

**CITY COUNCIL MEETING
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October 1, 2019**

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**City of Dundee
City Council Meeting Minutes
October 1, 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; Chuck Simpson, Public Works Superintendent; and Melissa Lemen, Administrative Assistant.

Public Attendance

Andy Wilder, 11995 NE Worden Hill Road; and Ryan Hess.

Agenda Changes

None.

Public Comment

Andy Wilder, 11995 NE Worden Hill Road, approached Council and requested an update about how sewer service can be restored at his commercial property located at 992 Highway 99W. C. Atty Ramis explained that City Staff and the City Attorney's office have looked into the issue and are well aware of it. He discussed that they are in progress of fashioning a solution for Wilder and indicated that a proposal will be provided to him shortly.

Consent Agenda

A **motion** was made and seconded to approve Consent Agenda Item 5.1 Amended City Council Minutes, August 20, 2019, Item 5.2 City Council Minutes, September 17, 2019, and Item 5.3 Financial Report Ending August 31, 2019. **The motion** passed unanimously.

Old Business

Water/Sewer Charges Adjustment

M. Russ discussed that there are two provisions in the Municipal Code which allow for adjustments to City utility charges and each were reviewed. C.A. Daykin explained that neither of the provisions really apply to the current situation at 992 N. Highway 99W, though at a previous City Council meeting he recalled interest from the Council in still providing some sort of adjustment based on the unique circumstances which were experienced by the tenant and the property owner. C. Atty Ramis discussed his belief that the City indeed does have the authority to provide that type of adjustment; there is a potential claim against the City and there is the also the ability to settle a claim. Additionally, he pointed out that an adjustment is something that the City could consider as part of a package of resolving the matter. C. Atty Ramis suggested that Council may want to meet in Executive Session to discussed the overall facts of the matter and decide what the elements are; Council could then potentially reconvene and a decision could be made this evening if Council elected to do so. C. Crawford pointed out that the property tenant paid the utility fees, not the property owner. C. Atty Ramis pointed out that ultimately an adjustment is a decision of the Council. The consensus of Council was to defer further discussion of the matter to Executive Session later this evening.

Niederberger Road Storm Water Improvement

C.E. Reid discussed the details of his memo dated September 26, 2019, noting that newer survey information shows a conflict with power poles and the recommended design change will increase the cost of the project. He explained that at this time the City is still awaiting approval from ODOT to spend the money on this project, though time is of the essence as we move into the rainy season. C.E. Reid did note that this ditch does dry out fairly fast following rain events. C.A. Daykin clarified that ODOT verbally approved the project as an amendment to the 2019 SCA grant agreement; however, the City can't award a contract or expend funds until there is an executed agreement. C.A. Daykin explained that the feeling is that it is eminent that the City will receive the agreement from ODOT and if Council desired to expedite matters rather than wait for the next City Council meeting, they could opt to authorize the City Administrator to sign following review and approval by the City Attorney.

C. Svicarovich pointed out that there could be potential cost savings if a pipe smaller than a 10 inch pipe were able to be installed to connect to the presumed storm drain located in the middle of the block between Charles Street and Myrtle Street. Though C.E. Reid supported that rationale, he pointed out that the City standard is a 10 inch pipe minimum to accommodate maintenance. It was noted that if the private pipe is determined to be inactive, there would be approximately 100 feet of 10 inch pipe which wouldn't need placed. C.A. Daykin explained that the private pipe is not in a public easement; it is not part of the public system and that the history of its construction is unknown. Discussion ensued and C.E. Reid stressed the importance of moving the storm facility improvements on Myrtle Street to avoid conflict with the power poles and to accommodate the future improvement of Niederberger Road to collector street standards in order and avoid relocation costs in the future. C. Svicarovich expressed concern about where things stand presently in the construction season, especially with regard to the changing weather; costs could escalate if dewatering or pumping were required in an open trench. C.E. Reid explained that his concern with dewatering is not as significant in this location because there is an outlet pipe in place presently that diverts flows to the other side of Niederberger before Charles Street; there would likely not be a lot of pumping costs. The consensus of Council was to move forward with reconfiguration of the design to avoid the utility conflicts so that the project can proceed without delay and video scope the existing private pipe to determine if it is necessary to accommodate it in the design.

New Business

No Parking Request – Fifth Street at Post Office

The school bus contractor requested continuation of the No Parking restriction next to the Post Office since the buses are three feet longer than last year and a vehicle parking there impedes the turning movements of the departing buses. C. Weaver expressed concern with posting a "No Parking" sign in the discussed area as it is his belief that it would not be followed closely; many parents stay in their vehicles during ingress and egress to the school which won't solve this problem. He explained that it is his belief that the key to helping the buses turn is to indicate "No Standing/Parking" in the area; and perhaps adding "On School Days". C. Adlong pointed out that there is plenty of parking for the post office in their parking lot; she does not feel the street parking is necessary and supported that removing it would be safer. Lengthy discussion ensued. C. Svicarovich discussed the importance of the school district also providing education outreach to the parents with regard to the change. M. Russ voiced support of a "No Standing/Parking" sign as C. Weaver suggested. C. Nelson suggested the possibility of painting a no parking zone on the road surface in addition to painting the curb to dissuade parking in the area. C. Weaver could not offer a solution for the parking and the drop-off/pick up difficulties at the school with the present arrangement. C. Nelson discussed the limitations given the parking lot configuration.

C. Svcarovich voiced that she is in favor of painting the curb and doing pavement markings with hash lines. She pointed out that presently the school district is looking at a bond to rebuild Dundee Elementary. She discussed that her hope is that when that occurs that a lot more focus will be placed on vehicle access by parents. C. Weaver discussed the complexities associated with enforcing the parking issue in this area. C.A. Daykin offered that he could discuss the issue with Sgt. Ronning to get his feedback as well. **A motion** was made and seconded to direct the extension of the No Parking area on Fifth Street next to the Post Office, following consultation with the local police department regarding appropriate sign placement, verbiage and pavement/curb painting. **The motion** passed unanimously.

Storm Water Drainage Report

C.E. Reid reviewed that there were recently a couple of really intense storm events of short duration, with over an inch of rain in one hour during the second; there were impacts from both events. He reviewed in detail the information provided in his memo along with accompanying photographs. C.E. Reid noted that the construction site issues can be dealt with. He discussed that a massive amount of rock discharged out of the end of the drain pipe which goes into the drainage ditch where Alder Street terminates south of Eleventh Street. It is unknown where the gravel came from. C.E. Reid discussed in detail concerns with regard to private properties on sloped lots where residents are adding landscape material and hardscape areas without providing drainage for them; mulch from these areas is being washed into City ditches and streets. Discussion ensued and photos reviewed. C.E. Reid noted that public works crews spent a lot of time sweeping up the debris and cleaning ditches in these areas; this is the second time this year. C.E. Reid explained that up on the hillsides the open erodible ditches could be contributing to the problem and releasing rock and sediment into the storm system. Additional thoughts and ideas were shared on the topic. C.E. Reid pointed out that the ditch on Alder Street between Seventh & Ninth Streets has very limited width and depth; while installing a pipe or concrete might be an option, enlarging the rock would be difficult. C. Nelson voiced support of piping areas which have space limitations (as opposed to concrete) to remedy some of these problematic areas. C. Adlong discussed that residents on sloped lots that don't have adequate vegetation or means of managing the erosion and runoff are contributing to these problems; public works crews have repeatedly had to clean up following run off from these properties. C. Adlong pointed out that it is the responsibility of the property owner to manage this issue as indicated in the City Code. She voiced support of educating property owners and stated her belief that public works and the rest of the community should not be picking up the tab for clean-up following storm events. C. Adlong also pointed out that sometimes the issue isn't just that debris/storm water flows into the street; it flows into neighboring yards as well. She described complaints she has received. C. Nelson voiced support of better educating property owners as well as potential retribution for noncompliance.

C.E. Reid voiced support that the work on Alder Street is important to complete first; the roadway is being eroded. C. Svcarovich expressed concern about whether there may have been a design error on the contractor's part when the road widening was constructed. C. Svcarovich recommended having a conversation with the engineer of the project; clearly what was designed was not something sustainable. Discussion ensued with regard to the fact that erosion issues plagued this area even before the project was completed. C.E. Reid noted that there is a larger volume of water going through the area than he would anticipate; he will further investigate the storm system. The high intensity of these storms was noted to be a contributing factor as well.

C. Svcarovich inquired about whether C.E. Reid has reached out to DEQ about the Alder Estates subdivision; they are likely still under their 1200C permit with erosion issues. C.E. Reid noted that he has not contacted them. C. Svcarovich pointed out that she previously asked C.A. Daykin

to request that they come back out and replace the biofilters around the catch basins; C.E. Reid noted that he also asked them to do that and will follow up.

C.A. Daykin voiced appreciation of Council's feedback and support and explained that with limited resources the City must be strategic about moving forward with limited funds. The consensus of Council was to move forward with communication to property owners regarding the previously discussed concerns. C. Crawford inquired about whether erosion from a property owner onto public right-of-way is a form of damaging trespass. C. Atty Ramis discussed that ultimately the City would have the right to enforce back against property owners and take legal remedies if the City opted to pursue that, as it is a trespass, although identifying a practical solution rather than a litigation solution would be ideal. C. Svicarovich pointed out given the time of year, this is not an ideal time to add ground cover in these areas; it would likely be next year before any reasonable solution could be implemented which would affect change. Additional discussion ensued with regard to educating property owners about erosion control and the importance of managing drainage issues. C. Atty Ramis also confirmed that the City indeed does have the authority to fine property owners for violations as indicated in the Code. M. Russ offered to prepare an article for the City newsletter addressing this issue and providing information for property owners. Discussion ensued with regard to specific properties of concern.

Red Hills Drive Shared Water Line

C.A. Daykin explained there are four properties currently being served from a 2 inch pvc pipe connected to the water main on Red Hills Drive with the customer water meters located near the residences. The pvc pipe is not in a public easement and instead is in a private easement shared with two of the properties; there is no recorded easement for the line extending to the other two properties. History of the construction of the shared water line is uncertain and a determination needs to be made about who is responsible for the water line. It was noted that the water meter should be accessible to public works and is typically located next to the public right of way. C. Svicarovich inquired as to whether there is a water line in the street where the properties front Ninth Street. C.A. Daykin explained there is a water line present and is a different pressure zone, though it is conceivable that it may provide service. C.A. Daykin reviewed in detail the two proposed options to resolve this matter. C. Nelson voiced support of the property owners relocating their meters to the public right of way and have the owners install their own independent service lines from their residences to their respective meters as a first option.

C.E Reid discussed the concern that presently the City cannot maintain this water line legally as there no easement to the City; there are meters located where they shouldn't be. Detailed discussion ensued with regard to the complexities of the situation presented. C. Weaver inquired as to whether a 2" service line is sufficient to serve four homes to which C.A. Daykin confirmed; a larger line wouldn't be ideal in this situation which dead ends. C.A. Daykin discussed that even if the City does send letters to the affected property owners notifying them of the City's intent, he supported also inviting them to a specific City Council meeting where a discussion could be had as well. C. Weaver suggested that since the arrangement pre-dates the present property owners, there may need to be a joint effort to remedy the situation. While the history of the water line is not known, the last connection appeared to be made in 1974. M. Russ inquired about potential costs associated with a single pipe service line. C.A. Daykin discussed that each individual service line would have to come back to its own meter on Red Hills Drive, at a cost which is unknown at the meeting tonight. C.E. Reid noted that the City paid \$52 per foot for Type K copper 1 inch line on Locust Street, though it was noted that costs in the discussed situation would be higher given the more limited accessibility. It was also noted that copper would not likely be selected, though the cost could still potentially be \$50/foot. C.A. Daykin indicated that

he will invite property owners to a future Council meeting to provide them an opportunity to participate in the discussion.

Public Works Summer Report

Chuck Simpson, Public Works Superintendent, approached Council and discussed in detail his Summer Report of Public Works activities. He voiced support of summer help to concentrate on vegetation and greenways; he is hopeful for the capacity to hire this position in future summers. Simpson discussed that an irrigation system has been set up for the ODOT trees in the J-hook and for the overpass off of Parks Drive which is working well. Though some trees were lost, those trees were likely too far gone before watering began; most trees were saved in the Parks Street area. Simpson discussed that the new disinfection equipment has been installed; the gas form of chlorine was too dangerous to work with. He also noted that monitoring equipment has been installed for 24 hour chlorine monitoring, an Oregon Health Authority (OHA) requirement for the City's population. Simpson discussed in detail the water leaks which were repaired over the summer. With regard to the spring area wells, Simpson explained that new reliable well meters were installed so that production per well can now be tracked accurately. He discussed the status of Well #1 following an issue with it the year prior; and indicated that due to the ongoing positive detection of fecal coliform upon sampling and declining productivity, this well was taken out of service for now. Well #1 was noted to be located near the pump house off of Fairview Drive and is the shallowest well. Simpson discussed that Public Works increased taking chlorine residual samples to twice a week around town for monitoring as required by the OHA. Brief conversation ensued with regard to sampling locations. Simpson explained that public works crews will return to Viewmont Greenway Park in the near future to complete the nature play area.

C. Adlong inquired as to whether the homeowners along the Viewmont Greenway Park will be notified about no longer dumping grass clippings, pet waste, etc., in the park area. Council discussed the concerns and C. Adlong favored sending letters to area homeowners rather than a newsletter article. C.A. Daykin indicated that he will prepare letters.

Simpson discussed that over the past week Public Works staff have been busy with the cleaning of the membranes at the WWTP. He explained that only 5 membrane panels (out of 2000) were damaged and needed to be replaced. C. Nelson inquired about the number of membranes replaced during the previous cleaning to which Simpson indicated was very few as well, perhaps 2-3 panels. Simpson explained that one of the membrane panels was sent back to Kubota to be destructured tested to determine longevity; discussion ensued. M. Russ inquired as to whether there was a difference in the material cleaned out this time to which Simpson indicated there was not; the material removed was dewatered sludge. Moving forward, Simpson indicated that additional screening may be used. He explained that consultant engineer Michael Humm is looking into another type of screen that could potentially be done in the return channel where the influent comes up.

Disposal of Tree and Brush Trimmings

Chuck Simpson, Public Works Superintendent, discussed the contents of the large debris pile. C. Adlong inquired as to whether this pile is anticipated to accumulate every year. Simpson affirmed and noted that Newberg no longer has a free dump for tree trimmings. If the material were to be hauled, it would need to be transported to Grimm's in Tualatin for free disposal, otherwise dumping fees would be required at the transfer station. C.A. Daykin acknowledged the City's ordinance which does not allow for open burning in Dundee; and offered that Council could consider a special exception given the present circumstances if they so desired. He noted that though this year an exceptional amount of trimmings were accumulated.

Council discussed the issue in detail, including the pros and cons of the options provided. C. Svicarovich inquired about the size of the debris pile which was noted to be approximately 50' x 50' x 3' at this time; it could likely be burned over the course of one day. The potential use of a chipper was discussed, though it was noted that the pile contains mixed trimmings; in the future this might be an option with appropriate planning. The consensus of Council was for the City to pay to have the debris disposed by Waste Management at an estimated cost of \$1,200.

Council Concerns and Committee Reports

C. Svicarovich discussed that the Newberg School District bond is approximately \$100-130 million; consideration is being given to it being included on the May 2020 ballot. She informed that one of the main projects on their proposal is to build a new Dundee Elementary school. C. Svicarovich discussed that there are two public meetings scheduled: The first meeting is tomorrow, October 2, 2019 at 6:00 pm at the Chehalem Valley Middle School library and the second meeting is on Thursday, October 17, 2019 at 6:00 pm at the Edwards Elementary School library. She explained that public comment will be heard on the bond proposal; it is her belief that they are looking to receive public feedback before they actually decide what projects will be included in the bond. C. Crawford reviewed that for the previous bond, the Dundee school was taken out as there wasn't strong enough support; he encouraged those interested in a new school to voice their support. C.A. Daykin discussed that the issue with the Dundee school is the deterioration and age of the facility, capacity is not the issue. C. Adlong inquired about whether the new bond is a replacement for the one that expired. C.A. Daykin explained that due to the Superintendent changeover the School District is a year behind; ideally, the bond should have happened earlier this year since the old bond levy is expiring and taxpayers may take note of the changes.

C. Kelly expressed concern about the surface area of SW Fifth Street as it approaches Highway 99W; there is gravel on the road in this area which is causing an issue for those turning right. C.A. Daykin discussed that is ODOT's responsibility and indicated that they will be notified.

C. Adlong reported that the Parks Advisory Committee met in September. She discussed that the Committee now has a full complement of members. She discussed that the City will be applying for another small parks grant from the State next year, and that the Committee at this point is hoping to improve the Third Street right-of-way between Dogwood Drive and the back of City Hall. She explained that this has been on the Parks Master Plan and the Committee felt that this would be a good alternative way for kids to access the park and the school.

C. Crawford inquired about whether the City has heard from CPRD with regard to a new trail that they have carved to the river. C. Adlong reviewed the location and explained that Mr. Lindquist allowed CPRD to explore that portion of the property next to Fulquartz Landing Road. She discussed that when she visited the trail she noted there to be various off-shoots; it is her belief that they are still making decisions about the trail. C. Adlong also pointed out that there are some stream beds (water in the area) that they needed to be aware of in the wintertime. She also explained that when she explored the trail it wasn't quite complete, and so there was a drop off on the bluff above the water; there was no way to access the water or place a kayak. It was noted that the area is not presently open to the public; CPRD is still working on it.

Mayor's Report

M. Russ stated that it came to his attention today that Wine Country Legacy Partners may be pulling out of town; he noted a for sale sign on their large lot in town.

M. Russ requested a status report on the Street Light Project. C.A. Daykin discussed that one issue still needs resolved having to do with some work that was done associated with the fire

station project. Since the submittals on the poured in place street light bases haven't been located up to this point, DKS is unwilling to put their name on the plans until they know exactly what was built. C.E. Reid will continue to try to locate the submittals and, if unsuccessful, the alternative would be to place alternate street bases, which would be part of the bid. It was noted that the issue involves five poles.

M. Russ asked for confirmation that the cinder blocks for flags will be removed off of Highway 99W following Veterans Day. C.A. Daykin explained that this is a Fire Department project though voiced support for an alternate means to provide for flag mounts.

