

**CITY COUNCIL MEETING  
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August 20, 2019**

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**City of Dundee**  
**City Council Meeting Minutes**  
**August 20, 2019**

**Call to Order**

City Council President Tim Weaver called the meeting to order at 7:01 P.M.

**Council and Staff Attendance**

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

**Public Attendance**

Kay Edwards, River Farm, LLC; and Rod Grinberg, Lindquist Family.

**Agenda Changes**

An Executive Session was added to the agenda in accordance with ORS 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

**Public Hearing: LURA 18-01, Riverside Zone Code and Map Amendment**

Council President Weaver reopened the legislative hearing at 7:03 P.M. to consider accepting the proposed amendments to the Development Code and Zoning Map for implementation of the Riverside District Master Plan.

**Call for Declarations of Conflict or Bias by any members of this body:**

None.

**Objections to jurisdiction by any member of this body:**

None.

**Staff Report**

Planner Cheryl Caines introduced herself and explained that this is a continuation of the Riverside amendments from July 2, 2019. She reviewed that at that hearing Staff presented the proposed amendments, which include map amendments and code amendments. Planner Caines discussed the proposed zoning in detail as well as explained that standards for commercial, industrial and residential are also proposed. She discussed that density and housing type requirements for residential development are proposed, as well as amendments including standards for parks and trails and a new process to review master plans for the subareas in the Riverside District.

Planner Caines reviewed that at the City Council meeting on July 2, 2019, Council asked questions of Staff and the consultant for the Riverside zoning project, heard public testimony and deliberated. She reviewed that Staff presented the proposed amendments, including map amendments and code amendments, which were discussed in detail. Design standards for commercial, industrial and residential were also proposed as well as density and housing type requirements for residential development. Amendments also included standards for parks and trails as well as a new process to review master plans for the subareas in the Riverside District.

Planner Caines discussed that Council's main topic of discussion was with regard to the proposed Code and the allowance of residential-only development in the Riverside Neighborhood Mixed Use (RN) and the Riverside Destination Mixed Use (RD) zones. She explained that the Code had proposed up to 75% of the net area in those mixed use zones could be developed as residential only. Planner Caines discussed that Council expressed concerns about allowing the 75% amount and proposed reducing it to 50%. She discussed in detail the reasons for Council's proposal of 50%, including the retention of sufficient land for commercial development. At the conclusion of their deliberation on July 2, Planner Caines explained that Council directed Staff to make modifications to the Code including changing the 75% to 50%, as well as adding a minimum density requirement for the residential-only development to be at least 14 units per acre (to ensure that there would be higher density residential development) in those mixed use zones. With the proposed increase to a minimum of 14 units per acre, there was also some discussion about the potential impacts of increasing the minimum density to that amount. Planner Caines explained that Matt Hastie, Angelo Planning Group, did provide a memo which was provided to Council tonight (and is included in the agenda packet materials). Planner Caines discussed Hastie's memo in detail. She explained that the results of his analysis indicate a potential 6% net increase in traffic for developing the entire Riverside District, which he pointed out was a very minimal difference. Additionally, she explained that the analysis revealed that there would also not be a significant impact on infrastructure which would require an increased need or capacity with the infrastructure.

Planner Caines explained that back when this Code was going through the Planning Commission process, there was some discussion about the types of units that would be allowed in the residential-only development. She explained that at the February 20, 2019 public hearing the Planning Commission did decide to allow all types of residential development. Planner Caines explained that in error she did not make that update in the Code as it moved forward; the Code that was in the Planning Commission packet, as well as the City Council agenda packets from July 2, 2019 and tonight, do state that single family residential and duplexes are not permitted currently in the RN and RD zone. Planner Caines also noted that though she did not recall extensive discussion about specific types of housing on July 2, 2019, she did wish to clarify this information with Council and whether they would want to allow single family and duplexes in the mixed use zones (residential-only development) or if they would want to leave the code as it is now. Planner Caines briefly discussed the other minor code modifications. In addition, she explained that one additional Council-directed amendment was to allow marijuana dispensaries and retail outlet use in the RN and the RD zones; that change was made also.

Planner Caines acknowledged Mayor Russ' email which he sent in his absence, a copy of which was provided to Council for their review as well as to audience members.

### **Public Testimony**

Kay Edwards, P.O. Box 455, Dundee, introduced herself and inquired as to whether Council had any questions with regard to Mayor Russ' email. She explained that in her opinion that there is not appropriate access for trucks to serve the commercial area. Additionally, Edwards discussed that when the original Master Plan was completed, it was done before the bypass; with the addition of the bypass there is no longer adequate space or access for a large commercial area in her opinion. Additional discussion ensued with regard to the complexities associated with access to the commercial area.

There was no additional public testimony, and C. Weaver closed the public testimony portion of the Hearing.

### **Council Deliberation**

C.A. Daykin offered clarification with regard to M. Russ' emailed statement. He explained that when M. Russ references the CBD zone in his letter, it is C.A. Daykin's belief that he means to reference the RN zone in the Riverside District. One of the points M. Russ raised, which was raised by Planner Caines earlier, is that the Planning Commission intended the converted lands in the mixed use part of the zoning to permit detached single family homes as well as duplexes. Additional detailed discussion ensued.

C. Crawford discussed that though M. Russ has made suggestion in the past that the bypass could have an off-ramp in Dundee (Dundee Landing area), he does not agree with that. He pointed out that in his opinion the best route for access for commercial development would be for the road to go through the Pamplin property to the north; he voiced this could be a possibility if there were a land swap to adjust the UGB boundary. C. Crawford discussed the importance of this connectivity (to Fifth Street) as the area builds out and commercial or mixed use development is desired in the Riverside area.

C. Adlong requested additional clarification with regard to the Planning Commission recommendations and as that relates to M. Russ' emailed statement. Detailed explanation provided and questions answered. In summary, it was noted that if the Code were retained as it is today, the Mayor's concerns have already been addressed. C. Svicarovich voiced support of retaining the Code the way it is written and not allowing single family or duplexes in mixed use zones. C. Adlong, C. Nelson, and C. Kelly voiced support of this as well.

C. Adlong pointed out a typo on page 5 of the meeting agenda packet (in the Staff Report), in the third paragraph. The sentence: "Councilors did not agree that allowing up to 75% of the mixed use area to be residential only development was not consistent with the vision of the Riverside District Master Plan" and should state "Councilors agreed that allowing up to 75% of the mixed use area to be residential only development was not consistent with the vision of the Riverside District Master Plan." C. Crawford informed of an additional typo on page 61, Exhibit B: Riverside District Zoning Map Amendments. He noted that on the map "Dunding Landing Road" should be written "Dundee Landing Road".

A **motion** was made to adopt Resolution No. 2019-09, a resolution accepting the proposed amendments to the Dundee Development Code and Dundee Zoning Map to Implement the Riverside District Master Plan and Directing Staff to Initiate an Infrastructure Finance Plan for the Riverside District and any necessary updates to the Comprehensive Plan, Infrastructure Plans, Transportation System Plan, and Public Works and Design and Construction Standards. Brief discussion was had and the motion was amended to include the two typographical error corrections which were raised by C. Adlong and C. Crawford. **The motion** passed unanimously.

### **Public Comment**

Rod Grinberg, representing the Lindquist Family, apologized for his late arrival to the meeting. C.A. Daykin provided an update to Grinberg with regard to the results of the Public Hearing.

### **Consent Agenda**

A **motion** was made and seconded to approve Consent Agenda Item 6.1 City Council Minutes, August 6, 2019. **The motion** passed unanimously.

### **Old Business**

#### **Ordinance No. 570-2019, Dog Running at Large**

C.A. Daykin reviewed the changes reflected in the new ordinance. A **motion** was made and seconded to adopt Ordinance No. 570-2019, an ordinance relating to dogs running at large and

amending section 6.04.010 of the Dundee Municipal Code. C. Weaver inquired as to whether this ordinance is consistent with the City of Newberg's to which C.A. Daykin indicated that their regulation would not necessarily require the animal to be leashed. **The motion** passed unanimously.

### **Resolution No. 2019-10, Intent to Initiate Street Vacation**

C.A. Daykin reviewed that this issue was raised by the ODOT Project Director at the previous Council meeting for their consideration. C.A. Daykin referenced materials provided in the agenda packet beginning on page 105, as well as provided a map of ODOT's highway improvement plan for their review. C. Svicarovich requested clarification and C.A. Daykin offered that if City Council were to intend to vacate the Second Street stub serving the property on the west side of the highway (the vacant lands that could be developed commercially), he would propose that the City also request the two owners (presently one owner with two separate legally defined parcels) provide each other an access easement for a portion of that vacated right-of-way so that it can continue to be used as access for the development of their respected tracts. Additional conversation ensued on the street vacation process and questions addressed. C. Atty Monahan explained that this is a resolution of intent; when the vacation process is undertaken, conditions can be placed on that vacation in the adopting ordinance. Discussion ensued. Council voiced support of the formation of a shared access agreement for both proposed locations of street vacation. C. Svicarovich pointed out that a shared access limits the amount of access onto a State highway but it also retains the value for both properties for gaining access onto a State highway. C.A. Daykin discussed the process moving forward. **A motion** was made and seconded to pass Resolution No. 2019-10, a resolution of intent to initiate vacation of Second Street and Fourth Street. **The motion** passed unanimously.

## **New Business**

### **Transportation System Development Charge Study**

C.A. Daykin explained that this is a proposal from a smaller engineering firm that works exclusively with municipal clients. He reviewed the details of his agenda report beginning on page 111. It was noted that Curran-McLeod, Inc. has a good reputation of working with smaller entities and providing a cost-effective way of developing SDC methodologies. Additionally, C.A. Daykin pointed out that if the City of Dundee sought the traditional financial consultants who perform this type of work the costs would be easily double or triple the fee proposed by Curran-McLeod, Inc. Additional lengthy and detailed discussion ensued. C.A. Daykin discussed the potential process moving forward if Council is supportive of the Study. He also explained that the local street system will still be built by the developers; with regard to collector streets, C.A. Daykin suggested that there should be some shared costs with the greater community.

C. Nelson inquired about why the City doesn't have transportation SDC's. C.A. Daykin explained that when an SDC is adopted there are two components: the improvement component, to create additional capacity, and the reimbursement component, that measures the consumption of existing capacity. The prior 2003 TSP acknowledged SDCs as a possible funding source, but discounted it based on the City's Development Code policies that already require development to upgrade sub-standard streets, most of which do not increase capacity beyond a local street. He pointed out that SDC credits are only for the improvements that are on the capital improvement plant; if credits are received they are only for the system being built. Where a transportation SDC makes sense is for the construction of needed system capacity improvements that are not directly tied to a particular development. **A motion** was made and seconded to authorize the city administrator to contract with Curran-McLeod, Inc. Consulting Engineers in an amount not to exceed \$8,000 for the preparation of Transportation SDC. **The motion** passed unanimously.

### **2019 SCA Grant Agreement Amendment**

C.A. Daykin reviewed that last year the City submitted two grant applications for the SCA 2019 Program, though only one grant was awarded. Since bid prices were very favorable, it appears the City would be able to complete the work under the \$100,000 limit. He proposed an amendment for additional work next to the project site to take advantage of the full grant amount. Detailed discussion ensued on additional work related to removal of the ditches on the north side of Niederberger. C.E. Reid explained that the ditches will be piped, some culverts will be removed, and the significant drop-off along Neiderberger Road will be filled in so that pedestrians will have a 6-8 feet wide gravel walking path; eventually the path may be able to be paved. C. Crawford inquired about whether the area could be marked with "No Parking" signs to which C.A. Daykin affirmed. **A motion** was made and seconded to authorize the city administrator to approve an amendment to the 2019 SCA Grant Agreement for additional work involving the installation of storm water facilities and elimination of the drainage ditch on the north side of Niederberger Road between Charles Street and Alder Street. **The motion** passed unanimously.

### **Parks Advisory Committee Appointments**

It was noted that Noel Johnson is also a member of the Tourism Committee. C.A. Daykin explained that a gentleman who is attempting to purchase a home on the east side of Dundee also expressed an interest in being involved in the local community. He was apprised of the Parks Advisory Committee member vacancy and invited to attend an upcoming meeting as well. **A motion** was made and seconded to appoint Noel Johnson and Beth Humphrey to the Parks Advisory Committee. **The motion** passed unanimously.

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

C. Crawford inquired about the status of a trailer which was noted to have been parked on the old Bag Connection property located at 459 SW 9<sup>th</sup> Street. C.A. Daykin discussed that he did send a letter as well as an email; the owner plans to remove it. Additional discussion ensued.

C. Kelly discussed that he had concerns expressed to him from several citizens who attended the previous City Council meeting on August 6, 2019. He explained that their concerns were with regard to the 5 minute timeframe provided for those addressing Council during public comment. C. Kelly discussed that in his opinion those who spoke at the meeting were focused on their topic of discussion, and he noted that he would have liked to hear them continue their discussion rather than cut them off at the 5 minute mark. He inquired as to whether there is leniency provided when needed. C. Weaver acknowledged this concern and discussed that those speaking were provided a favorable amount of time beyond a strict 5 minutes, with most provided approximately 7 minutes. C. Nelson encouraged fellow Councilors to voice these types of concerns as they arise, so that providing extra speaking time can be provided if there is Council consensus. C. Adlong stressed the importance of those addressing Council also understanding the 5 minute time allowance so that they are prepared and concise. C. Svicarovich pointed out that, though the testimony was very helpful to understand issue, public testimony regarding actual amendments to the Code needs to occur in the Planning Commission process which then comes back to Council.

C. Kelly also discussed that the room set up for the Council meeting on August 6, 2019 may have been intimidating to some people who attended. He explained that some in attendance shared with him that they felt separated when they came forward to address the Council. It was noted that there was also a gentleman from ODOT who was present at the speaking table waiting to give a presentation that evening as well. Discussion ensued with regard to the fact that many other Council chambers provide an even more formal atmosphere in comparison to Dundee. It was also noted that there was an unusually large crowd of people at the meeting that evening as well, with all seats in the room filled. C. Svicarovich pointed out that perhaps all of those in

attendance have not had the experience of attending a public meeting before. She also suggested that when there is a larger crowd it could be beneficial to provide additional instruction and explanation to those in attendance. The importance of everyone being heard at meetings was noted. C. Svicarovich suggested that a large size posted meeting format may be helpful for those in attendance, though it was also noted that the meeting agenda is provided to everyone in attendance along with additional explanation provided by the administrative assistant as needed.

C. Weaver discussed that he attended the Local Government Dinner last week and noted that there were thoughts discussed with regard to the McMinnville Homeless Ordinance, which is making some very good progress in dealing with the issues in their City. Though he noted that the local area has not experienced anything of a similar caliber to McMinnville in this regard, local Cities may be forward thinking in that direction. C.A. Daykin encouraged each Councilor to participate in the emailed survey regarding the City County dinner program. C. Weaver noted that attendance seemed to be down at the recent dinner.

### **Mayor's Report**

None.

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

C.A. Daykin discussed that last Friday he received a call from a contractor regarding some excess asphalt oil they had on-hand from an airport job and were willing to apply for the City. Though some streets were considered, there was not enough time to provide adequate notice to neighbors. The material was applied to the City Hall parking lot as well as the access road down to the Waste Water Treatment Plant. C.A. Daykin noted that the City Hall parking lot will require new striping.

C.A. Daykin discussed that the PERS Side Account legislation is moving forward now; there is \$100 million funded for the employee incentive fund. C.A. Daykin provided additional discussion about the program, and explained that the City of Dundee will not be eligible for the first round. He explained that it will be broken up into two tiers, those that have actuary liability more than double their annual payroll – The City of Dundee was in that condition at the end of 2016, however, at the end of 2017 (which they are measuring) the City fell underneath that so will not be eligible for the first round. C.A. Daykin explained that there are 291 eligible agencies. The City of Dundee won't be eligible to apply until the second round; applications will be accepted beginning on December 2, 2019.

### **Public Comment**

None.

### **Executive Session**

The City Council entered Executive Session at 8:11 P.M. in accordance with ORS 192.660 (2) (h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Executive Session ended at 8:30 P.M. and the Council did reconvene immediately following.

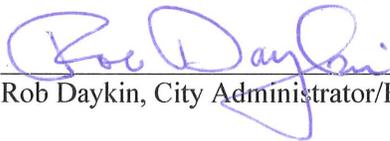
C.A. Daykin informed that there was a request from the tenant of Andy Wilder's building (located at 992 Hwy 99W) who had requested suspension and perhaps credit of water/sewer payments made for services that were not able to be delivered to that tenant. The consensus of Council was that City Staff look into the matter; Staff will be following up with the City attorney's office to further pursue this issue (including the tenants concerns) with the insurance

company representing the contractor. C.A. Daykin indicated that he will provide an update an update to the tenant.

The meeting was adjourned at 8:32 P.M.

  
\_\_\_\_\_  
David Russ, Mayor

Attest:

  
\_\_\_\_\_  
Rob Daykin, City Administrator/Recorder