

**CITY COUNCIL MEETING
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May 5, 2015**

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City of Dundee
City Council Meeting Minutes
May 5, 2015

Call to Order

Mayor Russ called the meeting to order at 7:04 P.M.

Council and Staff Attendance

Present: Mayor David Russ, Councilors Jeannette Adlong, Ted Crawford, Storr Nelson, Kristen Svicarovich, and Tim Weaver. Excused Absence: Councilor Doug Pugsley. Staff members: Rob Daykin, City Administrator, and Debra Manning, Assistant City Recorder.

Public Attendance

Vic Peterson, Astound Broadband, LLC, and Mike Lord.

Agenda Changes

Added Item 5.2 OLCC Liquor License Application, It's Party Time Catering, Inc. to the Consent Agenda.

Public Comment

None.

Consent Agenda

It was noted that the location for the liquor license application, 1026 Highway 99W, is the Dundee Community Center. **The motion** was made and seconded to approve Consent Agenda items 5.1 City Council Minutes, April 21, 2015 and 5.2 OLCC Liquor License Application, It's Party Time Catering, Inc. **The motion** passed unanimously.

Old Business

Ordinance No. 540-2015 Astound Franchise Agreement

The ordinance authorizes the City Administrator to sign the franchise agreement with Astound Broadband, LLC. The title was corrected to delete the emergency clause; as there is no emergency in this case. He noted that Vic Peterson, Astound Broadband, LLC was present to address any questions. Astound is ready to move forward hanging fiber.

Councilor Crawford inquired why the City Attorney was not present for the meeting. Daykin advised that staff reviewed the agenda with City Attorney Watts and determined that there wasn't sufficient need for his attendance at this meeting. Crawford stated that it appears item 5.b. on page 12 contradicts item 6.b. He expressed concern that Astound would be required to make a franchise payment thirty days after the agreement becomes effective, whether they are up and going in the city or not. Vic Peterson, Astound's Vice President of Major Product Implementation, advised that they will occupy the right-of-way (ROW) very soon. He estimates they will have their permits and be laying cable on the poles by the ordinance's effective date. Payment of the franchise fees will come immediately after that. After further discussion the recommendation was to strike item 5.b. **The motion** was made and seconded to adopt Ordinance No. 540-2015, an ordinance granting a non-exclusive franchise with Astound Broadband, LLC to operate a telecommunications network in the City of Dundee, Oregon, including the right to place and maintain this system in the public rights-of-way; fixing the terms and conditions for said franchise; authorizing the City Administrator to sign this agreement and deleting paragraph 5.b. **The motion** passed unanimously.

TE Project Update

City Engineer Eaton updated the plans for Phase 1 have been submitted to ODOT and comments should be back to staff about May 15th. Utility Conduit update: we have currently designed conduits for our section (Third Street – west side and Sixth Street – east side to Twelfth Street). There are no underground conduits being provided in ODOT's section (outer areas). Eaton asked if Council's direction is to underground the whole section. Daykin stressed the incentive to the utilities to underground is to have the conduit in place for them (estimated cost \$250,000) when we request the transition. Eaton stated that the budget includes \$190,000 for Phases 1 and 2 conduit installation; the biggest cost will be the directional bores under Fifth Street.

Mayor Russ asked if we could lay conduit in ODOT's section, after they have torn up the ROW and before they complete their work in the ROW. Eaton replied that could be an option. He noted the ROWs are wide in ODOT's section; we could trench and install the conduit ahead of time.

City Engineer Eaton questioned whether we are providing the vaults for the project. The original plan was to provide the vaults for under the sidewalks in the narrow section, but not install vaults where there are no conflicts with the new sidewalk. Mayor Russ supported the utilities being responsible for provision of their vaults. Daykin shared the original cost for the undergrounding, including the conduit installation, was \$650,000. He inquired if would we have enough funds for the bores under Fifth Street if the utilities provide their vaults and the city budgets \$100,000. Eaton estimated \$60,000 for the two bores.

The Mayor questioned the utilities providing the vaults with city staff installing them. Eaton advised that coordination is the problem in the narrow sections. In the other areas it is reasonable for city staff to install the vaults while the trench is open for the conduit installation. Eaton suggested they provide all the vaults for the project. He cautioned if Astound contracted the boring the contractor would have to remove the sidewalks, complete the bores and leave them open until the sidewalks are completed in the phase work; otherwise staff would have to remove the sidewalks and wait for the contractor to arrive to address the bores. C. Crawford suggested the utilities should pay for the installation on ODOT's portion of the project. Eaton replied that is the question before the Council. He needs direction now to complete the design work to go to bid. The Council consensus was to complete our phase, including the borings under Fifth Street and apply any remaining funds to conduit work outside of Phase 1 without exceeding the \$190,000 budget. The franchises will need to complete the work.

ODOT is advising they will make the funding between the two phases work; the transfer of revenues between federal and state funds. Phase 1 cannot use any federal funds. ODOT has asked the city to wait on amendments to the intergovernmental agreements (IGAs) until the final quantity take offs are done and a full engineer's estimate has been submitted.

We lost the quantity discounts with the reduced quantity order for the decorative sidewalk tiles and therefore are not seeing the anticipated savings on the tiles. The cost for 52 tiles, two tiles per block, is \$18,980 including glass in the river versus \$12,480 without glass. The cost can be further reduced if fewer tiles are purchased for other areas. A third option would be to inter mix the two tile types. The number of tiles has been reduced to two tiles a block; about every 75 to 100 feet. There is a \$20 discount for every twenty tiles ordered. Eaton relayed the concern to get the tiles ordered soon; the manufacturer advised that he will not be able to address special tiles once their busy season starts. Previously the Council's direction was to add the glass to the river feature only. The manufacturer has advised it will not affect the pricing if glass is used on the whole tile. The tiles will be manufactured and then set into the sidewalk. C. Crawford asked if the price includes installation. Eaton advised it is delivery only as our contractor will install them.

Councilor Svicarovich questioned how the glass would hold up over time and if it will create a slip and fall hazard with a smooth finish. Eaton shared they can make a rough finish; the tile will wear the same as any other sidewalk surface.

Councilor Adlong questioned the original budget for the treatment. Eaton stated \$15,000 was included in the TE grant budget. ODOT might make up the difference since it is part of the grant. **The motion** was made and seconded to authorize the purchase of 78 decorative sidewalk tiles with the glass treatment on the entire face of the tile. **The motion** passed unanimously. C. Nelson questioned the cost to replace a decorative tile in the future. Eaton relayed that the manufacturer will have the molds, which is the biggest cost, and new tiles can be ordered. Nelson suggested a policy: Anyone completing work to a city sidewalk will be required to purchase a decorative tile for the City to install as the City deems.

New Business

Streamline West Engineering Services Agreement

Streamline West Engineering, Greg Reid, was contracted to help City Engineer Eaton with the design work for Phase 1 of the TE project. Eaton has been busy processing private development applications. Reid has been involved doing more of the work on the project than the city engineer. This request is to extend his contract at the same fee of \$75 per hour. **The motion** was made and seconded to accept the proposal from Streamline West Engineering for design support and authorize the city administrator to sign the agreement. C. Svicarovich inquired if the 150 hours would accomplish the final plans or go beyond that. Eaton advised beyond. C. Crawford inquired if the scope of services should be broadened to include more than the TE project. Daykin noted the \$75 rate was special rate for the city; additional work would have to be discussed with Reid first. **The motion** passed unanimously.

Storm Water Treatment Demonstration Project

The City Engineer advised that both Basin 1, which runs underneath the Waste Water Treatment Plant (WWTP) Lagoon 4, and Basin 2, which has the issues causing the flooding of the downtown core, are both over capacity. Basin 5 has been severed by the Bypass and will have to be redirected into Basin 1. The plan is to reduce the size of Basin 1 to add the severed section of Basin 5 to it and to divide Basin 2 into three sections. Eaton reviewed the system with a computer presentation. When the improvements are completed there will be a thirty-six inch pipe running from the Fire Hall to the outfall south of Parks Drive. The loan documents presented would complete the Seventh and Ninth street portions. The city's project won't change anything above Eleventh Street. The updated Storm Water Master Plan will delineate system capacities.

City Engineer Eaton reviewed the proposed TE project storm water treatment system for the Ninth Street basin as designed near the Community Center. C. Adlong questioned the treatment process. Eaton presented a video on Contech's Jellyfish filters; they are looking for test sights to help them get additional approvals nationwide. The filters remove fine particulates, oil, trash, debris, metals and nutrients. Maintenance involves removing the filters, rinsing and reuse; with filter replacement every two to five years. They will install a six foot manhole (\$59,000 value) with the city paying \$4,783 for the 48" splitter manhole. C. Crawford questioned other options available and their cost. Eaton advised other options would cost more. We are limited as we are doing a retrofit of an existing system. Storm filters is the primary system on the market (which is made by the same company and being installed by 12th & Maple and Argyle wineries). Elevation drop is a problem for the city's project and the Jellyfish system does not require this. Contech will maintain the system for the first five years. The unit will be packed full of cartridges. Usage may determine there is only a need for two cartridges; this would allow the extra cartridges to be pulled lessening maintenance costs.

The Mayor inquired the costs of membrane and storm filter replacements. Eaton advised that storm filters replacements are expensive and have to be replaced fairly often. With Jellyfish, the more you clean the filters the longer they will last. Contech may provide the city a 48-inch Jellyfish system for the Eleventh Street system as an additional test site.

C. Adlong asked if this would be the future trend for residential neighborhoods versus a more natural treatment. Eaton responded this applies for this project as we are already underground. The ideal way is to collect the storm water as a surface flow and treat it before it goes underground into the pipes. Argyle is using both a proprietary treatment and a pond treatment with a rain garden. 12th & Maple is staying with proprietary treatments to allow them the fullest usage of their ground space for buildings and pavement. Mayor Russ questioned if the rain gardens accumulate large amounts of hazardous waste overtime. Eaton relayed you must maintain the plants and replace them as needed.

C. Nelson questioned if we don't like the system in five years. Eaton relayed we can pull the cartridges and let water go through it.

C. Svicarovich inquired if we could get Contech to replace the filters at the end of the test period. Eaton will follow up with Contech. Mayor Russ suggested they replace all replaceable parts at the end of the test period.

The City Engineer noted the pipe system exiting on Tenth Street goes back to Fifth Street and has only one access point. He asked Council to authorize this as a separate project to install this portion of the system ahead of the TE work. Eaton noted part of the problem with the improvements is that there so much unknown about what lays underneath Highway 99W.

The motion was made and seconded to authorize the City Administrator to sign the memorandum of understanding, site access and indemnification agreement, and purchase order with Contech Engineered Solutions for the installation and monitoring of a Jellyfish Filter System at the intersection of Tenth Street and Highway 99W. Svicarovich asked if the city attorney had reviewed this contract. Daykin advised that they had received a copy; but this was not specifically discussed with them. **The motion** passed unanimously. C. A. Daykin will not sign the agreements until replacement of parts at the end of the five years is resolved; if not resolvable the issue will be brought back to the Council.

Council Concerns and Committee Reports

C. Crawford advised that criteria has been announced for the grants which the Tourism Committee plans to apply for the Wine Country license plate revenues. The application deadline is the middle of June. There will be a matching grant of \$20,000 every two years for a total project cost of \$40,000. A mobile information kiosk is being considered for this grant application. It could be relocated to different sites around the city and staffed during the summer. Crawford asked if the city's liability insurance could be extended to cover it while located within the city limits. Daykin confirmed coverage if owned by the City.

The banners purchased by the local wineries are ready to be hung along Highway 99W. Fueled by Fine Wine will sponsor twelve banners for the half marathon and twelve additional banners are being purchased: six banners with a bicycle theme and six with a canoe paddler theme. They will have the motto "Live here, Play here" and will be hung for the summer months.

Mayor's Report

Councilor Weaver will be a participant on the Bypass tour with Representative Bonamici. He will relay the Council's concerns to correct the fishhook connection to Highway 99W.

Mayor Russ asked for an update on the contaminated soil land farm. Daykin updated that the soils have been turned a couple of times; and will be turned again soon dependent on good weather. No additional testing has been completed.

The Mayor noted saving money is a concern for the city; but not having the city attorney present could also cost the city. The Council could have used the city attorney's opinion during this meeting. Russ expressed concern that it is a potential issue to not have the city attorney present at the meeting as it is unknown when legal counsel will be needed. After further discussion the Council requested the City Administrator email light agendas with a notation that it appears the city attorney's presence is not required for the meeting. This will allow the Council to review the agenda and determine if they wish to have legal counsel present at the meeting.

City Administrator's Report

The updated IGA is in from ODOT for the Bypass related issues including use of city streets and maintenance of new facilities. It has been forwarded to the City Attorney and the City Engineer for their review.

Notice was received from one of the presenters from the Mid-Willamette Valley Council of Governments (COG) that they will not be able to attend the Urban Renewal Workshop scheduled for June 9th. They have offered two alternate dates of Wednesday, June 10th or Tuesday, June 23rd. The majority consensus was to reschedule to Tuesday, June 23rd.

City Planner Pelz gave birth to Bennett Marshall Pelz on Friday, May 1st. Jim Jacks, COG, will step in to help cover Pelz's absence at the next Planning Commission meeting, May 20th, the Public Hearing for the Transportation System Plan.

Office Manager Hartman and Administrative Assistant Osborne are in Provo, Utah this week for training on the new utility billing software.

Public Comment

None.

The meeting was adjourned at 8:59 P.M.



David Russ
Mayor

Attest:



Debra L. Manning, MMC
Assistant City Recorder