

**CITY COUNCIL MEETING  
TABLE OF CONTENTS FOR MINUTES  
September 17, 2019**

Call to Order .....	2
Council and Staff Attendance .....	2
Public Attendance .....	2
Agenda Changes .....	2
Public Comment .....	2
Presentation: 2020 Federal Census .....	4
Consent Agenda .....	4
Old Business .....	5
MBR Manual Clean Bids .....	5
Fire Station Repairs .....	5
Highway 99W Street Light Project Update .....	6
New Business .....	7
Resolution No. 2019-11, Disability Policy Amendment .....	7
Parks Advisory Committee Appointment .....	7
Council Concerns and Committee Reports .....	7
Mayor's Report .....	8
City Administrator's Report .....	8
Public Comment .....	9
Executive Session .....	10

**City of Dundee**  
**City Council Meeting Minutes**  
**September 17, 2019**

**Call to Order**

Mayor David Russ called the meeting to order at 7:01 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; Matthew Kahl, City Attorney; and Melissa Lemen, Administrative Assistant.

**Public Attendance**

Andy Wilder, 11995 NE Worden Hill Road; Jill Bilka, 740 SW Graystone Place; Chris Hege, 18700 Riverwood Road; Bert Hanifan; Bud & Linda Holtgreve, 623 SW 5<sup>th</sup> Street; Shanna Dixon, 685 SW 5<sup>th</sup> Street; David Dixon; Michael Humm, P.E., Kennedy/Jenks; Cory Burlingame; and Ryan Thomas.

**Agenda Changes**

None.

**Public Comment**

Andy Wilder, 11995 NE Worden Hill Road, approached Council and reviewed that his property located at 992 Highway 99W has not had a working sewer lateral since December 2018. He reviewed that on December 10, 2018; his tenants contacted him and indicated that the sewer was plugged up. Wilder explained that Mr. Rooter provided a service call to his property on December 11<sup>th</sup> and indicated that there was an obstruction in the sewer lateral which was caused by a fracture in the pipe. Wilder informed that he notified C.A. Daykin of the issue that day. Since that time, Wilder explained, he has contacted K&E Excavating (one of the contractors for the highway improvements project) who indicated that the work was actually performed by Weitman Excavating. Wilder discussed that he contacted Weitman Excavating and their insurance adjusters. Additionally, Wilder noted that he spoke with the Dundee City insurance adjuster, who in his opinion has done absolutely nothing to rectify the situation; the adjuster indicated that a claim has been filed and that it is up to the contractors to decide who is responsible for the damage. Wilder expressed frustration that no one will claim responsibility for the damage to his sewer lateral and that it has been 10 months since this issue was discovered and noted that his tenants are now moving out. He informed that he has spent \$18,000 of his own money to research and repair the problem and asked City Council for suggestions about how he should proceed moving forward, or if there is any information they can provide to him about any research which might have been done.

M. Russ explained that City Council is unable to answer his question as it is not a task which they would complete. Wilder also expressed frustration that though his tenant has not received sewer service for 10 months, the City has been billing his tenant continuously for water/sewer service. C.A. Daykin discussed that the City has forwarded Mr. Wilder's issue to their insurance provider (CIS) and they have provided that claim to the contractor who completed the work for their response. Additionally, C.A. Daykin explained that he requested legal review of the issue; the City Attorney does plan to update City Council later at this meeting. Additional detailed discussion ensued. Wilder reviewed the details surrounding the locations where he believes his sewer lateral is damaged. M. Russ pointed out that the property owner is responsible for the

sewer lateral up to the connection to the sewer main. Wilder continued to express frustration about the situation at hand and conversation ensued. M. Russ acknowledged Wilder's frustration and offered to provide information as it becomes available.

Jill Bilka, 740 SW Graystone Place, introduced herself and asked for Council's support to amend the Transportation Plan to remove the requirement of a street connecting Graystone Drive to Fifth Street. She explained that with the Sander Estate property now being developed into a park, it doesn't seem fitting for a Street to serve a good purpose in that location. Bilka voiced support that the land in this area would be better served to be used for additional park space; and voiced support for the funds that would have been used by CPRD to develop the road to instead be put back into the park and to improving the land in a way that fits the space present.

C. Svicarovich inquired as to what the process would be to amend the City's TSP and suggested that this item be added as an agenda item for a future City Council meeting. C.A. Daykin explained that the process would be a Type V legislative process initiated by City Council to amend the Comp Plan. He explained that to amend the TSP, generally it is necessary to hire a transportation consultant to review that so there will be a Plan which will be accepted by the State when changes are made. C.A. Daykin discussed that there would be some expense involved with this process and explained that more detailed information could be provided at a future meeting if desired by City Council.

Bilka voiced support of additional discussion on the matter. She pointed out that, in her opinion, investing a little bit of money to change the plan would be beneficial when compared with the purpose it would serve. She also discussed her belief that given the space and the roads near it, it wouldn't be a highly utilized street; funds being spent to change it in the short-term would end up benefitting the community more in the long-term.

Shanna Dixon, 685 SW 5<sup>th</sup> Street, introduced herself to Council and voiced support of Bilka's public comment. She discussed that in her opinion the connecting street between Graystone Drive and Fifth Street wouldn't add a lot of value, but would detract from the City of Dundee. She inquired about the transportation plan and whether it is pedestrian oriented or just roads; Council clarified that it is inclusive of both. Dixon inquired about whether bike lanes were provided for in this area to which C. Svicarovich explained her belief that there would not typically be bike lanes in a local cross-section; typically bike lanes are only added on collector and arterial roadways and not on a local street. Dixon discussed her opinion that continuity for pedestrians and bicycles adds more value than the road. She offered additional discussion with regard to the importance of this type of access in nearby cities as well.

Chris Hege, 18700 Riverwood Road, read a prepared statement into record with regard to the property that he and his wife recently sold at 1067 SW Falcon Crest Drive. A copy of Hege's statement was added to the agenda packet materials. Hege explained that when BlackRock Underground was done with the repair work, they requested that Dundee Public Works inspect the job, which they refused to do. Hege explained that subsequently BlackRock incurred additional costs associated with renting steel plates to cover the hole overnight until the next day when the City of Newberg came to do the inspection. Hege expressed disappointment with the professionalism of the City of Dundee Public Works being unwilling to complete the inspection. He offered to provide Council with photos of the repair as well as pre and post-scope sewer scope photos, including receipts, from the repair work done. C. Crawford inquired about whether the City is responsible for completing these type of inspections to which C.A. Daykin explained that there was not a permit taken out from the City for the right-of way portion of the project. He explained that there are two different regulations covering the extent of the sewer system. He discussed that the private portion (up to the property line) falls under the building code and the

plumbing inspector would inspect this portion; the City would inspect the portion in the public right-of-way though a permit would need to be obtained from the City for that work. C.A. Daykin clarified that inspections of public infrastructure are done by City crews.

Linda Holtgreve, 623 SW 5<sup>th</sup> Street, introduced herself and explained that she is present tonight in support of Bilka's public comment with regard to the potential street between Graystone Drive and Fifth Street. She informed that she resides on Fifth Street in the immediate area. Holtgreve voiced that she doesn't see a need or the reason behind the construction of a Street in this location. She inquired as to whether the placement of a Street in this location could be readdressed and reviewed to determine whether it really is a necessary need for the betterment of the community. M. Russ explained that the TSP was developed years ago and is a plan for the City as it develops. Holtgreve requested that the discussed Street be reassessed.

### **Presentation: 2020 Federal Census**

James Graham, Partnership Specialist, U.S. Census Bureau, introduced himself and provided a Powerpoint presentation, a copy of which was added to the meeting agenda materials. He discussed that his role is to visit local communities, local governments and community organizations that have influence in the community; they are seeking to achieve a complete and accurate census. Graham discussed the reasons that a census is done and why it is important. He pointed out that the results from the census are the foundation of funding for services. Graham discussed that the census is easy and is composed of ten questions for each person living in a household; an average size household can plan to spend a half an hour or less answering the questions. He discussed the four ways that people are invited to respond to the census. Graham discussed that this will be the first census where there is an internet self-response option; this option will go soft live on March 12, 2020, and they are hopeful that over half of Americans will use this cost-effective self-response medium to answer the census. If no response is received after 3-5 pieces of mail have been sent to an address, a paper form will be provided for completion of the census. If this paper form is not received, an enumerator will respond in person to collect the data. Graham pointed out that the census is safe, private and confidential; personal identifying information is protected and safe from any government agency, including law enforcement, at the Federal, State or local level and personal identifying information will not be shared. He discussed some of the challenges associated with taking an accurate census and explained that the homeless, migrant immigrant populations and young children can be difficult to recognize because they are under the radar, invisible or have no voice. Graham discussed the importance of those persons being counted as they are using services and resources in their local communities.

C. Adlong expressed concerns with regard to the security of the online option for completing the 2020 U.S. Census, and inquired about what kind of systems are in place to ensure that the results are accurate without a paper trail. Graham discussed that the government is working with the biggest and best internet security and internet technology companies, of which Microsoft is one of the primary vendors standing up that system. He was unable to address the question pertaining to the lack of a paper trail; he is also unaware if there will be a verification email or document which will be sent back to the user. Graham explained that the online system is still being developed and is not live yet. He did point out that security is paramount importance; up to this point the census data has not been hacked.

### **Consent Agenda**

A **motion** was made and seconded to approve Consent Agenda Item 6.1 City Council Minutes, August 20, 2019, Item 6.2 Financial Report Ending July 31, 2019, Item 6.3 Proclamation – 2020 Census, and Item 6.4 OLCC Liquor License Application, Willamette Picnic, LLC. **The motion** passed unanimously.

## Old Business

### MBR Manual Clean Bids

Michael Humm, P.E., Kennedy/Jenks, provided a status update and recommendation regarding the dewatering of the MBRs at the wastewater treatment plant as described his letter dated September 5, 2019. Humm reviewed their recommendation in detail and discussed the single contractor bid received for the project from R.L. Reimers Company. He explained that this is the same contractor who completed similar work back in 2017. Humm discussed that they are proposing to begin work next Wednesday, September 25, 2019, and they expect the work to take 1 to 1 ½ weeks to complete. Humm expressed concern about the present rainy conditions and supported completing the work as soon as possible. M. Russ inquired as to whether Kubota presently has the replacement cartridges in stock to which Humm explained that they are 2-3 days out of Seattle; the City also has 1-2 dozen cartridges on-hand.

C. Adlong inquired as to whether the amount of clogging being seen would be expected by this time to which Humm explained that the amount is more excessive than what would be expected. Humm discussed some of the potential causes for this as well as described three possible changes which could be implemented to help manage the issues. One potential change is with regard to evaluating the frequency of air cleanings, the second concern which could be addressed is with regard to the clean in place events, and the third is to evaluate the solids inside of the basin. Humm explained that Kubota has discovered that waste streams in the U.S. are different than what they are in Japan; they are more fibrous. He discussed that due to that issue the fibers tend to conglomerate and build up fouling; they have started to see fouling in the U.S. more than expected. With regard to the third solution, Humm explained that they will look at the perforation sizes on the influent screens; detailed discussion ensued. Decreasing from a 3mm screen to a 2mm screen could potentially help. C. Adlong inquired about whether these issues have anything to do with the discharge from the wineries to which Humm explained that this is not an issue related to the wineries.

**A motion** was made and seconded to accept the quote in the amount of \$13,475 from R.L. Reimers Company for removal and re-installation of membrane cassettes. **The motion** passed unanimously.

### Fire Station Repairs

C.A. Daykin provided Council with two pieces of updated information for their meeting agenda packet. He explained that following City Attorney review, some verbiage changes were made to Amendment No. 1; the contractor has signed it and they are anxious to take this action with the City. C.A. Daykin explained that the second piece of information provided is a budget which was prepared by the City's consultant, Jim Omundsen, and details the various costs associated with completing this project; discussion ensued. C.A. Daykin explained that there may also be additional costs not specifically identified in this budget. He discussed that the City has also incurred additional legal fees in reviewing the various proposals as well as ongoing legal fees in moving forward with the City being the contracting agency now (and not relying on Baldwin to perform this work). It was noted that the \$6,006 showing as contingency will likely be consumed by these other costs. C.A. Daykin did point out that it does seem that the City can bring the project within the funds that are being provided by Baldwin. He also pointed out that the City has spent over \$7,000 since May 2019 trying to get Baldwin to comply with the requirements; it wasn't until recently that he provided the City with the appropriate work approach from Stonhard that met the requirements and then proposed he would provide the City the money to complete the project and no longer be responsible.

C. Svicarovich inquired about a timeframe for completion of the project as well as expressed concerns about the Fire Department apparatuses being required to be outside during the process. C.A. Daykin explained that the bays will have to be open to the contractor for about five days, though there will also be prep work before and after. It was noted that the Chief may be considering container storage or other means for storing some of the equipment. C. Crawford inquired about how soon this work will be completed to which C.A. Daykin explained that the City will have to go through a process to award the contract (now that the City is the contracting agency and not Baldwin contracting) and to accept the bid price from Stonhard; if the City is to dispense with competitive bidding a public notice must be put out, a resolution passed and then waiting for two weeks following the notice. Award is anticipated for the Council meeting on October 15, 2019. Though a start date is presently not known, C.A. Daykin explained that the City will be working with Stonhard to keep them apprised of the planned course of action. Though Baldwin has agreed to pay the City \$79,860 by September 24, 2019, the timeline for the completion of the work is dependent upon them following through on this agreement.

C. Weaver inquired as to whether there are concerns relating to surface temperature at this time to which C.A. Daykin explained that the Chief assured Jim Omundsen that he could maintain adequate temperatures in the bays where the work will be performed. A **motion** was made and seconded to authorize the city administrator to execute Amendment No. 1 to the Mutual Settlement Agreement with Baldwin General Contracting, Inc. C. Svicarovich pointed out the potential challenges associated with keeping the bays at an adequate temperature while also allowing appropriate ventilation in the bays. C.A. Daykin indicated that he will share that concern; he is unsure whether this is an issue of concern for the project or not. **The motion** passed unanimously.

### **Highway 99W Street Light Project Update**

C.A. Daykin explained that his agenda report provides an update to the Highway 99W Street Light project. He discussed that though the City did try to pursue Option B through PGE, it was determined that the street light bases and some of the other facilities that were installed did not meet PGE standards; it would be cost prohibitive to make the required changes at this time. C.A. Daykin discussed the details of Option C, as outlined in his report, and referenced the cost breakdown provided on page 56. C. Crawford stressed the importance of using 3000 kelvin bulbs moving forward. C.A. Daykin explained that the three light bases that were installed in the 2014 fire station construction project are different than the bases that were installed in 2017; the 2014 bases were poured in place using a specific design. C.A. Daykin noted that there are no as-built drawings and no information available pertaining to them, so the solution would be for the City to remove those bases and replace them. M. Russ inquired as to whether PGE changed the requirements between the time those bases were installed and now. C.A. Daykin explained that prior to April 2019 this was not an option, but only because PGE changed the street light tariff to offer LED lights under Option B that it became an option for the City; the City engineering was designed for a different light fixture that City Council selected and was different than the PGE-approved list of materials and is no longer available.

C. Svicarovich referenced information about potentially using the meters for other services, including ornamental Christmas-type fixtures. She requested that when the cabinet is designed, it be equipped with extra circuits so that the City will have the ability to do that. C.A. Daykin affirmed that DKS is aware of that information though he himself is unaware of the specific technical requirements. Discussion ensued and C.A. Daykin pointed out that one additional item being reviewed is the possible use of radar speed readout signs, which is something that City Council has previously voiced an interest in. It was noted that electrical outlets will be incorporated into the poles. C. Crawford inquired about 5G radio antennas, which is another feature which could be useful on the street poles if there is enough power to run a 5G antenna; it

could also be another revenue source for the City in the future. C.A. Daykin indicated that he had no information pertaining to potential 5G radio antennas. Discussion ensued and C. Svicarovich explained that most cities that are adding 5G are requiring the agency who places the equipment to complete structural calculations and/or upsize structural requirements in order to accommodate their equipment on public infrastructure. Detailed conversation ensued and C. Svicarovich discussed that in her opinion she is not sure whether it's in the City's best interest to try to design for that option; an interested agency would come in and bring things up to operational if they desired to attach their equipment.

C. Adlong inquired about the street lights present now and asked if burned out bulbs are being replaced with 3000 K bulbs at this time. C.A. Daykin confirmed that they are indeed being replaced with 3000 K bulbs. He explained that the street light fixtures originally installed back in 2013 or 2014 are no longer available. C. Adlong noted that there is a street light burned out presently at the top of Upland Drive at Red Hills Drive which C.A. Daykin made note of and will have it addressed. C.A. Daykin also explained that once the City installs the new lights on the Highway, the high pressure sodium lights that are there now will be removed at a cost to the City; originally the City was going to be charged a depreciated value of the cost, but now that PGE have indicated that they will be able to reuse the lights at other locations there will be a modest cost of around \$2,200.

C. Crawford inquired as to why the banners on Highway 99W that he previously requested be removed have not yet been taken down. C.A. Daykin explained that Public Works Staff have been very busy working on higher priority projects though the task is on their list.

## **New Business**

### **Resolution No. 2019-11, Disability Policy Amendment**

C.A. Daykin discussed that the amendment is to correct an oversight to the Disability Policy in the Dundee Employee Handbook. He explained that the policy was discussed with the City Attorney as well as CIS, who provided initial review of the Employee Handbook. He explained in detail the changes to the Disability Policy as outlined in his agenda report; this amendment to the policy will help provide more clarity. A **motion** was made and seconded to approve Resolution No. 2019-11, a resolution amending the employee handbook. **The motion** passed unanimously.

### **Parks Advisory Committee Appointment**

C.A. Daykin explained that, if appointed, Kristin Gorton would fill the last vacancy on the Parks Advisory Committee. A **motion** was made and seconded to appoint Kristin Gorton to the Parks Advisory Committee. **The motion** passed unanimously.

## **Council Concerns and Committee Reports**

C. Crawford inquired about what the plans are with regard to Ninth Street and Red Hills Drive. He discussed some of the effects that the recent heavy rainstorms have had in this area. C.A. Daykin stated City Staff will be providing information to Council at a future date with regard to the damage from the storm as well as potential fixes for the long-term. He explained that an inventory of all damage has been done for all of the facilities, and noted that there are significant concerns with regard to a couple of different areas. Additionally, he explained that at this time the City Engineer is on vacation until next week and that he himself will also be on vacation until mid-week. C.A. Daykin discussed that the intent will be to bring back the information to Council at one of the October meetings. Discussion ensued with regard to ditch work which will begin on Ninth Street soon; flaggers will be required.

C. Svicarovich proposed adding an agenda item to a future Council meeting agenda to discuss the processes and steps involved with amending the TSP with regard to the local street connection between Graystone Place and Fifth Street. The consensus of Council was to move forward with this idea and C.A. Daykin indicated that some research can be done and provided to Council. M. Russ requested information be provided on ballpark costs associated with the potential amendment as well. C. Svicarovich shared that her thought was Chehalem Park & Recreation District (CPRD) potentially championing the process as they would be ultimately responsible for the addition of the Street. C.A. Daykin explained that he would like to discuss the issue with the City Planner as well as the City Attorney; conversation ensued. C. Crawford discussed in detail a similar situation which occurred previously at Fortune Park. M. Russ pointed out that Sander Estate Park will also need some parking; there are many places where there are parking lots which serve as street connections as well, though are not necessarily used as a through street. C.A. Daykin voiced support of C. Atty Tim Ramis assisting with this matter given his experience with land use issues.

C. Weaver praised the efforts of the Public Works Staff for their efforts with regard to post-storm clean-up in the City of Dundee.

## **Mayor's Report**

None.

## **City Administrator's Report**

C.A. Daykin discussed that there was another annual spreading of cow manure in the farm fields of the Riverside area. He explained that he received three separate complaints from nearby residents who felt this was not an appropriate practice in the City. C.A. Daykin informed that he provided background information regarding the property to those with complaints and explained that the farmer does have the right from a land use process. He also discussed that if City Council were interested in looking at this more closely, thought could be given to see if a nuisance regulation might be something to consider. It was noted that this is a common farm practice; there is land actively being farmed in the City limits. C.A. Daykin discussed that he did visit the site with Chuck Simpson, Public Works Superintendent, when they were actively spreading and did not find the odor offensive; the wind was blowing in his direction and he was approximately 6 feet away from the spread of the liquid material. Though he did not find the odor terrible, C.A. Daykin did recognize that others may perhaps be more sensitive to it and described the application process.

C.A. Daykin discussed the slurry seal bids that the City received earlier this year. He informed that the contractor hired for this work (Paving NW) contacted the City approximately two weeks ago and said they are really running into crunch time and are concerned about weather. C.A. Daykin discussed that City Staff executed a contract for that project but they won't begin work until June of next year (after school is out at the earliest); the City was provided a \$10,000 discount on the price.

C.A. Daykin discussed that CPRD will be having their next Board meeting on Thursday, September 26, 2019. He noted that he and C. Adlong are planning to attend the meeting. C.A. Daykin explained that information was shared at a prior Parks Advisory Committee meeting about CPRD providing a scope of service to the architect for the design and development of Billick Park; C.A. Daykin and C. Adlong voiced their desire that the Board understands and are taking into consideration the input they have received from the citizens of Dundee.

C.A. Daykin informed that the Viewmont Trail has been paved. Soon Public Works crews will begin work on the playground area; the excavation is expected to be completed this week. C.A.

Daykin explained that next Public Works crews will follow up with the manual clean of the MBRs. C. Crawford inquired about any potential additional costs which might have been incurred for the trail paving as a result of the storm beforehand. C.A. Daykin confirmed that no additional costs were incurred; the area had already been prepped. C.A. Daykin discussed that H&H is the contractor for the Viewmont Trail; they are also the contractor who completed the paving work in the City though they still have yet to complete work related to spot repairs and dig outs. The City will still be working with H&H on completing that project before the end of the season.

C. Crawford inquired as to whether work has yet begun on the Dundee Community Center parking lot. C.A. Daykin confirmed that work has begun on the project. He explained that the contractor they hired is giving them a fairly decent deal and trying to work with them while understanding their limitations, but the contractor is also working on their schedule; they are working on the Community Center project on the weekends. C.A. Daykin explained that he met with the Dundee Women's Club President, Jan DeWith, and discussed with her the process and coordinating that with the City in terms of reimbursement; he noted his belief that they have a good understanding moving forward.

C. Crawford inquired about the property formerly known as the Bag Connection. He noted that a lot of trees and debris have been removed. C.A. Daykin voiced that the City has not received any information pertaining to these changes.

## **Public Comment**

Chris Hege, approached Council for a second time with regard to his previous public comment. He inquired as to whether any of his questions will be answered, and what the process would be to file a request for reimbursement of the sewer repair costs he incurred for his lateral. M. Russ voiced that it is his belief that there is not sufficient information at this body to answer all of Hege's questions. It was suggested that the records he is seeking may be available at the City. C.A. Daykin discussed that the regulation in place at this time is that the property owner is responsible for their sewer lateral all of the way to the main; other property owners have had to adhere to this in the past. Hege referenced his questions pertaining to prior inspection of the road when it was the City's responsibility to maintain the laterals. C.A. Daykin indicated that the City Engineer, who is absent tonight, would better be able to answer Hege's questions. He did explain that essentially the responsibility is not the City's with regard to the performance of the work; it is the responsibility of the Developer. C.A. Daykin explained that the City does courtesy inspections; spot inspections are done to ensure that they are apparently meeting standards. If it were detected that standards weren't being met the City would act upon it immediately, but if the City doesn't see something that is wrong it is not the City's responsibility. Hege suggested that it would be in the best interest of the City to perform those inspections, especially prior to the Code change in 2013. C.A. Daykin could not offer comment on the extent of the inspections completed in the course of subdivision construction. C.A. Daykin explained the practice when developers enter into a development agreement with the City; they are supposed to notify the City when certain components of the infrastructure have been completed and are ready for inspection. C.A. Daykin noted that the City Engineer completes those inspections which presumably were the same process during that time period. Hege inquired about whether there was any reduction of sewer fees or discussion of such when the Code change was made. With regard to fees, C.A. Daykin explained that at the time that a policy was adopted, the City did not see many private sewer inspections taking place. C.A. Daykin discussed that this did take place earlier on a private street that was brought to the City's attention and explained that City Council did meet in special session in dealing with it; the determination was made that it was not the City's responsibility because it was in a private street. He explained that discussion continued on the overall policy which is when subsequently later in the year Council changed the policy to make it the

responsibility of the property owner that the sewer lateral is serving all of the way to the main. It was noted that during that time period this was something which was becoming more common with cities. C.A. Daykin discussed that when speaking recently with the City Manager for McMinnville, Jeffery Towery, he indicated that this is becoming more the common practice now. C.A. Daykin also explained that the City of Newberg does accept the responsibility, but in the case of something of what Mr. Hege was describing (a "sag") they would not necessarily repair it as long as it is functioning, though they may note the issue.

Hege discussed that if his sewer lateral wasn't properly inspected, then essentially the City is shifting the responsibility to the homeowner. C.A. Daykin clarified that it never was the City's responsibility; the street construction and the infrastructure construction was the responsibility of the developer. He explained in detail the process by which the developer is the engineer for the project; they report back to the City that they met all of the City standards and certify the information with their stamp, and provide the as-built drawings. Hege again inquired about what the process would be for filing a formal request for some or all of the funds for his sewer repair. C.A. Daykin discussed that there is no process; if there is some sort of claim that the City was somehow negligent in causing this, then it would be up to Hege to file some sort of claim against the City, though there is no process for the City to reimburse Hege for costs that he had incurred for maintaining his sewer lateral which the regulation requires him to maintain.

### **Executive Session**

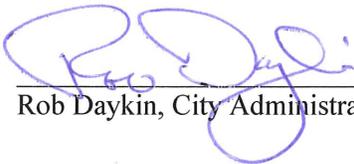
The City Council entered Executive Session at 8:25 P.M. in accordance with ORS 192.660 (2) (h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Executive Session ended at 9:43 P.M. and the Council did not reconvene.

The meeting was adjourned at 9:42 P.M.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder

# PROCLAMATION

## City of Dundee – 2020 Census

**WHEREAS**, the Bureau of the Census in the United States Department of Commerce conducts the census and the federal government funds the cost of the census; and

**WHEREAS**, it takes the cooperation and investment of states, local government, and community partners working in conjunction with the federal government to ensure that the census is fully executed and represents a complete and accurate count of the people within each jurisdiction; and

**WHEREAS**, the results of the census are the foundation for many important decisions made by federal, state, and local government including the disbursement of federal funds to states, counties, and municipalities; and the apportionment of political representation based on population; and

**WHEREAS**, census data guides local decision-makers in important community planning efforts, including locations for schools, roads, hospitals, child-care and senior citizen centers, et cetera;

**NOW, THEREFORE**, the City Council of the City of Dundee hereby proclaims its support for the efforts of the 2020 Census and calls upon the community to participate

**BE IT FURTHER RESOLVED**, that the City Council calls on city officials, community leaders, representatives of faith-based and non-profit organizations, and representatives of historically undercounted populations to ensure that the City of Dundee is properly and fully counted in the 2020 census.

SIGNED this 17<sup>th</sup> day of September, 2019.

A handwritten signature in black ink, appearing to read "David Russ", is written over a horizontal line.

David Russ, Mayor