City Administrator's Report

C.A. Daykin discussed that he and C. Adlong did attend the CPRD meeting on September 26, 2019. He explained that on the agenda was the architect services agreement for the design of the Jan Sander property. C.A. Daykin discussed that he and C. Adlong informed the Board of the unknown factors associated with Dundee Elementary, and informed of the 2020 school bond levy which includes the Dundee elementary school as a top priority (\$38 million of the total \$130 package). C.A. Daykin explained that at this time it is unclear whether the school district would be considering rebuilding a school on-site or looking at building on a different piece of property. He discussed that building on a new piece of property would provide a new opportunity for both Jan Sander and Billick Park in terms of how the old school would be repurposed as well as potentially securing the property currently leased from the school district for Billick Park. C.A. Daykin explained that once this information was provided to CPRD, the Board decided to hold off until they hear more information about the future of Dundee Elementary school. M. Russ pointed out his belief that a lot of residents (even those that previously provided opinions) would have different opinions if the school were to be repurposed, including his own opinion. C.A. Daykin discussed that CPRD did affirm that they own the Sander property outright (they committed approximately \$500,000 towards the acquisition of the property though the rest in value was donated to CPRD). He explained that they confirmed that there are no legal restrictions on how they use the property; however, they are still working very closely with Jan Sander in terms of the overall vision of the property.

C.A. Daykin discussed that today the City finalized the Development Agreement with Market East Subdivision, a small four lot subdivision with three residential lots on Locust Street and one industrial lot. Those improvements will begin soon; once complete they will prepare the final plat for City approval and recording.

C.A. Daykin discussed that City Staff met with PGE this week to discuss potential installation of conduits to facilitate future undergrounding of the primary services that go from the east side of the highway to the west side that serve the residential neighborhoods uphill. He explained that PGE is going to try to put together a very rough budget for that cost. This information will be provided to the City so that information can be provided to City Council at the November 19, 2019 meeting to make sure Council is supportive. C.A. Daykin explained that the City would ultimately have to pay for this, and it would take another 60 days to complete design that the City can incorporate in the 2021 ODOT project.

C. Nelson inquired about the status of the City paving projects. C.A. Daykin confirmed that the base bid amounts have been completed and explained that the contractor will be starting on the various spot repairs. C.E. Reid confirmed that the plan was that they begin those this week though he is unsure of whether the cold weather would have slowed things down any. He explained that the contractor is trying to finish up other work in Newberg and will be coming back to Dundee to get finished up.

C. Svcarovich inquired about the status of the tree removal on the Jan Sander property. C.A. Daykin explained that CPRD plans to bring in a very large machine contractor in to grind all of the material onsite, and then spread it out and incorporate it into the soil and grass seed the property. C. Svcarovich expressed concern about the early fall weather and that the ability to get out on that property with heavy equipment may be compromised. C.A. Daykin noted that the grinding was supposed to be completed by now. Additionally, he discussed that CPRD has inquired about contouring the land to prevent water from running onto the neighboring property. He explained to CPRD that if they desire to do so they will need to first check with the City Engineer which they affirmed they would do. C. Adlong explained that they also asked CPRD to post a sign on the property indicating that the site will be a future park with reference to their website for additional information.

Public Comment

None.

Executive Session

The City Council entered Executive Session at 8:51 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 9:08 P.M.

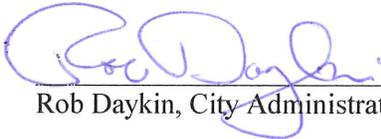
The Council reconvened at 9:09 P.M. C.A. Daykin asked Council to consider an adjustment to sewer services which were provided to the building at 992 N. Highway 99W. Since December 2018 the sewer lateral has failed due to extenuating circumstances. The owner filed a claim with the City, which was in turn re-directed to the contractor that performed work in that part of the highway and has not been able to resolve it up to this point. Staff is requesting that the City Council consider adjusting the sewer charges during the interim period until the sewer lateral is repaired. **A motion** was made and seconded to adjust the sewer charges for JC Family Agency at 992 N. Highway 99W negating the fee of \$69.46 from May of 2019 until the issue is resolved. C.A. Daykin clarified that the tenant has not been able to use sewer since mid-December 2018; though the tenant had indicated that problems began in November. **The motion** was modified to adjust the sewer charges beginning December 2018 through the completion of the repair. **The motion** passed unanimously.

The meeting was adjourned at 9:12 P.M.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder