

**CITY COUNCIL MEETING  
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May 1, 2018**

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**City of Dundee**  
**City Council Meeting Minutes**  
**May 1, 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 Storr Nelson, Tim Weaver, and Doug Pugsley. Absent: Councilors Jeannette Adlong and Ted Crawford. Staff members: Rob Daykin, City Administrator; Tim Ramis, City Attorney; Greg Reid, City Engineer; and Melissa Lemen, Administrative Assistant.

**Public Attendance**

Mary Okon, 1425 SW 9<sup>th</sup> Street; Chris & Elizabeth Lee and Family; Thomas Small, 12<sup>th</sup> & Maple Wine Co.; Nancy Alderman, Cedar & Parks; De Riujter and Guyette Family; Meuwissen Family; and Howard Bell, 560 SE Parks.

**Agenda Changes**

None.

**Public Comment**

None.

**Presentation: "If I Were Mayor" Contest – Award of Prizes**

Mayor Russ announced that the winners from the "If I Were Mayor..." poster contest will be announced and awarded prizes this evening. He informed that the first place winner will then compete in the contest at the State level. C.A. Daykin explained that there were a total of nine entries received at Dundee Elementary School. The third place award was presented to Susan Meuwissen, along with a \$25 gift card. The second place award was presented to Lily Guyette, along with a \$50 gift card. The first place winner, Bailey Lee, was recognized and presented with a \$100 gift card. Bailey's entry will be submitted for the State level contest. Mayor Russ congratulated the winners.

**Consent Agenda**

**The motion** was made and seconded to approve Consent Agenda Item 6.1 Special City Council Minutes, April 20, 2018. **The motion** passed unanimously.

**Old Business**

**Resolution No. 2018-05, Waste Management Rates**

**A motion** was made and seconded to adopt Resolution No. 2018-05 a resolution adopting solid waste and recycling service rates for Waste Management of Oregon, Inc. effective July 1, 2018. **The motion** passed unanimously.

**Highway 99W Sidewalk/Streetscape Project Update**

City Engineer Reid informed that the project is nearly complete with some clean-up remaining as well as some minor curb work required around the City Center parking area and Tina's Restaurant. He informed that the final job walk is tentatively scheduled for Thursday, May 3, 2018 at 10:00 a.m. He invited any available Councilors to attend the job walk. C.E. Reid noted

that there is some cracking of the sidewalks in a couple of locations which were initially thought to be shrinkage cracking; since they are opening up a bit they will be sealed or the panel pulled up and replaced. Discussion ensued. C.E. Reid pointed out that the discussed cracking stems from the corners of some of the utility boxes which is very difficult to control. Decisions will be made soon as to which panels will be repaired and which will be replaced. Additional detailed discussion ensued. C. Nelson indicated that he will walk the project prior to the final job walk on Thursday. C. Weaver informed that he will attend the final job walk.

C. Svicarovich inquired as to whether or not the previously discussed decorative concrete panels have yet been refinished. C.E. Reid responded that this work is to be completed by the supplier, Advantage Precast, and not repaired by K&E. Though this work has not yet be completed, Advantage Precast has assured Reid that they will complete it once the weather improves. C.E. Reid reviewed that the issue with the decorative concrete panels was due to a manufacturers defect and not caused by K&E. Additionally, he explained the process by which the manufacturer plans to come out and remove the grout, clean them and reseal the panels in place.

M. Russ inquired as to whether or not the street lighting work will be completed within the present contract with K&E. C.A. Daykin informed that the street lighting will be done through a separate contract with a company who specializes in lighting. Additional discussion ensued.

M. Russ inquired as to whether the extra decorative panels will be added to existing sidewalks, specifically between Third and Fifth Streets. C.E. Reid explained that when ODOT completes their section of work they will also place those panels at that time. C.A. Daykin informed that the untouched sidewalk areas had not been planned to receive the decorative panels, though C.E. Reid discussed that this could potentially be accomplished by cutting out some sections and installing them.

C. Svicarovich noted that she is very pleased with the street name signs and happy with the logo presentation as well. C. Weaver praised City Engineer Reid for his good work stepping into the project midway through.

## **New Business**

### **Outside Water Service Request**

Mary Okon was present and available to answer questions from Council. C.A. Daykin reviewed that the previous property owners had requested removal of the water meter in order not to pay the required monthly fee. C. Pugsley inquired about the estimate provided from Blue Water Drilling Company and Okon confirmed that they have spoken with many drilling companies; with the present high demand for wells there are lengthy waiting lists. She also pointed out that in the end the total cost for drilling a well could reach closer to \$25,000. C. Nelson inquired as to whether the Okon's would prefer to have their own well or City water to which Okon confirmed their desire to have City water. She explained that when they purchased the property it was their understanding that there was City water present. Additional detailed discussion ensued. Okon informed that due to mold and asbestos issues the house that had been present had to be taken down. C. Nelson voiced his support of granting their request for City water due to the fact that it was previously hooked up to City water and it has been shown to be a hardship situation.

C.A. Daykin explained that City Staff had some concerns about the old service line, though upon investigation the line was found to be a 2 inch galvanized steel line in very good shape. Additional detailed discussion ensued and C.A. Daykin explained that at some point the existing 8 inch line located across the road will be abandoned and replaced with a new 12 inch line on the Okon's side of the road. C.A. Daykin indicated that Staff felt replacing the 2 inch service line did not need to be made at this time which will help keep costs down. He also explained that the 2

inch service line also connects to the next property to the west and consideration will be given to relocating that meter to be closer to the public right of way where the service line crosses the road

**A motion** was made and seconded to accept a City water service request from Nicholas and Mary Okon at 1425 SW 9<sup>th</sup> Street. **The motion** passed unanimously.

### **Street Paving Bids**

C. Nelson expressed his opinion that Brix Paving is a quality low-cost paving provider. He inquired as to whether or not the contract will be a lump sum or paid based on actual tonnage placed. C.E. Reid confirmed that the contract will be paid based on tonnage, and the pros and cons of each option were discussed. C.E. Reid confirmed his plan to monitor the project closely. Discussion ensued. C. Nelson pointed out that Brix Paving's base bid for grade and compact was \$2,000-\$6,000 less expensive than the others; that lack of preparation could be made up with additional tonnage. He also noted that Brix doesn't have much money allocated for erosion control compared to the other bids, though C.E. Reid indicated that not much should be needed cutting existing City Streets. Additional detailed discussion ensued. With careful observation during the project, C. Nelson favored awarding the bid to Brix Paving. **A motion** was made and seconded to award the bid to the lowest, most responsive bidder, Brix Paving in the amount of \$274,358.25. **The motion** passed unanimously.

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

C. Weaver informed Council that he attended the Yamhill County Transportation Advisory Committee meeting last week. He expressed his belief that there won't be an issue with the bus utilizing the bypass and avoiding travel through Dundee at this time. He indicated that if there are any changes made in the future it would likely be due to economics and low ridership following considerable studies. Additional discussion ensued. C. Weaver explained that the local bus routes are in the process of being revamped, which he feels is in the best interest of the ridership.

### **Mayor's Report**

None.

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

C.A. Daykin informed that there have been some discussions with regard to the Bergstrom property on Worden Hill Road. He explained that the property owners are proposing that the residence be converted to a wine tasting room and due to this change they are required to provide for fire flows that they do not have at this time. C.A. Daykin reviewed that City Staff have had discussions with them and have explained that one option is to upgrade the 8 inch line to a 12 inch line and add a fire hydrant near their driveway entrance. Though the costs for this were noted to be exceptional, the City indicated that sharing the cost could be negotiated. The property location was reviewed with Council and C.A. Daykin indicated that MSA had been hired to do some of the preliminary work. He also explained that if something were able to be successfully negotiated with regard to the property it would then be brought to Council for approval. M. Russ inquired about the 12 inch line that had previously been taken up to Roy Winery. C.A. Daykin explained that the line was placed along the frontage of Roy Winery property though stopped at the east boundary and tied back into the old 8 inch line; the idea is to continue with a 12 inch line where it stopped at Roy Winery.

C.A. Daykin provided Council with an information packet regarding the Noise Levels in Dundee for the OR18: Newberg-Dundee Bypass Project as provided by ODOT officials. C.A. Daykin reviewed that all persons who had communication with ODOT were invited specifically via email to attend the scheduled meeting. C.A. Daykin reviewed that approximately 30-40 persons were

in attendance at the meeting. He informed that Tony Snyder provided an informative presentation reviewing the background information as well as the different criteria which need to be met for a noise wall. He noted that Snyder explained that the first criteria was whether or not a noise wall could be built and be effective. Snyder advised that due to the configuration of the property (the bypass alignment) a noise wall could not be built to meet that criteria. A noise wall would only provide a 1-2 decibel drop and their criteria requires there to be a 5 decibel drop for a majority of the properties which are impacted and a 7 decibel drop for at least one of the properties impacted, which would be unachievable. C.A. Daykin noted that ODOT provided a lengthy discussion regarding the physics of sound and an explanation of how a sound wall provides a shadow which is fairly limited; beyond that point the sound comes back in wave type motions back beyond that shadow. Brief additional discussion ensued. Though this information was somewhat disappointing, C.A. Daykin informed that following the meeting he and a group of attendees discussed with ODOT officials to see if additional tree plantings would be an option in the ODOT right-of-way itself. C.A. Daykin explained that the idea was that the City would then maintain that section of property though they are still waiting for that process to move forward. Though it is Daykin's belief that everyone acknowledged that the planting of trees won't have a significant impact on the reduction of noise, it will provide a visual barrier and aid with headlights, etc.

C. Svcarovich expressed concern that people affected by the bypass noise impacts are enduring a type of permanent impact that they have not been compensated for. She acknowledged potential impacts to property values for homes affected, and inquired about possible compensation for those impacted. She reviewed that an Environmental Impact Statement (EIS) had indicated that property owners wouldn't be impacted though it has been acknowledged that they have been impacted; there seem to be no options to fix the issue though these properties have been impacted. C.A. Ramis shared that though he doesn't have any recent experience with the topic at hand, he is aware that there have been some cases where compensation has been permitted around airports where sound has essentially condemned an easement. He noted that it may be well worth someone taking a look at ODOT's own regulations to see if there is some sort of provision already that recognizes that. Additional brief discussion ensued. C.A. Ramis pointed out that though there may be some possibilities, it is not an obvious thing that often is compensated.

C.A. Daykin explained that his impression at the presentation was that when the EIS was done it identified almost the same properties as those to be impacted as they did coming back with the newer analysis; he felt the projected noise was shown to be pretty close to what the actual noise has been identified to be. Additional discussion ensued. Though ODOT forecasted almost the identical conditions being seen, they had also determined that they could not build a wall that would effectively decrease the sound by the required amounts to justify it.

C. Nelson acknowledged that C. Svcarovich's point and concern is still worth pursuing. C. Svcarovich expressed concern that there is an impact to property owners and shared her opinion that there should be some sort of compensation for the value of the property.

M. Russ pointed out that at some time in the future this area will become more developed, at which time a wall may serve the homes located right next to the bypass, with additional homes serving as sound block on down the line. It is his belief that at such a time some of the people now affected by the noise would then no longer be impacted in the same way. C.A. Daykin pointed out that if ODOT adds an additional two lanes to the Highway that may trigger another review, but if any new development comes in they will be making the decision to develop with that condition already in place.

C.A. Daykin reminded Council that a Budget Committee meeting will be held this Thursday, May 3, 2018 at 7:00 p.m.

### Public Comment

Howard Bell, 560 SE Parks Drive, approached the Council and informed that he attended the ODOT meeting. He recited a portion of the Dundee Vision Statement and expressed concerns that for property owners on his street and others affected in nearby areas these statements in the vision are no longer accurate. He reviewed that he has been working with ODOT with regard to his concerns about the Bypass since 2011, both in discussion and in written letters. He shared that he works for NW Natural Gas and explained his involvement in the project. Mr. Bell offered a detailed discussion about the effects of the bypass to the quality of life on his property, including noise, sight and smell. He noted that he is able to keep his windows closed (to help with the noise) due to having air conditioning, though his neighbors aren't as fortunate. He also informed that his home is approximately 500 feet from the bypass and voiced disappointment that ODOT does not acknowledge the high level of impact he has experienced. Mr. Bell expressed his opinion that though the addition of berms may not help significantly with the noise, it would offer something visually. He suggested the idea of partnering with ODOT to add berms as a way of offering some protection visually, in addition to planting trees. He informed that he has researched the Oregon Noise Manual and reviewed the noise decibel equation provided by ODOT which, in his opinion, does not offer proper noise protection. Additional detailed discussion ensued. Mr. Bell expressed his belief that ODOT should provide some type of sound protection, whether it be storm windows or air conditioning, or some type of restitution for the loss of property value.

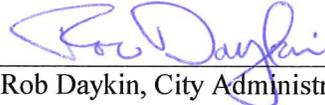
Bell recalled the previously discussed situation with realigning Parks Drive to take it down to 12<sup>th</sup> Street. He explained that his property is adjacent to an unimproved right-of-way which, if improved, would place his property in a situation of being on an island. He discussed the negative impacts to his property and neighbors if the discussed realignment were completed. If the City desires to move forward with the realignment, Bell suggested the idea of the City purchasing his property in order to move the road down a bit and thus be less impactful to his neighbors.

C. Nelson acknowledged Mr. Bell's concerns and indicated that though the City would like to do all it can to help, it is a difficult position for the City to be in the middle of. He reviewed that all throughout the early design of the bypass project the City pushed for landscaping berms, which C. Nelson reviewed were one of the first things eliminated by ODOT. He also noted that ODOT continued to eliminate some of the things that the City knew would affect quality of life in Dundee. M. Russ also voiced his support for those affected by the bypass though agreed that the City is in difficult position with regard to this issue. He indicated that the City is limited in what it can or can't do to become involved. M. Russ pointed out that with regard to this issue, the individual property owners may actually have more power than the City against ODOT. M. Russ offered City support where it could and asked to be kept apprised of the situation with ODOT. Discussion ensued.

The meeting was adjourned at 7:51 P.M.

  
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David Russ, Mayor

Attest:

  
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Rob Daykin, City Administrator/Recorder