

**CITY COUNCIL MEETING  
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April 3, 2018**

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**City of Dundee**  
**City Council Meeting Minutes**  
**April 3, 2018**

**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 Kristen Svicarovich; Councilors Ted Crawford, Storr Nelson, Tim Weaver, Doug Pugsley and Jeannette Adlong. Staff members: Rob Daykin, City Administrator; Tim Ramis, City Attorney; Greg Reid, City Engineer; and Melissa Lemen, Administrative Assistant.

**Public Attendance**

Josh Rojas, 2275 SW Barbara Street, McMinnville; and Andy Wilder.

**Agenda Changes**

Item 6.7 Engineering Services Agreement - Civil West Engineering was added to Old Business  
Item 7.2 Yamhill County Parkway Committee, Statement of Support was added to New Business  
Item 7.3 ODOT Amendment Number 01, Cooperative Improvement Agreement was added to Old Business

**Public Comment**

None.

**Consent Agenda**

**The motion** was made and seconded to approve Consent Agenda Item 5.1 City Council Minutes, March 20, 2018. **The motion** passed unanimously.

**Old Business**

**Sidewalk/Streetscape Project – Change Order No. 14**

Details pertaining to Change Order No. 14 were briefly reviewed by Council. **A motion** was made and seconded to approve Change Order No. 14 at a cost of \$5,844.64. **The motion** passed unanimously.

M. Russ inquired as to whether or not there is insurance available for these types of unexpected situations, i.e. contaminated soils, which may be encountered on a project. Discussion ensued and City Attorney Ramis explained that insuring projects for this type of issue is a rarity and typically not available for projects of this type. He offered to look into the matter to see whether there might be something the City could access in the future though typically that is a fairly difficult thing to negotiate.

**Engineering Services Agreement – Streamline West**

**A motion** was made and seconded to approve the Engineering Services Agreement with Streamline West Engineering, LLC. **The motion** passed unanimously.

**Ordinance No. 562-2018, Development Code Amendment**

**A motion** was made and seconded to adopt Ordinance No. 562-2018, an Ordinance amending the Dundee Development Code to correct errors and modify the entrance standards within the Central

Business District (CBD) zone. C. Svcarovich offered that she measured the different buildings within the CBD zone and indicated that the Ordinance will only apply to the building that is in question and two additional buildings. Given the limited number of buildings affected, she indicated that she is much more comfortable with adopting the proposed Ordinance. C. Nelson explained that though he was not in attendance at the last Council meeting not able to participate in the discussion, he reviewed C. Svcarovich's concerns. He shared his belief that the discussed site is unique with the surrounding businesses and indicated his support of the Ordinance. **The motion** passed unanimously.

### **Legal Services Agreement**

City Attorney Ramis confirmed that he will be attending Dundee City Council meetings on a regular basis moving forward. He noted that Jordan Ramis, P.C. has made some shifts within their office in terms of responsibilities and he will take a lighter role in the City of Milwaukee in order to be more engaged with C.A. Daykin and the Dundee City Council. C. Svcarovich inquired as to how many client cities C.A. Ramis is representing at this time. He advised that personally he will have the direct responsibility for the Cities Dundee and West Linn, though he will be assisting on a number of others. M. Russ inquired as to whether C.A. Ramis will continue to represent Dundee in the long-term moving forward. C.A. Ramis shared that it is his plan to continue to do that moving forward and noted that he is not contemplating retirement soon. **A motion** was made and seconded to approve the Fourth Amendment to Legal Services Agreement between the City of Dundee and Jordan Ramis, P.C. **The motion** passed unanimously.

### **City Administrator Employment Agreement**

**A motion** was made and seconded to approve the Sixth Amended Employment Agreement between the City of Dundee and the City Administrator Rob Daykin. **The motion** passed unanimously.

### **Engineering Services Agreement – Kennedy/Jenks Consultants**

**A motion** was made and seconded to approve the Engineering Services Agreement with Kennedy/Jenks Consultants. **The motion** passed unanimously.

### **Engineering Services Agreement – Civil West Engineering**

C.A. Daykin reviewed that final negotiations were finished yesterday and Civil West Engineering came back with an adjusted fee schedule to reflect a reduced travel cost as reflected in Exhibit A. Additional discussion ensued. C.A. Daykin pointed out that travel costs for special projects can be negotiated with Civil West moving forward. **A motion** was made and seconded to approve the Engineering Services Agreement with Civil West Engineering. **The motion** passed unanimously. C.A. Daykin highlighted some of the benefits of having an additional engineering contract. C.A. Ramis explained that when the scope of services are drafted for a project (when there is a need for extra services), there will be an effort to make sure that scope is clear and not redundant.

## **New Business**

### **Dog License Fees Agreement**

C. Crawford inquired as to what will be done with the estimated revenue provided by the proposed Agreement. C.A. Daykin indicated that at this time the funds will be added to the budget which he advised can be discussed further at the upcoming Budget Committee process. C.A. Daykin explained that at this point the funds are simply another revenue source that will be added to the general fund. Additional discussion ensued. C. Svcarovich inquired about how the remaining 25% of funds will be used by the County which C.A. Daykin presumes will pay for administrative costs and possibly some minimal service costs as well.

C. Adlong initiated additional discussion pertaining to Animal Control. C.A. Daykin explained that the Newberg-Dundee Police Department will respond to certain code violations including vicious dogs, biting dogs, and barking dogs, etc., though they will not be responsible for collecting or transporting an animal. C. Weaver discussed that there not County services available to handle these issues either due to services cutbacks. M. Russ pointed out that Family Pet Partners, who attended the February 6, 2018 City Council meeting, are available to help with some of these services and assist the Police as well.

**A motion** was made and seconded to approve the Intergovernmental Agreement with Yamhill County regarding dog control licensing revenue. **The motion** passed unanimously.

### **Yamhill County Parkway Committee, Statement of Support**

M. Russ reviewed the Statement of Support letter. C. Svicarovich reviewed that there were several other communities and organizations who became involved near the end of Phase I of the Bypass and she inquired as to whether the Parkway Committee had given any thought to reaching out to those organizations. M. Russ discussed some of these entities and noted their involvement though he is unsure of who may desire to become involved in Phase II. He encouraged C. Svicarovich to raise her concern at a future Parkway Committee meeting as it may be beneficial to do so. **A motion** was made and seconded for the Mayor to sign the Yamhill County Parkway Committee Statement of Support for Phase II of the Bypass. **The motion** passed unanimously

### **ODOT Amendment Number 01, Cooperative Improvement Agreement**

C.A. Daykin reviewed that this Amendment is to the \$900,000 funding agreement with ODOT for the ADA ramps and curb changes on the highway. He pointed out that effectively it pushes the date out when the project will actually be completed by. He also noted that ODOT had difficulty with the original language; when the new Regional Director came on board she was not comfortable with it because the City was billing them for prior work at Tenth Street (which was understood would be covered), and this Agreement would allow for these two separate contracts to be included. Additional detailed discussion ensued. C.A. Daykin discussed his concern that the City has not been able to receive reimbursement for the Tenth Street work yet pending approval of this Agreement. **A motion** was made and seconded to approve Amendment Number 01, Cooperative Improvement Agreement, Oregon Route 99W: 2<sup>nd</sup> Street to 12<sup>th</sup> Street, City of Dundee. **The motion** passed unanimously.

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

C. Crawford discussed some of the difficulties with regard to the Tourism Committee maintaining the proper ratio of Dundee residents versus non-residents to hold membership. He pointed out that there is an abundance of Tourism Committee members, though not enough who are residents of Dundee, that are maintaining active membership on the Committee. He explained that his feeling is that the Committee is moving in a direction that is best for Dundee economically while also being considerate about the citizens of Dundee as well; he doesn't feel there is an issue with the Committee moving forward with items which are strictly Tourism promotion and not considerate of the citizens. For these reasons Chair Crawford indicated that he doesn't feel the Committee needs to retain close to 50/50 Committee membership of Dundee residents versus non-residents. He reviewed that the Tourism Committee is an Advisory Committee toward budget decisions; once the budget is set the Committee follows the budget as approved by the City Council and Budget Committee. He noted that large expenditures are also approved by City Council as well. C. Crawford discussed that the next large expenditure will be the second welcome sign to be placed at the south end of town; Council will need to approve this approximate \$20,000 expense.

