

**CITY COUNCIL MEETING  
TABLE OF CONTENTS FOR MINUTES  
August 6, 2019**

Call to Order .....	2
Council and Staff Attendance .....	2
Public Attendance .....	2
Agenda Changes .....	2
Public Comment.....	2
Presentation: If I Were Mayor Contest .....	4
Consent Agenda.....	5
Old Business .....	5
Highway 99W Improvement Project.....	5
Tourism Committee Vacation Rental Policy Recommendation .....	8
New Business .....	10
Outside Water Request .....	10
Dogs Running at Large .....	12
Council Concerns and Committee Reports.....	12
Mayor's Report.....	14
City Administrator's Report .....	14
Public Comment.....	15

**City of Dundee**  
**City Council Meeting Minutes**  
**August 6, 2019**

**Call to Order**

Mayor David Russ called the meeting to order at 7:00 P.M.

**Council and Staff Attendance**

Present: Mayor David Russ; Tim Weaver, Council President; Councilors Kristen Svicarovich, Jeannette Adlong, Storr Nelson, Ted Crawford, and Patrick Kelly. Staff members: Rob Daykin, City Administrator; Tim Ramis, City Attorney; Greg Reid, City Engineer; and Melissa Lemen, Administrative Assistant.

**Public Attendance**

Stan & Mary Meyers, 160 SW Brier Avenue; Beth Hinson, 226 NW Carmel Circle; Brigitte Hoss, 10305 NE Fox Farm Road; Elizabeth Sundeen, 392 SW Dogwood Drive; Rudy & Kathy Gomez, 1260 SW Charles Street; Chris & Elizabeth Lee and family; Allen Holstein; Rebecca Minifie, 809 SE Elm Street; Fred Russell; Megan Carda, 100 NW Springbrook Road, Newberg; Char Ormonde; Raymond W. Peralta; Marc K. (last name illegible); Clay Wesson; Rob Felton, 270 NW Plum Street; and Madeleine Felton.

**Agenda Changes**

None.

**Public Comment**

Rebecca Minifie, 809 SE Elm Street, introduced herself and read her statement into record with regard to short term rentals, a copy of which was added to the meeting agenda packet.

Stan Meyers, 160 SW Brier Avenue, introduced himself and explained that he was only recently made aware of the Council meeting tonight and would like to offer his personal comments regarding the vacation rentals in his neighborhood. He expressed frustration with regard to a neighborhood home which he explained was recently sold as an Airbnb and is owned by someone out of town. Meyers discussed a recent occurrence of ongoing loud noise from a gathering at the rental home until the early hours of the morning; he noted that at 1:00 am their neighbors contacted the police regarding the issue. Meyers discussed that multiple similar events such as this have occurred which impact his neighborhood. He explained his opinion that these types of behaviors in the neighborhoods of Dundee are unacceptable; the out of town visitors who are partaking in these events have no particular reason to be concerned about the impacts of their visits to the neighborhood. Meyers also expressed frustration with the fact that many of the vacation rentals are not owned by local residents who are sensitive to the troubles these disruptive events imposes on neighbors. Discussion ensued and Meyers voiced his opinion that proliferation of Airbnb's in single family neighborhoods in the City of Dundee should not be allowed to take place. He expressed concern that a limitation be set on the number of Airbnb's as well as supported consequences for the owners when they are unable to control what happens at their rentals. It was noted that the approximate location of the vacation rental discussed is at the corner of Walnut and Viewmont.

Beth Hinson, 226 NW Carmel Circle, introduced herself and read a statement into record that was written by her husband, David Hinson, and emailed to C.A. Daykin; a copy was provided for the

meeting agenda packet tonight. Beth Hinson explained that her husband was unable to attend tonight's meeting.

Brigitte Hoss, 10305 NE Fox Farm Road, introduced herself and explained that she owns a bed & breakfast in the County which was built in 2012. She discussed in-depth the expensive and involved land use application process they went through with the County in order to establish their bed & breakfast. Hoss pointed out that due to concerns expressed by neighbors during that process they have 13 stipulations that have been placed on their business. She explained that they are very well integrated into their neighborhood and run a very reputable business; she noted that they are present 24/7 at their property with guests. Hoss expressed their desire to distinguish themselves from Airbnb and VRBO. She noted that her husband is on the Dundee Hills Wine Growers Association Board and she is part of Oregon Bed & Breakfast Guild and Bed & Breakfasts of Yamhill County along with being very involved with the other Inns within the community. Hoss pointed out that they work hard to make sure that they run very respectable inns, and they quality of people they host and the experiences with the neighbors in their community have been first rate. In contrast, Hoss explained that they have had experiences with VRBO's next to them which have been very unfavorable. She described issues with trespassing, theft and noise associated with these rentals and noted that they have contacted law enforcement on multiple occasions, as well as Chief Stock with regard to fire hazards. Hoss expressed concern with VRBO's even though they themselves run a bed & breakfast. She voiced support of additional regulations and pointed out the importance of neighborhood input with regard to vacation rentals; there are ways to create some structure to what is allowed.

Elizabeth Sundeen, 392 SW Dogwood Drive, introduced herself to Council and also provided copies of her written statement. She noted that many of her concerns have already been addressed by those who have already provided public comment regarding vacation rentals tonight. Sundeen explained that she has talked with residents in various neighborhoods around Dundee and hasn't yet found a neighborhood where there isn't some significant concern about short term vacation rentals. She stressed the importance of preserving both the livability of Dundee as well as ensuring that there aren't large outside takeovers. Sundeen discussed the Blackstone Investment Fund and pointed out that they are heavily into short term rentals. She discussed in detail her concerns about Blackstone and other large investment funds, and stressed the importance of not allowing an Airbnb takeover in Dundee as she believes has happened in other locations including Arizona. Sundeen pointed out that Dundee is a very livable, very pleasant and well known internationally.

Sundeen recalled that in the past there has been City newsletter which was very informative about upcoming issues. She discussed that on May 20, 2019, she asked if advanced notice could be placed in the City Newsletter of any Council and Planning Commission meetings regarding the short-term vacation rentals. Sundeen pointed out that the City newsletter came out last week and she only became aware of this meeting on Friday night when she checked the Council packet. She requested that the City try to get more information out to the residents as there is concern about short-term rentals.

Sundeen reviewed information from her written statement with regard to what she believes are deficiencies in the Development Code. She suggested that, rather than approval by a Type I action, that this should be a conditional use process where there would be a Type III hearing. Sundeen emphasized her belief that presently there are no limits on anything for short-term rentals. She also discussed her belief that complaints are being ignored and suggested that the City have a designated person who is responsible for the short-term vacation rentals. She pointed out that unlimited RV parking is allowed at short-term vacation rentals; supposedly no one is

supposed to be sleeping overnight in the RV's though she suggested that's never monitored. Discussion ensued and Sundeen expressed concern about parking as well.

Clay Wesson, Viticulturist, Willamette Valley Vineyards, 1275 NE 17<sup>th</sup> Street, McMinnville, introduced himself and thanked the Council for allowing him to speak on the topic of vacation rental properties. He discussed that McMinnville has its own challenges with vacation rentals, short-term rentals and affordable housing for its community. He expressed concern that recently their vineyard tractor driver was unable to find housing locally, and has had to relocate to another community. He discussed the importance of Council listening to the community with regard to the issue of vacation rental properties and their impacts, as well as the lack of affordable housing for those who wish to be a part of the community.

Andy Wilder, 11995 Worden Hill Road, introduced himself explained that the reason for his visit tonight is to express concern with regard to his commercial property located at 992 Highway 99W in Dundee, the Allstate Insurance office. Wilder discussed that on December 10, 2018; his tenants called him and told him that the sewer system had plugged up. He explained that he contacted Mr. Rooter who came the following day and hydro-flushed the line which he noted was unsuccessful. An attempt was made on the same day to camera the line though there was a problem due to the ground surface water; a repeat attempt on January 9, 2019 to flush and camera the line also proved unsuccessful. Wilder explained that what has been discovered is that the pipe is actually separated by a foot. He explained that his belief is that at some point during the Sidewalk Improvement project his sewer lateral was crushed. He pointed out that his commercial building hasn't had any sewer lateral or sewer service since December. Wilder explained that he is heavily invested into the investigation of the issue at this point. Detailed discussion ensued and it was noted that an attempt was also made to connect his sewer at Tenth Street, though there were complications due to the volume of ground water present. Wilder praised Black Rock Construction for their assistance and noted that they have provided photos and reports to the insurance adjuster. He discussed that the insurance adjuster for the City of Dundee said she filed a claim and has turned it over to the three different construction companies that were responsible for doing the work in the street. Wilder discussed that he personally contacted K&E Construction who immediately came out and indicated that they had nothing to do with the issue as they had subbed that out. He explained that Weitman Excavation as well as an electrical company who worked on the project have both also indicated that they did not have anything to do with the issue. He discussed that at this point he owes Black Rock Construction \$13,790 for their work in investigating the problem. Wilder pointed out that he had nothing to do with the construction process which the City commissioned through K&E. He expressed frustration and his belief that when the storm drain was poured his sewer lateral was crushed in one spot and pulled apart in another portion.

M. Russ asked Wilder what it is that he would like the City to do for him. Wilder explained that he is the only party who had nothing to do with the issue; he bought the building at a time when the sewer worked and then it quit working. He pointed out that at this point he's invested approximately \$20,000 into the issue, and he expressed frustration that he's held responsible financially. M. Russ voiced appreciation for Wilder providing the information though noted that Council won't likely be able to address this issue at the meeting tonight. C. Crawford suggested that adding the topic as a future meeting agenda item might be helpful, and C.A. Daykin offered that the item could be placed on the agenda tonight if Council so desired.

### **Presentation: If I Were Mayor Contest**

Mayor Russ announced that Dundee Elementary student, Bailey Lee, was awarded second place in the poster portion of the contest at the State level. Bailey was presented with an award certificate along with a Kindle provided by the Oregon Mayors Association.

## Consent Agenda

A motion was made and seconded to approve Consent Agenda Item 6.1 City Council Minutes, July 16, 2019. The motion passed unanimously.

## Old Business

### Highway 99W Improvement Project

Eliseo Lemus, P.E., Oregon Department of Transportation (ODOT), introduced himself to Council and provided a Powerpoint presentation, a copy of which was added to the agenda packet. Lemus provided a brief review of the history of the project and the fact the originally some resurfacing of the Highway was planned. He explained that after some studies were done by their engineers it was discovered that rebuilding the road was required. Lemus explained that ODOT plans to reconstruct the entire section of road starting just north of First Street to Parks Drive. The project details were reviewed. Lemus discussed the construction impacts of the project and noted their goal of maintaining business access though pointed out that there may be some delays. He explained that ODOT has not yet determined what the impacts to the underground utilities (water, sewer), will be; ODOT is still at the early stages of the project. Lemus noted that the project schedule is currently in design though construction is anticipated to begin in the spring of 2021. The project budget was discussed and Lemus pointed out that the City's contribution and responsibility amount has remained the same though the price of the project has changed considerably. It was noted that ODOT's estimated \$15 million cost reflects the next phase of work; all of the work done up until this point is not included in that figure. Additional discussion ensued regarding project costs. Lemus explained that presently ODOT is moving toward having the plans of the project accepted by their management team; following that they will move towards right-of-way acquisitions. He discussed that one important item which may help them move a little faster is the resolution of the City to vacate Second and Fourth Streets; a letter from the City is needed which states when the vacating the streets would occur, hopefully within months to a year. Discussion ensued. C.A. Daykin discussed the present street stubs and that they are technically streets; because of that ADA ramps would be required at those locations. It was noted that if the City vacates the streets they would then be considered driveways.

Lemus discussed that presently ODOT is working on an intergovernmental agreement (IGA); a draft of the agreement has been submitted for review to their technical services and, once approved, it will be submitted to the City. Lemus explained that ODOT will be replacing the drainage system and the IGA will ask that the City keep maintenance of the drainage system as well as some of the landscaping and any water quality features that are being proposed with the project. M. Russ inquired as to whether the City has any input in the design of the drainage system since the City will be required to maintain it. Lemus explained that ODOT would plan to place whatever drainage system would be most practical and most needed. C. Svicarovich inquired about what type of facility is being proposed to which Lemus explained that it would likely be rain gardens for some of it, along with a pond on the south end by the interchange (near the bypass); a facility already exists in this area though it was noted that it will be increased to treat the additional water from their project. C.A. Daykin offered clarification that the City has had input in this process; detailed discussion ensued and it was noted that the City is also working with consultants they have hired (Civil West) to analyze and provide data as well. Lemus discussed some of the complexities of the project and explained that they are using Parametrix as a consultant who will complete the design for the drainage system; their environmental staff have made the assessment and noted that the determination has been made to go with one system.

C. Nelson inquired as to whether construction is slated to be completed at night in an effort to ease the impacts on local businesses. Lemus explained that at this time work is slated for nighttime according to an analysis which had recommended that approach. He noted that some questions were raised about the City noise regulations and variances which he indicated will also need to be taken into consideration.

C. Crawford inquired about the process by which the work will be done on the roadway (one lane at a time) to which Lemus explained that the work will be staged; the exact details of which will need to be determined by the contractor. Discussion ensued. Lemus noted that some streets may be blocked off in an attempt to help facilitate construction, and detours placed on local streets.

C.E. Reid inquired as to whether ODOT is anticipating periods of one-way traffic during construction to which Lemus explained that they are trying to eliminate that though it may be an option. The bypass was noted to be a potential valuable detour option as well.

C. Nelson inquired about right-of-way acquisitions and whether they will be limited to ADA ramp issues. Lemus explained that at Fifth Street where the signal is located there is some right-of-way which has to do with the signal, but he explained that for the most part it is the ADA portion of it along with some sidewalk.

C. Svcarovich inquired about whether ODOT will be modifying the traffic signal at all, in order to include the ADA ramps and make them accessible for the push buttons. Lemus explained that though there will not be a signal replacement; there will be a modification so that it's accessible for the push buttons. C.A. Daykin inquired as to whether or not ODOT will be changing the mast and the post as well. Lemus discussed that this seems likely and a legitimate question. Following discussion, the consensus of Council was to request a black finish for the mast and post; Lemus will discuss the request with the sign team.

C. Weaver inquired as to whether or not there would be a possibility of a U-Turn being added at the Fifth Street left turn lane. Lemus discussed his belief that this location would not provide enough width to accommodate this type of turn.

C. Svcarovich explained that according to the City's TSP, at some point in time the east leg of the Fifth Street intersection will have to accommodate a right turn lane to the highway. She supported that if there is a traffic signal pole relocated on that corner, it would be her hope that it be located in a position that it accommodates a future right turn lane so that the traffic signal doesn't have to be redone at some point in time. Lemus indicated that he will bring this up with their design team though noted that C.E. Reid had already raised that point as well. Lemus explained that ODOT had not anticipated the right turn; he explained that as it was, the traffic signal is already outside of what the scope of the project originally was.

C. Nelson inquired about whether any pedestrian activated beacons are planned to be placed. Lemus explained that there are two proposed, one just south of First Street and a second between Parks and Thirteenth Street (a midblock crossing). Detailed discussion ensued.

C. Svcarovich inquired about treatment at Seventh Street. This intersection was discussed and noted to have an island though not with a pedestrian activated signal. Lemus explained that it has been submitted for approval and been approved. S. Svcarovich inquired as to whether that design could be advanced at this point in time given that the curb to curb isn't changing and all that is being done is the installation of an island. Concerns were expressed regarding the high number of pedestrians in this area and C. Svcarovich noted that it appears that there are only raised curbs on either side of the street in this area; that type of treatment could be done with

candlesticks at this point in time to make that crossing occur now as opposed to waiting until 2021. C.A. Daykin explained that the City had discussed this question with ODOT previously because the crosswalk markings have mostly been eradicated with various treatments to the road surface. He discussed that ODOT crews did come back and restripe crossings at Ninth and Eleventh Streets, which was greatly appreciated, though they informed the City that they cannot do Seventh Street because they went on record saying that it would not be safe unless they had the pedestrian island. C.A. Daykin inquired as to whether the candlesticks could be placed in lieu of the island; would that be sufficient to get the crosswalk markings in the interim until 2021? Lemus indicated that he will pose the question to their engineers.

C. Nelson inquired (with regard to the island First Street intersection) about whether ODOT would have to take some of the right-of-way from the adjacent parking lot. Lemus explained that ODOT is not taking any of the right-of-way; there is some easement that would be required for construction because there is a cut into the area that needs to be made. He explained that when the parking lot was built the parking spaces were put within the State right-of-way. Lemus used the map to explain which parking spaces will be removed due to them being within the ODOT right-of-way. C.A. Daykin discussed that when the parking configuration was previously approved, they knew it was ODOT right-of-way though the approval process did have them indicate that they would have the parking striping so the First Street driveway would be an exit only. C.A. Daykin inquired about whether the parking should be reconfigured to entry off the Highway into the parking lot with an exit to First Street, or whether this is even a concern to ODOT. Lemus discussed that the answer would be whatever is convenient to the property owner; they will need to rethink their parking strategy.

C. Weaver discussed that there have been issues on Ninth Street with Worden Hill Road being more heavily traveled. He inquired as to whether any considerations have been given with regard to Ninth Street and its interchange with Highway 99W, specifically with regard to future density. Discussion ensued and it was noted that there is a marked crosswalk at Ninth Street which has been restriped. C. Weaver also expressed concern with Seventh Street and suggested that beacons be placed, if possible. C.A. Daykin discussed that though they can ask ODOT, he noted that one rationale they said is that if it's located too close to the traffic light it would create too many problems with the flow of traffic. Discussion ensued. The decision regarding a potential beacon at Seventh Street was noted to be the responsibility of ODOT's traffic safety engineer. C. Svicarovich pointed out that whether an RRFB (rectangular rapid flashing beacon) is present in that location or not, pedestrians will still be crossing in that area and traffic will be stopping; an RRFB would add visibility to people who would already be crossing the street. Lemus indicated that he will pose the question again to see if that can be reviewed. M. Russ suggested that extra signage in this area could also be beneficial as well which Lemus voiced support.

C. Kelly inquired about a rough timeline for the project from start to finish. Lemus explained that if the project were to begin as scheduled in the early Spring of 2021, it could potentially be possible for the work to be completed in one construction season. He noted that ODOT does not allow paving to be done after September 30<sup>th</sup>, though he pointed out that other work could continue past that point until December of 2021. C. Svicarovich stressed the importance of the project being completed and Lemus acting as an advocate for the City; this project has been on the table for a very long time and many changes have been made. Lemus emphasized that this project is an important one for ODOT to complete, and explained that it is his goal that the project move forward as planned for 2021. Additional discussion ensued with regard to strategies to keep the project moving forward.

With regard to the letter ODOT needs to receive from the City about vacating the Second and Fourth Street stubs, C.A. Daykin inquired if Council was supportive of initiating their vacation at

this time. C. Svcarovich voiced support of receiving a guarantee from ODOT that if the City vacated those streets, that something will move forward at Seventh Street. She explained that without crosswalks at Seventh Street, pedestrian mobility would continue to be limited through the downtown area. C.A. Daykin pointed out that there would be pedestrian crossings at First, Third and Fifth Streets. C.A. Daykin suggested additional discussion at the next Council meeting.

C.A. Daykin discussed that there are potential conflicts with City waterlines which may also affect the schedule, though hopefully not impacting sewer. He explained that the City is engaging an engineering firm to look into this issue. C.A. Daykin noted that the key to keeping the project moving smoothly would be to include the waterline project with ODOT's project, though with the understanding that it's the City's responsibility to pay them. C.A. Daykin supported that the City could provide the design and specifications for ODOT's bid documents. Lemus affirmed that this is something which could be done, and would also potentially help minimize the length of time work is being done on the highway. Lemus indicated that he will look into the possibility in more detail and potentially include this in the IGA.

C. Svcarovich inquired about the status of the completion of the Street Light Project. Lemus explained that DKS is presently working towards finalizing the plans for the project. He noted that he is hopeful that by the end of August they can move to a contract and begin looking for someone to construct it.

Ron Felton, 270 NW Plum Street, indicated that he came to the meeting tonight to hear the ODOT presentation. He suggested that a permanent flashing radar speed sign would be a good reminder for traffic entering Dundee to slow to the reduced speed. He noted that he has seen an increase in speed of those entering Dundee, most likely due to the reduced amount of traffic from those using the bypass. Lemus discussed that though he does not possess the mechanical background to answer that question he will check with ODOT's traffic personnel who will be able to provide an answer. It was noted that the speed in the area of concern is 30 mph. Discussion ensued with regard to radar speed signs located in nearby areas.

#### **Tourism Committee Vacation Rental Policy Recommendation**

M. Russ thanked those who provided public comment tonight, and indicated that he would like to provide some feedback to some of the questions asked. He discussed that it was determined by the City Council that information needed to be gathered in order to make the right decisions for the citizens of Dundee with regard to vacation rentals. M. Russ explained that since these types of rentals are a tourism-related issue, the Tourism Committee was asked to provide their opinion to Council. He also pointed out that Council had intended on next providing this information to the Planning Commission who would come together to provide a new plan of action as a change may be indicated. M. Russ pointed out that due to timing issues; the information pertaining to tonight's agenda was not able to be included in the quarterly City newsletter. M. Russ also made mention of the fact that RV's are not allowed to park indefinitely and noted that there are laws pertaining to them.

**A motion** was made and seconded that the City Council direct the Planning Commission to start at Type V legislative review process to amend the Dundee Development Code as it relates to vacation rentals. C. Svcarovich suggested that Council may want to provide Planning Commission with a little more direction on the specific items that Council would like to see revisited as part of the code amendment, which C.A. Daykin stated it would be helpful.

Topics of concern discussed included:

Volume Control: Density limiting the total number of vacation rentals was noted as a concern by C. Nelson. Council voiced support about potential limitations on the number of licenses issued, the placement of some limitation on the density, and the proximity of the contact (property owner/management company) to the vacation rental. M. Russ supported a potential higher level approval process as well, though C.A. Daykin noted he would need to discuss this further with C. Atty Ramis. C.A. Daykin discussed some of the differences between a Type I process and a more rigorous conditional use permit process. C. Kelly suggested that limiting the number of rental days per year would also be something to consider. C.A. Daykin inquired about whether Council had any thoughts pertaining to setting a cap or limit on the number of vacation rentals. M. Russ suggested that if a density number were set this would also control the percentage of vacation rentals.

Permit Display: C. Nelson voiced support of sign posting.

Parking: Concerns about parking were expressed by Council. C. Adlong voiced specific concern about parking on some of the streets that don't have any on-street parking now and are very narrow.

Noise: C. Weaver suggested revisiting the issue of noise and a system set up with the police department. He noted that many cities have a 10:00 pm noise ordinance. C. Weaver pointed out that excessive noise should be reported no matter what time of day it is; some action can be taken. C.A. Daykin discussed that the police department is aware; if there is a noise complaint and they are available, they do respond, though they do have to be present to witness the noise before they can take action. Discussion ensued with regard to the communication from the police department following complaints received, and C.A. Daykin noted that he will look into the process. C. Weaver stressed the importance of the property owner being informed when a complaint is received regarding their vacation rental; C.A. Daykin acknowledged that this is the current process though he noted he has some ideas on how this process could be improved. C. Svicarovich pointed out that it's unrealistic given the amount of limited resources both at the City and within the Newberg-Dundee Police Department to expect that a seamless relay of information goes back and forth. C.A. Daykin discussed that he would expect to receive a call from a resident about a repeated issue with a vacation rental. Additional discussion ensued.

Fines/Discipline/Complaints and their Enforcement: C. Nelson voiced concern about establishing processes regarding how these items are to be handled. C.A. Daykin reviewed the information presently contained in the City ordinance pertaining to vacation rentals. It was noted that presently the City Administrator should be notified of complaints so that he is aware. M. Russ suggested that providing the ordinance information in the City newsletter would be helpful for residents to become familiar with the process.

Local Representation: C. Crawford discussed that requiring local representation within 10 miles is a big concern for remote owners of vacation rentals. C. Weaver voiced concerns about owners who are absent from the area and perhaps even out of state; he voiced support of each rental having a more local direct contact.

C. Adlong voiced appreciation of the concerns and about many of issues raised by Hinson and Sundeen. She felt all of the suggestions made by David Hinson were very interesting. C. Adlong voiced appreciation of those in attendance who provided written feedback as well as public comment pertaining to vacation rentals. She voiced support of going through a thoughtful process and noted that tonight has been a good start in that direction. **The motion** passed unanimously.

C.A. Daykin discussed that the Planning Commission has a body of work that they will be initiating at their upcoming meeting, as well as continuing that which was delayed because of all of the work they did on the Riverside District area. He explained that typically the process that the Planning Commission would undertake with regard to the vacation rentals would be in workshop settings; it would likely require 1-2 workshop settings before a proposed draft text would be provided for a hearing. C.A. Daykin explained the normal legislative process is that notification is provided through the newspaper. C.A. Daykin inquired as to whether City Council would like to see additional notification provided (in addition to what is normally done for the legislative process) prior to conducting the first hearing. The consensus of Council was to provide notification in the quarterly newsletter (January 2020), the City website, social media, and the Fire Station reader board, C.A. Daykin informed the audience that the Planning Commission meeting will be held on the third Wednesday evening in January 2020 at 7:00 p.m. at the Dundee Fire Department. He also explained that once the Planning Commission conducts their hearing, deliberates, and makes their decision of recommendation to City Council a second hearing will be scheduled for City Council. At that time, C.A. Daykin explained, there will be a new hearing with opportunities for input for the City Council to consider, deliberate and make a final decision. Sundeen inquired as to whether or not there would be any possibility of a moratorium to be placed until the Council has acted. C. Atty Ramis discussed that there are some pretty stringent statutes in Oregon dealing with moratorium on land use; while it is theoretically possible, there is a pretty high bar. He offered to discuss the topic with Staff and establish what it would take though it was noted not to be an easy task. C. Crawford discussed that he would be more concerned if the City saw an explosion of vacation rentals. C.A. Daykin noted that there are 14 vacation rentals being marketed at this time; in the past few weeks there have been several new applications received. Some fluctuation in vacation rentals has been seen in recent years.

## **New Business**

### **Outside Water Request**

Rudy Gomez, 1260 SW Charles Street, introduced himself to Council and discussed the details of his water request. He explained that he and his family have been residents of Dundee since 2001. Gomez explained that following ground tests they have been approved for an on-site sewer system which will cost approximately \$27,000. He discussed their request for City water and noted that the surrounding properties are presently using City water. C.A. Daykin discussed the additional outside water use information provided in his agenda report beginning on page 17. He pointed out that presently the City is providing water to fewer outside city customers than levels provided in previous years. C.A. Daykin discussed in detail his suggestions for potential imposed conditions for the Gomez property if Council were to grant approval of the water connection. He also discussed his thought that likely the 4.4 acre parcel would be included in the next urban growth boundary (UGB) expansion for a variety of different reasons. Gomez noted that his frontage totals approximately 250 feet; the parcel is approximately 750 feet deep. Gomez explained that they do intend on keeping approximately 3.5 acres of the filbert trees and build a single family 2400-2800 sf residence set back approximately 50 feet from the road. Additional discussion ensued.

M. Russ suggested that it would be more likely for Dundee's UGB to move in the direction towards Newberg than elsewhere. M. Russ also pointed out that the City has recently added the proposed RV park to City water as well and noted his belief that this will closely equate the 85 outside city customers seen previously. C. Crawford pointed out that the RV park will use water differently than a residence and won't equate to that amount of residential users. Lengthy discussion ensued and M. Russ expressed concern that the City presently doesn't have the resources available to support the Riverside District.

C. Adlong expressed concern about supplementing development of the residences outside of the UGB. She recalled that almost all of the residential requests have been received due to an existing house having a hardship issue; she does not recall previously providing water for new construction. Gomez pointed out that all of the surrounding properties are using City water presently. M. Russ pointed out that building a new home is creating a hardship that needs water. Gomez pointed out that what is creating the hardship for them is the fact that a typical septic system costs \$8,000-\$12,000 and the one they are required to install costs \$27,000. He also noted that the city water main runs right across his property to provide water to his neighbor; two houses across the street from his property are provided water as well. Gomez also pointed out that there is a city water meter on his property along with a city drain. He also clarified that the water will be used for the dwelling until only and not for irrigation purposes.

C.A. Daykin pointed out that in his analysis of developing a new water source he assumed a timeline based on existing debt; however, City Council can choose to take whatever action they choose. C.A. Daykin pointed out that they did acknowledge that the City has water to allow Lindquist and Edwards to allow development of the properties that they've already said they'd prefer to start with on the west side of the bypass – subareas A & C; but there would not be enough water for the next large block of development following those subareas. Additional discussion ensued and C.A. Daykin explained that whether water is provided to 1-20 outside users in the interim remaining years, there is not enough water for the next 200 units; a new water treatment plant or pipeline, etc. will need to be developed. He also pointed out that in the interim, receiving money from users outside of the City is a benefit to the City as it helps keep the revenue source coming in to help pay for some of the preliminary studies, the engineering, etc., for that next big phase.

C. Nelson inquired as to whether a well would be the only other option for the Gomez family. Gomez indicated that a well would be a potential option though those costs are not known until drilling takes place; the cost for a well can vary quite a lot. Gomez explained that they are not new residents and have been a part of the community for a long time; he has a local construction company in Dundee and they plan to live at their new residence long-term.

M. Russ discussed concerns with regard to potential hardship situation being created by building a home that doesn't yet exist. C. Nelson discussed the importance of Council being very careful about setting precedent, and carefully considering their decision. C.A. Daykin pointed out that this is a discretionary decision of City Council. He noted that one thing different about this application than all of those they've heard before (except for one) is that this property is right next to the City limits; others were significantly away from the City UGB which wouldn't allow much chance for annexation in the near future regardless. C. Svicarovich voiced support that there is an opportunity in this water request for the City; dedication of right-of-way is an important component and she noted that this is an expensive process when it needs to be obtained. She also supported that it is possible for the UGB to grow in that direction; discussion ensued. C. Nelson inquired as to whether power is planned to be underground right now to which Gomez indicated that it is not. C.A. Daykin offered additional detailed discussion with regard to the complexities of potential UGB expansion on the east side of the railroad tracks towards Newberg; he voiced his opinion that he does not see that happening as the next phase of UGB expansion. C. Svicarovich discussed that another challenge with growth towards Newberg is the existing bridge which limits the amount of infrastructure to provide connect in between the two cities if at such a time that expansion did occur. C. Adlong suggested adding a stipulation that no additional water meters would be provided for this property in the event the property were partitioned, prior to it being included in the UGB. C.A. Daykin noted that suitable language could be added to the Agreement. C. Svicarovich suggested a nonremonstrance agreement for frontage improvements. Detailed discussion ensued with regard to potential future  $\frac{3}{4}$  street

improvements in the area and what that would typically entail. C. Svicarovich noted that she hadn't thought of the issue as much tied to the property on the other side of the street, but more for once that property develops (as it gets pulled into the UGB years down the road) she would like to see frontage improvements required as part of that development. C. Atty Ramis discussed that an annexation agreement can be built into the Agreement; the improvements can be specified which would be necessary. The uniqueness of the situation was discussed in detail.

**A motion** was made and seconded to authorize the City water connection requested by Rudy Gomez with the following conditions: one water meter, to agree to electric underground, 10 foot right-of-way, a minimum of 20 foot setback from the dedicated right-of-way from the rededicated property, and perform street improvements as a condition of annexation when appropriate for the tax lot R3326-23000 lot 50. **The motion** passed unanimously.

### **Dogs Running at Large**

C.A. Daykin discussed the present Dundee Municipal Code regulation 6.04.020 in detail. Potentially dropping the phrase "immediate supervision" from the Code language was discussed in detail; this was noted to be a very unclear phrase. The consensus of Council was to move forward with a new ordinance reflecting the discussed change in Code language. City staff will prepare an ordinance to amend Chapter 6.04 of the Dundee Municipal Code. Discussion ensued.

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

C. Crawford expressed concern that the City banners are fading and falling apart; he suggested their removal as they are more of a negative distraction than a benefit. C.A. Daykin explained that equipment will need to be rented in order to remove the banners. C. Crawford noted that there are presently no other banners to replace them with until the Christmas banners are hung. He explained that the Tourism Committee has put off selecting new banners in anticipation of the new street lights; they will require banners of a different dimension. C. Crawford discussed that there is a new marketing plan coming out called "Wake Up In Wine Country"; there will be a new marketing strategy and design coming out with regard to that, including new banners. Additional discussion ensued and C.A. Daykin informed that City staff will schedule removal of the existing banners and not replacing them at this time.

C. Crawford requested an update on the parking lot project at the Dundee Community Center. C.A. Daykin discussed that he had previously contacted Joyce Colling, who explained that she had trouble reaching the contractor. When he then contacted the contractor, they indicated that they had already talked with Colling; August was noted as the month when the project was planned to move forward.

C. Crawford expressed concern about the new houses being built on Seventh Street. He explained that there is what appears to be a concrete foundation in the backyard of all of the homes which appear to have drains. C.A. Daykin explained that this has been put in place for water quality purposes; detention for storm water being treated before it goes into the sewer system. C.E. Reid explained that a system of that nature can either be designed individually (the property owner is responsible for maintaining it) or a combined system (HOA is required to maintain).

C. Crawford inquired as to whether or not horses are allowed within the City to which C.A. Daykin explained that it is his interpretation, as well as the City Planner, that they are not allowed. C. Crawford noted that there are horses within the City limits which were noted to have been located there long-term. Discussion ensued and it was noted that no complaints have been received.

C. Svicarovich discussed that the sidewalk has been poured at the corner of Seventh and Alder Streets and she expressed concern that the connection into the ADA ramp (the last sidewalk panel at the cross slope) seems to be off. Detailed discussion ensued and C.E. Reid noted that he will check the transition in this location. He explained that he noted the ramp to look “off” though when he checked it with his Smart level it was fine; there are many slopes and angles.

C. Adlong expressed concern about the skunk increased population on Upland Drive near Walnut Street. She explained that she has seen dozens of skunks in this area and is becoming quite concerned. C. Adlong discussed her belief that the storm drain culverts in the area as well as local residents feeding the skunks have contributed to their increased population. She explained that she has been confronted by skunks on evening walks and expressed concern that it impacts the health and welfare of the population to have so many in the area. C. Adlong encouraged Council to visit the area to see the issue firsthand. Thoughts and ideas to help remedy the situation were discussed. C.A. Daykin pointed out that there is not presently a regulation which prohibits feeding them, though this could be accomplished; discussion ensued. C. Svicarovich supported a regulation against feeding wild animals. C. Adlong supported that for now a City newsletter article would likely be appropriate. C. Weaver pointed out that skunks also carry rabies and will potentially be affecting other pets as well.

C. Kelly inquired as to whether if the City Council, by providing a ground lease (with regard to the proposed cell tower), is somehow influencing the land use process. Detailed discussion ensued and C.A. Daykin explained that every new development constructed on City property is a land use process. C. Atty Ramis explained that the City Council is performing two different functions: one is the proprietary function of regulating land as an owner, and the second as a regulator of land. He explained that as long as the regulatory process (the land use process) is unbiased and based upon the actual criteria, then City Council is permitted to do it, though he explained that this could be challenged.

M. Russ inquired as to how the jellyfish, ie, storm water treatment system, is performing and whether any maintenance has been performed. C.E. Reid discussed that things are going well and the system is being maintained; it is performing very well. He explained that the vendor is working on the facility approval process for the State of Oregon. Discussion ensued. C.E. Reid discussed that the original plan was to potentially allow the City to use that system when where were thinking of going with the dual system, though he has not reached out to their storm water designer to know if they may want to incorporate that system or not.

M. Russ inquired about the status of the Unique Auto business. He discussed that on Sunday there was a car parked on the empty lot on the unpermitted driveway area. C. Crawford confirmed that he also noted the vehicle present on Sunday as well. C.A. Daykin explained that the owner had removed the vehicles so they weren't visible from the highway. C. Crawford noted that the property owner has said that he doesn't live there anymore. C.A. Daykin explained that at Council's request a citation could be issued. He explained that pulling Unique Auto's permit is not an option; it is a land use decision and the permit doesn't expire. C.A. Daykin explained that when the rules aren't followed on a land use decision, a citation may be issued requiring them to go before the municipal court judge; a fine may be issued. It was also noted that each day of violation is a continuation of the fine. C.A. Daykin explained that first a violation must be proven, and if action is taken there will be some legal expense for the City. M. Russ suggested that at this time a second warning letter be sent to the property owner. C.A. Daykin offered that included within the proposed update in the future, “car sales” will be inserted as a prohibited action under home occupations.

## **Mayor's Report**

M. Russ informed that he will be unable to attend the upcoming City Council meetings on August 20 and September 3, 2019.

## **City Administrator's Report**

C.A. Daykin discussed that it was reported that the membranes in Train 2 (the first one that the manual clean was done on) has fouled again; it is underperforming. He explained that Jared Nunley drained the basin to discover that there is sludge material caked between the membranes. On top of that, he noted some apparent damage because he's getting signs of sewer in the return tubes for the permeate. C.A. Daykin discussed that City Staff talked to Michael Humm, P.E., Kennedy/Jenks Consultants; he talked to Kubota. C.A. Daykin explained that some data analysis will be done of how the clean cycles have been done, evaluation of the sludge make up and screen performance, and also analysis of the accumulation in the basins to see how that is affecting airflow. That information is being prepared for the Kubota representative who will be coming out next week. C.A. Daykin suggested that potentially the City may be looking at needing to perform another manual clean before winter. M. Russ suggested also inquiring about potential adjustments/changes to nozzle configuration/size for the cleaning system. Discussion ensued and C.A. Daykin confirmed that they will be evaluating the scouring and cleaning process.

C.A. Daykin informed that NW Fiber, LLC has notified the City of their intent to purchase the cable franchise held by Frontier Communications. He explained that a resolution will be brought back to a future meeting to formally recognize that. C.A. Daykin voiced that likely all of the other cities affected will be moving forward in the same way. It was noted that NW Fiber, LLC is an investment company and not a technology/cable company.

C.A. Daykin discussed that tomorrow night a Parks Advisory Committee meeting will be held at City Hall at 7:00 pm. He explained that at the meeting they will be reviewing quotes from four different vendors for playground equipment (nature play). Included in the grant received, there is a budget of \$15,000. The consensus of Council was to allow C.A. Daykin to proceed with the purchase, based on the Committee's selection (and it being under budget), of playground equipment.

C.A. Daykin discussed that the City has received the data from CH2M that completed the Water Master Plan for us to provide us the hydraulic analysis. It was transferred over to MurraySmith. C.A. Daykin explained that it will cost approximately \$1,800 for incorporating and updating that analysis; after that analysis is done it was estimated that it will cost approximately \$4,000 to go through the different scenarios dealing with the water line conflicts and their recommendations for dealing with that. C.A. Daykin discussed that it is a fairly informal process at this point; there really isn't a scope of work in agreement at this point as it is only the early stages. The consensus of Council was to continue moving forward with the analysis.

C.A. Daykin informed that the City paving project will start after Labor Day, continue through that week and maybe some after that week. He explained that notices will be sent to property owners and the contractor is willing to consider individual requests for driveway paving, so that information will also be provided to the property owners. C.A. Daykin noted that property owners who request driveway paving will work directly with the contractor regarding the work.

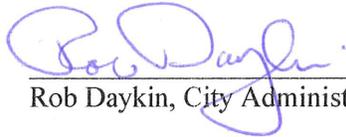
C.A. Daykin discussed that the situation with regard to Andy Wilder is very unfortunate with apparent damage to his sewer lateral. He explained that the most likely scenario is that the damage was probably due to construction activity on behalf of the City through a contract the City has with the contractor. He explained that the claim has been tendered over to the contractor

for their insurance company to consider, though as far as he is aware they are denying it. C.A. Daykin explained that it is up to Wilder to pursue this. He explained that the City has been advised by CIS not to get involved; if money is spent there is no guarantee that the City will be reimbursed from CIS. C.A. Daykin offered that C. Atty Ramis could become involved to gather more information and have a discussion if Council so desires. C.A. Daykin clarified that there is nothing that the City did to cause the problem; the City is arguing that it was caused by the contractor. Brief additional discussion ensued. C.A. Daykin expressed concerns about the issue not being resolved. It was noted that a steel plate has been placed over the sidewalk, which is a tripping hazard, and there is still a nonworking sewer with groundwater going into the public sewer. The consensus of Council was to discuss the topic further at a future Council meeting in executive session.

**Public Comment**

None.

Attest:



Rob Daykin, City Administrator/Recorder



David Russ, Mayor

TIM WEARER, COUNCIL PRESIDENT  
8/20/2019