

**CITY COUNCIL MEETING
TABLE OF CONTENTS FOR MINUTES
May 16, 2017**

Call to Order	2
Council and Staff Attendance	2
Public Attendance	2
Agenda Changes	2
Public Comment.....	2
Consent Agenda.....	2
Old Business	2
Sidewalk Gap Construction.....	2
Ordinance No. 559-2017, Beech Street Easement.....	4
New Business	4
Undergrounding Project IGA.....	4
City Attorney Agreement Amendment.....	5
Dump Truck Purchase.....	5
Slope Easement.....	6
Council Concerns and Committee Reports.....	7
Mayor's Report.....	7
City Administrator's Report	7
Public Comment.....	8
Executive Session	8

City of Dundee
City Council Meeting Minutes
May 16, 2017

Call to Order

Mayor David Russ called the meeting to order at 7:05 P.M.

Council and Staff Attendance

Present: Mayor David Russ; Councilors Kristen Svicarovich, Ted Crawford, and Tim Weaver.
Absent: Councilors Doug Pugsley, Storr Nelson and Jeannette Adlong. Staff members: Rob Daykin, City Administrator; Shelby Rihala, City Attorney; Melissa Lemen, Administrative Assistant; and Chuck Simpson, Utility Worker III, Public Works.

Public Attendance

Jan Prokop; Steve Prokop; Chris Reber; Sarah Kisselburgh; Janelle Olivarez; and D.J. Myers.

Agenda Changes

Additions to New Business: Item 7.3 Request for Purchase of a Dump Truck
 Item 7.4 Slope Easement Discussion

Addition of Item 12: Executive Session: In accordance with ORS 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with respect to current litigation or litigation likely to be filed.

Public Comment

None.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 5.1 City Council Minutes, May 2, 2017 and 5.2 Financial Report Ending April 30, 2017. **The motion** passed unanimously.

Old Business

Sidewalk Gap Construction

Mayor Russ referenced the maps provided within the agenda packet on pages 39-40, and this information was briefly reviewed. C.A. Daykin informed that earlier this year the City Council did a comprehensive review of all sidewalks in Dundee where gaps are located and considered the Upland Drive and Seventh Street sidewalk gaps of higher priority to address first. The gap on Upland Drive involves a single undeveloped lot that is unlikely to develop in the near future. C.A. Daykin informed that he talked with the property owner who indicated that they would be interested in taking out a Type A permit and hiring a contractor to complete the sidewalk gap themselves. With regard to the sidewalk improvements on Seventh Street, C.A. Daykin pointed out that there are a lot of challenges presented as noted in the agenda report beginning on page 35. He advised that the costs associated with resolving the issues are unknown. C.A. Daykin suggested that one way of addressing this is to ask the City Engineer to prepare a report on all of the costs and project elements; this information could then be brought to City Council at a future date. He also noted that this would be the first step in initiating a Local Improvement District (LID) if desired, though initiating the report does not require moving forward to the next step. C.A. Daykin also informed that, per the City Council's direction, letters were sent to all of the

property owners identified in the sidewalk gap locations, some of whom are present tonight. Mayor Russ invited the audience to express any comments.

Chris Reber inquired as to the reasons why sidewalks are desired on Seventh Street. Discussion regarding the sidewalk gaps on Seventh Street ensued. M. Russ pointed out that the sidewalks are important for many reasons including safety for residents, especially due to high volumes of traffic (including tourism traffic), as well as for cosmetic reasons. Steve Prokop expressed concerns with regard to individual property owners being asked to pay for the new sidewalks as opposed to the public as a whole. M. Russ discussed that property owners are responsible for sidewalks on their property not only locally, but nationally as well, and though it may seem unfair this is the long-standing process that has been established. Detailed discussion ensued. C. Crawford pointed out that maintenance of sidewalks is also the responsibility of the property owner. A resident inquired as to the per foot cost of constructing new sidewalk. C.A. Daykin informed that costs vary widely and each circumstance is different; until the scope of the project can be determined, it is very difficult to place an actual figure on the cost. The actual sidewalk itself was noted to potentially cost \$25.00 per running foot for a five foot wide sidewalk. C.A. Daykin discussed that in the City of Dundee, sidewalks are required whenever there is a division of land, whether it's a subdivision or partition. The details with regard to the properties involved in the Seventh Street sidewalk area were discussed, including the fact that in a couple of instances City Policy required that sidewalk should have already been placed though this did not happen. C.A. Daykin pointed out that most existing sidewalks in Dundee were presumably paid for by the developer who then passed that cost along to the homeowner. He informed that while it is fairly rare to obtain grant money for sidewalks at this point, an LID is another common financing method that Cities use. C.A. Daykin pointed out that the benefit of an LID is that the City would take it on as a project that might otherwise be too complex or difficult for a group of homeowners. A methodology could be put into place that would spread the costs and allow the homeowners to pay it off over a ten-year period of installments. More information could be provided at a later date if the City Council chose to move forward on that path.

C. Crawford pointed out that obtaining the sidewalk cost information from the City Engineer is an important factor. He suggested that if these costs are too high and onerous for the homeowners, the Council may reconsider their decision with regard to the sidewalks. Discussion ensued regarding the benefits of completing the sidewalks now given the fact that a new development will be occurring uphill from the area on Seventh Street.

A question was raised with regard to when the Seventh Street sidewalk project would begin. M. Russ pointed out that it likely wouldn't be completed until next year. Discussion ensued regarding present projects taking place in Dundee which may affect the timeliness of the discussed sidewalk project, specifically with regard to the City Engineer's schedule. C. Svicarovich supported the City Engineer compiling a report, and noted the importance of establishing the costs associated with the project. C.A. Daykin pointed out that there will be additional costs for this sidewalk project associated with the inclusion of the ADA ramps. Discussion ensued regarding some of the requirements associated with the placement of ADA ramps and their potential costs.

Homeowner Janelle Olivarez inquired about Linden Lane with regard to the need for sidewalks in that area. M. Russ informed that at this time the Council did not determine that sidewalks on Linden Lane were as important as the addition of them on Seventh Street. Jan Prokop pointed out that there is a lot of traffic with many people parking on Linden Lane as well as Seventh Street on the weekends. She noted that delivery trucks regularly utilize their driveway at 420 SW Seventh Street when making deliveries. Conversation ensued with regard to traffic and congestion in the area. M. Russ and C. Crawford briefly discussed that the City is looking at ways to potentially

increase public parking in town, though even with the formation of the Urban Renewal district this is likely to be at least a couple of years down the road. Detailed discussion ensued. M. Russ reiterated the importance of placing the sidewalks now which will benefit the residents and businesses in the area. C. Svicarovich supported the possibility of adding the sidewalks to provide a safety benefit for the entire corridor.

C.A. Daykin discussed in detail the process ahead if the City Council makes a decision to move forward with directing the City Engineer to prepare a report. He informed that all property owners would again be notified if the decision were made to move forward, as well as a public hearing scheduled. Additional detailed discussion ensued regarding the additional steps of this process.

A motion was made and seconded to initiate sidewalk and related improvements on Seventh Street and direct the City Engineer to prepare a report on the proposed budget. **The motion** passed unanimously.

Ordinance No. 559-2017, Beech Street Easement

M. Russ briefly reviewed the proposed ordinance. C.A. Daykin informed that the City did complete the sewer main inspection last Friday. The inspection revealed more obstructions (tree roots and some leaking), but rather than moving forward with repairing those issues and continue the inspection the contractor offered to provide a quote for replacing the rest of the sewer main. C.A. Daykin advised that the City is waiting for the quote to come in though it will exceed the \$1500 the Twenge's had agreed to contribute to that cost. He also pointed out that the Twenge's have provided the funds that the City Council requested. The map on page 44 was reviewed with Council and questions were addressed. **A motion** was made and seconded to adopt Ordinance No. 559-2017, an ordinance amending Ordinance No. 241 to allow for reduction in size of reserved easement. **The motion** passed unanimously.

New Business

Undergrounding Project IGA

C.A. Daykin led a brief discussion regarding the Undergrounding Project IGA. He informed that the City Attorney is available tonight to answer any questions the Council may have regarding the Agreement, and noted that an attorney will not be available at the next Dundee Urban Renewal Agency meeting for this purpose. M. Russ pointed out that this topic was discussed at a prior meeting and the intent was to move forward with the Agreement.

C. Crawford inquired about the payment schedule and inquired as to whether or not that would limit the City from being able to move forward with other projects. C.A. Daykin referred the Council to view the chart on page 45 of the agenda packet. He noted that he was hopeful the loan would be paid off within five years only because those were noted to be City street funds that would hopefully be used in the five-year street maintenance plan. Additional discussion ensued. C.A. Daykin informed that he was planning to have Doug Rux attend a future Dundee Urban Renewal Agency meeting to discuss his experiences with regard to setting up guidelines pertaining to prioritizing Agency funds due to the limited amount in the early years. C. Crawford advised that if the transportation package in the legislature passes, with that additional funding going to Cities, Dundee might not be in as urgent need for street funds as we are now. C.A. Daykin pointed out that the City and the Agency can renegotiate the terms of the agreement if both parties mutually agree to the change. M. Russ supported extending it to 6-7 years which C. Crawford agreed with, especially if the transportation bill were to pass. C. Svicarovich supported keeping the terms to what have been established, and noted that if there came a time that a change were desired, consideration could then be given to extending the term; she supported the idea of

trying to pay it off in a timely manner. M. Russ shared that his main concern is that the Agency has funds available to move forward with projects. He informed that he would like to see a visible project take place reasonably quickly once things get moving which will help citizens feel good about urban renewal; taking too much funding from this initially could potentially slow that down. C. Crawford voiced similar concerns about the need for citizens to see a marked improvement to the downtown core early on.

The importance of installing the conduit was discussed at length. C. Svicarovich stressed the importance of placing the conduit prior to the sidewalks due to the potential for a sidewalk moratorium. C.A. Daykin informed that though this has not been the case with sidewalks in Dundee (if a section of sidewalk is removed for any reason it is required to be replaced), he explained that there is a moratorium for new asphalt in the street.

M. Russ pointed out that more information will be available to make a solid decision after the initial projects move forward; the payment plan can be changed next year if need be. C.A. Daykin pointed out that he cannot move forward to sign the K&E Agreement until this intergovernmental agreement is completed by both parties. C.A. Daykin acknowledged the expressed concerns with regard to visible initial urban renewal projects, and suggested that discussing these concerns at an Urban Renewal Agency meeting would be most beneficial. He reiterated that if both parties so choose, the Agreement can be amended. The next Urban Renewal Agency meeting is scheduled for May 23, 2017 at 7:00pm at City Hall. A **motion** was made and seconded to approve and authorize Mayor Russ to execute the agreement between the City of Dundee and the Dundee Urban Renewal Agency for construction and financing of conduit for the undergrounding of overhead utilities. **The motion** passed unanimously.

City Attorney Agreement Amendment

C.A. Daykin reviewed that there have been no hourly rate changes since 2010. He reviewed that the City of Dundee rates are substantially below that which Jordan Ramis, P.C. is currently charging their other client cities. C.A. Daykin reviewed that over the proposed two-year period; there would be an approximate 15% increase which covers a 7-8 year span since the current rates were in effect. C. Crawford inquired as to what portion of a typical bill is allocated to paralegal time, and pointed out the high hourly rate of \$190/hour for paralegal services. C.A. Rihala informed that paralegal Angela Johnson has been the paralegal assigned to Dundee and she is used frequently; the more time intensive real property work is often referred to her with an attorney reviewing. She also informed that Ms. Johnson has graduated law school and does have an Oregon bar license though she is not an active practicing attorney. Ms. Johnson does also have experience as an attorney which makes her more highly qualified than a typical paralegal. C.A. Rihala pointed out that when she has needs for reviewing or word processing work to be done; this is referred to her legal assistant who does this for no additional charge to the City. Additional conversation ensued. C. Crawford inquired as to what C.A. Rihala's undiscounted hourly rate is which she informed is \$290/hour. M. Russ inquired as to whether the fact that the City's paralegal is bar licensed could be specified in the Agreement to which C.A. Rihala confirmed. A **motion** was made and seconded to approve the amended City Attorney rates for services from Jordan Ramis, P.C. as detailed in the Third Amendment to Legal Services Agreement, and to include that paralegal services provided by an Oregon bar licensed paralegal. **The motion** passed unanimously.

Dump Truck Purchase

C.A. Daykin informed that Chuck Simpson, Utility Worker III, Public Works, has been looking for a number of months for a replacement of the 1995 dump truck. As noted in Simpson's memo, there are some operational issues with the present dump truck as well as some repairs needed. Rather than investing more money into this old piece of equipment, Simpson began looking for a

replacement. It was noted that the intent in replacing this piece of equipment has always been to replace the old dump truck with another used vehicle. Simpson reviewed his search methods for a replacement dump truck over the last two months, noting that by the time he has called on multiple potential vehicles they are sold. When he expanded his search area only a couple of additional options were revealed; dump trucks are scarce. Other options were briefly discussed. Details pertaining to the 2008 International 4300 Dump Truck in Sacramento were discussed. Simpson discussed the process by which the City could make a deposit to hold the vehicle until he could travel to Sacramento to inspect it himself. He advised that the vehicle previously was a rental unit. Simpson also informed that he believes the truck should have an hour meter on it in addition to the odometer. The size of this dump truck does not require the driver to carry a CDL, which Simpson advised is preferred.

M. Russ inquired as to the funding for this purchase. C.A. Daykin informed that a reserve was set up for this purchase which has a balance of approximately \$45,000 presently, though this fund cannot fully cover the purchase of the truck. He explained that the negative balance would be amortized over the life of the truck. The details of this process were reviewed.

C. Svicarovich inquired as to how vehicle maintenance for this truck would be completed. Simpson confirmed that routine maintenance issues on the vehicle could be managed by public works, though larger issues likely could not.

C. Weaver inquired as to the travel arrangements and the process of bringing the truck back to Oregon. Detailed discussion ensued regarding the process by which Simpson will initially fly to Sacramento, CA to inspect the vehicle. The truck would potentially then be driven to Reno, Nevada where the transaction would take place in order to avoid paying California sales tax. Afterwards, Simpson would then drive the truck back to Dundee. Two other potential purchasing options were also discussed briefly.

A motion was made and seconded to authorize Staff to purchase the 2008 International 4300 Dump Truck from Truck Site of Sacramento, California, in the amount of \$49,500 plus travel expenses. **The motion** passed unanimously.

C.A. Daykin confirmed with Simpson that it is the intent of PW to surplus the existing dump truck when appropriate. **A motion** was made and seconded to authorize Public Works to take the necessary steps to surplus the existing 1995 dump truck. **The motion** passed unanimously.

Slope Easement

C.A. Daykin briefly reviewed the two slope easements on the banks on either side of Third Street. Both easements are approximately the same size in area and based on the same rate that the City has been valuing easement properties from the appraisal report used for a storm sewer easement (\$1.625 per SF). C.A. Daykin advised that Staff is recommending that the Stoller easement would have a value of \$1050 and Red Hills Provincial Dining would have a value of \$1000. Additional details pertaining to the properties were discussed. C. Crawford inquired as to whether or not this information has been presented to the property owners. C.A. Daykin informed that this information has not yet been presented to the property owners and shared his opinion that these are good and fair offers. He also informed that the property owners have been very positive towards the upcoming changes. It was noted that the Stoller slope easement property is 756.29 SF in size and Red Hills Provincial Dining is 613.59 SF. C.A. Daykin confirmed that the City will be taking care of the maintenance of the easement properties moving forward. M. Russ inquired as to the amount of consideration given for the easements which C.A. Rihala confirmed to be fair market price. C.A. Daykin pointed out that if the cost of the slope easement is too much the City could opt to do a retaining wall instead; the cost of this could be

spread throughout the full LID. M. Russ expressed his support of the proposed consideration. C.A. Daykin advised he will plan to move forward and present the Agreements to each property owner.

Council Concerns and Committee Reports

C. Crawford informed that the event he has been working on with regard to the bypass opening will now be a run only event due to a variety of complications. He advised that there is a lot of participation interest in the event even as a run. C. Crawford also informed that ODOT would like to open up the bypass following the run event to allow people to walk or bike it. The date is set for September 30, 2017. Additional details were discussed.

C. Crawford informed that he walked the bypass recently on a weekend. A police officer that he encountered informed him that ODOT didn't mind his presence on the bypass though asked him to be careful. He advised that he also saw cars traveling on the bypass on separate occasions over the weekend as well as other walkers and bike riders. He pointed out the potential safety issues with this combination of travel on the bypass.

Mayor's Report

M. Russ expressed concerns with regard to the amount of weeds growing in areas throughout town, especially in areas between the curb and the sidewalk on Highway 99W. He also noted that there are several lots which have weeds grown to over two feet tall. C.A. Daykin informed that mowing letters will be sent out soon. C. Weaver pointed out that he has seen some mowing taking place. M. Russ reviewed the fact that while weeds over two feet tall do pose a safety issue, he is also very concerned with the unsightly appearance of them in the City.

M. Russ discussed the fact that the piece of property (southeast corner of Alder and Ninth) popular for Dundee residents to let their dogs play now has signs posted prohibiting dogs. M. Russ expressed his opinion that a dog park would be a great asset to the City of Dundee. He would like to propose making the grass area of scenic Overlook Park a dog park. He pointed out that this park is too undulated for human use and noted that it would be great for dogs. C. Crawford pointed out that Overlook Park is a good size for a dog park. C. Crawford suggested that CPRD could make this change to the property. C. Svicarovich shared that her only concern would be fence height and the fact that the roadway in that area has fairly high speed traffic. M. Russ pointed out that most dog parks don't typically have fences over four feet high, although many dogs could potentially jump a fence of this height; dogs are usually distracted and playing in a dog park environment. C. Crawford recognized that residents in the area may not support this idea of a dog park adjacent to their property. M. Russ expressed his support of the idea and pointed out that there would be guidelines set in accordance with the noise ordinances in the City. C.A. Daykin informed that he will forward this information to Jeannette Adlong, Parks Advisory Committee Chair.

City Administrator's Report

C.A. Daykin informed that Cody Gardner, plans examiner, City of Newberg Building Department, has accepted a new position working for the City of Hillsboro. His last day with the City of Newberg is Friday, May 19, 2017. C.A. Daykin informed that the City of Newberg did begin a recruitment process earlier on. They had one applicant that was qualified, but ultimately that applicant withdrew his application so they are starting that process over again with resumes to be brought back on May 25th. In the meantime, C.A. Daykin noted that they have contracted with Burrows Consulting Services in Salem for plan review services, with the intent of still maintaining their turnaround time of permits for the general public. He pointed out that those costs will be transparent to the City of Dundee as services are contracted directly with the City of Newberg. Conversation ensued regarding the challenges of filling this position.

C.A. Daykin shared a report back to Council with regard to concerns of children crossing First Street before or after school. He advised that he reviewed the issue with the principal of Dundee Elementary school, Reed Langdon, as well as the police department. C.A. Daykin informed that on four separate occasions (two in the morning and two in the afternoon) activities were observed in the previously discussed areas of concern. Only one child was observed to be crossing First Street each morning, once attended and the other time alone. No children were observed crossing First Street after school. C.A. Daykin informed that a school bus does stop on First Street and kids are able to get on and off at that point. School bus services are available for children in that area, and he pointed out that the only time a child was observed to be crossing was in the morning. Additionally, he informed that a speed study and traffic count were also done in this area. It was noted that 97% of traffic traveled within 30 mph; no problems with traffic were observed during the critical morning and afternoon times. This information was provided to the principal. C.A. Daykin pointed out that the principal stated that he has never had concerns raised to him directly with regard to children crossing First Street.

C.A. Daykin informed that the City has secured two sites for biosolids disposal, and both of those sites have been forwarded to DEQ for their review. Mail notice was sent to the property owners though they will receive official notice from the State as well. C.A. Daykin advised that the best site for the City is only 3.5 miles from the WWTP, a 40 acre site on Riverwood Road. The next closest site is fourteen miles from the WWTP. This 73 acre site was noted to be just south of McMinnville. C.A. Daykin also informed that a third site even further away is also being considered for back-up.

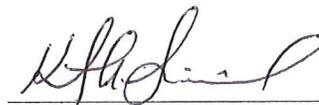
Public Comment

None.

The meeting was adjourned at 8:28 P.M.

Executive Session

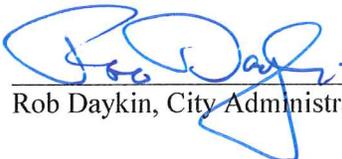
The City Council entered into Executive Session at 8:29 P.M. for the purposes: to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. The executive session is held pursuant to ORS 192.660 (2)(h).



~~David Russ, Mayor~~

Kristen Svicarovich, Council President

Attest:



Rob Daykin, City Administrator/Recorder