C. Adlong inquired as to whether there are requirements that members must have business dealings in Dundee. C. Crawford shared his belief that a requirement should be that members have a tourism business within the City of Dundee. It was noted that the only member who did not meet this requirement was the Chamber of Commerce member. C. Crawford offered that Dundee resident, Ayla Halstein, has offered to take over the vacant Chamber position. C. Crawford reviewed that there are nine members on the Tourism Committee. Additional discussion ensued. C. Crawford explained that the Committee recently recruited the marketing director for Dobbies Winery, which is one of the largest businesses in Dundee; she also runs Taste of Dundee event. He pointed out that although it would be beneficial to add her to the Tourism Committee, she is not a resident of Dundee. C.A. Daykin reviewed that presently the Tourism Committee is composed of nine members: 1 City Council Member, 1 Member of the Executive Board of the Chamber of Commerce, 4 Industry representatives, and 3 At-large Dundee resident members.

As C. Crawford mentioned, C.A. Daykin suggested that some restructuring of membership may be helpful as some members serve dual purposes on the Committee, meeting both requirements of industry representatives as well as being Dundee residents. Detailed discussion ensued. C.A. Daykin pointed out that ultimately it is a political decision of the City Council as they vote to select who is representing on the Committee. Additional discussion ensued. M. Russ pointed out that of the entire Tourism Committee membership, ensuring that at least three are Dundee residents would be a reasonable ratio.

C. Adlong pointed out that the Third Street right-of-way is actually identified as a future public pathway though it is her belief that the odds are very low that this street will ever be developed. She reviewed that the topic of this pathway has been discussed at the Parks Advisory Committee meetings though it hasn't been focused on specifically. C. Adlong reviewed a map of the Third Street area with Council in detail and pointed out that an adjacent resident uses the right-of-way as a driveway. She noted that her concern is with regard to the fact that the house is now for sale and the lot next to it (which is apparently also owned by the same property owner) is also for sale. C. Adlong expressed concern about the accessibility of the second lot once it's sold. She shared her belief that the present owner likely built up a big berm which extends out into the City right-of-way to create a flat yard for themselves, though leaves only a small amount of that right-of-way that can be walked on due to the berm. C. Adlong also shared her belief that no permits were pulled with regard to this use. It is her belief that the property owner also began mowing the right-of-way property after the berm work was completed. She voiced concern that the berm area/driveway really impact the use of this public right-of-way. She pointed out that given that the property is now for sale it might be a good time to rectify the issue if Council desires. Discussion ensued. M. Russ supported addressing the issue with the property potentially changing ownership. Discussion ensued. C. Adlong shared her belief that the pathway area between Dogwood Drive and Third Street should be a pathway which people can feel comfortable walking down through. She voiced support of placing a sign reflecting that this is a public walkway.

M. Russ suggested that the Parks Advisory Committee consider a minor development there; the addition of signs or potentially clearing a wider area for a pathway so the area is more visible could be helpful. C. Svicarovich suggested the addition of bark chips may be helpful as well. C. Adlong expressed her opinion that having the berm in place may be a good option as long as the property owner understands that their property doesn't extend that far. M. Russ noted that this property is listed in his real estate office and informed that he will discuss Council concerns with the listing agent.

C. Pugsley voiced his support of addressing the issue of the driveway access at this time as well.

C. Svicarovich reviewed the map and noted that the adjacent home to the pathway has driveway access on Dogwood Drive, and that the property to the north will need to take access from Dogwood Drive as well. She expressed her support of addressing the driveway issue now as well. C. Svicarovich pointed out that though Type 3 barricades are not visually appealing, something should be placed to indicate that unauthorized vehicles are not allowed in the pathway area. Detailed discussion ensued with regard to the driveway approach area that is seen at the Dogwood Drive side of the pathway. C.A. Daykin explained that he is unaware to what extent that the City had any kind formal review, approval or permit process with regard to the discussed area.

C. Weaver reviewed that the seller of the adjacent property is the gentleman who approached Council previously and proposed the City purchasing a new tractor for mowing the right-of-way area. Detailed discussion ensued with regard to the present driveway arrangement between the property owners on either side of the pathway area. C. Pugsley suggested naming the pathway. C. Weaver suggested the potential idea that if the City has no plans to place a street in the right-of-way, possibly selling a portion of the pathway area to the adjacent property owners may be a good option. C.E. Reid pointed out that there is a 30 foot drop between Dogwood Drive and Hawthorne Street. C. Adlong reviewed that presently the path is fairly steep and if the path were wider and could be varied some it would make navigating it easier. C.A. Daykin explained his belief that there would not likely be an option for the City to sell off a portion of the property; there would be a vacation process and the ownership would go to the abutting property owner. He also pointed out that there are three underground utilities in that area: sewer line, water line and a storm water line. C.A. Daykin pointed out that someday if the City wanted to obtain right-of-way on the Fifth Street side of the homes adjacent to the discussed pathway property (potentially for a sidewalk improvement project on Fifth Street), a potential compromise could be to trade off right-of-way on the opposite side of their properties (the pathway side). C.A. Ramis pointed out, with regard to selling of right-of-way; while something cannot be sold (it would be vacated and it goes back) the City could work out agreements where there is an agreement to vacate in return for the property who has benefitted making certain improvements; some design could potentially be negotiated in return for a vacation.

### **Mayor's Report**

M. Russ inquired as to whether there has been any communication from Tony Snyder with regard to the street light improvements on the highway. C.A. Daykin informed that the City was told that ODOT is arranging to trade off \$430,000 of the federal grant for state funds; this is the amount they determined working with DKS that would be the cost of the construction improvements if they were to provide the City the funding. Additionally, he explained that ODOT would still maintain the contract with DKS through their budget to draft up the design specifications to go out to bid with. C.A. Daykin informed that this is all the information that is available presently; there is no IGA to present at this time to actually move forward to complete the work.

### **City Administrator's Report**

C.A. Daykin discussed the email he sent with regard to the consultant doing the Bypass traffic noise study for ODOT. As a follow up to that, C.A. Daykin noted that April 24<sup>th</sup> was set as a possible date where ODOT would come back to Dundee to provide a meeting with residents who are interested in the noise issue. It was noted that this meeting would be held at the Dundee Fire Station.

C. Adlong raised the topic of potentially planting trees along Parks Street, as previously discussed, as a means of providing a noise barrier for the bypass in this area. With regard to

Isaiah Cox's request for planting trees, C.A. Daykin pointed out that he felt the City had a better solution by providing more of a continuous hedge in the ODOT right-of-way itself near the highway. C.A. Daykin explained that he is waiting on following up on this option until the noise study is done before planting the trees in case ODOT elects to place a sound wall. Additional discussion ensued. C.E. Reid pointed out that the reason he was not in favor of planting trees in the proposed area was due to the fact that this is an area where a ditch is present; there is not a lot of water flow through the area and this likely wouldn't create an immediate issue though he noted it isn't a good practice.

C. Svicarovich inquired as to whether the information pertaining to the upcoming CPRD meeting at Sander Estate Park would be provided in the City Newsletter. C.A. Daykin informed that the information will not be provided in the newsletter as it will be going out late, likely not until early next week. C. Svicarovich inquired about what other advertising is being done for the CPRD meeting. C.A. Daykin reviewed that he met with Kat Ricker, CPRD, who indicated that this meeting will focus only on receiving input from those in attendance to find out what may be desired with regard to the Sander property. She also explained that following the gathering of this information, an online survey will likely be provided to gather additional input. Once the results are received, C.A. Daykin informed they would be brought back to the Parks Advisory Committee; a meeting could be conducted at the Dundee Fire Station with the public coming back to discuss those results and provide input at that time as well. The dates for the discussed subsequent meetings are yet to be determined, though that is the process being reviewed.

M. Russ inquired as to whether there is some agreement with the Tourism Committee with regard to use of the banner posts. C. Crawford informed that the next banner to be placed will be with regard to the Taste of Dundee. Though a banner policy has been discussed, C. Crawford pointed out that it hasn't been formalized yet. With regard to the Camelia Festival banners, C.A. Daykin reviewed that CPRD had inquired about use of the banner poles for this use which was deemed appropriate; there was no other competing interest in that particular location at the time and the request was in line with the banner policy for the Second Street location as well.

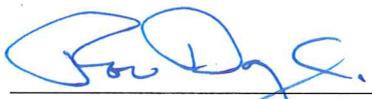
### **Public Comment**

Josh Rojas, 2275 SW Barbara Street, McMinnville, introduced himself and indicated that he is currently running for Position 1 County Commissioner position. He indicated that his presence at the meeting tonight was to apprise himself of the issues going on in the City of Dundee.

The meeting was adjourned at 8:07 P.M.

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

Attest:

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