2019**

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**City of Dundee  
City Council Meeting Minutes  
January 15, 2019**

**Call to Order**

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

**Council and Staff Attendance**

Present: Mayor David Russ; Council President Tim Weaver; Councilors Storr Nelson, Jeannette Adlong, Kristen Svicarovich and Ted Crawford. Excused Absence: Councilor Patrick Kelly. Staff members: Rob Daykin, City Administrator; Tim Ramis, City Attorney; and Melissa Lemen, Administrative Assistant.

**Public Attendance**

Linda McGougan, 910 SE Locust Street; Rebecca Minifie, 809 SE Elm Street; Lael Alderman, P.E. and Preston Van Meter, P.E., Murraysmith.

**Agenda Changes**

None.

**Public Comment**

Linda McGougan introduced herself to Council and indicated that she has lived in Dundee since 1986 and is present this evening to discuss her water bill. She explained that until recently her level of income had qualified her for the low income assistance program. She discussed a recent change in circumstances with the passing of her ex-husband. She explained that she's on Social Security as well as Social Security Disability; and with the passing of her ex-husband she now receives "widow's benefits" which has increased her income. This increase has raised her income level to just above that which would qualify her to receive utility assistance from the City. She discussed in detail some of her health issues and her many medical expenses, and shared her disappointment that she now falls just above the qualifying amount to receive the financial aid she needs. She asked for Council's consideration of her circumstances and the fact that she now falls just above the qualifying amount.

C.A. Daykin explained that Ms. McGougan's income has bumped up to the point where she no longer qualifies for the low income assistance utility program. He discussed that there is a policy in place, as adopted in the Dundee Municipal Code that provides a discount to persons under certain income thresholds. The discount represents 50% of the base water, sewer and storm charges, but not on the volume charges. The consensus of Council was to review the details of the policy at a future Council meeting. C. Nelson suggested that Council could potentially consider adding Social Security Disability as a factor into assisting people that may be slightly over the limit but still unable to work full-time. M. Russ suggested that there may also be some potential adjustments made and supported a review of the ordinance with comparisons to state and federal information as well. The consensus of Council was to temporarily freeze McGougan's utility bill to the amount she had been paying at the discounted rate while Council evaluates the ordinance. C.A. Daykin informed that he will discuss this information with Melody Osborne at City Hall; the bill will be temporarily set so that McGougan will not be required to pay the full amount pending some further resolution by the City Council. Additionally, C.A. Daykin informed that he will provide Council with detailed information pertaining to the low income assistance program for review and discussion at the upcoming Council meeting on

February 5, 2019. He explained to McGougan that in the meantime, until Council comes to a resolution, her bill will continue to show the full amount due though she will only be required to pay the reduced amount for now. C.A. Daykin also invited McGougan to attend the Council meeting on February 5<sup>th</sup> if she would like to participate and provide verbal or written testimony. McGougan voiced her appreciation of their consideration. C. Adlong requested that C.A. Daykin also provide Council with statistics about how many people are receiving assistance to which Daykin informed include 7-8 households at this time.

McGougan voiced her appreciation of the Dundee Fire Department and their efforts in attempting to save her son at her home about a year and a half ago. Though they were unable to save him, she praised their efforts and compassion shown.

Rebecca Minifie introduced herself to Council and read a prepared statement aloud with regard to concerns she has about potential traffic impacts of the Riverside District. Minifie provided a copy of her statement for the record. M. Russ discussed that also included in the TSP is that the City has planned Eleventh Street to be a collector street that runs directly to Fulquartz Landing Road and up over the bridge over the bypass. He pointed out that this direct route will likely draw a majority of the traffic going to that side but also acknowledged that many will continue to use Fifth Street as well. Additional discussion ensued. C. Nelson voiced support of Minifie's concerns, though discussed that many local residents use the bypass as well. He discussed that he lives on the river side and consistently utilizes the bypass to avoid the downtown Newberg traffic, etc.; he looks forward to being able to utilize Eleventh Street in the future. C. Svicarovich discussed that the TSP is a 20-year horizon plan, and as developers come in and develop areas within the Riverside District they will be required to do a traffic impact analyses for each one of the developed sub areas. She explained that there will be additional opportunity when those sub areas develop to take a closer look at traffic and the impact on infrastructure immediately adjacent to those developments. C. Weaver expressed his appreciation of Minifie's concerns and voiced support of citizen involvement.

## **Consent Agenda**

Draft meeting minutes from January 2, 2019 were provided to Council. A **motion** was made and seconded to approve Consent Agenda Item 5.1 City Council Minutes, January 2, 2019. **The motion** passed unanimously.

## **Old Business**

### **Water Supply Study – MurraySmith Engineering**

Preston Van Meter, P.E., MurraySmith, informed that they are here to present the findings from the future water use evaluation that they have been working on over the past ten months. In addition to the information provided in the agenda packet beginning on page 1, Van Meter also provided a visual presentation for Council. He first discussed the background information and noted that the Dundee WWTP does produce the best effluent that can be produced in WWTP facilities with the membranes, though it is not quite Class A recycled water; there is an additional disinfection step that would need to be added plus some storage. Van Meter discussed the previously completed Recycled Water Feasibility Study done approximately 4-5 years ago. Current and future drinking water demands were discussed in detail, including projected Riverside District estimated water demands. Detailed discussion ensued. Riverside District potential irrigation or non-potable water demands were discussed. M. Russ referenced a previous conversation where potentially using non-potable water in toilets had been discussed. Van Meter acknowledged that this water could be used for toilet flushing though that is a different level of study that was not addressed in their study; the cost effectiveness of that option was not known. Van Meter pointed out that the City has plenty of well water rights in town; the problem is that not enough water (as there are water rights) can be taken from out of the ground. It was noted that

there is a diminishing aquifer and that long-term this is probably not the most viable option to serve the City of Dundee with its projected growth. Van Meter discussed the concept of firm capacity being the amount of total capacity less the inclusion of most productive well in the system, Well 13. He also discussed the City's Willamette River surface water right. He explained that Willamette River withdrawal is subject to curtailment when WWTP discharge is not returned to the river; the amount of water that could be withdrawn from an intake would drop. Additional discussion ensued and Van Meter pointed out that moving forward careful consideration may want to be given to what option would provide the City the most water security long-term.

C. Crawford pointed out that the information in the report provided on page 8 of the agenda packet is incorrect with regard to Well 13. The report states that "due to water right limitations, Well 13 is a seasonal summer well and should be excluded from firm capacity calculations in the summer as well as firm and total capacities in the winter." C. Crawford pointed out that this does not reflect a water right limitation; Van Meter acknowledged that this information may indeed be incorrect. It was noted that Well 13 has a production issue as opposed to a water right issue.

The water supply evaluation information was discussed as shown on page 6 of the visual presentation (and on page 9 of the agenda packet). Next the recycled water cost-benefit analysis was discussed as outlined on page 7 of the presentation materials. Van Meter noted that they did not consider that a developer would be fronting the cost for a recycled water system; if this were passed onto a developer they would likely pass those costs onto those purchasing their lots. The estimated costs for building a purple pipe system were discussed in detail. It was noted that the WWTP upgrades at a cost of \$2,108,000 would include expanding the UV disinfection system, provide a pump station to pressurize the water in the system and include additional storage as well. Additional discussion ensued and C. Crawford pointed out that there is likely an error in the estimated annual revenue calculation from the sale of non-potable water; Van Meter indicated that they will check on that and report their findings back to Council.

Van Meter discussed that C.A. Daykin asked them to review Well 4, an abandoned well which hasn't been used for over 20 years. A site visit was done and the well was noted to be in poor condition. Van Meter discussed that it is located in sandy soils, the well casing has caved in, and the estimated cost to build a new upgraded well would be approximately \$1 million. It was noted that it is surface water influenced, so if a new well were put in it should probably be relocated so the water wouldn't have to be treated. Discussion ensued with regard to the possibility of using Well 4 for non-potable water supply.

Van Meter discussed that their conclusions include that the use of recycled or non-potable water is not cost-effective; the investment would be difficult to recover. Lengthy detailed discussion ensued. C.A. Daykin pointed out that at some point the City will have a large uptick in investment in water infrastructure for supply. C.A. Daykin discussed that where the recycled water is currently located could potentially be put on the nature park area that the City is planning on developing in the future; or potentially a second park location in addition. He also discussed that lots in the Riverside area will be more than twice as dense as the current property in Dundee; there will be much smaller areas to irrigate. C. Nelson pointed out that back when some preliminary decisions were made many factors were unknown when decisions were made. Van Meter discussed that in the future if there were users, or perhaps an industrial user with cooling towers, this might allow for Class B or Class C without having to complete the costly WWTP upgrades, though this would require a different analysis as those could potentially be year round volume users. Additional discussion ensued.

C. Crawford inquired what the potential impacts would be to the Wells with a Cascadia Zone earthquake. Van Meter discussed that the best assurance against a potential well collapse would be to have them lined; he does not believe that any of the Dundee wells are lined presently. He also pointed out that Well 4 is located in a very sandy area and over time that well has collapsed. C. Crawford supported that utilizing the river may be a more viable option in the event of an earthquake which may impact all of the City Wells. Van Meter discussed that every 20-40 years it's a good idea to examine wells to see if they should be rehabilitated. Additional detailed discussion ensued and it was noted that many larger cities are opting to line their largest and most important wells. C. Crawford inquired about Well 13 and noted his belief that it may be lined; C.A. Daykin is unsure of the construction of the well but will check to find out that information.

C.A. Daykin discussed that with regard to the Recycled Water Program, the information provided regarding potential revenue does not show what the cost of operating the system would be. He pointed out that invariably there will be costs associated with operating the system likely inclusive of storage facilities, pumping facilities, and water lines. It was noted that there would also be additional costs for the individual home owners as well. C.A. Daykin recalled that the original consideration of a robust recycled water program for irrigation purposes was to defer a large, inevitable investment in the water system until such time the DEQ loans are paid off then the City would be in a better position with rate payers. C.A. Daykin confirmed that the DEQ loans will be paid off in 2032.

C. Svicarovich inquired about the water rights associated with Well 4. She recalled discussion about possibly transferring those water rights and inquired about whether the City is large enough to have a Water Conservation Plan to help navigate that process to which C.A. Daykin confirmed. Van Meter discussed that GSI did a report for the City about 4-5 years ago on Well 4, looking at the general condition of the well and trying to describe more about what happened and why it was abandoned. He explained that in their reporting they said that the way that the water right is written for Well 4 it can only be transferred within 500 feet, and in their estimation, and with the couple of test wells they drilled around the area, they said that there would be no benefit for doing that; they think that that well would fail as well. C.A. Daykin discussed that the City has a well that they have not been using and technically the City should be taking formal action to abandon the well which means decommissioning it and filling the bore hole. He advised that the City could take one more look at the transfer of water rights for Well 4 to see if maybe there were any way of combining it with the river water rights though it sounds like that has been looked at previously. Van Meter indicated that he will check with GSI to find out the status on that information. C. Crawford inquired as to whether the Edwards or Lindquist irrigation water rights could potentially be transferred to municipal water rights. Van Meter discussed that he does not believe that irrigation rights can be transferred to municipal rights.

Van Meter pointed out that the City is approaching a point where the system is reaching capacity and they have looked at some near term steps as well as getting started on that long-term implementation strategy. Van Meter discussed in detail the potential option of constructing a well in Falcon Crest Park. Though the capacity of this well could satisfy growth for a limited period of time, it was noted that a long-term water source will still be required.

With regard to the City's Riverside regulation, C.A. Daykin pointed out that unlike typical zoning that is present in the City; the intent is to apply Riverside zones to each of the sub areas and require a master plan before they can proceed with land division or development. C.A. Daykin referenced a previous discussion with C.A. Ramis where he inquired about concerns if the City doesn't have sufficient water rights. C.A. Ramis had indicated that would be something that would need to be demonstrated during the master planning process for the sub area; it will be incumbent upon the developer to answer that question. C.A. Ramis discussed that fundamentally

it is a policy question which he explained is the way the regulation is designed. He explained that the idea is that while there's a color applied to the map, that zoning map doesn't give immediate right to development; it imposes a requirement of rational planning of services and master planning for the area, and once that's completed then development can proceed. C.A. Ramis discussed his belief that it will be important for the City of Dundee to make sure that property owners understand that that's the regulatory scheme; in the end it's essentially a partnership between the public and the development side to figure out how to provide the services and what the timing will be. Discussion ensued and C.A. Ramis explained that there two types of moratoriums though with either moratorium statue the City would be under a deadline to complete improvements and provide services which is not ideal. It was discussed the Riverside District draft code proposes an alternative approach where there needs to be master planning done before development can proceed. Discussion ensued.

Van Meter discussed their thoughts with regard to maximizing the existing system capacity. He pointed out that a lot of the City wells are getting old and most of them don't have flow meters so there is not a strong idea of what flows are actually being pulled out of the ground. Likely some of the older wells could be reconditioned to try to maximize their use and productivity at the same time planning is being done for an alternate supply. Additional discussion ensued and Van Meter explained that their recommendation would be to go in and systematically look at all of the wells and deciding what level of rehab to complete while at least getting some more metering on the system, etc. at the rate of one well per year. Van Meter discussed that it seems pretty clear that a water treatment plant is what the City should begin planning for looking to the future. He discussed in detail the lengthy process that would likely be involved with this process. C. Nelson inquired as to how many water treatment facilities are present on the Willamette River. Van Meter informed that there are none downstream of Salem except for Wilsonville. Lengthy discussion ensued with regard to water rights and potential regionalization efforts.

M. Russ pointed out that in previous discussions there has been talk of a Ranney collector well, and suggested revisiting the cost difference and output difference between that and a treatment facility. Van Meter discussed that when they were positioning and pursuing the Water Master Plan they looked hard at the Ranney collector well approach and he stressed that this option just doesn't work on Dundee's side of the river. The soils on this side of the river are clays and aren't conducive for it; the good soils are on the other side of the river which is why Newberg has a pipeline under the river. Additional discussion ensued. With regard to the permitting process, C. Crawford inquired whether the intake is limited to whatever the City's water right is to which Van Meter indicated he didn't feel it would be though noted the withdrawal would be. Additional discussion ensued and Van Meter pointed out that the City's water right provides something to offer at a regional discussion. C.A. Daykin discussed that McMinnville Water & Light has a new director who is well aware of Dundee's water right; interested was expressed in having a discussion. C.A. Daykin also noted that he has been invited to participate in their ongoing discussions, though he has not yet attended one.

Van Meter discussed that early planning is essential moving forward and that it could take as long as 4-5 years to obtain the necessary local, state and federal permits for a new Willamette River intake for a future water treatment plant to serve the City's long-term water supply needs. C.A. Daykin discussed a potential funding strategy and noted that though there is some degree of urgency, the information is still based on some unknowns including how quickly development will take place, how quickly as policy makers Council would like to see development take place, and what exactly are the well capacities (as twenty year old capacity data is being used since there are no flow meters). He discussed the importance of further analysis and noted the MSA is going to prepare a spreadsheet so that this information can be updated as new development takes place and there are changes in productivity. Discussion ensued. C. Nelson inquired as to whether

or not there may be nearby private wells that the City could potentially purchase to extend time. C.A. Daykin discussed that the recommendation is to first take a look at rehabbing the City's existing wells and measuring what the flows actually are; better controls and flow meters tied into the control system are needed while also taking a look at the possibility of seismic proofing the wells. C.A. Daykin discussed that much of the work done in recent years has been on available cash flow. He explained that in recent years efforts have been made to try to repair old lines which have been known to leak or have been suspected of leaking; there are still quite a few older steel lines which the City is looking at replacing next summer. Additional detailed discussion ensued regarding the potential projects desired to be completed, in addition to upgrading the wells, and it was noted that due to costs they must be prioritized based on their impact. C.A. Daykin pointed out that it will be a number of years before the City will have excess cash to really take on big projects like developing a new well, but in the meantime additional analyses can take place. C.A. Daykin inquired about the possibility of a test well at Falcon Crest Park and what the costs might be associated with that. Van Meter advised that they definitely recommend doing a test well first at a likely cost of \$35,000-\$50,000. M. Russ inquired as to whether or not that investment lost when upgraded to a full well. Van Meter discussed that given the anticipated flow rates in this location, a test well that is of substantial enough size to be turned into a production well may be an option.

C. Svicarovich discussed that at one point in time the City had a moratorium on extending water services outside of the City limits. She explained that the moratorium was terminated and services have been extended outside of the City limits to folks with hardship conditions which were defined. C. Svicarovich supported being mindful of the decisions being made when there is this sort of a challenge before Council. C.A. Daykin pointed out that effective August 1, 2018 Council elected to accelerate the rates for the non-City residents. He also discussed the good will generated to assist those in hardship situations and isn't a significant impactful overall.

Potential regional solutions were discussed, as also noted on page 14 of the agenda packet. The importance of participating in regionalization discussions moving forward was discussed. Additional discussion ensued and C.A. Daykin discussed that as a small City joining in a partnership, water may potentially be obtained from those larger entities as long as we're partners in the big picture in the future; this is the direction negotiations are headed. Van Meter discussed his belief that the lens on regionalization is further out than the near term associated with Riverside; walking down both paths may be the best option.

C.A. Daykin discussed that if Council agrees that recycled water the way it was envisioned at the subdivision level for the Riverside area is probably not the best strategy, then Council may want to revisit some of the City policies. He explained that one policy is with regard to SDC's; they had been calculated as if the City were going to build internal storage and pumping facilities at our treatment plant in order to be in the position to deliver water to the Riverside area as part of that \$2 million of the \$4 million equation. If that will not be the case, C.A. Daykin presumed that an SDC would not be charged for that improvement that won't be built. C.A. Ramis suggested that this would potentially be an adjustment to the methodology.

C. Nelson inquired about the WWTP with regard to abandoning the purple pipe plan; is there anything that needs to be done or could be done to the plant at this point. Van Meter discussed that the UV system that was put in was for discharge; no energy is being wasted at the plant, etc. No infrastructure has been installed for the Class A system outside of the membranes, so that system can function the way it is. Additionally, Van Meter explained that if a nature park is built with a treatment facility, a much smaller pump station will be needed just to give a little bit of lift to be able to flow the water back through, a significantly less investment.

C.A. Daykin discussed, with regard to the City's water right on the river, there is a curtailment feature for fish passage – if water levels fall below a certain benchmark then the State can order the City to reduce by 25%. That 25% reduction would be offset of what the City puts back into the river from our WWTP; hence, the recycled water going into the river is really acting as a buffer for use of the river right for domestic purposes. M. Russ inquired as to whether the City could store water and dump it back into the river when necessary to offset that flow. Van Meter pointed out that water can be stored right now in lagoon 4, though he is unsure about the water curtailment question. C.A. Ramis suggested that now would be a good time to find out how a curtailment crisis would be managed if the State declared it. Trying to identify what options would be available would be good to know ahead of time. Van Meter expressed concern that the curtailment piece might not align well with when max day demands would occur.

C. Adlong inquired as to whether if a nature park were built in the Riverside area and had some wetland areas and such – how much water would that take? Would it have any effect on the percentage of water that would be discharged? Van Meter explained that the constructed wetlands would have to be lined because it's waste water. He also discussed that he recommends wetlands everywhere possible is due to the emerging contaminants that they are dealing with as an industry.

## **New Business**

### **Parkway Committee DC Delegation**

Brief discussion. C. Svicarovich inquired as to whether the City of Newberg is sending representation to which M. Russ informed that Mayor Rick Rogers will be attending. A **motion** was made and seconded to authorize the City to cover travel expenses for Mayor Russ to participate in the Parkway Committee DC Delegation. **The motion** passed unanimously.

### **Outdoor Burning**

C. Adlong discussed that the City of Dundee presently has an outdoor burning ordinance. She explained that a couple of weeks ago she witnessed a large amount of smoke coming from within the City of Dundee. C. Adlong explained that when she confronted the property owner they told her that they had been told by the City in the past that as long as they were burning in a fire pit that they were allowed to burn. Because of that conversation and the fact that it was also a holiday, C. Adlong noted that she did not report the fire. She shared a photo with Council which showed the fire and smoke plume, taken from a quarter of a mile away. C. Svicarovich pointed out that if the fire department had been called some action may have been taken. C. Adlong referenced the burning ordinance and indicated her belief that the ordinance is vague and should be reviewed and potentially revised so that it is clearer and able to be understood by citizens and the fire department who enforce the ordinance. She pointed out that the ordinance does say that just because someone burning in a fire pit that anything is allowed. The ordinance was reviewed and discussed in detail. C. Adlong voiced that smoke particulates which is a health hazard, especially for those with asthma, etc. She reviewed information she had obtained from other City codes which she felt more clearly defined what should be allowable with regard to burning. Additional discussion ensued and C.A. Daykin explained that oftentimes in the codes some Cities, including Dundee in the past, have included a purpose statement to help explain the reason behind what is being done. C. Adlong voiced her opinion that there has been an increase in the amount of burning in Dundee over the past year or two, and supported that starting a conversation with the fire department about the matter may be a good place to start. C. Nelson voiced support of educating City Staff, the Fire Chief and the public before making changes to the ordinance. He explained his belief that if the ordinance is being enforced and is working, it may not need to be changed. Lengthy discussion ensued with regard to recreational fires.

C.A. Daykin offered that if Council desires, an amendment could be crafted to better define prohibited burning for their review. In addition, he suggested having one penalty fee would simplify things as well. C.A. Ramis discussed that the challenge with these types of ordinances is in attempting to create an objective standard. Additional detailed discussion ensued and he noted that an ordinance is difficult to enforce unless it is relatively objective. M. Russ suggested that one reason for the increase in burning within Dundee may be due to the fact that there is nowhere for residents to take their yard waste anymore. He suggested that one potential idea might be for the City to sponsor its own burn at the maintenance yard; discussion ensued. C. Svicarovich pointed out that one concern with this suggestion would be in the liability taken on by the City in what is being brought for burning. Discussion ensued. C. Weaver suggested that it would seem reasonable to include wording that homeowners are expected to have the fire witnessed/manned continually, and that an adequate garden hose available for some fire suppression in case things get out of control. C.A. Daykin discussed that his observation is that most people that are good neighbors who would not allow smoke to go across their property lines to their neighbors; nuisance ordinances are in place for the few people who choose to ignore those consequences. It was noted that smoke from a BBQ or small fire pit fire can easily trespass onto neighboring property. C.A. Ramis discussed that if even if there weren't a burn ordinance of any kind, there still would be able to be nuisance ordinance. In that case, he explained, the standard would be whether the normal reasonable person would be offended or harmed by it; there must be a relatively objective standard. Additional discussion ensued. The complexity of the issue was discussed at length and C. Adlong voiced that she will have a conversation with Chief Stock with regard to Council's thoughts and concerns and report back to the group.

### **Tourism Committee Appointments**

A **motion** was made and seconded to approve the appointment of Ted Crawford, Jennifer Sitter, Nancy Ponzi, and Megan Carda to a two-year term on the Tourism Committee. **The motion** passed with five yes votes and C. Crawford voluntarily abstaining from the vote as the Tourism Committee Chair.

### **Council Concerns and Committee Reports**

C. Adlong discussed that there was a Parks Advisory Committee meeting at the fire station last week to review the Survey results for Sander Estate Park. She noted that the meeting was held at the fire station and approximately 15-20 people attended, including Jan Sander. She discussed that one of the big issues was the possibility of library use for the property; much research was done by C.A. Daykin and even though those in favor are still pursuing the idea, it was discussed that State law does not allow a Park District to operate a public library. Additional discussion ensued C. Adlong discussed that those in support of the idea have indicated that they have sent letters to the CPRD Board members requesting them to allow the City of Dundee to lease the building so that the City can run a library there. Though that could be one potential way to get around being able to put a library in that location, the Parks Advisory Committee did not consider a library as a practical use for that property so that was not part of their recommendation. C. Adlong explained that the recommendation from the Parks Advisory Committee will be presented at the next City Council meeting. C.A. Daykin discussed that the intent is for the information to be provided in the newsletter so that people who are interested could attend that meeting also.

C.A. Daykin discussed that Council had expressed an interest in meeting with the CPRD Board and though he has not yet proposed a date, he let CPRD Superintendent Don Clements know that this was an interest of the City Council. The consensus of Council was to suggest a meeting date of February 28, 2019 with a start time of 6:00 pm for the joint meeting. C.A. Daykin discussed that the three main topics for the agenda will be the Jan Sander property recommendations,

Riverside parks and how neighborhood parks are going to be developed, and the status of Billick Park.

C. Crawford inquired about the unsightly RV which had been parked on Ninth Street and has been removed. C.A. Daykin explained that after discussing its removal with Sergeant Ronning it is unknown who removed the RV, though Sergeant Ronning indicated coincidentally that Newberg City Attorney Truman Stone has also completed his revisions of the towing agreement. C.A. Daykin discussed that once the agreement is approved, then it will apply to Dundee as an extension of our police services agreement with Newberg.

## **Mayor's Report**

None.

## **City Administrator's Report**

C.A. Daykin presented discussion with regard to the Locust Street LID. He explained the original developer that was providing the City assurances that they were going to make good on the water meter relocation costs has now backed out of the deal. Additional discussion ensued and C.A. Daykin pointed out that the meters weren't installed as per plan, though the contractor for the developer asserted he had verbal approval from the City to place them where they did. C.A. Daykin explained that tomorrow a full cost statement will be sent out that includes the relocation of the meters to the property owners, and that will be scheduled for February 19, 2019.

C.A. Daykin discussed that he and Chief Stock have begun having conversations with ESCI, the same consultants who did the 2006 Fire Department Evaluation Study. There will be a follow up meeting after they meet with TVF&R here on Friday, with a phone meeting with ESCI just to follow up and see if we can get a scope of work and fee that can be brought to the City Council at a future date.

C.A. Daykin discussed that there is an excavated pit just off of Tenth Street. He reviewed that quite some time back Mr. Wilder had attended a City Council meeting with regard to a car that went through his building on the corner of Tenth Street and Highway 99W; the code was changed so that he could relocate his entry door. M. Russ noted that the tasting room is now an insurance office. C.A. Daykin explained that the new tenant came in October and in December had a sewer plug back up. Wilder had hired Mr. Rooter who came in and tried to clear it out which was unsuccessful. C.A. Daykin explained that Wilder came to City Hall to discuss the issue and he was told that it is his responsibility to investigate and take care of the issue. C.A. Daykin discussed that Wilder next hired a couple of people to dig out the sewer lateral up to the sidewalk to try to find out if he could figure out what the problem is. Upon their investigation of the issue it was noted to just be full of ground water and they weren't successful, and it dives down deep under the sidewalk; at that point he would need a permit to get into the ODOT right-of-way. It was noted that no video of the problem has been able to be obtained though there may be some indications that the line may have collapsed. C.A. Daykin discussed that this has been placed in as a claim with CIS and so the insurance companies will be discussing the issue. In the meantime, C.A. Daykin explained, Wilder is trying to sort out how to get sewer service and City Staff are trying to guide him; he may want to tap into the sewer main that's been extending on Tenth Street.

C.A. Daykin discussed that he and City Engineer Reid met with ODOT officials Alvin Shoblom and Tony Snyder recently to talk about the funding for the next phase of improvements on Highway 99W. C.A. Daykin explained that the City's expectation is that when ODOT gets to the point where they are ready to go out to bid on the project, the City will be expected to pay a deposit as per the Agreement that represents the City's match. Though C.A. Daykin indicated

that his thought was that this deposit amount would be in the \$400,000 range, it will actually be substantially less based on the information they have provided which is due to Tony Snyder's efforts. Additional discussion ensued and M. Russ requested a status update on the street lights. C.A. Daykin discussed that this issue has progressed to the point where he has been told to expect a draft funding agreement to review before mid-February. The process was discussed and it was noted that once a funding agreement is in place it will then go out for bid. At this time C.A. Daykin discussed that it is unclear whether C.E. Reid will be relied upon to complete all of the construction inspection, though he suspects DTS will be relied upon to complete the technical inspections (to ensure compliance with the lighting specifications). It was noted that this is expected to be a project this spring.

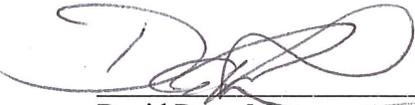
C.A. Daykin discussed the recent power outages. In contrast to the first one, during the recent power outage when the WWTP generator tripped on it did not transfer power as the hose that carries transmission fluid for the generator broke and the fluid escaped. Thus, there was a non-working generator during that time period and raw sewage was dumped into the river. WWTP Operator, Jared Nunley responded to the plant during the power outage. DEQ has been notified and the City has not yet heard back. C.A. Daykin explained that an electrician was brought in who was able to verify the issue. Discussion ensued and he will report back to Council once he receives a response back from DEQ.

C.A. Ramis discussed that the case of Andrew Estroff and Donald Lowe vs. the City of Dundee has been filed at LUBA. It was noted that the case involves the McCaw subdivisions. He discussed that the petitioners have now filed their brief; the City has it, has reviewed it and it has been discussed with counsel for the applicant. C.A. Ramis explained that the issue that has been raised is the issue of how to interpret the Code when it comes to the change in density based upon slope, whether it is measured before or after. He confirmed that this is the sole issue in the case and that none of the procedural arguments that were made, or various allegations that were made that Council heard, are being litigated at LUBA. Due to the limited issue, it was decided that the laboring oar on this will be done by the applicant's lawyer. C.A. Ramis discussed that they will review it and make sure that no arguments are raised which are inconsistent with the City's position or Code, and then once the City is in agreement on the text a joint brief will be filed. Though it was noted that both legal representation will be present at LUBA, most of the cost will be on the applicant.

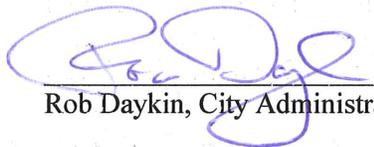
## Public Comment

None.

The meeting was adjourned at 9:14 P.M.

  
\_\_\_\_\_  
David Russ, Mayor

Attest:

  
\_\_\_\_\_  
Rob Daykin, City Administrator/Recorder