CITY COUNCIL MEETING
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City of Dundee
City Council Meeting Minutes
March 7, 2017

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

Council and Staff Attendance
Present: Mayor David Russ; Councilors Jeannette Adlong, Doug Pugsley, Kristen Svicarovich, and Ted Crawford. Excused Absences: Councilors Tim Weaver and Storr Nelson. Staff members: Rob Daykin, City Administrator; Shelby Rihala, City Attorney; Greg Reid, City Engineer; and Melissa Lemen, Administrative Assistant.

Public Attendance
None.

Agenda Changes
None.

Public Comment
None.

Consent Agenda
The motion was made and seconded to approve Consent Agenda item 5.1 City Council Minutes, February 21, 2017. **The motion** passed unanimously.

Old Business

Budget Committee Appointments
City Administrator Daykin provided updated information that former Budget Board Member, Robert Negele, has expressed interest in continuing for another term. **A motion** was made and seconded to reappoint Robert Negele to the Budget Committee to a term ending December 31, 2019. **The motion** passed unanimously.

New Sidewalk Construction Policy
C.A. Daykin reviewed the information contained within his Agenda Report on page 11, and pointed out the specific requirements pertaining to improvements to existing streets on page 12 (item 5). He noted that this provision is contained within the section which refers to improvements that are required for certain land use applications, actions going forward, and dealing with existing streets. This does not apply to preexisting conditions; if a condition existed when this policy was adopted this doesn't necessarily apply to that, but noted that the City Council can always take action to initiate a Local Improvement District for public improvements such as a sidewalk. Discussion ensued regarding the potential difficulty in interpreting this information, especially as it pertains to the application recently received regarding the Alder Hill subdivision.

C. Pugsley raised the question with regard to the Alder Street development, a development of single family homes, as to whether the development would evolve similarly to the homes that were built on Dogwood Drive over a period of time. He pointed out that if houses are built only

one at a time, would this mean that the sidewalks then be added in the same manner, potentially leaving gaps that can remain for unknown amounts of time? Though C.A. Daykin is unaware of the specific conditions of approval for that particular subdivision, he noted that when the planner wrote up that report, he noted that typically sidewalks are allowed to be built at the end of construction in order to avoid potential damage to them during the home building process. C. Pugsley pointed out that the homes on Dogwood Drive were built at the onset of the recession which contributed to the time lapse in completion. C. Pugsley additionally pointed out that if the Alder Street subdivision had a slow staggered development this would only contribute to the problem of the gaps on Alder Street. C.A. Daykin advised that this topic can be discussed with the owner of the property. City Engineer Reid informed that this issue was raised during the pre-application process as well. He pointed out that, though the owner would prefer to wait to place sidewalks until construction is complete (to avoid damaging the sidewalks during construction), they are willing to listen and ultimately the decision regarding this is up to the City. He noted that he is presently reviewing the plans submitted, thus giving the City some time to consider their decision regarding sidewalks. C. Pugsley expressed his support of imposing a time limit with regard to sidewalks being installed, including the potential creation of a LID by City Council if indicated. C.A. Daykin informed that the development permit for the Alder Hill subdivision could be written to include those conditions. Further discussion ensued regarding the placement of sidewalks in this area. C. Svicarovich pointed out that placing a shorter time period requirement for installation of sidewalks would more likely ensure that it will stay with the original applicant. C.E. Reid advised that though this is the first development he has reviewed for the City of Dundee, with previous developments he has worked on he has required a bond be in place so that if the sidewalks are not built then the bond could be pulled to pay for that. Discussion ensued regarding additional details pertaining to the Adler Hill subdivision.

C.A. Daykin pointed out that there will be some challenges with the sidewalk gaps. He noted that with regard to the Alder Street gap, one of the challenges is that there is substandard street from where this new improvement is located it is difficult placing a sidewalk without the additional curb and street improvements. C.A. Daykin further informed that the City applied for an SCA grant but we were ineligible at that time, though it can be applied for again this year to apply towards improvements to complete that project. In addition to the substandard street issue, there are also areas where there isn't City right-of-way. Another example, on Alder Street between Seventh Street and Upland Street, the right-of-way narrows down to 40 feet and there are terrain challenges as well. Though these difficulties could be overcome, the expense is much larger than a typical sidewalk gap being filled in; financing to pay for this type of situation could also be challenging. C.A. Daykin reviewed that in some instances, it is expected that some of these gaps will be completed with private development as they move forward to rebuild or build new sidewalks.

