

**CITY COUNCIL MEETING
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October 15, 2019**

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City of Dundee
City Council Meeting Minutes
October 15, 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, Councilors Jeannette Adlong, Storr Nelson and Patrick Kelly. Absent: Councilors Kristen Svicarovich and Ted Crawford. Staff members: Rob Daykin, City Administrator; Tim Ramis, City Attorney; and Greg Reid, City Engineer.

Public Attendance

Andy Wilder, 11995 NE Worden Hill Road; and Jim Omundson, Dundee Consultant.

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 Comment

Andy Wilder, 11995 NE Worden Hill Road, approached Council and requested an update about the sewer service at his commercial property located at 992 Highway 99W. M. Russ explained that there is an agenda item tonight pertaining to his commercial property which he encouraged Wilder to remain in attendance for if he so desired.

Consent Agenda

A motion was made and seconded to approve Consent Agenda Item 5.1 City Council Minutes, October 1, 2019. The motion passed unanimously.

Old Business

Resolution No. 2019-12, Concrete Slab Floor Repair

C.A. Daykin explained that Public Notice was provided to give opportunity to anyone wishing to attend the meeting tonight to comment on the findings that are attached in the resolution. C. Nelson inquired as to whether anyone has experience with the potential contractor, Stonhard, Inc. Jim Omundson was present and approached Council. He discussed that he personally has had considerable experience with Stonhard, Inc. He explained that he was a general contractor for many years and had similar projects where overlaying concrete was required. Omundson pointed out that his opinion continues to be that Stonhard, Inc. is a leader in the industry; Stonhard, Inc. was also most responsive to the proposal. Omundson explained that Stonhard, Inc. also provided him with a list of approximately 60-70 different fire stations nationwide that have used their product. He discussed that the same regional manager who provided a bid four years ago is still basically holding his price for the work to be completed. C. Nelson recalled previous photos showing rebar located at a very shallow in some areas of the concrete floors and asked whether this is a concern with this particular treatment. Omundson supported that this concern was one of the drivers which lead him to recommend the discussed treatment and it was backed up by the structural engineer from McKenzie as well. The treatment would add effectively about 3/16" or 1/4" of an inch of material that's two or three times as strong as the concrete; this will restore some of the depth to the rebar that is desired.

C. Adlong expressed concern about the process and could not recall a similar situation previously. C.A. Daykin explained that the goal is to keep the project moving forward with the current pricing and the product found to be acceptable, while utilizing the money provided from Baldwin to cover those costs. He also pointed out that this type of process has occurred before, last year as well as in prior years. Omundson provided additional explanation. He discussed that Stonhard, Inc. was the low bid of the two qualified previously, was more comprehensive and they held the bid; four years later they only increased the bid \$1,000. **A motion** was made to pass Resolution No. 2019-12, a resolution of the City Council of the City of Dundee, Oregon, acting as the local contract review board, adopting findings in support of a public contracting exemption for the concrete slab repair project for the Dundee Fire Station facility. **The motion** passed unanimously.

Fire Station Tower Sealing

A motion was made and seconded to approve the quote from Mastercraft Coatings for sealing of all four walls of the fire station building tower in the amount of \$9,882. M. Russ voiced support of completing sealing for all four walls given the local annual rainfall. C.A. Daykin discussed that he is not sure how much funding will be available to complete the tower wall work; possibly approximately \$10,000. He explained that in addition to the contractor work there will also be approximately \$1,500 in oversight work and, thus, four walls at this time would not fit in the estimated \$10,000 budget; if sealing all four walls is desired, more funding will likely need to be brought into the project. Omundson acknowledged the value in completing the work for all four walls though noted that preponderance of the intrusion seen comes from the south and west walls. He explained that this is a wind driven problem as best can be determined. M. Russ inquired as to whether there will be a different aesthetic to the treated areas and Omundson explained that the treatment is clear. Discussion ensued. M. Russ and C. Nelson expressed support of completing the sealing for all four walls. C.A. Daykin explained that if there is not enough funding in the budget then additional money will need to be transferred from the general fund into the fire station fund. Omundson voiced appreciation of the years of working with the City of Dundee on this project and explained that he has told C.A. Daykin that he will make his budget for construction inspection services a not to exceed amount. Omundson discussed that he does not foresee a big risk for changes in the project; the amount of weather protection required may be a variable though he noted that there would not be a lot of money in that. Additionally, Omundson explained that Stonhard, Inc. did agree to provide some pavement dams (for the reverse slope on the approach to the highway) at no additional cost in the event of rain. C. Adlong inquired as to whether the sealing of the walls would be a permanent solution or require resealing in the future. Omundson explained that he views the sealing as an intermediate solution; it may last forever or may not. He discussed that no one would warranty the work as waterproof because the tower has visible hairline cracks; though the sealing is proven effective to block wind driven rain, it does not come with a warranty. Omundson discussed a much more expensive remedy along with the pros and cons of each, and voiced support of the discussed more reasonable sealing approach for the near to intermediate term. Discussion ensued. C. Nelson asked whether this sealing process could potentially be redone in 10-15 years if needed to which Omundson confirmed. **The motion** passed unanimously.

Urban Renewal Loan – Sewer Repair

M. Russ briefly reviewed a summary of the agenda report. **A motion** was made and seconded to approve and authorize the Mayor to execute the Agreement between the City of Dundee and the Dundee Urban Renewal Agency for Construction and Financing of sewer repairs. **The motion** passed unanimously.

Sewer Repair Quotes

C.A. Daykin reviewed that the City received two bids from four contractors that proposals were solicited from and Staff is recommending the work be awarded to D&D Concrete and Utilities, Inc. A **motion** was made and seconded to award the work to extend the 10th Street sewer and reconnect the lateral from 992 Highway 99W to D&D Concrete and Utilities, Inc. pending approval of the loan by the Urban Renewal District Agency. **The motion** passed unanimously.

Regional Fire Service Study

A **motion** was made and seconded to authorize payment of the \$3,000 fee to the City of McMinnville for Dundee's participation in the ESCI Study. C. Adlong inquired about whether this Study will provide the City with all the information that Council had formerly been told that the previous proposal from ESCI would have provided directly to the city. C.A. Daykin discussed his belief that the Study will likely provide a lot of the information Council was seeking earlier, including what appropriate Staffing levels are for the Dundee operation as well as appropriate compensation for Staff. C.A. Daykin explained that following the completion of the first phase of the project, the participating agencies will be invited to participate in the next phase of the study which will include trying to determine opportunities for either having some sort of cooperative arrangements or possible consolidation. **The motion** passed unanimously.

New Business

Storm Water Regulation Amendment

M. Russ acknowledged the regulation information and inquired about what the consequence would be once there is a violation. C.A. Daykin explained that it would depend on the nature of the violation, though discussed that the typical process would be to notify the property owner and then allow them a given amount of time to make a correction; if a correction is not made then the process would move to more of a legal process. M. Russ inquired about the details of the legal process which C.A. Daykin briefly discussed.

C. Nelson pointed out that some of the discovered debris following the stormy conditions did not contribute to the storm water system, though was an issue for the street system. He inquired about whether there is any regulation provided in the Code for that type of situation. C.A. Daykin explained that this would be considered a trespass issue; the material that is coming off private property and entering public streets would be considered a violation. Additional discussion ensued. C. Atty Ramis explained that it is a fundamental policy question about to what extent the City chooses to be involved in what are typically considered private disputes. He explained that the way the Code is constructed now as it is read is that the City does not involve itself in these private to private disputes (an impact from one property directly to another that didn't come through the City system). C. Atty. Ramis discussed that this Code information could be changed if Council so desired, though it is not his belief that Staff is recommending that at this time.

C. Adlong discussed that there are a lot of houses on property which does flow down onto a neighboring property; if vegetation is removed it does cause a problem for nearby properties. She discussed the importance of homeowners on sloped lots preventing erosion of their own properties, whether material flows into the street or a neighboring property. C. Nelson expressed concern about this issue as well though noted that if material flows onto a neighboring property it is then a matter between those two property owners. C. Adlong pointed out the likelihood that this issue will continue to be a problem, and perhaps worsen over time, and stressed the importance of property owners understanding that they need to try to prevent erosion on their own property. C. Nelson voiced support of providing educational information about this issue to Dundee residents in the City newsletter. C. Adlong suggested that providing this information on the City website may also be helpful. Discussion ensued.

C. Nelson and C. Adlong voiced support for reviewing the nuisance ordinance to determine whether additional information is potentially needed. C.A. Daykin discussed that the intent of the storm water regulations was really a requirement that DEQ placed on the Cities that drain into the Willamette basin; cities were asked to come up with regulations to minimize pollutants from entering the public storm water system and degrading the receiving streams. He suggested that potentially the neighbor to neighbor nuisance/issue portion should be included in the nuisance regulation; Council could consider revisiting this at a future time. Additional discussion ensued. The consensus of Council was to move forward with the amendment as suggested; an ordinance will be brought back to the next Council meeting for voting.

Resolution No. 2019-13, Supplemental Budget

M. Russ asked if there were any public comments regarding the supplemental budget; there were none. A **motion** was made and seconded to pass Resolution No. 2019-13, a Resolution adopting a Supplemental Budget for fiscal year 2019-2020. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Nelson expressed concern about the timing of the patch work that's remaining from H&H Paving. C.E. Reid discussed that H&H Paving was supposed to have completed the work last week; he was out of the office at the end of the week and will follow up to see if it has been done.

C. Kelly noted that the tree grinding on the Sander property looks good. C. Adlong voiced that she was pleased that Chehalem Park & Recreation District posted signs next to property as had been requested.

Mayor's Report

None.

City Administrator's Report

C.A. Daykin discussed that he attended a meeting last night for the school district's Development Committee. He explained that they restarted this Committee after terminating late last summer; the District had a Superintendent change as well which further delayed the process. C.A. Daykin discussed that the District ended up hiring a different architecture firm than the one they had originally hired. He noted that this was third Committee meeting though the first he was able to attend; the first two meetings were on City Council meeting nights, so he was unable to attend those. C.A. Daykin explained that the Committee is revisiting what was discussed with the prior Committee; many of the members were the same committee members though there were some new faces as well. He discussed that the Committee is moving along with the process, pretty much reconfirming up to a certain point what they decided a year ago, but still with the hope of bringing a capital bond levy to the May 2020 election.

C.A. Daykin discussed that there was a recently published newspaper article regarding the Dundee Elementary school property. The article mentioned that the City of Dundee is negotiating with the school district which was misstated; the City is not negotiating with the school district regarding alternate lands for the Dundee school. Brief discussion ensued.

Public Comment

None.

Executive Session

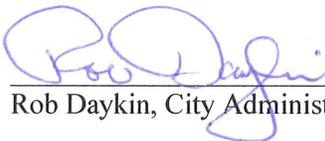
The City Council entered Executive Session at 7:44 P.M. in accordance with ORS 192.660 (2) (h) to consult with counsel concerning the legal rights and duties of a public body with regard to

current litigation or litigation likely to be filed. Executive Session ended at 7:56 P.M. and City Council did not reconvene.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder