

**CITY COUNCIL MEETING  
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**City of Dundee**  
**City Council Meeting Minutes**  
**July 19, 2016**

**Call to Order**

Mayor Russ called the meeting to order at 7:01P.M.

**Council and Staff Attendance**

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

**Public Attendance**

Michael Humm, Kennedy/Jenks Consultants; Tom Burns, Chalice Farms; Linda Stock; Leticia Kafalias; Kim Buckholtz; Art & Judi Pohl; Nick & Denise Schreiber; Fred & Michelle McAdams; Vern Wigley; and Nathan Bean.

**Agenda Changes**

None.

**Collaboration Workshop**

Yamhill County Commissioners Mary Starrett and Stan Primozych were present. Commissioners Starrett and Primozych offered their help and assistance regarding any concerning issues within the City of Dundee that could be addressed at the County level.

C. Crawford expressed his concerns regarding potential “zombie” homes with subsequent squatters within the City and/or County. He informed that over 100 properties identified by the County are now owned through tax liens. C. Primozych reported that this problem is moving out of the Portland area and into the surrounding areas. He indicated that County Counsel is working on coming up with some strategies that they are willing to share with all of the jurisdictions. C. Starrett explained that each particular case is different based on who is occupying the home and based on what stage that foreclosure is in. C. Starrett recommended bringing such cases to the attention of the County so they can begin the process to remedy the situation, similar to how they have addressed this issue in Willamina recently.

C. Svicarovich inquired about the land use process and the County’s position regarding recent developments along 99W between Newberg and Dundee. She explained that as this development happens it feels as if there is a merging of the two communities. C. Starrett indicated that she has had conversations with public works and the planning department regarding this issue due to similar concerns expressed by the Mayor of Newberg. C. Starrett informed that the Planning Department expressed that they have no interest in eliminating the division between Newberg and Dundee, and the County shares that view as well. Conversation ensued and C. Primozych explained the land use application process in greater detail with regard to this area. C. Crawford pointed out the recent new development of a large storage facility along that area of 99W, which C. Starrett suggested may be a needed business for our area.

Mayor Russ expressed concerns to the Commissioners regarding large areas of failing asphalt along the lower third portion of the new paving on Warden Hill Road, including an area about 10 feet long that spans the full width of the lane in one area. C. Nelson advised that this is likely due to either subsurface water or insufficient support from the crushed rock below. He further

indicated that there are many springs along that hillside. C. Primozych responded that he was not aware of this issue and will check into it further.

C. Crawford inquired about the landfill property near Rogers landing in Newberg. He indicated that there have been discussions regarding transferring land ownership to CPRD, and wondered if any action had taken place in that regard. C. Starrett responded that she spoke with Don Clements last week and, although there was some discussion about that, she doesn't think they've done anything official in that regard at this time. C. Primozych informed that the area may be of limited use to CPRD at this time even though the area is an inactive landfill. He further explained that the area is still required to be continually monitored and layers of dirt are applied annually. C. Primozych advised that he is unaware of when the area will become usable as park land, but that when the area is deemed decommissioned by DEQ he believes that many concerns regarding the property will be alleviated.

C. Nelson inquired about natural disaster preparedness for the County. C. Starrett indicated that at their Office of Emergency Management they focus on one particular issue at a time. Over the past month they have focused on water and some of the concerns around this issue, including drought as a natural disaster. C. Starrett went on to report to the Council that the state is considered 100% affected by drought even though we have had precipitation, and that the Oregon Water Resources Department is researching the issue. Regarding the Cascadia Subduction Zone, Starrett advised that there is a hazard mitigation plan and continuity of operations plans that have been put into effect, focusing on how the county government will be able to continue its core function of government during an emergency. C. Starrett informed the Council that all of the Continuity of Operations Plans are being updated right now and they are also doing active exercises in a variety of jurisdictions. Conversation ensued regarding further details of these exercises. C. Starrett advised that in conjunction with the Office of Emergency Management and in conjunction with the State, this information is being updated on a regular basis. She also advised that one of the biggest issues in the County is the structural integrity of the bridges which is absent. Conversation ensued regarding details of some of the specific ideas and plans they have in place for the City of McMinnville. She also indicated that CERT (Community Emergency Response Team) is very active in the county and in the cities, as well as the Amateur Radio Emergency Service (ARES). The Office of Emergency Management is dealing with how communication will be managed, which is their biggest concern. C. Starrett explained that plans are in the works for a county-wide emergency system which will run through the Sheriff's office and be available to every jurisdiction in the county. Jurisdictions will be able to buy in to the system which will allow for communication to address a variety of needs. Funding for the project stems from the state and the federal government with FEMA and with the Office of Emergency Management. C. Crawford expressed concerns regarding the supply of gasoline available to us during an emergency, specifically as this relates to operating emergency generators. C. Starrett acknowledged our limited resources, and explained that for this reason they are promoting that neighborhoods become as significantly prepared as possible and that individuals take responsibility for what they can do in their own neighborhoods and jurisdictions. She also indicated that each jurisdiction is making whatever contingency plans there are, but that countywide there is no plan other than what is able to be done with Oregon Water Resources Dept. to look at inventories of ground water issues, etc.

Dundee resident, Vern C. Wigley offered tips on emergency preparedness and expressed his concerns that the cities in the county come together to form an emergency plan. He went on to detail his own specific concerns and suggestions to the Council and Commissioners.

## **Public Comment**

Denise & Nick Schreiber, 651 SE Logan Lane, approached the Council regarding their neighbor at 641 SE Logan Lane. The Schreibers' were also joined by neighbors Fred & Michelle McAdams, 642 SE Boysen Lane, who share similar concerns regarding their neighbor to the back at 641 SE Logan Lane. Mrs. Schreiber indicated that the owner of the home at 641 SE Logan Lane, Connie Hawkes, passed away in June from a drug overdose. She further indicated that Connie's daughter, Crystal Glen, now occupies the home along with Connie's five dogs. Mrs. Schreiber indicated that the dogs have been an issue since they moved into their own home in March 2015, and that they themselves routinely make 3-5 calls per month to the non-emergency police number regarding incessant dog barking which occurs at all hours. Mrs. Schreiber further indicated that they have filed complaints with animal control but that at this time the dogs continue to remain at the premises. She notes that on July 11, 2016 Ms. Glen was fined for the noise violation. Fred McAdams indicated that Ms. Glen has been cited twice and has two court dates coming up in the month of August. Mr. McAdams' further detailed his experiences with regard to the nuisance issues of dog barking, dog feces in his yard, and even rocks & sticks being thrown into their yard by Ms. Glen's children; these issues have been very disruptive and restrict them from spending time in their own yard. Both homeowners expressed concerns regarding piled up debris and garbage in the front yard of the Glen/Hawkes home as it is being cleaned out. C. Weaver inquired about more specific details of the yard debris and conversation further ensued with the homeowners regarding this. Mr. McAdams inquired as to whether there is a city ordinance to address this issue and Mayor Russ responded that the police should be addressing that. M. Russ further explained that our nuisance ordinance pertaining to this matter is based on the decibel level of noise. C.A. Daykin advised that the City could potentially initiate an abatement process for accumulated debris which was described in more detail to the homeowners present. C.A. Daykin also explained that the City has also adopted a chronic nuisance ordinance which does have a more significant process to it with higher fines involved. He indicated that this could be discussed this with the police department to see if it's appropriate given the circumstances. Ms. Schreiber indicated that she sent C.A. Daykin an email regarding her concerns last week, and also referred to copies of the complaint forms that she has submitted thus far. She indicated that one was filed on May 12, 2015 and the other on November 12, 2015. C. Weaver and C. Pugsley suggested measuring the sound using a decibel meter such as the downloaded app that Mr. McAdams has on his phone, and conversation further ensued regarding the details of taking a decibel reading. C. Weaver offered additional suggestions and advised that photographs and video from the homeowners present could both potentially assist the police in this case as well. C. Pugsley also suggested that contacting the Yamhill County Mediators could potentially be an option for the homeowners as well.

## **Consent Agenda**

**The motion** was made and seconded to approve Consent Agenda item 6.1 City Council Minutes, July 5, 2016. **The motion** passed unanimously.

## **Old Business**

### **Resolution No. 2016-18, Sewer Repair Contracts**

Mayor Russ reviewed the costs associated with the trenchless sewer repair work to be done by C-More Pipe Services, as well as the cost of the open cut sewer repair work to be completed by Black Rock Underground, LLC. Michael Humm, Kennedy/Jenks Consultants, briefly reviewed the three bid alternates pertaining to the trenchless work as detailed in his letter on page 13 of the agenda packet. C.A. Daykin reviewed the fact that several years ago the sewer regulations were modified to clarify that the owner responsibility for the lateral does extend all of the way to the sewer main. C.A. Daykin went on to explain the reasons for this change in more detail. C.A. Daykin referred to Schedule A on page 19 of the agenda packet, and noted that Item #1 and #2 were the two additional laterals located on Seventh Street that the City Council asked for bid

prices on. It seems more than likely that during the Seventh Street widening project, the placement of a new storm drain line over the sewer lateral caused the compaction to disengage the sewer lateral from the main and make it askew. C.A. Daykin indicated that the other two defective laterals (Item # 1 and Item #2) don't have the same damage; it appears they were improperly installed initially. Bid Alternate Item #3, as Mr. Humm indicated, the lateral was part of the original sewer construction system; it has just now simply failed. C.A. Daykin noted that the question of responsibility may be clouded by street work in the right of way by the City and the costs have come down quite a bit from the original approximate cost of \$5,000-\$6,000 per lateral correction for these connections. The trenchless technique is much more affordable, about a tenth of the cost. C.A. Daykin advised that Council will need to decide if the City would be willing to repair the actual connection points at the sewer main assuming no negligence on the part of the lateral owner, and accept that responsibility in terms of current regulation, but anything beyond that connection point of connection to the property be the responsibility of the property owner. C.A. Daykin advised that this needs to be clarified. He further explained that the other nine lateral connections previously identified as I&I sources could be easily fixed on a change order basis with C-More Pipe for a very reasonable cost if we wanted to take that action now. C.A. Daykin explained that the City could incur this and it could be deemed a public need to do so as part of inflow & infiltration (I & I) issues.

Mayor Russ asked for clarification regarding the cost of approximately \$500-\$700 per connection point which Daykin confirmed. C. Pugsley inquired about the possibility that these repairs could help with the I & I situation which Mr. Humm confirmed. Discussion ensued regarding the possible effects on the I & I issue as well as the potential difficulties in addressing this issue. M. Russ inquired about whether the City would then plan to address future lateral connections as needed, and discussion continued pertaining to the possibility of creating a policy addressing this. C. Nelson expressed concerns regarding the potential cost difference between a residential connection and a major commercial or industrial connection; Mr. Humm confirmed this possibility. C. Pugsley inquired as to how many properties may have defected lateral connections to the main and C.A. Daykin responded that it is not known. C.A. Daykin went on to explain that most of the nine other laterals found to have problems at the main happen to be areas in which the City has done street work in the last ten years. C. Crawford suggested adopting the policy for residential areas, not to include business areas. He went on to explain that it would seem more likely that a business would potentially conduct activity around their lateral, as opposed to a residential zone where it would be more likely for the City to be performing work. C. Nelson inquired about the inspection process when a new lateral is placed. Humm explained that this must be done during an open cut process with the inspector onsite to witness it. Conversation ensued further regarding the details of the inspection process. C. Svicarovich inquired about the material used on Charles Street defective lateral which was discussed which Humm explained asbestos concrete pipe has a lifespan of 40-70 years. M. Russ inquired about the lesser cost of the trenchless repair. Humm explained that at the beginning of this project they were thinking open cut had to be done at all of these locations. After researching current technologies and the success rate of these trenchless technologies the conclusion was that this was a viable equivalent with far less cost. C. Nelson inquired as to how the trenchless technology fixes that connection. Humm explained the details of this process, specifically as it related to the 7<sup>th</sup> Street lateral repairs, and compared the process to being similar to the manhole repair work previously done. Humm explained that one of the things that the Council had asked them to do when the CCTV inspections were brought forth was to go through the twelve lateral connections that we identified as being problematic and try to categorize or catalog what the problem was. In all instances, Humm explained, there was either failing grout around the lateral or, in instances where there was a gasket (an actual connection piece with a gasket), the gasket wasn't sealed the full circumference (it was either "tweaked" or a rock had gotten in there) and that was problem source.

**The motion** was made and seconded to approve Resolution No. 2016-18, a resolution approving contracts with C-More Pipe Services Co. and Black Rock Underground LLC for sewer repair. **The motion** passed unanimously.

### **WWTP MBR Maintenance Quotes**

Michael Humm, Kennedy/Jenks Consultants, provided an update. Humm indicated that he, along with C.A. Daykin and City Staff, met on Friday with Kubota, the membrane supplier. The Kubota representatives presented a little different strategy given our timing on the proposed manual clean and the chemical clean methods. The group consensus was that there is not enough time to evaluate the effectiveness of an acid clean before doing a manual clean prior to getting into the winter season, so they've proposed the standard hypochlorite clean-in-place to help prime the membranes for a subsequent manual clean outside of the basins. After the membranes are reinstalled, the acid clean would be done. Humm noted that overall Kubota appeared to be fairly optimistic regarding what they saw, and were fairly confident in the ability to clean the membranes without having to remove the individual plates from the cassettes. Kubota indicated a little bit of a different experience than what Ovivo had brought forward previously. The plan for now would also be to hold off on purchasing the 133 plates out of Seattle, but to know that they are available (and about one day freight away) should any be needed. The plan would be to move forward with this contractor. City Staff would do the cleaning process and the contractor would reinstall. Kubota would also be onsite for some of that duration to assist. Kubota also offered to do some destructive testing on a few of the plates to help potentially identify the possibility of a different cleaning chemical or combination of chemicals that could be more effective for the specific sludge characteristics of the plant. C.A. Daykin reviewed the fact that initially it wasn't known what the cost of this process would be, and so at that time a budget of \$10,000 established. He further advised that since the cost is more than that we will be using sewer fund contingency to offset the difference (\$20,000). **The motion** was made and seconded to approve the bid from JR Merit in the amount of \$17,830 to remove the MBR's for manual cleaning. **The motion** passed unanimously.

### **Keeping of Poultry/Turkeys in Dundee**

Linda Stock, 661 SE Maple Street, approached the Council and noted her opposition of allowing the raising of turkeys in residential areas. She indicated that over the past couple of weeks when she became aware that the City was considering this, she opted to go door to door and speak with residents regarding this issue. She indicated that out of 105 people she spoke with, only 4 were in favor allowing turkeys while the remainder was very opposed. She further informed the Council that everyone she talked with was in favor of allowing chickens. She went on to express her opposition to allowing turkeys in the City, as well as explained her personal frustration with regards to a neighbor who has kept chickens and even a rooster previously. She indicated that she dislikes the noise and odor that emits from their coop, and also noted the presence of opossum and rats in their yards as well.

C. Pugsley indicated that he was the person who brought the original chicken ordinance to the Council and feels it should be kept as it is written for now without the addition of turkeys. Mayor Russ expressed a similar opinion and added, along with C. Weaver, that there may be some issues within the chicken ordinance that need more specifically addressed. C. Svicarovich inquired as to whether Ms. Stock had considered reaching out to Yamhill County Mediators for assistance. Ms. Stock advised that she hasn't yet but that C.A. Daykin mentioned this potential option as well and provided her with their contact information.

Kim Buckholtz, 561 SE Maple Street, approached the Council and indicated that she has a neighbor who has chickens. She indicates that no matter how clean the neighbor keeps their

chicken coop, there is still an odor that emits from the area and she notes an abundance of opossum and skunks in her yard as well.

Vern C. Wigley, 110 NW Cherry Street, expressed his opposition to the addition of turkeys to the City ordinance. He shared his concerns regarding the issue of chicken manure that accumulates.

The consensus of the Council was not to modify the current ordinance to include turkeys at this time.

### **Ordinance No. 549-2016, Aircraft Landings Nuisance**

C.A. Daykin noted the ordinance declaring the landing of a helicopter in Dundee outside of an airport, heliport or due to an emergency as a nuisance was passed at the last Council meeting on July 5, 2016, and this amending ordinance would modify that ordinance. Daykin explained that the intent of this amendment is to allow for the possibility of someone to come before the City Council for a variance to this prohibition on landing and takeoff of helicopters and aircrafts outside of regulated permitted facilities. He further explained that this is the same procedure presently used for our noise variance process.

Mayor Russ raised the topic of drones and their FAA standards, and discussed this in detail with the Council. He also expressed his concerns that hobby aircraft be limited to electric motors only. City Attorney Rihala indicated that they approach the regulation of drones separately for a number of complex reasons which she discussed in detail. She further advised that this particular ordinance focuses specifically on the issues of manned aircraft at airports.

C. Svcarovich inquired about the portion of the ordinance which mentions that the variance process requires a finding that there is essentially a benefit to the public for granting the variance. C.A. Daykin used the example of the Dundee Fire Department Pancake Feed where a Life Flight helicopter was brought in to provide education to the community.

**The motion** was made and seconded to adopt Ordinance No. 549-2016, an ordinance relating to amending Dundee Municipal Code 8.16.115 to allow for Council approved variance. **The motion** passed unanimously.

### **Resolution No. 2016-19, 2017 SCA Grant Program**

C.A. Daykin reviewed that this was discussed at the last meeting and that this resolution would be the official application to the state for that same project. C. Crawford pointed out that this resolution pertains to the area on Alder Street from 9<sup>th</sup> Street to 8<sup>th</sup> Street, and he expressed concerns about it not including 7<sup>th</sup> Street, potentially leaving a gap. C.A. Daykin explained that the hope is that if this funding is received that we try to coordinate this so that we will actually complete the whole two blocks in conjunction with the private developer further up the hill. Depending upon the timing, this may or may not work out that way but that is the hope. Discussion ensued regarding further details of the work on the street, the possible adjustments that will need to be made, and the potential issues reviewed pertaining to the homeowners on the uphill side. C.A. Daykin explained that the first step is to apply for the \$50,000 grant and see if we receive the money. C. Crawford inquired about whether there would be a realignment of the street; and C. Weaver expressed additional concern pertaining to realignment of the intersection. C.A. responded that the radius returning would likely subsequently be improved but no specific realignment would be done. C. Weaver inquired about specific details pertaining to the sidewalks to be placed on the downhill side of the street. Conversation ensued regarding the sidewalk details as well as further specifics of the project. C. Weaver indicated that the intersection of 9<sup>th</sup> Street and Alder Street needs to be reengineered for better visibility and better turning, especially downhill. C.A. Daykin explained that the property owner who develops the three acre parcel will

be required to put in 3/4 street improvements at that time. However, this would not require them to build the curb and sidewalk on the opposite side of the street and we are not proposing to do it at this time as we do not have the funding in place. C.A. Daykin explained that this issue may be raised should we get the grant and the developer moves forward to see if there is an opportunity for City Council to do that work, but at this time funding is not available. C. Svicarovich inquired about whether there were any deferrals for sidewalk construction in place. C.A. Daykin responded that the only construction deferral involves three separate parcels all at the intersection of 9<sup>th</sup> Street and Alder Street, the property to the west and the two properties to the east. **The motion** was made and seconded to approve Resolution No. 2016-19, a resolution relating to the 2017 special city allotment program. **The motion** passed unanimously.

### **LOC Legislative Issues Survey**

Each Councilor provided Mayor Russ with their top four legislative priorities which will be compiled and submitted by the July 22, 2016 deadline.

### **New Business**

#### **Ordinance No. 550-2016, Recreational Marijuana Tax**

City Attorney Rihala reviewed the process and indicated that the first step is to pass the ordinance, noting the amount of the tax on the sale of marijuana items is the greater of three percent or the maximum amount allowed under state law. The ordinance doesn't become effective until it's approved by voters. If the ordinance is passed tonight, then the resolution will refer it to the ballot. If the ordinance passes in November it will go into effect at that time. Mayor Russ asked for clarification with regard to the three percent notation in the ordinance title. C.A. Rihala advised it is stated correctly in the body of the ordinance but advised that "three percent" be removed from the ordinance title.

Tom Burns, representing Chalice Farms, 2323 SW Park Place in Portland, approached the Council and informed them of their support of this ordinance, as well as their desire to do whatever they can to help make sure that the voters approve it. Mr. Burns pointed out that the way that it is drafted it could be argued that the tax is imposed on medical sales as well. He further informed the Council that Bill 15-11 clearly exempts medical sales from this tax. M. Russ pointed out that we already have an ordinance for medical marijuana. C.A. Rihala responded that Ordinance No. 550-2016 is totally separate. She further advised that the title is "Recreational Marijuana Tax", a tax on marijuana items as defined by statute, which only applies to recreational marijuana. Mr. Burns reiterated their support of this new lower tax, and reminded the Council that the present 10% tax is causing customers to shop elsewhere.

**A motion** was made and seconded to adopt Ordinance No. 550-2016, an ordinance establishing a tax on the sale of marijuana items by marijuana retailers in the City of Dundee. **The motion** passed unanimously.

#### **Resolution No. 2016-20, Marijuana Tax Measure**

**A motion** was made and seconded to adopt Resolution No. 2016-20, a resolution approving referral to the electors of the City of Dundee at the November 8, 2016 election, the question of whether to establish a tax, for the maximum amount allowed under state law, on the sale of marijuana items by a marijuana retailer in the City of Dundee. **The motion** passed unanimously.

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

None.

### **Mayor's Report**

Mayor Russ inquired about an update with regard to ODOT and the TE Sidewalk/Streetscape Project. C.A. Daykin responded that City Engineer Reid did meet with Frontier representatives regarding the relocation requirements and what needs to be done. He indicated that things seem to be progressing. C.A. Daykin and C.E. Reid both inquired as to the status of the funding with Tony Snyder of ODOT. Snyder responded that he is working with the representative to help write the amending IGA's, but it could take another thirty days. M. Russ also inquired about the status of Comcast. C.A. Daykin informed that C.E. Reid met with Comcast engineers several weeks ago but that he has not heard if there's been additional discussion since then.

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

None.

### **Public Comment**

None.

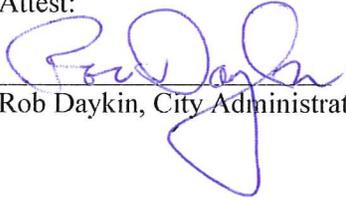
The meeting was adjourned at 8:57 PM.



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David Russ, Mayor

Attest:



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Rob Daykin, City Administrator/Recorder