C. Crawford pointed out that there is a single lot on Upland Drive without a sidewalk present, and discussion ensued regarding this. C.A. Daykin pointed out that this is a good example of a collector street section which is improved on both sides with sidewalks though has a gap; it is unknown when that property owner may develop the lot and be required to place a sidewalk. C. Svicarovich suggested the possibility of approaching the owner of this property with regard to placing the sidewalk; she was informed that this lot was purchased strictly for view protection by a homeowner across the street. Detailed discussion ensued regarding potential options City Council can consider moving forward, including the process of forming an LID. C. Pugsley pointed out that he feels the areas of Fifth Street and Seventh Street are two areas of concern due to their proximity to a school. C.A. Daykin pointed out that the area of Fifth Street is also a constrained 40 foot wide right-of-way. Mayor Russ suggested that Chehalem Park & Recreation District (CPRD) could be approached about resolving that issue as they develop the property in the future. C. Pugsley and C.A. Daykin reviewed the important factors surrounding the Seventh

Street area gap in a location where there is a lot of vehicle traffic, cars parked, and is an area where most pedestrians elect to walk in the street to get past. C.A. Daykin referenced the map on page 13 and pointed out that the area owned by Ponzi (in blue) reflects an area where improvements were deferred; they've already agreed, as a result of prior planning actions, to install sidewalks as well as underground the overhead utility. C.A. Daykin pointed out that with regard to this area, as well as the similar area on Upland Drive, the City could notify the owners that Council has outlined specific reasons why they wish to see the sidewalk improvement move forward; a date by which they would need to have completion of the sidewalk could also be provided to them, as well as an opportunity to have a discussion with City Council regarding the importance of this. M. Russ noted that it appears this block is already 50% developed, and detailed discussion ensued regarding the likelihood of this. C. Svicarovich pointed out that Upland Drive is a collector street whereas Seventh Street she is fairly confident is actually a local street though there is a lot of activity in that area with many pedestrians present. C. Crawford shared his support of completing the sidewalk in both locations discussed. C.A. Daykin pointed out additional details and areas of interest on the map on page 13, and discussion ensued. C. Adlong noted the area on the south side of First Street (from Hemlock to Dogwood) to be problematic as there are no sidewalks present. Even though there is sidewalk present on the opposite side of the street, C. Adlong informed that pedestrians do not use it. She further advised that there are no street lights in this area at night which makes it a dangerous area. C. Crawford informed that he notes an area of concern on Fifth Street near Wine By Joe, between the railroad tracks and Edwards on the north side. C. Pugsley pointed out that there is sidewalk on the other side of the street in this area, though it was also noted to be an area which becomes heavily congested due to events. C.A. Daykin suggested that prioritizing areas of concern to locations most frequented by pedestrians may be a good place to start, which Mayor Russ supported as well. C. Pugsley advised that he is most concerned with Seventh Street, followed by Fifth Street. Discussion ensued regarding pedestrian use of the concerned areas. C. Svicarovich supported the importance of addressing Seventh Street as well. M. Russ expressed concern regarding the area on Upland Drive; C. Crawford and C. Pugsley expressed interest in this area as well. C.A. Daykin offered that letters could be sent to those property owners in applicable areas and the topic be addressed at a May City Council meeting if Council so desired. Additionally, C.A. Daykin informed that there is not a lot of dedicated funding for sidewalk improvements at this time. Discussion ensued regarding the areas to be addressed, as well as the fact that if the City purchases right-of-way, those costs could potentially be included in the LID which would be spread to everyone within that LID.

Prioritized areas of concern were defined and property owners will be notified in the following areas:

1. Seventh Street: from Highway 99W to Scotsman Court on both sides of the street
2. Upland Drive: One lot which has no sidewalk

It was noted that the City is interested in seeing sidewalks constructed by one of two methods. In the first method property owners themselves could take out a permit and construct the sidewalks to City standards, or the City could potentially consider initiating a LID. Discussion ensued regarding a substandard section on Alder Street which is of concern to C. Crawford. M. Russ supported the idea of waiting until the Adler Street subdivision is finished before considering completing Alder Street from Upland Drive to Ninth Street.

C.A. Daykin expressed concern regarding the area of Alpine connecting to Ione. He noted that this subdivision was completed when the standards requiring sidewalks were in place, though placing the sidewalks is oftentimes deferred until the completion of the home construction. Though C.A. Daykin is unsure of the reason why, the sidewalks in this area never were installed. C. Pugsley pointed out that this shouldn't be an area of priority as there are no other sidewalks

nearby. C.A. Daykin pointed out that this is an unintended deferral because it was required though not constructed.

C.A. Daykin discussed the areas on Third Street which are of concern. He noted that monies were given to the City to address those street frontage improvements at whatever point the City deemed it was appropriate to do so. Conversation ensued regarding further details pertaining to this. C.E. Reid informed that he has already designed the sidewalk on Third Street as part of the revisions he did for ODOT; it will be flat through the ADA ramp and will slope up a little steeper at 12% for about 30-40 feet. C.A. Daykin noted that the concern the City apparently expressed at the time when the subdivision was built was that they were under the impression it would be graded all of the way up to Namitz Court, changing the grade all of the way back to that point when that subdivision was built. C.E. Reid suggested the notion of just going up the hill away from the highway and then potentially maintain grade, though he noted his focus has been on the crosswalk area and not further up. Detailed conversation ensued regarding street and sidewalk improvements in that area. C.A. Daykin informed that further discussion regarding this could be held during the upcoming budget process if Council desired.

C.E. Reid pointed out that in the area of the Seventh Street sidewalk, for example, the sidewalks are curb tight right now. He noted that our City standards indicate that sidewalks are to be placed offset, although we have the option to put them curb tight. C.E. Reid explained that the sidewalk is right next to the curb on Seventh Street right now; the sections adopted in the TSP typically show a 5 foot planter strip between the curb and the sidewalk. He noted that the trend of offset sidewalks has been noted to be less desirable on a lot of streets in heavily parked areas because pedestrians getting in/out of parked cars will be stepping into the planter area. He also informed that in the Locust Street area he is looking at making the sidewalk curb tight if he can; on Seventh Street they are already curb tight. It was noted that the Alder Hill subdivision will continue with the offset sidewalk per the TSP. C.E. Reid suggested keeping Seventh Street curb tight due to the large amount of parking on that street; a curb tight sidewalk makes more sense there. C. Svicarovich inquired as to whether or not a wider sidewalk could be placed instead to match the existing sidewalk. C.A. Daykin advised that it would need to be a wider sidewalk if it's curb tight on Alder because it's a collector street; it would need to be 6 feet wide instead of 5 feet. C.A. Daykin pointed out that the TSP does allow for the non-riverfront master plan area to also have the curb tight sidewalk option. M. Russ expressed his support of curb tight sidewalks in areas of parking where appropriate, especially given the high volume of rain we receive.

C. Adlong inquired about storm water improvement in the subdivision area on Adler Street. C.E. Reid described the improvements reflected in the plans though he has not yet completed his review of them. C. Adlong also inquired about whether or not street trees would be placed in the discussed subdivision. C.A. Daykin advised that there is no requirement for this in the current Code; in the commercial zones it is required but in the residential subdivisions there is not a requirement for that. He is unaware of whether or not the developer offered to place street trees or not. C. Adlong pointed out that this issue would be a concern with having the sidewalks adjacent to the street. C.A. Daykin informed that this issue could be discussed with the developer; City Council could initiate adding street trees if they so desire. C.E. Reid pointed out that the issue of adding street trees had also been discussed pertaining to Locust Street.

C.A. Daykin inquired of the Council as to whether or not they would like to pursue adopting a new regulation. He noted that a couple of different cities have regulations that have a different type of process for requiring construction. C.A. Daykin also informed that the LID approach covers everything that needs to be covered, and C. Pugsley expressed his support of this approach as well.

Resolution No. 2017-02, Budget Transfers

M. Russ noted that this was discussed at the February 21, 2017 meeting and is described in detail in the report provided by C.A. Daykin. C.A. Daykin pointed out that there is a typo on the year on the first line of the report on page 37; the fiscal year should be 2016-2017.

A motion was made and seconded to adopt Resolution 2017-02, a resolution transferring budge line item amounts within a department or fund for fiscal year 2016-2017. **The motion** passed unanimously.

New Business

Niederberger/Parks Intersection with Highway 99W

C.E. Reid informed that the TSP provides two options for the intersection of Parks Drive and Highway 99W, and proposes two alternatives to improve safety and function. The first option being proposed by 12th and Maple Wine Co. as part of their development is the right turn on their side. The second option would be an offset intersection which would include turning the roadway so that it approaches the highway perpendicular. C.E. Reid described these options in greater detail. C.E. Reid noted that those alternatives were presented in the TSP before the idea of the Eleventh Street connection was adopted. The staggered offset option scored slightly higher for safety reasons when compared in their report. C. Svicarovich inquired as to whether or not the City has the right-of-way on the Niederberger side. C.A. Daykin advised that the City does have the right-of-way on the Parks Drive side, but not on the Niederberger side; C.A. Daykin noted that believes that ODOT has the right-of-way, which would be fairly easy to obtain a permit. C.E. Reid informed that the TSP adopted Eleventh Street as eventually the main thoroughfare through this area which, in his opinion, would reduce traffic to Parks and therefore help offset that safety issue by reducing traffic at that intersection. Because of that future potential traffic reduction, the impact to the private development wasn't really justified by requiring them to do the offset sidewalk. Since they scored so closely, it was C.E. Reid's opinion that what is being proposed seems reasonable.

C. Adlong inquired about future development in the Riverside District, on the other side of the overpass, where she explained there will be more of an increase in traffic on Parks Drive than is scored. C.E. Reid advised that if Eleventh Street is not developed that would indeed be the case. C.E. Reid explained that the TSP has identified that Eleventh Street will be the main thoroughfare, so once Eleventh Street is built all of that traffic would take this street which would reduce traffic on Parks Drive. C.E. Reid further explained that if Eleventh Street were not built and the Riverside District began to develop this might pose an issue.

C. Pugsley inquired as to whether or not the City is considering a transportation SDC, in which case the development would pay for the Eleventh Street construction. C.A. Daykin informed that the City Council expressed an interest in developing a SDC for transportation though this has not been done yet.

C. Svicarovich expressed her support of the right turn slip movement as opposed to the offset intersection on Highway 99W in this area. Further details, especially with regard to traffic flow and the mapped examples, were discussed at length. C. Pugsley voiced his support of the extended turn lane option as opposed to an offset intersection. **A motion** was made and seconded to approve the selection of the realignment option using separated right turning lanes for Niederberger Road and Parks Drive intersections with Highway 99W. Additional discussion ensued. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Crawford informed that he recently attended the Chamber Board Meeting and noted that CPRD said that there had been some concerns stemming from Mr. Edwards with regard to moving the Paddle Launch, or blocking it from public access. C. Crawford noted that apparently there have been some lawsuits against the City of Portland that no longer indemnifies property owners for recreational use on privately owned land. Mr. Edwards was noted to be using this as fuel to block the Paddle Launch off unless the law is changed (which would protect him as a property owner).

C. Adlong pointed out that she was stopped recently by someone working in the orchard while walking in the area, and she was not allowed to walk down to the River. The individual told her that the property owner had concerns with the property not being taken care of by CPRD. Detailed discussion ensued. C. Crawford pointed out that it may be a good idea to pursue the potential property swap with the property above which has the horse corral. C. Crawford informed that there is still a chance this could happen. C. Adlong pointed out that if this were a possibility then there should be a focus group working towards getting that completed. C. Crawford further advised that, though he is not in favor of this, Don Clements is discussing moving the Paddle Launch over to their property on Highway 219, which is a very fast and narrow part of the river underneath the bridge. Don Clemens had also discussed the possibility of moving the Paddle Launch to Rogers Landing, though when the County was last approached they did not want to have it there at all. C. Adlong expressed her concern about losing access to the River on foot; many people enjoy walking down to the river. Discussion ensued about whether or not public access was allowed to the river on foot. C.A. Daykin explained that he can share the information with the City Attorney. He noted that the City of Dundee has a water line on the private road on the Edwards' property. An easement was provided to the City of Dundee for maintenance of the utility, and also provides access rights, though doubtfully to the public in general. C. Crawford pointed out that the access is only to the pump, not all of the way to the River. He further noted that there was a license agreement between CPRD and Mr. Edwards to allow the Paddle Launch to operate, though it should have been followed up with a permanent agreement and never was. C. Pugsley pointed out that the Edwards' have discussed creating a park on the river as part of their development as well. C. Crawford advised that he doesn't believe the Paddle Launch will be successful if moved. C.A. Daykin shared that Mr. Edwards is very unhappy with the Paddle Launch operation and feels that the property is not being taken care of. C.A. Daykin also noted that he has let Mr. Edwards know that the City of Dundee issued the application approval but ultimately the agreement is between himself and CPRD. C. Crawford and C. Pugsley expressed their opinions that the Paddle Launch area has come a long way from what it looked like originally, and now has maintained parking and is a very nice area. C.A. Daykin informed that Mr. Edwards is unhappy about the lack of monitoring of activity there, as well as would like to be compensated for the use of the property. Discussion amongst Council continued regarding the property.

C. Crawford inquired as to whether M. Russ attended the last Parkway meeting, and was particularly interested in any discussion pertaining to the planning of the ribbon cutting ceremonies for the bypass. M. Russ advised this wasn't discussed. C. Crawford noted that the Chamber has been trying to convince ODOT to allow them to do a winemakers dinner on one of the overpasses, though ODOT has said they cannot have any events on the bypass that people are charged money to partake in; this may potentially be against the rules. C. Svicarovich pointed out that allowing free events only for the public may be required due to the fact that the event would be held on public property. Discussion ensued regarding different thoughts and ideas with regard to having a celebration. C.A. Daykin advised that he will contact ODOT to find out where things stand with regard to their schedule and transferring jurisdiction to the City.

C. Crawford informed the Council that Fox News was doing a report about all of the infrastructure improvements that are needed in Oregon, including the Bypass, and they came to his home a week or so ago speak to him. He informed that they spoke with him on camera at length though he hasn't seen it aired yet.

C. Pugsley inquired of C. Adlong as to whether or not she had attended the previously discussed City Day at the capitol. C. Adlong informed that she indeed did attend the event and handed their letter out to our two representatives. She advised that the representatives indicated they were both on board.

Mayor's Report

M. Russ informed that he was contacted by the real estate broker representing the property on the backside of the cemetery near the Harvey Creek Trail. The real estate broker informed that she has a buyer for the property, and that buyer is interested in discussing the possibilities of a conservation easement if the City were interested. M. Russ advised her that the City would welcome conversation regarding this possibility and a brief conversation ensued.

M. Russ inquired as to why there are small marker flags placed going up Ninth Street. C.A. Daykin advised that he had previously sent an email regarding this, but informed that it was an underground utility locate from a company likely associated with the surveying activity of the property where Bag-It Systems is located. He noted the flags were representing natural gas locations along that route. C. E. Reid pointed out that they could be communication marking flags as well, or a combination of both.

City Administrator's Report

With regard to Urban Renewal, C.A. Daykin informed that the Planning Commission meeting was held on March 15, 2017 for their formal recommendation to the City Council. The City Council hearing will be on April 4, 2017. C.A. Daykin informed that a copy of the notice will be mailed out this week in front of the Hearing. The notice will be send to all owners of real property in the City. He added that information could also potentially be shared in our next newsletter, but if the timing were too tight it could be put in the end of March utility bills. C.A. Daykin advised that the City will also meet with the Board of Commissioners on March 28, 2017, and Mayor Russ will attend that meeting to let the Board know why this important to the City of Dundee. When the Council conducts its hearing on April 4, 2017 there will be an ordinance for adoption, and it is proposed that this ordinance be adopted with two separate votes; even if the vote were unanimous, it will be arranged so that two votes will be taken, the second of which will be done at the April 18th meeting. C.A. Daykin explained that the reason this will be a two vote measure is because there is a State law that says that we have to publish that we did adopt the Ordinance within four days of adopting the ordinance; it is impossible for us to do that unless we hold a meeting on a Saturday afternoon or a Sunday. C.A. Daykin informed that the notice will be pre-published on April 19, 2017, with the vote having taken place on April 18, 2017.

C. Pugsley inquired as to how the meetings went with the other taxing districts. C.A. Daykin informed that the only ones we met with were at a monthly standard meeting in Newberg at the CPRD offices. Don Clemens, CPRD, was present along with Claudia Stewart, School District, and Lynn Montoya with PCC; Newberg City Manager Joe Hannan was also present. A good discussion was had and presentation provided from our Consultants. C.A. Daykin noted that many questions were asked and answered. C.A. Daykin additionally informed that another standard monthly meeting was held this morning, and both the Board of CPRD and the School Board received word from their staff on this. C.A. Daykin noted that it sounds like there may be some additional questions regarding some of the issues; more meetings may be necessary. C. Pugsley inquired as to when potential opposition from these taxing districts could occur. C.A.

Daykin informed that if opposition were to occur, it would occur when the Ordinance is passed and they file a petition saying that the City needs to repeal that Ordinance or force it to a vote of the people. Further discussion ensued. C.A. Rihala informed that a statement must be made on the Ordinance about whether the other taxing districts concurred or not, and if changes are made it would need to be noted as to whether you did or did not respond to those changes. Further detailed discussion ensued, specifically with regard to the School District indicating that they have further questions. With regard to CPRD, C.A. Daykin noted they are supportive though he believes them to be concerned that they will receive help with their property on Fifth Street.

C.A. Daykin referenced the report provided to Council regarding a comprehensive review of the condition of all of the City of Dundee Street segments with a professional team. Beginning in 2008, this was done in-house with the in-house engineer and staff; an update was done in 2012. It has now been five years since an update has been done on this inventory. C.A. Daykin provided this information to Council now as there will be a more formal presentation of some of the issues that came from this report at the March 21, 2017 meeting. He encouraged Council members to review the information and contact him or C.E. Reid with regard to any questions. C. Adlong noted the winter to be pretty hard on local streets due to the snow and ice. M. Russ noted new potholes up on Red Hills Drive, mainly in areas where cuts were made and water lines previously placed.

C.A. Daykin noted that it is nearing time for the Council to conduct the annual evaluation of the City Administrator position. He inquired of the Council as to which upcoming meeting they would prefer to conduct their evaluation, and if they would like to complete the same process as previously done. C.A. Daykin informed that in years past, every other year a facilitator would be brought in, though this is the off-year that this is not typically done. He indicated that he is not looking at using a facilitator unless this is desired by Council. M. Russ inquired as to whether or not the evaluation form used previously was part of the City Code. C.A. Daykin pointed out that the form is only what has been used traditionally. M. Russ advised that he is interested in making changes to the form, partly focusing on new criteria as well as different definitions and a new scale system. He reviewed that some of the questions on the form don't apply, and there are likely new questions that could be added. C. Crawford pointed out that he believes some the questions overlap and become redundant. C.A. Daykin offered to locate examples, along with C.A. Rihala, that are used in other communities and bring that information back to the next meeting for their review. M. Russ supported this idea. The consensus of the Council was to review examples of other evaluation forms at the next meeting on March 21, 2017.

Public Comment

The meeting was adjourned at 8:24 PM.

David Russ, Mayor

Attest:

Rob Daykin, City Administrator/Recorder