

**CITY COUNCIL MEETING
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October 18, 2016**

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City of Dundee
City Council Meeting Minutes
October 18, 2016

Call to Order

Mayor David Russ called the meeting to order at 7:00 P.M.

Council and Staff Attendance

Present: Mayor David Russ; Councilors Jeannette Adlong, Tim Weaver, Kristen Svicarovich, Doug Pugsley, and Ted Crawford. Absent: Councilor Storr Nelson. Staff members: Rob Daykin, City Administrator; Shelby Rihala, City Attorney; Greg Reid, City Engineer; and Melissa Lemen, Administrative Assistant.

Public Attendance

Joe Hannan, Newberg City Manager; Brian Casey, Newberg-Dundee Police Chief; Craig Kosmicki, Newberg resident; Stan Kosmicki, Lafayette resident; Michael Gunn, Dundee resident; Ronald Claassen, 361 SW 11th Street, Dundee; and Larry Rice, 23550 Vangie Lane, Dundee.

Agenda Changes

None.

Public Comment

Ronald Claassen, 361 SW 11th Street, approached the Council with complaints pertaining to the amount of “junk” he observes on residential properties in the City of Dundee. In particular, he is concerned regarding his neighbors home at 359 SW 11th Street, and advised that the present condition of the property is decreasing the value of his own home. Mr. Claassen further advised that he has submitted written complaints at City Hall, and that this problem has been going on for a couple of years. He shared with Council that a real estate agent informed him that his house wouldn’t sell given the current condition of his neighbors’ property. Mayor Russ reviewed the fact that the condition of his neighbor’s property could indeed adversely affect the value of his property. C. Pugsley inquired about the nature of debris present. Mr. Claassen reviewed the concerning items observed including old cars, car parts, and items leaning up against the side of his house and placed elsewhere on the property. He advised that he has attempted to talk with his neighbor regarding his concerns to no avail. Mr. Claassen indicated that his past complaints have only resulted in a temporary improvement. C.A. Daykin reviewed the process of how these types of complaints are handled and managed once received by the City, and conversation further ensued regarding this. C. Weaver inquired about whether this neighbor is operating a business at his residence. Mr. Claassen advised that he operates a business called Newberg Auto Electric, but feels that he collects junk on the side. C.A. Daykin advised Mr. Claassen that his attendance and voicing his complaints at the meeting tonight will serve as written documentation of his complaint pertaining to this matter. Mayor Russ requested that once the resident at 359 SW 11th Street does bring his property to an acceptable condition, a follow up review of the matter should be completed 30 days later by the City.

Presentation: Joe Hannan, Newberg City Manager – Emergency Dispatch Services

Joe Hannan, Newberg City Manager, provided those in attendance with a written packet of information regarding the City of Newberg’s Radio and Dispatch System for Police and Fire. Also present during the presentation alongside Mr. Hannan was Newberg-Dundee Police Chief,

Brian Casey. C.A. Daykin informed that previously he had received information pertaining to the discussions Mr. Hannan had been having with the Newberg City Council regarding dispatch operations and investments into their facilities. He advised that later on he and Mr. Hannan met with Chief Stock regarding the future of dispatch services, and tonight's presentation will provide the Council with an update of this information. Mr. Hannan reviewed Newberg's present two-year contact with Tualatin Valley Fire & Rescue (TVF&R) and discussed some aspects of the decision making process that Newberg will review moving forward. Mr. Hannan advised that the City of Newberg would like to assist Dundee Fire with some of the grant programs available and looking at the next generation of radios. Mr. Hannan reviewed that Newberg orients their radio systems towards Washington County's Consolidated Dispatch Center, which uses an 800 Megahertz radio frequency. The importance of updating to the 800 Megahertz radio frequency county-wide was discussed, as well as the potential communication breakdown effects during wide scale emergencies if this upgrade isn't completed. Mr. Hannan discussed the two different components of upgrading needed, which includes the police radios as well as the dispatch center itself. Mr. Hannan reviewed the fact that Newberg values utilizing its own dispatch center. He also informed that Washington County Consolidated Communications Agency (WCCCA) is moving from an analog system to a new digital system. He explained that while this change will bring about many beneficial enhancements to law enforcement and the community, it will require an upgrade for Newberg at an approximate cost of 4 million dollars. He further informed that WCCCA has advised them that in order to complete this upgrade, two additional towers (along with generators) could potentially be required at a cost of approximately 1 to 1.5 million dollars. Mr. Hannan advised that after taking a closer look and with some considerations with their present relationship with TVF&R, the more accurate cost estimate may be approximately 2 to 2.25 million dollars. Further details regarding financial options Newberg may be considering to pay for this upgrade were discussed. Mr. Hannan also expressed concerns regarding difficulties in sorting out and securing the funding at this time. Discussion ensued regarding the potential need for the addition of 1 or 2 towers in our area, depending on how far the signal can travel, and the potential for the partnering of adjacent communities with regarding to the funding for this. Mr. Hannan advised that the City of Newberg is striving to ascertain the needs of this project by December so that the City Council can make a decision and let WCCCA know if they will be moving forward. The changes would not be made until the end of 2017, although Newberg's inclusion in this upgrade effort for the purposes of volume purchasing of equipment would need to be decided upon in December. Mr. Hannan explained that he has become aware of a provider who may be considering the addition of a tower in Dundee, which could potentially evolve into a partnership situation. He further advised that Newberg has received a bid for a 110-120 foot tall tower from Mobilitie. and discussion ensued regarding the details of this potential arrangement. Mr. Hannan noted that a potential benefit, in addition to the needed communications, will hopefully be the inclusion of free WIFI extended to students in the school district. This, he pointed out, would also be a potential benefit for the students in Dundee as well. Mr. Hannan discussed WCCCA's recommended site locations for the towers as being the Newberg Cemetery as well as a location at Eola Hills, but added that they are hopeful that one tower will be sufficient. Further details regarding the potential contracts as well as the local entities who may potentially come on board with this plan were discussed. Details regarding potential available grant funds, and how this might benefit the Dundee Fire Department were discussed. Additionally, Mr. Hannan advised that, if needed, they would be willing to help with writing the grants given their expertise in that area. Mr. Hannan also informed that this past week he and Mayor Andrews met with both Senator Merkley's staff as well as Representative Bonamici regarding the Newberg and Dundee communities. Specifically requested from Mayor Andrews and Mr. Hannan was the desire for them to seek Homeland Security for some funding with regard to emergency services in our communities having the same kinds of radios. Chief of Police, Brian Casey, reiterated the importance of moving forward with the changes as it is critical to the infrastructure of the dispatch center to make this transition from the analog to the digital. Chief

Casey explained that Motorola is no longer going to be supporting analog systems; it will become nonexistent and there will be no other options.

C. Crawford inquired about what system is presently used in McMinnville. Chief Casey advised that they use a 450 analog system, which C. Weaver pointed out, is years behind what Newberg-Dundee have now. C. Crawford inquired about the potential Eola Hills tower benefitting McMinnville. Chief Casey clarified that the only benefit for them would be the ability to potentially hang radio equipment from that tower, allowing them to have connectivity to the tower but not connecting to our system. C. Crawford inquired as to whether or not it is known if McMinnville is interested in moving to digital. Mr. Hannan informed that there is no official plan in place for McMinnville to switch systems, though he further noted that he is not sure whether having a new Mayor will affect things in this regard. Mr. Hannon also advised that he has inquired with the County regarding moving to the 800 system (including the Sheriff), although he doesn't feel an encouraging amount of support leading that direction. He also indicated that there is one rationale centered on the use of the 450 system in our area; that our topography is unusual enough that the 450 works better than the digital, although he believes the topic is open for debate. Mr. Hannan advised that as a result of that, there has been movement with ODOT, Homeland Security, and with the other providers with the Yamhill County Communications to look at additional tower sites. Chief Casey pointed out the importance of being able to communicate with other agencies in surrounding areas as well as in our immediate area during a high emergency situation. C. Pugsley inquired as to what their back up plan is in the case of the funding not being obtainable for the desired upgraded system. Mr. Hannan pointed out that his focus is on trying to make the desired upgrade possible, and noted that the likelihood of whether or not this will happen will be evident by the end of the year. Mayor Russ inquired about how all of this information relates to the City of Dundee. Mr. Hannon suggested the idea of the City of Dundee moving forward together with the City of Newberg towards having a communications system that is state of the art and that has interoperability with the other counties. Mr. Hannan explained the importance of partnering with Dundee as we are neighboring communities and have partnered in many ways prior, and he wished to provide us with ample communication moving forward. Mayor Russ suggested that the City of Dundee would likely be interested in the possibility of grants with regard to the desired upgrades as they pertain to Dundee. Mayor Russ informed that the City's budget wouldn't allow for an increase in our monetary contribution for emergency services; his desire is that these costs remain the same. Mr. Hannan pointed out that nowhere is it suggested that our costs will increase. Discussion ensued regarding details pertaining to Newberg's present relationship with TVF&R, although the future details of this are not known at this time. Mayor Russ supported the importance of maintaining our department with new technology and radio systems. C. Pugsley expressed his appreciation for our relationship with Newberg, our police service and fire service with the partnership of Newberg.

Consent Agenda

C. Svicarovich pointed out that an error was made on the City Council Minutes from September 20, 2016. She was not in attendance at the meeting.

The motion was made and seconded to approve Consent Agenda items 6.1 City Council Minutes (as amended), September 20, 2016 and 6.2 Financial Report Ending August 31, 2016. **The motion** passed unanimously.

Old Business

Ordinance No. 551-2016, Stormwater Management

City Administrator Daykin reviewed the information presented in his report, and the fact that this is one of many tasks that we indicated to DEQ that we were planning to complete which are included on our TMDL Implementation Report. C.A. Daykin informed that City Engineer, Greg Reid, will be overseeing a lot of the activities with regard to storm water. A brief discussion ensued. **The motion** was made and seconded to adopt Ordinance No. 551-2016, an ordinance relating to stormwater management and amending the Dundee Municipal Code. **The motion** passed unanimously.

New Business

Outside Water Service Request

Larry Rice is requesting connection to city water for a new residence he plans to build at 23554 NE Vangie Lane (Tax Lot 1701). City Administrator Daykin advised that City Engineer Michael Humm was contracted with to review the capacity of the water system to add additional users. C.A. Daykin explained that during the preparation of his report, one customer at the end of this line did express to public works supervisor Mustain that there were fluctuations in his water pressure. C.A. Daykin advised that they met with this person and had additional discussions, even providing a device for him to record the pressure when no fluctuations were detected by the City. The property owner was unable to notice any changes either. C.A. Daykin advised that due to this potential concern, and also at the recommendation of City Engineer Reid, Mr. Humm was asked to review the analysis done in 1989 by JMS Engineering.

C. Crawford inquired as to how the expansion of the new water line would be paid for. C.A. Daykin advised that this information is not known at this time, and that at this time a decision needs to be made regarding whether or not Mr. Rice would be allowed to connect based on sufficient capacity. Mayor Russ inquired about having a true analysis done to determine whether or not this system could handle another user. C.A. Daykin advised that this is difficult due to the nature of the data we have, but that pressure readings could be taken, potentially on a long-term basis and at different points in the system. He also noted that no other complaints have been voiced from other customers, and pointed out that upon their investigation of the property in question, no problems with the pressure were found. Discussion ensued regarding the potential factors that could affect the water pressure for the customers on this line. Also noted was the fact that these customers should not be using the water for exterior use, which C.A. Daykin advised does not appear to be happening. C.A. Daykin informed that although Mr. Humm felt that there would likely be no harm in adding an additional customer, continued monitoring should be done. Further conversation ensued regarding this, as well as continued discussion regarding potential effects of adding an additional customer. Mayor Russ expressed concerns about maintaining the required 20 psi, though the static pressure was noted to be 110 psi at the concerned customer's residence. C.A. Daykin pointed out that obtaining accurate data pertaining to the average peak demand assumptions is based on the number of users and the potential use of the system. Mayor Russ inquired as to whether or not Hiland Water Company is taking on any new users. C.A. Daykin responded that he doesn't know the answer to that, but pointed out that their water line only goes partway down from Ramsay Road towards that direction. C. Adlong inquired about how many additional homes could potentially be added to Vangie Road in the future. C.A. Daykin referred to the provided map plot map of the area, and discussion ensued regarding this as well as additional specifics regarding Mr. Humm's recommendations. C. Svicarovich inquired

about whether or not property owner Larry Rice has secured an easement for getting the water line to his property, and whether or not he is aware of the costs associated with completing the project. C.A. Daykin clarified that the City would only be providing a meter to the public road; it is the responsibility of the home owner to carry the line to the property. C.E. Reid expressed his support of Mr. Humm's report, but added that if the City does wish to add additional users to this line it is important to budget for the upgrades as described. Conversation ensued regarding the option of asking Mr. Humm to do a more detailed analysis of the entire system, which would require approximately two additional days of assessment as well as require additional field work to be completed. C. Pugsley inquired as to whether there have been any discussions pertaining to the long-term for potentially upgrading the entire system. C.A. Daykin explained that when the Water Master Plan was adopted there was some discussion about the possibility of an intertie between Newberg and Dundee, with Dayton Avenue potentially being that pathway. Also noted was the fact that because the area is only being served by a 4 inch line coming off the City system, there is not adequate flow to support a fire hydrant. Conversation ensued further regarding the specifics of how this area could be upgraded to accommodate a fire hydrant, though it's not a requirement as the area falls under Dundee Rural Fire. Mayor Russ expressed his concern regarding whether there is an actual potential hardship for this property owner who is planning to build a new home. C. Crawford pointed out the additional issue of low quality well water in this area. Discussion ensued regarding a potential future upgrade to this line and what that might entail. C.E. Reid pointed out that customers on this line presently pay more than a standard customer as a rural line, although he believes this figure should be further analyzed. He also suggested the possibility that some of the costs for the overall study be factored into that rate, which C. Pugsley also supported. C. Svicarovich suggested that the applicant, Mr. Rice, be held responsible for the entire cost of the additional engineering analysis report. **A motion** was made and seconded to authorize a City water service application by Larry Rice for 23554 NE Vangie Lane, including paying the additional cost of further analysis by our City Engineer. **The motion** passed unanimously.

A motion was made and seconded to institute a moratorium on new connections to the Dayton Avenue Water System, and to complete investigative studies to determine whether upgrades are going to be necessary, what those costs might be, and determine how to spread those costs equitably among new and/or existing customers. **The motion** passes unanimously.

City Attorney Rihala pointed out that presently the Dundee Municipal Code discusses water service outside of City limits. She suggested the addition of a Code amendment if a more long-term formal policy is desired for not allowing service outside city limits. Discussion ensued further regarding the details of this process.

Water Bill Appeal

City Administrator Daykin briefly reviewed his report dated October 11, 2016. Michael Gunn, Craig Kosmicki and Stan Kosmicki (owners) purchased the residence at 237 SW Oliver Court through a foreclosure sale on August 25, 2016. Prior to their purchase of the residence the water had been shut off for over six years and had accumulated \$2,376.34 in charges, mostly standby fees, that the owners were required to pay in order to have water service restored for this property. The owners appealed the application of the standby fee and requested a refund of the \$2,376.34.

Michael Gunn approached the Council, along with Craig and Stan Kosmicki as well. Mr. Gunn described their business of purchasing foreclosed properties, rehabbing and reselling them for profit and to benefit the community. He advised that they have been partners for about three years. During this time they have purchased properties in other surrounding cities and have not incurred a similar situation with regard to being required to pay these types charges to restore

water service. They are requesting a refund of those charges paid for the reasons described in C.A. Daykin's report. Mr. Gunn added that it was his understanding that all of the fees they paid (\$2,376.34) were standby charges, and that there were no monies owed for the water bill after the previous owner vacated the property. He described the details of his concerns further for the Council, as well as reviewed Dundee City Ordinance 13.04.120. C.A. Daykin reviewed the process of how he believes the charges for this property were assessed. C.A. Daykin further explained that in these situations the City does initiate the process of charging a standby fee (in lieu of charging the full base rate) under these circumstances, especially when no one steps forward to complete an application for water services. This has been the City of Dundee's policy up to this point in time. He further explained that the standby fee was created because the base rates were increasing substantially and also partly because snowbird representatives did approach City Council to discuss the issue as well. Although many cities do not do this, the lower standby fee was determined to be fair rate under the defined circumstances. Mr. Gunn expressed his knowledge and understanding of the policy, but explained that he does not feel it is a fair or good policy. He further explained that they have no issue when there is a delinquent water bill that hasn't been paid (and a lien placed), but doesn't agree with billing a standby fee under the circumstances that they are faced with regarding the property on Oliver Court. Mayor Russ pointed out that the previous owner had notified the City of her intention to vacate the property, and that these standby charges are significantly less than our base rate charge if the meter had been left on. Discussion ensued regarding this further. C. Pugsley supported adhering to the policy of the City of Dundee at this time, as was the consensus of other Council members. **A motion** was made by Councilor Weaver, but not seconded, to approve the water service adjustment in the amount of \$2,376.34. **A motion** was made by Councilor Pugsley and seconded by Councilor Adlong to deny the water service adjustment in the amount of \$2,376.34. **The motion** passed 5-1, with Councilor Weaver voting nay.

Council Concerns and Committee Reports

C. Adlong inquired as to whether or not there has been any response from ODOT regarding the lights that were installed along the bypass area. C.A. Daykin advised that ODOT indicated that the lights are the type of lens that is directed downward. Documentation was requested by C.A. Daykin but has not yet been received. C. Adlong advised that they are not dark sky lights but are drop lens Cobra lights, some of which she believes are in Dundee City limits. She further expressed her frustration regarding the fact that there are seven drop lens lights now placed that do not meet the dark sky compliant ordinance in Dundee. She felt strongly that this needs to be addressed further with ODOT as changing out the lenses could easily be accomplished. Mayor Russ supported discussing this with ODOT and requesting them to change out any lights that fall within the City limits as well as the others in the interchange. C. Adlong discussed her concerns further. C. Weaver pointed out that the project is not yet complete, and suggested talking with ODOT about making the changes in the lights at the end of the construction period. Conversation ensued regarding the project and remaining work to be done. C. Svicarovich raised the issue of the fixture type as it pertains to the electricity draw and light control. With C. Svicarovich's expertise in this area, C.A. Daykin suggested the idea of her review and input regarding correspondence with ODOT regarding the fixtures, which she was in favor of as well.

C. Crawford expressed his concerns regarding the disappointing appearance of the middle landscaped area (water treatment area) of the bypass fishhook area. He pointed out that at the beginning of the summer it was cleaned up and bark dust was applied, but it is now full of weeds and looks terrible at this time. C. Weaver pointed out that the project may not be completed yet. C.A. Daykin advised that he will inquire as to the status of the situation.

C. Crawford advised that he recently attended a Travel Oregon Town Hall meeting in Yamhill County. He advised they announced that they recently passed an ordinance to increase the state

transient lodging tax from 1% to 1.8%, and part of the stipulation was that now 10% of their budget must go towards grants to tourism promotion entities. C. Crawford indicated that an estimated 3 million dollars will now be available statewide for grants, where before there was only \$160,000 a year. He explained that there is a good chance that the City of Dundee would be able to apply and hopefully be awarded a grant. He reviewed that our Tourism Committee is completely volunteer and that it is onerous to put grants together; staff help from Travel Oregon could potentially be very helpful in the success of obtaining a grant. C. Crawford indicated that he is very interested in the development of the property underneath the overpass of 99W, potentially a \$100,000+ grant request.

C. Svcarovich shared a report from the Yamhill County Roads Improvement Advisory Committee. She reported that Red Hills Road has been paved, and that as part of that they've seen a significant increase in the number of vehicles that are traveling along this area as well as increased speeds. S. Svcarovich advised that several complaints have been received and that the county is actively investigating at this time and may propose changing the speed limit. Conversation ensued regarding the process of changing the speed limit through the State of Oregon, as well as details pertaining to speed studies done on Red Hills Road. Concerns were expressed by many Council members with regard to the condition of the road, especially along the edges where erosion is already noted to be present. C. Weaver expressed concerns for the future with regard to the dangers of potential accidents along that roadway with the present conditions. C. Svcarovich explained the process of the priority rating list used by the Advisory Committee, which is based on the roadway functional classification and volumes on each roadway. That criteria is used each year to compile the list of roads to be paved, with a goal of paving all collector and arterial roadways. Additionally, C. Svcarovich reported that the County should be putting out a bid for their new public works facility shortly.

C. Weaver advised Council that he will be sending an email regarding the details of an Economic Development Conference that is coming up in November.

Mayor's Report

Mayor Russ advised that he toured the entire Bypass Alignment with Senator Merkley. M. Russ informed that he discussed the idea of obtaining additional Tiger or Fast Act grant funds with Senator Merkley as well. M. Russ advised that the Parkway Committee is focused on Phase 2 (from Highway 219 to Rex Hill) while we really have a concern here about the fishhook (Bypass connection to 99W south of Dundee). M. Russ believes he shares the Parkway Committees' viewpoint that obtaining the Highway 219 connection is a very critical step for the future functional use of the bypass. M. Russ also shared his viewpoint that once the bypass is up and running, he feels the fishhook area will need addressed. Therefore, for the time being, a continued focus on the other aspects of the bypass may be what is most important. Mayor Russ also provided a brief update of the current progress along the bypass.

Mayor Russ expressed his continued concern for the nonexistent driveway at 12th and Maple Street. He has observed that they have moved the barricades out of the driveway so that it can be used. He inquired about whether or not there is any action that can be taken regarding this concern. C. E. Reid advised that it is not a safe driveway and that 12th and Maple was informed that they needed to close it with a permanent blockade until we get the project done and can take away the driveway.

City Administrator's Report

City Administrator Daykin advised that since the last Council meeting he has received two separate complaints of people living in recreation vehicles (RV's). Upon reviewing our regulations, it was noted that we do not have a regulation pertaining to that issue. C.A. Daykin

inquired of the City Council as to whether or not they would like regulations to prohibit or restrict people living in RV's on their private property. Mayor Russ expressed his support for regulations regarding this with the potential inclusion of a 30 day hardship consideration in the event of specific circumstances. C.A. Daykin informed that the City of Newberg does have a permit process to allow for residency in an RV for up to a two-week period, unless it's associated with a construction project in which case a longer length of time is allowable. C.A. Daykin advised that additional research can be done and then brought back for a discussion at a future City Council meeting.

C.A. Daykin informed the Council that it has come to his attention that Kyle Lattimer, who filed for a position on the Dundee City Council, does not appear to be a resident of the City of Dundee. City Attorney Rihala informed that because he isn't qualified to serve on City Council, the Council would therefore have the opportunity to interpret their Charter and decide whether Mr. Lattimer would be eliminated automatically or whether Council would declare the position vacant in the event he was elected. In the case of the latter, C.A. Rihala advised that the Council could then appoint into that vacant seat. A discussion ensued regarding this process. C.A. Daykin informed that he has tried to contact Mr. Lattimer by phone and email without response at this time.

Public Comment

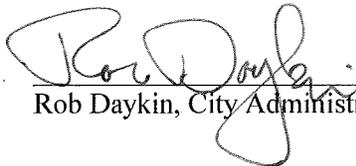
None.

The meeting was adjourned at 9:05 PM.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder