

**CITY COUNCIL MEETING
TABLE OF CONTENTS FOR MINUTES
May 19, 2020**

Call to Order	2
Council and Staff Attendance	2
Public Attendance	2
Presentation: Waste Management 2019 Financial Report.....	2
Public Comment.....	3
Consent Agenda.....	3
Old Business.....	3
Planning Commission Appointment	3
Biosolids Maintenance Proposals.....	3
City Utility Rates Review	4
New Business	6
Outside Water Request	6
Well No. 7 Improvements	8
Street Paving Bids	8
Slurry Seal Bids	8
Photocopier Lease	8
Council Concerns and Committee Reports.....	9
Mayor's Report.....	9
City Administrator's Report	9

City of Dundee
City Council Meeting Minutes
May 19, 2020

Call to Order

Mayor David Russ called the meeting to order at 7:00 P.M. over ZOOM teleconferencing meeting platform.

Council and Staff Attendance

Attendance Via Zoom: Mayor David Russ; Councilors Tim Weaver, Storr Nelson, Jeannette Adlong, Kristen Svcarovich and Ted Crawford. Absent: Patrick Kelly. Staff Attendance via Zoom: Rob Daykin, City Administrator; Tim Ramis, City Attorney; Greg Reid, City Engineer; Chuck Simpson, Public Works Supervisor; and Melissa Lemen, Administrative Assistant.

Public Attendance

Public Attendance via Zoom: Evan Burmester, Pricing Manager, Gary Nelson, Operations Manager, and Dean Kampfer, Waste Management; James B. Kay, 210 NW Dogwood Drive; Michael Humm, P.E., Kennedy Jenks; Giorgio Furioso, owner, Jim Maguire, DTC Manager, and Dominique Mahe, Furioso Vineyards.

Presentation: Waste Management 2019 Financial Report

Evan Burmester, Pricing Manager, introduced himself and presented their 2019 Detailed Cost Report, as provided in the meeting agenda packet materials beginning on page 1. He explained that Waste Management (WM) will not be requesting any type of rate adjustment for the coming year. He discussed that their rate of return for 2019 was 12.86%; they are projecting to have an operating margin of 9.06% for 2020 with the drop primarily driven by increased disposal fees at Newberg Transfer Station (approved by Yamhill County in July of 2019). Burmester discussed that there have been many recent changes with the impact of the Corona virus; he anticipates next year's detailed cost report to be significantly different based on changes they have seen thus far.

Burmester discussed that a little over a year ago they launched a subscription glass program in Newberg, and recently launched a similar subscription glass program in Yamhill County. He offered to provide Council with a more formalized presentation to offer that service as a subscription service to residents of Dundee, though noted that residents would not be required to participate in the service. Burmester discussed that the participation rate in Newberg has been approximately 50%, with close to 60% participation in Yamhill County. M. Russ inquired about the cost for this type of service to which Burmester was unable to provide at the meeting but explained that the rate does change based on the level of participation. Discussion ensued. Dean Kampfer explained that initially customers are provided with a 35 gallon roll cart for the glass use at a range of approximately \$3.50 with participation of over 50%; if it falls below 50% then there is an increased rate as less customers are paying for the service. It was noted that the rates are based the number of participates within a given jurisdiction. M. Russ inquired about whether WM is collecting glass in areas immediately adjacent to Dundee (in the County) to which Gary Nelson affirmed. C. Crawford inquired about whether they are seeing wineries participate in the glass program to which Nelson affirmed and pointed out that wineries are some of their largest commercial customers. Kampfer noted that WM has always offered glass recycling to the wineries and their commercial customers.

C. Svcarovich inquired about whether WM planned to continue to provide their glass drop off locations for those not participating in the WM glass program. Nelson explained that in the future if the City of Dundee decided to participate in the glass program for their residents, WM

would probably consider removing the glass facility though there is still a glass depot in the City of Newberg at this time. Nelson explained that it would be considered an operational efficiency to be able to remove a glass depot if the City is participating in household glass recycling. It was noted that there is also glass recycling available at the Newberg Transfer Station; C. Svicarovich indicated they take their glass recycling there presently. Kampfer explained that unless a glass recycling depot is manned continuously, it is easy for undesirable materials to be dropped off which can create a nuisance, though Nelson explained that this has not been a huge issue for the residents of Newberg/Dundee. M. Russ expressed concern about the potential removal of a drop site if there is a change to a paid service; it would seem this would force participation in the paid system. C. Kelly and C. Svicarovich shared this view as well, though C. Svicarovich voiced support of WM providing a formal proposal for their described glass service for Council review.

Kampfer discussed some of the impacts WM has felt as a result of the COVID-19 pandemic. He explained that they are observing some businesses stopping or reducing service and are seeing a shift in the tonnage from commercial to more residential as more people are working from home and students staying at home. C. Crawford inquired about the percentage of businesses who have discontinued their garbage service. Though Kampfer indicated that he does not have that information available for the City of Newberg, he is aware that in other areas it is between 10-20%, which includes those businesses who have also decreased their service significantly. Kampfer explained that WM is also concerned about collections/accounts payable; they have made a commitment to not suspend customers if they fall behind for the time being. He discussed that WM is proud that they have maintained all employees at their 40-hour pay through this pandemic. Kampfer explained that WM drivers are being spaced out in the mornings to try to keep distancing; they are also making sure employees have appropriate personal protective equipment (PPE) and sanitation supplies. Nelson discussed additional changes WM has made to protect the safety of their employees during the COVID-19 pandemic. He also noted that 2019 was an injury-free year for their Newberg site for their drivers and the transfer site.

Public Comment

None.

Consent Agenda

A motion was made and seconded to approve Consent Agenda Item 5.1 City Council Minutes, May 5, 2020, and Item 5.2 Financial Report Ending April 30, 2020. **The motion** passed unanimously.

Old Business

Planning Commission Appointment

James Kay is present at the meeting tonight and introduced himself to the City Council; he reviewed some of his background information as provided on his application. He discussed that he has always wanted to participate in his community and this position would provide that opportunity. Brief conversation ensued. **A motion** was made and seconded to appoint James Kay to the Dundee City Planning Commission to complete an unexpired term ending December 31, 2021. **The motion** passed unanimously.

Biosolids Maintenance Proposals

M. Russ asked C. Atty Ramis to confirm the validity of the new information received with regard to the Biosolids Maintenance Proposals. C. Atty Ramis affirmed that if the City did not have complete information and now does, the City is permitted to go back and reevaluate the information. Michael Humm, P.E., Kennedy Jenks, discussed the concerns found on the

incomplete proposal received initially from Fire Mountain Farms. He explained that the new proposal has been reviewed and it has been determined that Fire Mountain Farms has had no past enforcement history with DEQ. Humm discussed that they have met the qualifications similar to Synago, though Fire Mountain Farms have provided the low price. Humm discussed that they do have concerns about the timing and general delivery of the project based on the challenges of this type of project. He explained that they have begun discussions about what might be a potential contingency plan for a contractor that perhaps was unable to secure the land that they had said they could. He discussed that this might entail a negotiation as the contract is put together, a type of penalty clause for nonperformance. Potential scenarios and types of potential penalty clauses were discussed in detail. Humm explained that if a contract is negotiated and signed, and later there were a need to terminate the contract, the procurement process would be triggered again. He voiced that this would be undesirable and noted that though he does not believe this would be the case, and he has no indication from the proposals that this would happen, the possibility does need to be taken into account. C. Nelson inquired as to whether Humm has seen this type of scenario occur in the past with any other contracts. Humm discussed that out of approximately 150 projects throughout his career, he has seen only one contractor (out of all types of construction) who could not perform the work and requested being removed from the contract. Discussion ensued. Differences between the two contractors were discussed and Humm explained that Fire Mountain Farms are presently serving Lafayette; their reference from Lafayette had nothing but good things to say about their work. It was noted that Fire Mountain Farms is a much smaller company than the regional and perhaps nationwide Synago. M. Russ voiced support of using a local contractor. Discussion ensued. C. Nelson inquired about whether additional bonding could be considered for a guarantee on the contract. Humm explained that they do not have a performance bond included at this point though it is something which would be possible; discussion ensued. C. Svicarovich voiced support of providing a date as an "out" in case the contractor was unable to secure land. C. Crawford inquired about what amount of land is required to which Humm explained that for this application is about 2 dry tons per acre, or approximately 50 acres of application land; though including setbacks, etc., approximately 75 acres should be permitted for the project. Humm reviewed the process moving forward if the bid were awarded tonight to Fire Mountain Farms. C. Atty Ramis discussed in detail the process involved if Synago were to formally protest the decision. **A motion** was made and seconded to award the Biosolids Maintenance Program contract to Fire Mountain Farms in the amount of \$104,812.00. **The motion** passed unanimously.

City Utility Rates Review

M. Russ offered detailed discussion about his thoughts pertaining to the base rate for customers with different meter sizes. He explained that his rationale would allow customers with larger meters and a higher base rate to receive more cubic feet in the base rate before the volume rates start. M. Russ pointed out that more revenue may be received in a fair system utilizing his described methodology. He also expressed concern about customers with larger meters paying a higher fee and not receiving anything for that fee. Detailed discussion ensued. C.A. Daykin explained that in order to complete an analysis of the system, typically a consultant is brought in; other factors would need to be considered as well in determining base rates and what should be attributed to flow. C.A. Daykin suggested that if this is the direction Council wishes to proceed, a consultant who is recognized in their industry should be brought in to show the City Council the different factors which should be considered in constructing a more fair or equitable rate structure.

C. Crawford asked what the percentage of residential customers is who have larger meters; C.A. Daykin explained that mostly businesses have the larger meters. C. Crawford pointed out that the City's system can provide businesses the flow that they need to maintain their fire suppression, though this is provided at a higher cost to the City than a lower pressure household. M. Russ

informed that his residential account does have a 1-inch meter. C. Crawford supported that residential accounts should be equal; businesses should be considered separately.

C. Nelson inquired about whether a 1-inch meter is required for an accessory dwelling unit (ADU) on residential property. C.A. Daykin explained that this is not necessarily required though voiced his belief that the main reason why people have larger meters is because of the demands of an irrigation system and more stages being able to be active simultaneously. Conversation ensued. C.A. Daykin discussed that he is presently unable to provide Council with what the impact would be on overall system revenues if these types of changes are made. He suggested that the timing may not be appropriate for making these types of changes without that information; perhaps this should be deferred or brought back for full consideration at a future meeting. C. Nelson voiced support of the rate changes. He voiced appreciation of the comparison table provided by C.A. Daykin and noted how well Dundee rates in comparison. C. Nelson felt that Dundee is responsibly taking good care of their utilities. C. Crawford pointed out that 10 years ago the City of Dundee was ranked the second most expensive utility in the County.

C.A. Daykin explained that when he originally prepared the budget for FY 2020-21 he was not anticipating a change to the water rates. He explained that as he reviewed it and how infrequently water rates were adjusted, he decided to propose incremental rate increases to the volume rate of a tenth of a penny each year over the next 3-4 years. C.A. Daykin referenced the table provided on page 99 which shows how much revenue would be potentially generated each year. C.A. Daykin explained that an offset could also be incorporated, as M. Russ suggested, to increase the base amount for those with the larger meters though he does not have data at this point in time to provide Council with what the reduction in revenue would be. M. Russ offered additional detailed discussion. He also inquired about whether customers who have a 3-inch meter often go over on their base water usage. C.A. Daykin discussed that he not familiar with customers who have a 3-inch meter or whether there is a customer with this size of meter; more common are customers with a 2-inch meter. C.A. Daykin discussed that he is unable to provide Council with the watering patterns for the various 2-inch meters; this would need to be reviewed in more detail. He explained that the purpose of a larger meter is to meet the required rate of flow. C.A. Daykin discussed that this is the same basis for the system development charge (SDC); larger meters have a greater impact to the capacity of the system, including the cost of development for the first-time cost, but is also true for month to month users. C.A. Daykin explained that here is a cost to the system of used capacity with larger meters potentially, whether they use it or not. He also offered that additional information could be brought back if Council is interested in having further discussion and review of this topic.

C. Svicarovich voiced that given the present climate, she does not favor proposing a rate increase beyond the immediate need that the City has at this time. C. Crawford voiced support of this approach as well. C.A. Daykin explained that sewer rates have been projected in the budget; those have been raised in incremental amounts each year, which was the direction that City Council had wanted to go instead of waiting and having a large increase to catch up. It was noted that the proposal tonight reflects C.A. Daykin's thought that perhaps the City should be doing the same thing with the water portion. The consensus of Council was to support C.A. Daykin preparing a resolution to adopt the rates contained in his proposal to be brought back to the next Council meeting. C. Nelson voiced support of reviewing the M. Russ's proposal of perhaps alternate volumes in the base rate for larger sized meters in the coming months.

New Business

Outside Water Request

C.A. Daykin discussed the details of the request from Furioso Vineyards as detailed in his meeting agenda report beginning on page 105 of the packet. He discussed that the City is completing an analysis of chlorine contact time for the first water customer with Oregon Health Authority (OHA) at this time. C.A. Daykin supported that if Furioso Vineyards were to become the first water customer from the Springs well field, then any change to comply with OHA requirements should be their financial responsibility. Discussion ensued and Chuck Simpson offered a more detailed explanation regarding the chlorine residual concern. He discussed that the OHA regulation requires a certain amount of time and noted that shorter pipe distance provides less time. Simpson explained that the City is at the beginning of getting Heeco Engineering through Civil West; to come out and complete a contact time study. Simpson indicated that, though it sounds like the OHA requirement will be met, without the actual physical contact time study this information cannot be confirmed. Discussion ensued and C. Crawford suggested that the installation of a tank might be a potential option to slow things down if needed. Simpson explained that he had a brief discussion with OHA who indicated that one potential option could be a reduction in the amount of chlorine being injected at the booster pump station, or it could be as much as adding additional storage as C. Crawford mentioned. Until the infield study is complete, an answer will not be known. C. Svicarovich inquired about a timeline for the Study to which Simpson indicated to be the end of June. Discussion ensued.

M. Russ inquired about whether Giorgio Furioso also owns the vineyards below the tasting room. Furioso explained that they have 10 acres, of which 2 acres are essentially where a well could potentially be placed. He discussed that they have looked at every possibility and have had well drillers evaluate the area. He explained that they are unable to comply with the setback rules, their septic tanks, etc.; they seem in conflict in any position they try to consider for a well. M. Russ inquired about whether a well could be placed in the fields to which Furioso explained that doing so would destroy the vineyard. Jim Maguire discussed that there are issues with the septic tank drain fields as well. Additionally, he explained that the present well was drilled so long ago that the State has no record of it; though he indicated it seems to be a perfectly good well, without a record of it the State has said it cannot be used as a public water system despite the fact that the water is perfectly good.

Discussion ensued regarding previously approved outside water requests. Maguire explained that they have no plans for future development as there is no room and they do not intend to be larger than they are now; there is a house on the property which was built in the 1970's as well as a tasting room built two years ago. Furioso described their situation as a hardship and discussed that they really cannot operate unless they can obtain City water; they are willing to bear the costs involved. He noted that they are not planning to use the water for irrigation purposes but simply for the winery and to continue to operate their business. C. Adlong inquired about the number of employees at the winery to which Furioso noted to be 7; and they do hire quite a few part-time employees during the busy seasons. C. Crawford inquired about how many cases of wine are produced annually at their winery to which Furioso discussed that their business plan is 4500 cases with no plans to expand beyond that. Discussion ensued. Maguire pointed out that their winery brings business into Dundee and into local restaurants and other wineries in Dundee as well.

Though she indicated that she is not opposed to this application per se, a concern expressed by C. Adlong was the argument that outside water requests have been provided for other commercial businesses and therefore should be granted to others (generally speaking). She expressed concern about the City Council developing a pattern where they will be unable to say no in the future

because Council is granting so many requests. M. Russ voiced support of changing the procedure and that Council should discuss tightening things up because the City is going to head into a time of tight water in the future. C. Crawford pointed out that the granted outside water requests are all individual contractual agreements and explained that the City is not setting a precedence by granting these requests. C.A. Daykin discussed that it has already been recognized that the City doesn't have enough water for the full build of the UGB. He pointed out that the next expansion of the supply will be a significant investment; the more rate payers the City has to pay back that investment is better for the overall economic condition of the system. He also discussed that the City having more customers (including the SDC fees) will make it easier to reach where it needs to be financially. C. Crawford voiced support that the applicant should be responsible for any required additional infrastructure if this is needed. C. Svicarovich inquired about what size meter is being requested to which C.A. Daykin explained that, though he is unsure of what they are requesting, based on the flow they would not need a very large meter. Dominique explained that they plan to keep the present well and use it for irrigation of the landscaping on the property.

C.A. Daykin reviewed that this particular water line has been identified in the Water Master Plan to be upgraded to a larger sized 12-inch pipe. He explained that the City has had two projects so far working with private investment to help facilitate improving that line; in the context that they had requested some service from the City of Dundee. Detailed discussion ensued. C.A. Daykin explained that the method which was used to ascertain a fair price for the additional fee was based on what it would cost otherwise if they were to put in their own well or their own fire suppression system as opposed to buying into the City system. C.A. Daykin explained that the additional fee that could be applied towards the system improvements was negotiated between the private property owner and the City. He provided clarification that the City would charge a SDC fee, a meter installation (and the cost for installing the meter), and then a decision would need to be made by Council with regard to additional fees charged for the betterment of the water line they would be drawing water from (as has previously been done with outside City customers in the past). C.A. Daykin clarified that presently there is an 8-inch line which the City would like to upgrade to a 12-inch line. The nearest 12-inch connection was noted to be located at the corner of Fairview and Warren Road. C.A. Daykin explained that what is desired in the Water Master Plan ultimately is a complete 12-inch line from the reservoir all of the way to town. Discussion ensued.

Maguire indicated that Furioso Vineyards would be willing to consider looking at what the City would ask them to do to be fair and a good citizen. Furioso reiterated that they have so few options and he does not want to close down the winery and tasting room that he has made a significant investment in. He explained that they had always thought that they could drill a new well; they never assumed that they would be going around this under new regulations that the State has employed. Discussion ensued. Furioso inquired about the price per foot cost for this type of improvement. C.A. Daykin discussed his thought that rather than Furioso spending money for the cost of a well, he could potentially provide a similar amount of money to the City to put in as much water line replacement as could be accomplished with those funds. Furioso explained that his estimates have been between \$20,000-\$30,000 to drill a new well. He discussed that given the current COVID-19 circumstances and social distancing requirements, they are experiencing a lower number of visitors at the winery, though last summer the well was struggling to support their needs and they trucked in water to fill their reservoir tanks. C. Crawford voiced support of C.A. Daykin's proposal of defining the costs which would have been associated with drilling a well and setting up the pump and piping infrastructure, and then requesting that amount of money to extend the 12 inch line. C. Svicarovich suggested that subtracting the fee for the residual testing out of the costs should be considered, rather than in addition to that number. C. Simpson discussed that the first consideration for a solution (if Furioso were to become the first customer on the line) would likely be the reduction of the

amount of chlorine injection at the booster pump station. Discussion ensued. Furoioso inquired about whether they would have the option of making payments to the City over a period of time depending on costs. C.A. Daykin affirmed that this is something that could potentially be negotiated between both parties. A **motion** was made and seconded to approve the special request for City water from Georgio Furoioso for Furoioso Vineyards on the conditions that they will pay an SDC fee, their water meter fee & installation, outside water user fees, and this will be conditional upon a final decision on their contribution to the water line improvements which they will be using. **The motion** passed unanimously.

Well No. 7 Improvements

C.A. Daykin reviewed that the City was provided with an estimate for the improvements though there may also be additional costs. Simpson explained that there may be some rework modification required for the cap of the well; this would be billed as time & material costs only and likely would not exceed \$1,000. C.A. Daykin reviewed that \$17,000 was budgeted for this project and the estimate provided is well under the budget item. Brief discussion ensued. A **motion** was made and seconded to award the Well No. 7 Improvement Project to Stettler Supply for a quoted cost of \$8,342 with an additional clearance of \$2,000 provided to the City Administrator for any additional associated costs. **The motion** passed unanimously.

Street Paving Bids

C.E. Reid reviewed that seven really good bids were received with K&E Paving providing the low bid. The bids received were briefly reviewed. C.E. Reid pointed out that low petroleum costs are keeping the asphalt costs down, getting the bid out earlier in the season was helpful, and he discussed that some people have been slowed down by the COVID-19 pandemic which helped the City receive competitive bids well within the budget. A **motion** was made and seconded to award the 2020 Street Projects K&E Paving, Inc. dba H&H Paving for the contract price of \$258,318.00. C. Nelson inquired about whether there were any issues with K&E Paving last year to which C.E. Reid discussed that there were no issues and he felt they did a good job. He discussed that the City worked with them on timing for projects and allowed them to go back and forth between other jobs, which also likely helped them keep their price down again this year. C.E. Reid described in detail the work to be completed on Red Hills Drive. C.A. Daykin explained that because the pricing was so good for this work, likely City Staff will come back to City Council to request a change order to the contract for the completion of additional work. It was noted that this would likely include work associated with areas planned for street work next year (to make sure the areas are prepped in advance), and potentially the first section off the highway on Seventh Street. **The motion** passed unanimously.

Slurry Seal Bids

C.E. Reid reviewed that good competitive bids were received for the project with Paving Northwest, Inc. providing the best price. The bids were briefly reviewed. C.E. Reid pointed out that Paving Northwest, Inc. will also be coming back to complete their project from last year this summer as well. He also explained that there may be an opportunity to add some area to the slurry seal and still keep the project under the \$50,000 BOLI wages. C.E. Reid noted that Paving Northwest, Inc. is based out of Salem. C. Nelson inquired about how their slurry seal has held up over the last year to which C.E. Reid explained that Paving Northwest, Inc. did not complete slurry seal for the City last year; the project was deferred until this summer. A **motion** was made and seconded to award the 2020 Slurry Seal Project to Paving Northwest, Inc. for the contract price of \$37,939.25. **The motion** passed unanimously.

Photocopier Lease

M. Russ inquired about whether City Staff spoke with any other companies pertaining to a photocopier lease. C.A. Daykin explained that Staff spoke with the same company the City has

been working with; they have already gone through a procurement process with the State, so state-bid pricing is being used. Discussion ensued. M. Russ inquired about the cost per page fee though C.A. Daykin was unable to confirm that cost at the meeting. C. Crawford inquired about whether materials could be emailed to the printer remotely and documents picked up at City Hall to which C.A. Daykin affirmed. M. Russ suggested that an email box be set up so that documents could be sent to the printer. A **motion** was made to approve the Ricoh Lease for IM C 4500 copier and maintenance agreement. **The motion** passed unanimously.

Council Concerns and Committee Reports

None.

Mayor's Report

M. Russ explained that the Budget Committee made the decision not to provide the discretionary funds to the Parkway Committee. He discussed that he provided this information to Dave Haugeberg, Committee Chair, who indicated that this creates political atmosphere. M. Russ described some of the benefits of the bypass to the various cities in the County and provided some feedback from the Parkway Committee. Discussion ensued and M. Russ shared his opinion that the City of Dundee and the County should be providing more lobbying funds for this cause right now in an effort to complete the bypass rather than cutting back.

City Administrator's Report

C.A. Daykin discussed that he has received some calls regarding the apparent installation of a fence on the Ponzi property with the gravel parking lot next to Seventh Street. C.A. Daykin explained that they installed a chain link black vinyl coated fence which is allowed in the CBD zone with some restrictions. He discussed that the fence is only allowed to be 4 feet in height for the first 15 feet from the front property line next to Seventh Street. He noted that the fence appears to be close to, if not on, the property line next to Seventh Street. He discussed that part of the fence (which is about 5 feet tall) is out of compliance with the Code. C.A. Daykin explained that the other requirement for this type of fence in the CBD zone is that there needs to be a site obscuring hedge planted of equal height to that fence located between the fence and the street. He discussed the Code requirements with the owner, Michel Ponzi, and C.A. Daykin is waiting to hear back from him about how he is going to comply with those requirements. C.A. Daykin stated that they also discussed the issues regarding the closing of the path. He explained that M. Ponzi discussed that his intent with the fencing is to secure the property; he felt the property needed to be secured because of abuse over the years, mainly people using it for parking who are not patrons of their businesses, dog walkers who let their dogs defecate on the property, and other additional issues as well. C.A. Daykin explained that they talked somewhat at length about the property being in the urban renewal plan and whether he has considered potentially working with the City for perhaps a parking lot to benefit the greater public, or even public restroom, landscaping, etc. Though initially he was not ready to consider anything like that, C.A. Daykin explained that later in the conversation he indicated he would be willing to talk about it. With regard to the pathway itself, the fact that people have been using the property to walk near the residential area from Seventh Street to Fifth Street was basically a verbal arrangement between the City and property owners, and there is nothing in writing or an actual easement itself. C.A. Daykin also discussed that there were some statements suggesting that because the public has been using it for so many years that the City should be able to claim continued use of the property. He discussed this information with the C. Atty and asked him to speak on this issue if Council would like. C.A. Daykin explained that the one thing that can be done if the City as a policy wants to see some sort of pedestrian way from Seventh Street to Fifth Street through the three properties, it should be made a part of the Transportation System Plan (TSP). He pointed out that right now the TSP does have a pedestrian walkway as well as a street, both of which are

located about 150 feet uphill from the subject property, which goes through three residential lots that are fully developed and then would terminate on Fifth Street just uphill from the post office. Discussion ensued and C.A. Daykin reviewed the process involved in making a connectivity change of this nature to the TSP. C. Atty Ramis offered general discussion about prescriptive easements and adverse possession. He explained that a property owner can allow their property to be used by permission without someone gaining adverse possession; a property owner within their rights can allow people to use their property without losing ownership control of it. C. Atty Ramis also discussed that in Oregon under the modern law it has to be shown that property has been held under some color of title or belief that you owned the property; from what he has heard so far, the City does not hold any title to reflect or support the idea that we thought we owned the property. Detailed discussion ensued regarding the process involved with adverse possession and prescriptive easement cases.

C. Adlong discussed her belief that in this case the City originally received permission from Mr. Lindquist, who was the property owner at that time, though indicated she is unsure of whether or not permission was granted by the Ponzi's. She supported the importance of having a connection and discussed that if it were approved to be placed in the TSP – would that be easy or difficult to approve? What are the issues this presents or the possibility of putting the path in? C. Atty Ramis discussed that the City does have the ability to put a trail in the TSP; the City could also include in the zoning code provisions that have setbacks from planned trails so that when development takes place at a minimum there would need to be space left for that trail. Additional detailed discussion ensued with regard to potential options moving forward. M. Russ voiced support of a connection though indicated that he likes it better where it is currently drawn. He discussed that the present pathway is only located only approximately 200 feet from the street at the back of a lot. C. Adlong discussed that the established path is well used by citizens all over town; it connects to the post office and the school. Lengthy discussion ensued. C. Adlong voiced support of having needed connections in Dundee and suggested Council think about the long-term needs for the City. C. Nelson inquired about whether there would need to be a change to the TSP in order to purchase an easement through the area to which C. Atty Ramis explained that this would not be necessary for the City to purchase it for a public purpose. C. Nelson inquired as to whether both sides of that potential easement touch the urban renewal district to which C.A. Daykin affirmed and indicated that it is located entirely within the urban renewal district. C. Nelson voiced support that purchasing an easement through urban renewal that would benefit the public and connectivity may be a good solution. M. Russ voiced that if that solution worked, he supported improving the trail at the same time. C. Crawford discussed the possibility of utilizing that location for a public parking facility and restroom and visitor center kiosk with tourism infrastructure money. C. Nelson suggested that perhaps the City and the property owner could work together in a way such that the property owner would pay for the fence relocation while the City would purchase some sort of easement. It was noted that there has been an increasing amount of traffic associated with Red Hills Market and C. Crawford pointed out that they have substantially expanded the number of tables in their restaurant, perhaps exceeding their original permitted use. C. Nelson suggested that if Red Hills Market is in excess of what they said they were going to be, perhaps they would help contribute to a public structure or something of that nature. Discussion ensued. C. Svicarovich noted that they have also expanded their pavers to create more pervious surface to allow for more seating and use their space more effectively. C. Crawford voiced that though the environment is nice and there is a great atmosphere, the situation is creating a ripple effect for parking in nearby areas. Lengthy discussion ensued and additional potential scenarios and concerns were discussed. C.A. Daykin reviewed that in the TSP presently there is a pedestrian path which has been identified, as well as a street project, 150 feet westward of the current path location (uphill from the post office) which travels through three properties. C. Atty Ramis discussed that he has seen a number of plans which have trails that are hash-marked or generally indicated; this is okay to do but it is really important to include some text

that says within which properties are these identified trails going to be constructed. In this way, though it does not identify the exact path, the information would clearly identify the properties involved in getting from one point to the other. C. Svicarovich inquired about the age of the TSP and whether the City may be on the horizon for updating it to which C.A. Daykin explained that normally the only time it is updated is because there is a major event taking place; the most recent update was in 2015, which was funded by the State. He discussed the process of potentially amending the TSP and pointed out that there would be fees associated with that process, though wouldn't be as extensive as hiring a transportation engineer to provide supporting documentation.

C.A. Daykin discussed that the Budget Hearing will be held on June 2, 2020 and under Phase 1 the City possibly could hold that meeting at the Fire Station as long as social distancing was maintained while keeping the participation level down to 25. Brief discussion ensued. The consensus of Council was to plan a Zoom meeting for the June 2, 2020 City Council meeting and review the circumstances at that time for scheduling future meetings.

C.A. Daykin discussed that he has had recent conversations at Staff level and the feeling is that we are not ready to open the City Hall doors quite yet. Staff at City Hall feel things have been working quite well and communication has been maintained with the public through phone calls and emails. Deliveries can also be received at the front door. When people do come to the front door (and ring the bell) their needs can also be addressed. C.A. Daykin discussed that Staff would feel more comfortable to continue this routine at this point and re-evaluate at the June 2, 2020 meeting. Council voiced support of this as well.

C.A. Daykin discussed that Melody Osborne has been working on drafting a letter to discuss setting up payment plans with the approximately 35 utility accounts which are two months or more delinquent. He explained that the payment process typically requires them to then pay the past due amount over a set amount each month for a given period of time, in addition to making payment of their new charges each month (or it invalidates the plan). The consensus of Council was to provide a 6-month period of time for the payment plan. Discussion ensued and C.A. Daykin explained that typically if a customer then is noncompliant it would invalidate the plan and that customer would then be placed back on the shut off list. C. Adlong inquired about whether late fees could be removed from accounts which are being paid off. C.A. Daykin explained that a \$2.00 late fee is what is incurred for a late payment, which he offered could be discontinued if Council requested. He explained the 24-hour door hanger fee and process as well as the shut off fee, though at this time the City has not been moving forward with these actions.

C. Svicarovich voiced that it would seem that as long as the City of Dundee is under a State of Emergency, the City should continue to not move forward with shut-offs though may wish to consider at what point to end the State of Emergency. It was noted that the State of Emergency was left open-ended and would need to be terminated by Council decision. C.A. Daykin indicated that he would bring this back to the June 2, 2020 meeting for discussion.

He asked for Council to consider a situation where a tenant is paying the monthly utility bill, after the owner has co-signed that application and stipulates that they will pay whatever the tenant leaves behind as an unpaid balance. If the City is not enforcing their policies regarding shut-offs for delinquencies, and the tenant leaves, would the City still require the owner to pay for what the City did not try to collect from the tenant. C.A. Daykin discussed that this situation will not likely happen right away, but asked for Council to consider this scenario for discussion at an upcoming meeting. Discussion ensued. C.A. Daykin asked the City Attorney for his comment on how the City might best approach this with owners. C. Atty Ramis discussed that he doesn't believe the City has a legal obligation to notify property owners that the City is not moving forward with enforcement for delinquency at this time, though he recommended that if this will

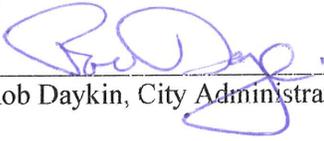
put some property owners in jeopardy it might be the fair thing to do. C. Weaver voiced that it would seem that property owners would be responsible enough with current times that this would also be on their minds as well; they could be checking in with their tenants. M. Russ voiced support of sending letters to property owners reflective of payment arrangements the City has made with their tenants.

The meeting was adjourned at 9:21 P.M.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder