

**CITY COUNCIL MEETING
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September 6, 2016**

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City of Dundee
City Council Meeting Minutes
September 6, 2016

Call to Order

Council President Jeannette Adlong called the meeting to order at 7:00P.M.

Council and Staff Attendance

Present: Council President Jeannette Adlong; Councilors Tim Weaver, Kristen Svicarovich, Doug Pugsley. Councilors Ted Crawford and Storr Nelson arrived at 7:05 P.M. Excused Absence: Mayor David Russ. Staff members: Rob Daykin, City Administrator; Shelby Rihala, City Attorney; and Melissa Lemen, Administrative Assistant.

Public Attendance

Tom Schaad, 610 Alder Street, Dundee.

Agenda Changes

C. Crawford advised, and C. Weaver also concurred, that he would like to add item 5.4 OLCC Liquor License Application, Cal Erath, from a Consent Agenda item to a discussion item.

Public Comment

Tom Schaad, 610 Alder Street, approached the Council with concerns regarding the addition of the no parking signs on both sides of his street. He indicated that several years ago the City placed a pedestrian walkway on one side of the street and eliminated parking there, and now parking has also been eliminated on the other side and he is curious as to why. C. Pugsley responded that this was due to the more narrow street width as well as an increase in traffic volume; the area is too constricted for traffic to move through with parking on either side. Mr. Schaad advised the Council that he would also like to see these no parking signs placed in other areas of Dundee where the street is narrow including Uplands Drive, Walnut Street and areas further down on Alder Street. He suggested that the City is being inconsistent when it comes to the application of this code. Mr. Schaad advised that his family can no longer visit unless they can park on his property which he feels is very unwelcoming. He further advised that the situation wasn't such when he purchased his property in 2004, and he would like to know why it is a problem now. C. Pugsley responded that the City received complaints once people began parking more frequently in that area and advised that the actions taken were in response to those complaints. C.A. Daykin advised that there previously had not been a lot of routine parking on Alder Street. Recently, however, as people have begun parking in the area more frequently, it has been deemed to be unsafe as cars passing through the area must cross the center line. This becomes especially concerning when there is traffic coming from both directions. C.A. Daykin informed that he discussed the concerns with local law enforcement who advised they would need no parking to be clearly signed in order to enforce no parking on the street, even though the vehicle would be located in the traffic lane. He advised that in other areas of the City, especially east of the railroad tracks, the streets are substandard (narrow) but generally people don't park on them. He further advised that even when people do park in those areas, because it's a local street classification with low volume, people are still able to navigate those areas safely. With regard to Alder Street, C.A. Daykin informed, this roadway is not only the bus route but is also a collector street which carries more volume as well. C.A. Daykin informed that per motion of the City Council a no parking restriction was authorized for Alder Street from Upland down to 9th, but signs have not yet been placed in the lower section due to the fact that people aren't typically parking there. He further noted that he is expecting to receive a development application soon regarding the property that is downhill, which will result in improvements to Alder Street. Mr.

Schaad advised that upon checking his house value online the price has now dropped 5% with no on-street parking availability. He further advised that when cars were allowed to park in the area, traffic flowed through at a slower rate, and now with no obstacles he feels traffic is exceeding the speed limit often times. Council President Adlong explained the Council's view that it was felt that there was not enough room in the street (especially when two cars are passing each other) that people could safely park in that area. She further explained that the problem at this time seems to be specific to the area of Alder Street that needed addressed, but not necessarily an issue in the other areas Mr. Schaad has mentioned. Mr. Schaad expressed frustration regarding the fact that the residents along the street weren't informed of the parking problem prior to the actions taken by the Council. He also requested that no parking signs be placed further down Alder street, and the code be evenly enforced. Discussion ensued regarding this issue. C. Weaver inquired about the possibility of conducting a traffic study in the Alder Street area. C. Svicarovich informed that recent volumes may have been collected as part of the TSP. C.A. Daykin informed that a traffic study, volume and speed, can be done with assistance of the Newberg Police Department. C. Weaver further explained that school buses had also been having an issue traveling through the area, with uphill traffic needing stop for downhill traffic. While it does slow people down, it also increases the potential for the parked cars to be hit. The consensus of the Council was to revisit the Alder Street parking restrictions at a future City Council meeting agenda.

Consent Agenda

The motion was made and seconded to approve Consent Agenda items 5.1 City Council Minutes, August 2, 2016; 5.2 City Council Special Meeting Minutes, August 16, 2016; and 5.3 Financial Report Ending July 31, 2016. **The motion** passed unanimously.

5.4 OLCC Liquor License Application, Cal Erath

C. Crawford inquired about whether the Council has any right to object to the name of the winery with regard to this application ("Dog Zin Heat") to which City Attorney Rihala advised it is protected speech. C. Svicarovich inquired about the present signage at the business. C.A. Daykin informed that he spoke with Cal Erath today regarding concerns over the sign size and a sign application. He advised that Mr. Erath stated that he was going to paint over the sign and submit a sign application. C.A. Daykin explained that he advised Mr. Erath to contact the Planner to go through the code carefully regarding sign specifics. Mr. Erath had indicated that he was going to have that done before the meeting tonight but this has not been confirmed. A concern was expressed by C. Crawford regarding Question 24 on the OLCC Application. C. Crawford suggested that Cal Erath had been associated with Voodoo Martini either in ownership or management. The Council questioned the OLCC application process, and asked for clarification of the steps involved in being granted a liquor license. C. Weaver inquired as to whether Mr. Erath could be invited to attend a Council meeting where some of the Council concerns and questions could be addressed. C. Weaver suggested holding on the approval of this application at this time while further background check could be completed on the applicant. C. Pugsley suggested putting this application on hold while Staff inquires with the OLCC regarding their license processing methods. C.A. Rihala supported this plan and added that she would like to know what independent investigation the OLCC does as opposed to what the City should flag for them. C. Crawford advised that he feels the Council should be more knowledgeable pertaining to the OLCC application process as a whole for future applications as well. He also noted that the applicant first submitted the application on March 11, 2016, and pointed out the lengthy time between that original date and the present. C.A. Daykin informed that the applicant may have simply held onto it until he was ready to submit it to the City for the next step. C. Crawford noted that as per the application, the 90-day temporary authority has expired, meaning that he cannot technically operate his business any longer under a temporary license. C. Adlong inquired as to whether or not the applicant holds a business license. C.A. Daykin replied that information

is not known at this time, and he is also not aware whether or not the applicant is operating a business there presently. A motion was made and seconded to hold 5.4 OLCC Liquor License Application, Cal Erath, until Staff and Legal Advice can contact the OLCC regarding the process. The motion passed unanimously.

Old Business

Sewer Repairs Change Order

City Administrator Daykin advised that Michael Humm, Kennedy/Jenks Consultants, was unable to attend the City Council Meeting tonight. C.A. Daykin referred to the documentation provided within the agenda packet on pages 43-48. He reviewed the fact that the City solicited bids for sewer repairs, both for what were perceived as being City responsible repairs as well as repairs associated with damage by a telecommunication provider. Subsequently, no bids were received so we repackaged the information and obtained two separate quotes for two different types of repairs, the trench-type work and also the trenchless repair method. The base bid for the trenchless work was awarded to C-More Pipe. City Council inquired as to what the cost would be associated with repairing the lateral connections that have failed due to concern for I&I. There are apparently 13 locations, one of which is actually the sewer main itself in which tree roots from a street tree are blocking the sewer main and is clearly the City's responsibility. Michael reported his belief that some of the sewer connections possibly weren't installed properly or, even if they were installed properly, they have failed. It is not known if there is any other associative cause as to why they may have failed. C.A. Daykin noted that on 7th Street the City awarded the base bid that included two laterals, as well as the lateral that was thought to be damaged by the widening of 7th Street with the new storm line going in. He further advised that the other repairs that the City Council did award that were reported back did not have that same type of damage, and the connections appeared to have simply failed. C.A. Daykin pointed out that repair work was already awarded for 2 laterals on 7th Street with failed connections with the base bid, and the change order covers the remaining laterals identified in the video inspection as allowing storm water to enter the sewer system. C.A. Daykin advised that he discussed with City Attorney Rihala the concerns expressed previously about whether this sets precedence, and how this aligns with our sewer ordinance that states that the laterals are the responsibility of the property owner. C.A. Daykin noted that at the time the policy was created in 2013 there were some concerns that the policy in place at the time was unclear; the design standards may have inferred that if it's in the right-of-way the City is responsible. Conversation ensued further regarding the processes that were taking place back when the policy was created. C.A. Daykin informed that the majority of the properties in Dundee that have high water table problems have been scoped out and only these remaining laterals have been found to have issues. Although there may be other laterals in the system with connection gaps, C.A. Daykin doesn't believe that they would contribute significantly to the I&I problem since the water table may be lower at those locations. C.A. Daykin explained how potentially lengthy and more expensive (to the property owners) the process would be if we asked each property owner to be responsible for their own repair work. Daykin further explained that Staff's recommendation would be to award the change order and correct the problem before going into the wet season. He also noted that the cost is a lot less than anticipated, and it is well within the budget of what the City has made available for this project plus more work will be able to be done throughout the season. Conversation further ensued regarding details of the work to be completed. C.A. Daykin explained that with regard to the sewer main with the tree roots, at this time there is an unknown cost factor. A unit price was given but they are not sure how many units it will take to remove the tree roots. C.A. Daykin informed that is the only unknown factor at this time. It is estimated that there are about 40 feet of tree roots that would potentially need to be removed. **A motion** was made and seconded to approve the change order #1 with C-More Pipe in the amount of \$11,200 with an additional scope of work (T & M \$250/hr) for tree root removal. **The motion** passed unanimously.

Fence Permit Requirements

C.A. Daykin briefly reviewed the fact that the City adopted a resolution requiring a fence permit back in 2006; a copy of the resolution was provided in the agenda packet. C.A. Daykin advised that he reviewed the City Council minutes relating to the resolution and found only brief information pertaining to the rationale to make sure that when someone places a fence there is a formal opportunity for the City Staff to review and advise applicants of the fence guidelines. He also indicated that most cities do not require fence permits although Ashland, Oregon does have a fence permit requirement in their development code. C.A. Daykin explained that because this requirement was established via a resolution; there is no sanction for noncompliance. If a permit process is desired, C.A. Daykin advised that Staff would recommend that it be incorporated into the development standards by initiating a development code amendment to include that. That would then give the Planning Commission another opportunity to review the fence standards. C. President Adlong pointed out that a fence that is constructed incorrectly can really be noticeable, and she expressed her opinion that the standards be enforced equitably. She would be in favor of an ordinance. C. Svicarovich inquired about Staff availability to perform fence consultations. C.A. Daykin informed that in discussing the issue further with Staff and the City Planner, a simple checklist format would be favored. The information would not be sent to the Planner; the intake person would review the information and make sure that the applicant understands all of the requirements. A simple inspection from Public Works would be done as well. C. Svicarovich inquired about whether a permit would be required for repair of an existing fence which C.A. Daykin informed would not be necessary. C. Svicarovich pointed out her belief that we already have the necessary code in place and that if something comes up and it's not in compliance we can address that issue when it arises. C.A. Daykin pointed out that most of the fence permits that have been issued are for fences associated with new home building; we don't see a lot of requests for fence permits for preexisting homes. C. President Adlong pointed out that City Staff is presently already involved in many of the fencing issues. C.A. Daykin reviewed the fence standards on page 53 of the agenda packet with the Council. C. Nelson agreed with C.A. Daykin that Standard B-3 should be addressed regarding fence height, and noted that the other standards should be reviewed as well. C. Nelson supported the idea of having the Planning Commission review the fence standards and provide input as to whether they believe a fence permit process would be helpful. Discussion ensued regarding a potential fence permit process and what that might look like. **A motion** was made and seconded to have the Planning Commission reevaluate the fence standards that exist now and to weigh-in on their thoughts as to whether or not there should be a permit required for fences. **The motion** passed unanimously.

Resolution No. 2016-22, TGM Code Assistance Grant Application

C.A. Daykin briefly reviewed Resolution No. 2016-22. **A motion** was made and seconded to approve Resolution No. 2016-22, a resolution supporting an application to the transportation and growth management program for a code assistance grant to develop a new Riverside District Zone to implement the Riverside District Master Plan. **The motion** passed unanimously.

New Business

Street Improvements OTIF Loan Amendment

C.A. Daykin reviewed the City took out a loan through the Oregon Transportation Infrastructure Fund (OTIF) in 2013 for local street paving projects. The first two phases were completed. The last phase was intended to be completed in 2015, but with other activities and change of engineers that was not accomplished. C.A. Daykin advised that the bid was put out again this year but prices came back quite a bit higher. The decision was then made to repackage the work and combine it with some other work related to Locust Street. C.A. Daykin informed that, in talking to the administrator for the loan program and in discussing what we are looking to accomplish (including the sidewalks and streetscape projects), one option that could potentially help with

cash flow on that project would be to modify the project description on the existing loan to drop Phase 3 and replace it with the project that we're currently building right now (Dogwood). It was noted that Dogwood is also partially funded with a \$50,000 Special City Allotment (SCA) grant, but the project is going to cost much more than that. City Street Fund resources were going to be used for the Dogwood costs not covered by the SCA grant, but the costs of the streetscape project are much greater than we had anticipated (particularly the undergrounding aspect of it including putting conduit under our phase of the sidewalk) are competing with these same funds. Daykin pointed out that the engineer estimated \$200,000 for the conduit work and we had originally thought would cost \$90,000. It was noted that at this time we do not have the resources to pay \$200,000, so the loan amendment could be very helpful. C.A. Daykin also informed that if we can use the funds that we obtain from this project, we could potentially have the cash available then to apply to the sidewalk streetscape project essentially. If it turned out that we really didn't need the money then the loans could be paid off; there is no penalty for paying off the loans early. C.A. Daykin advised that if this is a program that the Council feels might be beneficial to the City; he would like to begin work on the amendment process as it could take 30-60 days to complete the paperwork. **A motion** was made and seconded to authorize the City Administrator to execute the amendment to the OTIF loan agreement to include the Dogwood Drive project as eligible work. C. Nelson expressed concerns and asked for further clarification. C.A. Daykin discussed further details with regard to the Dogwood project and the proposed loan amendment. He also advised that he would not draw on the loan until further discussion occurs at a future City Council meeting. He explained that at this time he is seeking authorization to modify the loan to be eligible for the Dogwood project. C. Crawford inquired about the interest rate on the loan which C.A. Daykin confirmed to be a twenty year loan at 2.54% interest. **A motion** was made and seconded to amend the motion to include the City Council in future discussions on use of the loan for the Dogwood Drive improvement project. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Svicarovich provided updated information regarding Yamhill County Road Improvement Advisory Committee. She indicated that Red Hills Drive will be paved soon; C. Crawford advised that it has already been paved. C. Svicarovich also informed that a Wine Country sign will be being installed at the intersection of Hidden Springs Drive and Sunnycrest Road.

C. Crawford expressed concerns regarding preserving our reservoirs in the event of a subduction zone earthquake in our area. He was most concerned regarding the reservoirs having emergency shut-off capabilities so that in the event of an emergency the fresh water supply doesn't drain out through potential broken pipes. C.A. Daykin advised that he is uncertain of what our shut off capabilities are, but did advise that the most recent reservoir built at the cemetery was built to the more contemporary standards. C. Crawford expressed additional concerns regarding the City having backup generators at the pump stations. C. Crawford suggested putting a system in place that could be radio operated to shut the valves off. C. President Adlong supported these ideas and expressed concern as well. C. Nelson expressed concerns regarding this topic as well, and advised that he had inquired of County Commissioner Starrett as to the County's earthquake readiness. C.A. Daykin advised that he will talk to Kennedy/Jenks regarding this issue and let them know this is a concern.

C. President Adlong reported that there will be a Parks Advisory Committee meeting tomorrow, September 7, 2016. She advised that they will be discussing the City Engineer's recommendations with regard to the final paving plan of the lower part of the trail, the picnic area and the handicap parking spot. Adlong informed that she and C.A. Daykin met with the Engineer last week and he is making some adjustments to the facility improvements. C. Nelson advised that he would like to be present during the paving.

C. Crawford inquired about an update on the TE Project. C.A. Daykin replied that at this time there is no update.

Mayor's Report

None.

City Administrator's Report

C. A. Daykin advised that at some point in the future we will be updating our Street Maintenance Plan. C. President Adlong pointed out that the pedestrian walkway on Alder street is overgrown as well as an area on 9th Street (Alder to Red Hills). She felt that, in addition to maintaining the streets, maintaining the walkways associated with the streets is important. C. Weaver also expressed concerns regarding overgrowth in areas, especially as it pertains to street/traffic sign visibility. The consensus of the Council was to complete a comprehensive review, including street maintenance issues, to be tentatively scheduled in March 2017.

C.A. Daykin advised that he will be meeting with Mr. Lindquist and his son-in-law, Rod Grinberg on Thursday morning at their request. They would like to discuss the status of the Riverside Master Plan. C.A. Daykin advised that he informed them that we are moving ahead with the grant application and reminded him that he had asked us to do that. C.A. Daykin further advised that prior to his recent communication with them, he had not heard from them or Mr. Edwards since discussions months ago.

Public Comment

None.

The meeting was adjourned at 8:28 PM.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder