



**CITY OF DUNDEE**  
**CITY COUNCIL MEETING**  
**Meeting will be Teleconferenced**

801 N. Highway 99W, Dundee, OR 97115  
City Hall Phone: (503) 538-3922 Website: [www.DundeeCity.org](http://www.DundeeCity.org)

*The Mission of City Government is to provide essential, quality public services in support of the livability, safety and viability of the Dundee community.*

OCTOBER 20, 2020 7:00 PM.

1. Open Regular City Council Meeting
2. Amendments to the Agenda, if any
3. Public Comment: Each speaker will be allowed up to 5 minutes to speak after being recognized by the Mayor. Councilors will generally not respond to comments except to ask clarifying questions. Council may direct concerns raised by the speaker to the City Administrator or place the issue of concern on the agenda for Council discussion.
4. Consent Agenda: The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member (or a citizen through a Council member) so requests, in which case the item will be removed from the Consent Agenda and considered separately. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.
  - 4.1 City Council Minutes, October 6, 2020 Pages 1-14  
*Action Required: Motion to Accept the Consent Agenda*
5. Old Business:
  - 5.1 Firefighter Union Representation Pages 15-30  
*Action Requested*
  - 5.2 YCAP Housing & Utility Assistance Agreement Pages 31-50  
*Action Requested*
  - 5.3 School District At Home Learning Assistance Agreement Pages 51-54  
*Action Requested*
  - 5.4 Remote Meeting Technology Options Pages 55-58  
*Action Requested*
6. New Business:
  - 6.1 Sander Estate Park – TSP Projects Pages 59-66  
*Action Requested*
  - 6.2 Council Vacancy Pages 67-68  
*Discussion*
7. Council Concerns & Committee Reports
8. Mayor's Report
9. City Administrator Report

10. Public Comment: Each speaker will be allowed up to 5 minutes to speak after being recognized by the Mayor. Councilors will generally not respond to comments except to ask clarifying questions.
11. Adjourn

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Pending Business:

1. Public Works
  - 1.1 Highway 99W Street Lighting
  - 1.2 ODOT Phase B Highway 99W Improvements
  - 1.3 Water Line Relocation Project
2. Planning/Land Use
  - 2.1 Dundee Riverside District Code Amendment
  - 2.2 Exterior Lighting – Code Update/Street Light Standards
  - 2.3 Helipad Standards
  - 2.4 Vacation Rentals Code Amendment
  - 2.5 Pending Type II or Type III Land Use Applications:  
none
3. City Council
  - 3.1 Update SDC Methodologies
  - 3.2 LID 2013-01 Final Assessment Ordinance
  - 3.3 Storm Drain Master Plan Update
4. Parks & Trails
  - 4.1 Harvey Creek Trail Property Rehabilitation
  - 4.2 WWTP Nature Park
5. Next Available Ordinance & Resolution No's.
  - 5.1 Ordinance No. 572-2020
  - 5.2 Resolution No. 2020-15

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the Administrative Assistant at City Hall (503) 538-3922.

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**City of Dundee**  
**City Council Meeting Minutes**  
**October 6, 2020**

**Call to Order**

Mayor David Russ called the meeting to order at 7:00 P.M. over ZOOM teleconferencing meeting platform.

**Council and Staff Attendance**

Attendance Via ZOOM: Mayor David Russ; Councilors Kristen Svcarovich, Ted Crawford, Jeannette Adlong, Patrick Kelly, Tim Weaver and Storr Nelson. Staff Attendance via Zoom: Rob Daykin, City Administrator; Bill Monahan, City Attorney; Brent VanKeulen, Interim Fire Chief; Chuck Simpson, Public Works Superintendent; Greg Reid, City Engineer; Sheryl Hartman, Office Manager; and Melissa Lemen, Administrative Assistant.

**Public Attendance**

Attendance Via ZOOM: Kelly Wells; Alan Wells; John Falster; and Saj Jivanjee.

**Agenda Changes**

New Business Items 6.4 League of Oregon Cities – Virtual Annual Conference Scholarship and New Business Item 6.5 Tree Removal Quote were added to the meeting agenda. An additional email from Kelly Wells was added to the meeting agenda materials pertaining to New Business Item 6.1 Construction Deferral Deposit Policy.

**Public Comment**

None.

**Consent Agenda**

A **motion** was made and seconded to approve Consent Agenda Item 4.1 City Council Minutes, September 1, 2020, Item 4.2 Financial Report Ending August 31, 2020; and Item 4.3 Public Works Quarterly Report. **The motion** passed unanimously.

**Old Business**

**Duty Officer Pay Revision**

C.A. Daykin explained that there are two reasons this is being provided to City Council: 1. The old method of providing compensation to the Duty Officer was based on a fixed amount of 16 hours of straight time per month (as if it's a monthly salary) and 2. Because a part-time person was recently hired that fulfills that position. C.A. Daykin explained that in both cases the full-time and part-time employee are really hourly personnel, so it would be much easier to provide this type of compensation on an hourly basis. He informed that upon consulting with Interim Fire Chief Brent VanKeulen, they have provided the information contained in the recommendation of the 10% of the regular hourly wage (as provided on page 37 of the meeting agenda packet). A **motion** was made and seconded to authorize a change in the Duty Officer pay to be 10% of the regular hourly wage while on standby. **The motion** passed unanimously.

**Fire Department Water Tender Replacement**

Interim Fire Chief VanKeulen discussed the need of the water tender replacement in detail, as outlined in his report beginning on page 39. He explained that water tender is an alternative water supply system, which is more of a program than just a piece of apparatus; there is a lot of

operational training and procedures which come along with the water tender itself. Discussion ensued. Chief VanKeulen explained that the standard size of a water tender typically is around 3000 gallons, though a minimum of 2000; usually to meet the classification 3000 gallons is better. He discussed the dual purpose benefits a water tender provides to a fire department. He reviewed the reasons why the present tender is not meeting the needs of the Department, and explained that it is nearing end of life and is also very complicated to drive with a manual transmission system. A larger capacity tender would also be better.

C. Nelson inquired about whether the water tender is most often used for rural fire fighting in our area. Chief VanKeulen discussed that Dundee's tender is most often used for mutual aid or in non-hydrant areas; detailed discussion ensued. M. Russ noted that most of non-hydrant areas locally would be in the rural district to which Chief VanKeulen affirmed, but also noted that response to the neighboring communities would likely be the need most often.

C. Weaver inquired about whether the Rural Fire Board has yet been approached about this need. C.A. Daykin discussed that at one time, when the City first started setting monies aside in the equipment reserve fund, there was some confusion in which it would appear that the City wasn't setting monies aside for the Rescue 3, though monies were being set aside for the water tender. He explained that when he discussed this further with Chief Stock, his understanding coming out of that discussion was that there was some sort of deal between the former city manager and rural district to make the arrangement that they would replace Rescue 3 at some point in time and then the City would replace the tender. Daykin stated he reversed that decision and the City instead planned to replace Rescue 3, but not the tender. Daykin discussed that since that time there have been a number of changes, including the new IGA for fire services that the City provides to the rural district, and also with the support from the District for the bond sharing in the construction of the new fire station. He explained that when bringing these issues up in the past on how much money to get from the permanent tax levy to support operations during those negotiations, the Rural Fire Board made it clear that they are willing to continue to provide one of the brush rigs through their own resources (set money aside in their own equipment reserve fund) but that was the extent of what they'd be willing to do in terms of providing equipment.

C.A. Daykin discussed that there are mutual aid agreements between the fire agencies in Yamhill County, and each of those agencies have a list of equipment that they agree to provide in certain circumstances. He pointed out that the City of Dundee is benefitting from mutual aid, as well as providing the benefit to other agencies. C.A. Daykin discussed that the Department would deploy a fire tender more often in the rural district than in the City of Dundee. C. Nelson voiced his belief that during times of mutual aid, aid is more likely to be needed and/or received in the rural fire districts than in the City itself. C.A. Daykin discussed that though that may be correct, the mutual aid is covering a variety of these different pieces of equipment (not only fire tenders) which every agency has agreed to provide to each other.

Chief VanKeulen discussed the importance of alternative water supply, both from the system standpoint of being a mutual aid partner and also from the standpoint of being able to have some sort of alternative water supply (a back-up system) for the inside of the City. He explained that it is also true that the use of that would be some sort of catastrophic nature, large power outage, earthquake, etc. Chief VanKeulen affirmed that it's true that the majority of the regular operation is going to be in the rural area and the majority of the mutual aid response is going to serve the Rural Fire Protection District, however, he explained that he would never recommend that the City not have that capability. Chief VanKeulen discussed the phased apparatus plan and pointed out that the water tender is an operationally critical element that the City presently cannot deliver adequately.

M. Russ discussed that Council has questions related to cooperation on the replacement of the tender which he would like investigated during the process. He pointed out that right now interest rates are very low which may give the City more leverage; perhaps the City could put 50% down and take out a loan for the remainder. M. Russ inquired about whether there would be a possibility of getting some payment from the rural district during that type of a process. C.A. Daykin discussed that the topic is also a political decision as well. He explained that he reviewed the Agreement that the City executed for fire protection services and who has responsibility for maintaining certain types of equipment to deliver the services to the District is not clearly stated. Detailed discussion ensued about the potential complexities involved in discussing the matter with the rural district, though M. Russ voiced support in initiating the conversation. C.A. Daykin discussed the working relationship between the City and the Rural Fire District. C. Crawford pointed out that real estate values have likely doubled in the past ten years (along with increased development), providing the District more available funds to allow them to potentially contribute to the purchase of a tender. C.A. Daykin explained that the City has yet to dive deep into the Study results from the ESCI project; eventually there is likely there is going to be some point where the City is going to want to work closely with the rural district to do something cooperatively in that regard.

C. Adlong inquired about the potential costs associated with Phase II of the Apparatus Plan. Chief VanKeulen discussed that Phase II is part of a larger capital plan which he has asked Staff to look into. He explained that Phase I includes items critically needed now (the water tender) while Phase II is an adjustment to the fleet which will require Council review but will likely require in excess of \$1 million in apparatus expense in the not too distant future; some apparatus may be sold and some used apparatus added. It was noted that water tenders can sometimes be found used at a cost of approximately \$200,000; new ones cost approximately \$250,000-\$280,000. Discussion ensued. C.A. Daykin confirmed that at present there is \$678K in the capital reserve fund. Chief VanKeulen also discussed that the Self-contained Breathing Apparatus (SCBA's) which were purchased on a grant and will need to be hydrotested, which is an additional future expense. It was noted that some apparatus suppliers are doing leases on new pieces of equipment; a bond could also be a good tool for some of the larger big capital replacement expenses that come every 10-12 years. M. Russ suggested that if large down payments of 30-60% were made, open market loans wouldn't be that difficult to obtain. He also voiced his opinion that the City ultimately purchase new or newish equipment rather than used due to cost restraints. C. Crawford inquired about the other districts and what the status of their equipment is, especially considering that the City may ultimately opt to merge. Though this information is not specifically known, Chief VanKeulen stated his belief that Dundee is on the lower side of alternative water supply capability; discussion ensued. C. Weaver voiced support of shopping for the equipment that best meets the present needs of responding to calls in our area. The pros and cons of different sizes/type of water tenders was discussed in detail. Chief VanKeulen indicated that the present water tender would be surplus following the purchase of a replacement. There was brief discussion about Capitol Reserve Fund and C.A. Daykin confirmed that the City has not been making transfers into the fund in recent years to grow the fund. He explained that the funds have been set aside for the replacement of certain apparatus and equipment related to the fire department, but the decision really comes back to City Council when there are specific pieces that need replaced. Chief VanKeulen suggested that one option for Dundee might be to see if a tender could be loaned out from another nearby entity; this could potentially buy time until the ESCI report is available. Discussion ensued. C.A. Daykin discussed voiced support of waiting to see how the ESCI Study might change how fire suppression works in the County, especially if there is some sort of consolidation or cooperative agreement; until that is known it is hard to say what the future needs are for the City of Dundee. He also voiced support of meeting the operational need with a loaner water tender until we get past the next 4-6 months. Potential costs associated with a used tender were discussed, and Chief

VanKeulen discussed that on the used market apparatus can be bought up quickly and before the Department could come back to Council to secure the funds. If a new water tender were determined to be desired by Council, Chief VanKeulen indicated that he would go back and either find a cooperative agreement or cooperative language that would work operationally, and then the cost would be approximately \$300,000 or just a bit under that. He explained that the cost savings between new and used would be approximately \$75,000-\$100,000, though the Department would need to be able to move quickly to purchase a used apparatus. Discussion ensued. **A motion** was made and seconded to authorize the City Administrator to enter into agreement for the purchase of a new or used tender offered by a fire agency or company in an amount not exceeding \$300,000. C.A. Daykin explained that City Staff will need to check with the Oregon State Statutes to see what is required for something of that nature; typically some sort of competitive process for procurement is required unless you go through an agency. C.A. Daykin also offered that Staff could also look into financing options as well. **The motion** was amended and seconded to authorize the City Administrator to enter into agreement for the purchase of a new tender not to exceed \$300,000 or a used tender not to exceed \$225,000 offered by either a fire agency or company. **The motion** passed unanimously.

## **New Business**

### **Construction Deferral Deposit Policy**

C.A. Daykin explained that Kelly Wells had provided another document regarding this issue prior to the meeting tonight. The information was emailed to the City Council prior to the meeting tonight and has been included in the meeting agenda materials. C.A. Daykin reviewed the background information in detail as included on page 41 of the agenda packet. C.A. Daykin discussed the option of the City allowing for a construction deferral; the changes made as a result of the adoption of the 2015 Transportation System Plan were also reviewed. C.A. Daykin pointed out that this is the first time in five years that this issue has come up; the applicant wish to speak to the City Council about the hardship it is to make this work under the circumstances.

Kelly Wells introduced herself and she presented the information to Council as provided in her email this afternoon. M. Russ voiced an understanding that since Wells isn't actually building at this time in the back, she would not necessarily be able to get a loan for the work the City is asking for which complicates the access of funds for that situation. M. Russ offered additional discussion about how things stand from a City standpoint. C. Svicarovich inquired about whether there are any existing nonremonstrance agreements along that block of Alder Street (she is aware that the lot on the corner (tax lot 601) has a nonremonstrance agreement) and whether that would reach the 50% mark. C.A. Daykin informed that there are no others on that side of the block. He explained that across from the subject property and down the hill from the Alder Hills subdivision there are two tax lots, both of which have nonremonstrance deferral agreements with the City for street improvements (tax lots 1103 & 1101). C.A. Daykin offered clarification that the 50% of block length really refers to the sidewalk only issue; the reason the City is requiring the deposit for the street improvements is more related to Item 6 and the street improvement is a requirement because of the plan to divide the property into two lots; if they weren't going to divide the property into two lots this would not be an issue. C. Svicarovich inquired about the timeline for Wells to build on the second property that she is planning to subdivide. Wells explained that she is not totally sure; given the most recent update from their conversation last week, her inclination would be to push it off until she can afford to pay the City, though she acknowledged that the best case scenario would be to partition off the lot first thing. She inquired about whether if she did decide not to partition off the lot for potentially five years, would the terms discussed at last weeks pre-ap hold for the next five years or would those potentially change. C. Atty Monahan discussed that with a preapplication conference, typically it's only good for six months or possibly the City may have one year; the City could change some of its code requirements and it

would need to be able to apply those to the future use for the future development plan. C.A. Daykin pointed out that the method probably that we would do a greater project would be as a Local Improvement District (LID) in which case the City would finance that initial construction but through assessments repay back the method of financing. Detailed discussion ensued. C. Svcarovich offered clarification that if Wells wanted to wait on partitioning the lot for five years, there would be no improvements required until such time she chose to partition the property. Wells discussed that best case scenario, since they are already doing all of this work for the main lot, would be to take care of everything all at the same time; this would make the most sense financially though she cannot afford to also put down the deposit. Discussion ensued and Wells inquired about here being any potential flexibility in signing a nonremonstrance agreement and putting down a deposit rather than the full amount.

C. Crawford discussed that the City has been looking at improvements on Alder Street for over 12 years; now that the Alder Hills subdivision has been completed, he discussed his belief that the Council would like to see that road done. He noted that this project would likely be a high candidate for the next SCA Grant, which would bring down the cost to the individual property owners though there will likely still be a need for an LID (though not as much as if the whole financial cost were placed on the property owners right now to complete the improvements). C. Crawford pointed out that it might be in their best interest to wait and see what happens in the next couple of years and not partition right now. C.A. Daykin discussed that the City has looked in the past at going after SCA Grants to assist with improvements and looked at the possibility of initiating improvements to complete the project. He explained that if City Council wishes to pursue this, the process could start right by simply ordering the City Engineer to bring back a report to provide estimated costs within the boundaries of where the specific improvements are to be done and provide some idea on what the specific estimated assessments would be; and on the basis of that report Council could decide whether or not it is desired to go to the next step or not of really starting the formation of an LID. He explained that the actual work could be held off until an SCA loan has been secured to offset part of the road improvement costs.

M. Russ inquired about whether the Wells could add utilities/conduit into the current property trench utilities that dead end at the potential future property line if they don't partition the lot at this time. C.A. Daykin affirmed that this could be done. Additional discussion ensued regarding the pros and cons of completing that work ahead of time.

Alan Wells, Kelly Wells' father, introduced himself and inquired about the potential option of a bond in lieu of cash, which is not addressed in the development code. C. Atty Monahan explained that the language of the Code speaks specifically to monies, which he understands to mean funds that would be put into either escrow or deposited into a special account for this purpose. C. Atty Monahan explained that a bond also incurs extra costs for the applicant, and the City would probably require that the length of that bond be one that would continue to roll over year after year, a continuing cost of that bond. He discussed his belief that the least expensive routes for the applicant would be either to not go for the petition at this time, and also for the Council to consider initiating the process to review whether or not an LID would be possible which would end up relieving the applicant of the responsibility of doing the engineering costs which they expressed concern about in their email. C. Atty Monahan explained that the engineering costs are part of the overall construction costs which can be rolled into an LID as part of the overall costs of the benefitting properties. C. Nelson voiced support of this idea and noted that this is something probably needed before completing any work on Alder and would also help this new customer. C. Svcarovich voiced support of this as a great next step as well; it provides everyone with more information and hopefully would provide the applicant with some additional information that helps them understand what that cost would be. Mr. Wells voiced support of this idea though indicated that timing has become an issue for them; Kelly is supposed to close on the

house in the next two weeks. He explained that a great deal of the value of this property is wrapped up in the idea that it could potentially be partitioned. Mr. Wells inquired about whether there would be any possibility that they could find out what the estimated cost of that improvement would be within the next 2 weeks so they could make a value determination. C.A. Daykin noted that this was an unlikely possibility and explained that when these initial reports they are done at a higher budget level and is not at the stage where the improvements are being designed. C.E. Reid provided a rough estimate of approximately \$9,000-\$10,000 per 15 linear feet; this is what was seen a few years ago and construction costs really haven't gone up significantly, though he can't guarantee what happens in the future. Additional discussion ensued pertaining to storm improvement which would also be needed in this area. The complexity of the utilities in this area was discussed. Though C.A. Daykin pointed out that the City Code does allow for deferral, he suggested that City Council would likely be consulted to determine whether a deferral agreement should be executed; if a whole street improvement is going to be completed it almost makes sense to take care of the undergrounding in addition. Discussion ensued about the potential complication this could add to this LID.

C.E. Reid voiced that he does not see the benefit in extending a couple of utilities over to the property now unless they plan to move forward with the division. He discussed that the division is certainly possible in the future; he doesn't see a whole lot of changes in the standards that would increase costs anymore than they are now other than the value of construction and the potential increased costs of materials/labor.

C.A. Daykin inquired about whether the Wells have an engineer consultant that they have worked with in the past to which Mr. Wells affirmed that they do have one who will be assisting them on the house, though he indicated his belief that the scope of the project is still yet to be determined. C.A. Daykin discussed that the City needs to have some level of satisfaction that the deposit is a reasonable amount; he believes they can provide enough information for their engineer that they could come back with a cost estimate which can be reviewed to see if it is reasonable. C.E. Reid supported that he could work with that. Discussion ensued and C.A. Daykin reviewed the options available. One option would be to follow the Code and enter into a deferral agreement; a second option is to revisit the Code; and another option would be to go ahead and initiate the LID process. Though C. Svicarovich voiced support of an LID, she expressed concern about the intersection of Ninth & Alder Street and making sure that the scope of what will be done at that intersection is understood given the significant impact to the LID. The consensus of Council is to move forward with initiating the LID option. Council discussed potential scope of the LID project. C. Atty Monahan explained that if they initiate the LID they are going to have to go through a public hearing process where there will be an opportunity to get an understanding about what level of support there is from the properties within, and Council may find at that time that there are other property owners who might also want to be involved to cause it to be lengthened, or Council may hear that there is enough opposition to reduce the size and the scope of it. C.A. Daykin discussed that this would be an opportunity to do corrections at the Ninth Street intersection, and because that's in the urban renewal area the City could even pay for at least in that little intersection area with urban renewal funds. **A motion** was made and seconded to direct the City Administrator and City Engineer to begin a LID report for the improvement area between Ninth Street and Upland Drive along Alder Street to be inclusive of cross-sectional elements consistent with improvements per the Dundee System Transportation Plan. **The motion** passed unanimously.

#### **Resolution No. 2020-14, Street Names Change**

C.A. Daykin noted that he did receive one more vote in support of the designation of "Street" since the meeting agenda packet was provided. **A motion** was made and seconded to pass Resolution No. 2020-14, a resolution of the Dundee City Council authorizing the change of the

name of SW Charles Avenue to SW Charles Street and the change of the name of SW Myrtle Avenue to SW Myrtle Street. **The motion** passed unanimously.

### **Coronavirus Relief Fund**

M. Russ expressed appreciation for the way the information provided on the Coronavirus Relief Fund. He suggested that if any temporary help were needed to catch up on administrative tasks due to employees being out of the office, that this could potentially be accomplished through these funds. C.A. Daykin voiced that he will look into this though doesn't feel this could be likely be justified for the City at this time; all of the City Staff are working though some work is being doing remotely. M. Russ also suggested that these funds could potentially be used for any necessary additional mailing/shipping/delivery supply expenses which may have been incurred. C.A. Daykin indicated that he will review this information with Staff to be sure nothing has been missed. He would like Council to consider the purchase of tablets for all City Council due to the fact that the City will continue to hold meetings remotely. Detailed discussion ensued regarding potential uses for the tablets. C.A. Daykin discussed that post-COVID-19, under the CRF Fund, those assets which are acquired will be allowed to be kept and used for City purposes. C.A. Daykin discussed with City Council some of the different device options available; Council offered their suggestions as well. C.A. Daykin voiced support of having consistency in the device selected; the devices will be provided to present City Councilors now and then passed to future Councilors as well. M. Russ voiced support of a device with a keyboard and suggested that providing a case for the device would be a good protective measure. C. Adlong voiced support of a keyboard and C. Nelson voiced support of the larger screen size. Council did not favor an android device. C. Weaver noted that he prefers to have a mouse for his device.

C. Svicarovich suggested reaching out to the City of Newberg's IT Dept. as their Planning Commission and City Council have used tablets for the past couple of years. Sheryl Hartman, Office Manager, was present at the meeting and has done some research on devices. She voiced support of a larger 15" screen size for a laptop, which is also easily portable. Hartman discussed that portable keyboards are also available for these devices for a reasonable price. She informed that the City has MS Office 365 Business Suite though it is unknown what capabilities are presently provided to City Council members; email only is being used now. C.A. Daykin offered to complete additional research and provide information to Council at the next meeting so that a decision can be made. M. Russ noted that cases are also available that have a Bluetooth keyboard build into them already. The Council offered their support of the outlined CRF expenses for City Hall and the Fire Department as well.

C.A. Daykin informed that he has had conversations with YCAP. He explained that he is hopeful that they can put together a proposal about how they can help the City of Dundee residents that are eligible to receive funds to support households that are behind on utility payments or behind on rent payments, as is being done presently in other communities. C.A. Daykin voiced support of using YCAP as they vet the need and verify the criteria being met; the City would essentially contract with YCAP for delivery of those services.

C.A. Daykin discussed that he is looking at working with Dr. Luke Neff at the school district to try to determine if there are unmet needs for remote learning for students in the City of Dundee, another eligible expense for the CRF. He explained that once the costs are known for the direct Dundee residents (as well as the City needs), whatever funds are leftover he is going to propose the City consider providing as assistance to businesses affected by COVID-19 who experienced a downturn in business. C.A. Daykin discussed that he is considering developing an application process to assist in determining whether a business would qualify for the program; this information would then be brought back to City Council for their evaluation. Discussion ensued

and C.A. Daykin explained that once he receives a proposal from YCAP he will bring that information back to Council.

### **League of Oregon Cities – Virtual Annual Conference Scholarship**

M. Russ discussed that he received the email pertaining to the Virtual Annual Conference Scholarship; he indicated that he has already signed up as the scholarship recipient and will plan to attend.

### **Tree Removal Quote**

The proposal for service from General Tree Service was provided to Council via email prior to the meeting, a copy of which was also added to the meeting agenda materials. C.A. Daykin explained that the City asked PGE to look at the tree as well due to the concern about wires through the limbs. PGE hired a contractor to remove some of the limbs that could potentially be a hazard though they left the rest of the tree for the City to remove. It was noted that this is a very large tree. Chuck Simpson, Public Works Superintendent, was present and he explained that PGE did remove quite a few limbs from the tree though did leave quite a mess for public works crews to clean up due to the bark beetle issue. Simpson discussed that as it stands right now it is not really a hazard because all of the big limbs have been taken down, though it will be a hazard as it starts to rot and was also noted to be an eyesore. Simpson explained that special equipment will be required to remove the remainder of the tree due to the web of wires complicating matters. The tree was noted to be located on Ninth Street between Elm and Cedar Streets. Simpson explained that the tree is also located along a fence line; fence panels will also need to be removed on the Ninth & Elm Street side to get to the tree with equipment. Restoration work may need to be done for the impacted lawn area as well. Simpson referenced the elevated bid price and attributed it to the complicated removal process and the fact that the remaining wood and chips from the tree will have to be incinerated to eliminate the bark beetle component. **A motion** was made and seconded to authorize the City Administrator to enter into a contract with General Tree Services to remove the tree on Elm Street for an amount of \$5,280.00. **The motion** passed unanimously.

### **Council Concerns and Committee Reports**

C. Kelly discussed that he has heard of some neighbors raising complaints about more frequent helicopters flying over the Dundee hillside approximately 50 feet high. C.A. Daykin discussed that if the helicopters aren't following FAA rules they could be reported. C. Weaver noted that he has seen some of these concerns expressed on social media as well. He offered to visit Precision Helicopter in person to let them know about the concerns being voiced. Simpson voiced that through a flight tracker app he has discovered that Erickson Air Crane/Erickson Helicopters out of McMinnville have been conducting test flights on a large helicopter which circles all over Yamhill County for hours at a time.

C. Crawford inquired about whether the source of a foul smell that Dundee residents had complained about earlier today had been able to be identified. C.A. Daykin explained that Simpson was sent out to investigate though was unable to find a cause. Brief discussion ensued about the likelihood of the smell originating from dairy farms in the St. Paul area.

C. Weaver voiced appreciation for the public works quarterly reports provided by Simpson.

### **Mayor's Report**

M. Russ suggested that a review of the Dundee Municipal Code may be needed. He discussed that the question about the rule of undergrounding the power lines (which could become an issue with the multiple stems coming off of it, etc.) should perhaps be molded somehow to apply more to commercial. Additionally, M. Russ voiced support of the Council asking the Planning

Commission about making zone revisions. He discussed the importance of making a zone that's a forced density of some kind so that the City can have an apartment building or two. He also discussed the importance of creating a zone with a larger minimum lot size for a single dwelling to protect some of the lots on the hill. M. Russ explained that this is a high value real estate area for the City and he stressed the importance of retaining that high value of real estate for the City for the future. He voiced support of asking the Planning Commission to look into these type of zoning changes and anything else Council may wish for them to look into. Discussion ensued. Though C. Adlong voiced an understanding of what M. Russ was suggesting, she discussed that given the reality of what is happening in the community and state, more housing does need to be added which she voiced support of. Discussion ensued and she explained that though she agrees with much of what M. Russ has suggested, she is concerned about preserving everything the way it is now because she doesn't believe that is very realistic for the future, especially when every lot can have an ADU on it anyway. M. Russ clarified that he has not suggested preserving everything the way it is though discussed his belief that it is necessary to preserve something to maintain an ambiance, which C. Adlong agreed with as well. C. Svicarovich voiced support of a minimum density and explained that she struggles with preserving larger lot sizes; she voiced an interest in having a better understanding of knowing how many R-1 lots are actually eligible to be partitioned. Discussion ensued and she explained that it could be a moot point depending upon what the current zoning is; she would be interested in obtaining this information before giving any sort of direction to Planning Commission to pursue that. C. Svicarovich voiced her opinion that obtaining this information would be a staff exercise before the request to reevaluate zoning is sent to the Planning Commission. M. Russ voiced support of obtaining this information. He stated his belief that the zoning in the City is a little too simple for what happens in current society in some ways; there seem to be missing definitions to categorizing the properties in ways that best serve the City. C. Crawford inquired about whether the vacation rental discussions could potentially bring about some zoning changes to which C.A. Daykin did not feel would be the case. C.A. Daykin explained that the planners generally like to group like work together and not have unlike work bundled together under the same process.

C.A. Daykin discussed that he did meet the new City Planner that the City of Newberg has hired, Patrick Davenport. C.A. Daykin explained that Davenport is eagerly diving into all of the City's master plans, comp plans, the Riverside District master plan, etc., and is bringing himself up to speed; he seems to be immensely talented and qualified and C.A. Daykin noted that he is impressed with the hire Newberg made. C.A. Daykin explained that he has planned to come to the next City Council meeting because one issue is going to be raised that came up through another pre-ap process. That would also be a good opportunity to meet Davenport and discuss Council's general feelings about the City of Dundee; some of the Councilors have a lot of history with planning and the City Council that could really be helpful to explain what's been looked at in the past and where the City is headed for in the future.

M. Russ requested that C.A. Daykin bring back to Council the number of R-1 lots and the percentage available for development. He explained that this information would be valuable moving forward.

M. Russ explained that he received a call from Rod Grinberg (representative for the Lindquist family) though he indicated that he has not called him back.

### **City Administrator's Report**

C.A. Daykin discussed that Rod Grinberg is a member of the Lindquist team; who has met with the City Attorney and Staff because of their interest in moving forward with development of Subarea C in the Riverside District Plan area, the property which is located between the bypass and Edwards Road south of Eighth Street. He discussed that it has been challenging to get them

to respond and provide the kind of information needed to evaluate. C.A. Daykin explained that Staff have provided them with all of the relevant information as far as the proposed criteria that the Planning Commission had recommended and the City Council has accepted in terms of development standards. He discussed that they have prepared a Concept Plan and the City has asked them to redo it because they want to come to a workshop session with the Planning Commission to present a concept plan just to get feedback (as was recommended by the City Attorney). It was noted that this has been scheduled for the October 21, 2020 Planning Commission meeting. C.A. Daykin explained that the one hang-up that they seem to have is the premise that before they get zoning we still have to have an infrastructure plan and financing plan in place which has to be approved by the City Council. He noted that Grinberg was upset with him because he had pointed out some of the requirements that dealt with the sewer system. He explained that the Council had adopted a plan for providing gravity sewer in the Riverside area that also included a pump station; Grinberg's plan was not to use it immediately but to attach to the existing sewer main, and that would be a future attachment which he was told won't work. City Staff also told him that he needs to accommodate a park which would serve the needs of both Subarea A and Subarea C as a shared park (there won't be two parks on that side of the bypass) which he thought was unreasonable also.

C.A. Daykin informed that the City of Dundee firefighters have elected to join a union and the City has been put on notice. C.A. Daykin explained that he has discussed this with Peter Hicks who provided a referral; the Interim Fire Chief also provided a referral. He discussed that currently Jordan Ramis does not have those types of services: legal counsel specific to negotiating a union agreement or working through the union protocols and Federal law that governs the formation of unions. He advised Council to avoid having discussions or taking actions that might be perceived as being discriminatory about forming a union. C.A. Daykin explained that Staff will bring a proposal back for representation for Council at the next meeting, and then that person will be hired to assist the City Council on making decisions as the City moves through this process. Brief discussion ensued.

C.A. Daykin discussed that recent field audit work was completed on-site and went very smoothly. He explained that Staff is not sure when the draft report will be available, though typically it is received in the month of November. He noted that nothing came up that was out of the ordinary and the City is moving smoothly towards the completion of another audit.

C.A. Daykin discussed that the biosolids hauling project has been completed. He explained that originally, they were scheduled to haul 100 dry tons, though it ended up they were able to haul 153 dry tons. Though the cost was more, anything over 100 tons was charged at a reduced rate so there were some savings for the additional amount. C.A. Daykin indicated that he talked with Michael Humm about how frequently the City might need to do this. In the original process Staff thought it might need to be done every other year, but he thinks now that it might be very three years until we have more build up of sludge which may require every other year. C.A. Daykin explained that he talked with Chuck Simpson and Jared Nunley, who were very impressed with the contractor now being used, Fire Mountain; they did a great job about getting the land set aside and going through the DEQ permitting processes, and completing the testing and meeting all of the requirements for land application. He noted that the process went very smoothly and quickly.

C. Kelly inquired about C.A. Daykin plans to follow the same application process as the City of Donald as shown on page 67-68 of the meeting agenda packet. C.A. Daykin discussed that he won't be following their format and clarified that he will be working with YCAP for the assistance for the rental and utility assistance. C. Kelly acknowledged that those who are having difficulty paying their rent/mortgage or utilities due to COVID may receive assistance, though expressed concern about those who have had to forgo gainful employment to stay home and

homeschool their children and are spending down their savings, though not necessarily missing mortgage or utility payments, but cannot work as they are staying home to take care of their grade school age children. He discussed that his hope that people experiencing these situations may also be able to receive some sort of assistance as well, though C.A. Daykin explained that he does not know the answer to that though he will post the question to the LOC. C.A. Daykin discussed the complexity associated with having questions of this nature addressed though he will seek out the information if he can.

## **Public Comment**

Saj Jivanjee was initially having some technical difficulties in connecting to the meeting to provide public comment. During this waiting time Council inquired about whether the topic of discussion for his public comment tonight was known. C.A. Daykin discussed his belief that Jivanjee would like to talk about the permitting process for the concrete stockpiled on his property at 9<sup>th</sup> and Alder Street that he wishes to crush to use as fill to replace sum unsuitable fill on his property. He explained that he has been going through some review with the City Engineer on permitting to do that work; it is his belief that he has some objections or issues with that process. C.E. Reid discussed that the public has raised concerns about the noise and potential dust containing contamination. He explained that Jivanjee was asked to provide some information about the noise levels and the duration of the crushing operation and explained that the City does have noise levels within the light industrial area, though they feel this is construction and is exempt from that light industrial noise ordinance. C.E. Reid discussed that he asked Jivanjee to provide him with the noise levels and the duration and that maybe the City could find something acceptable though they haven't provided any information yet. M. Russ voiced support that the dust concern should be addressed. Council voiced support of the debris pile finally being removed. Brief discussion ensued.

Saj Jivanjee introduced himself and read a prepared statement (which he previously emailed to C.A. Daykin after the start of the meeting) to Council, a copy of which was added to the meeting agenda materials. Following the reading of his statement, he continued to provide additional public comment. In summary, he discussed his frustration in working with the City when he feels "roadblocks" are constantly being put up; he would like to figure out how he and the City can work together. He discussed his belief that the private groups should be able to come and discuss the issues in a collaborative manner with the City. Jivanjee stated that he will remove the concrete pile. He provided additional lengthy discussion/explanation though also expressed frustration and indicated he is willing to work with the City

C.A. Daykin discussed that many concerns were spoke of, including the concept of forming some sort of work group or committee stakeholders to review actions to assist with development of these areas using urban renewal. He asked whether this is something that City Council would like to bring up at a future meeting and have this type of discussion. M. Russ inquired about what stakeholders Jivanjee would like to include in this process to which he confirmed are all property holders on Ninth Street between 99W and Alder Street. M. Russ voiced support of the formation of this group of many stakeholders and, at Jivanjee's insistence, also acknowledged that Jivanjee does own the largest piece of property. Jivanjee again expressed frustration and was reminded by Council members that he had been provided an opportunity to provide public comment. M. Russ thanked Jivanjee for his comment though Jivanjee continued to speak. M. Russ then thanked Jivanjee again and told him goodnight though Jivanjii continued to vocalize his opinion/frustration very loudly which made the meeting difficult to hear. At 10:35 P.M. M. Russ appeared to no longer be in attendance at the Zoom meeting, along with C. Adlong; at the time it was not known whether he had adjourned the meeting or whether there was a technical issue. There is still the presence of a quorum.

C. Weaver then took over as Chair for the remainder of the meeting. He asked Jivanjee if he had suggested the formation of a work group to listen to his concerns and attempt to address the issues at hand. Jivanjee reiterated his willingness to participate and bring forth the issues of concern; discussion ensued. He provided a lengthy discussion about his project on Fox Farm Road and how this will ultimately benefit the City. C. Svicarovich discussed the City Engineer was asked to develop a concept drawing of what the Council envisions the improvements along Ninth Street to look like; this involves more than one property owner and if a work group is assembled to try to make progress it should be inclusive of more than one property owner. C. Weaver voiced support of that as well. The consensus of Council is to wait until the next City Council meeting, when both M. Russ and C. Adlong are present, to decide how they wish to move forward as a task force; the task force could gather data from stakeholders and report back to the City Council. Jivanjee again spoke and referenced the many resources he has available, as well as suggested the creation of a forum which he suggested begins with him, though later bringing others into the group as things move forward. Lengthy repetitive discussion ensued with regard to his frustrations and lack of things moving forward as he believes they should. C. Svicarovich voiced that this effort has already begun and reviewed that Council has been working with the City Engineer to come up with some preliminary concept plans of what improvements along Ninth Street could look like; it is her belief that it is a false characterization to say that the City has done nothing for the past two years when progress has been made. C. Svicarovich pointed out that there are many other property owners that need to be involved in the process and voiced agreeance with C. Nelson in the Council having a conversation about what the scope of the task force will look before moving forward. C.A. Daykin offered that he would include information provided by Jivanjee for the meeting. Jivanjee offered an apology for his frustration and continued to speak. C. Weaver thanked him for his comment.

The meeting was adjourned at 9:47 P.M.

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David Russ, Mayor

Attest:

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Rob Daykin, City Administrator/Recorder



## AGENDA REPORT

To: Mayor Russ and City Council  
From: Rob Daykin, City Administrator  
Date: October 20, 2020  
Re: Firefighter Union Representation

The Tualatin Valley Firefighters Union informed the City that the Dundee Firefighters voted to join the International Association of Firefighters, Local 1660. I discussed the situation with City Attorney Peter Hicks and Interim Fire Chief Brent Van Keulen. Based on their referrals I engaged the services of CDR Labor Law, LLC (CDR) to advise the City of Dundee on this matter. Under authority of DMC 3.12.030.D, I signed an engagement letter prepared by Dan Rowan of CDR. CDR represents TVF&R on matters of labor negotiations and proceedings before the Employment Relations Board and Dan Rowan is familiar with IAFF Local 1660.<sup>1</sup> I requested Attorney Rowan to prepare a brief memo regarding voluntary recognition and the alternative process.

The services provided by CDR will be based on an hourly rate schedule billed monthly, similar to our arrangement with Jordan Ramis. Since my authority is limited to \$5,000, I am requesting Council to accept the selection of CDR to represent the City on matters of labor relations. This will allow, if necessary, to incur services greater than \$5,000 in value. Regarding recognition of IAFF 1660 to represent Dundee Firefighters, I recommend the City voluntarily provides that recognition. Dan Rowan will attend the October 20 regular meeting to answer questions from Council regarding his experience as a labor relations attorney and the recommendation to voluntarily recognize IAFF Local 1660.

### Recommendations:

Council motion to confirm the selection of CDR Labor Law, LLC to represent the City of Dundee on matters involving labor relations.

Council motion authorizing the city administrator to inform IAFF Local 1660 of the City's decision to voluntarily recognize the Tualatin Valley Firefighters Union as the exclusive bargaining unit for the Dundee Firefighters.

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<sup>1</sup> Dan Rowan also wrote an article for the League of Oregon Cities Local Focus newsletter titled: Collective Bargaining for Elected Officials: An Overview. – attached.





# Tualatin Valley Firefighters Union

## IAFF Local 1660

Rocky Hanes  
President

Gary Burton  
1<sup>st</sup> Vice President

Brian Smith  
2<sup>nd</sup> Vice President

Scott Bethke  
Secretary/Treasurer

Ron Morgan  
Communications Director

September 27, 2020

City of Dundee – Dundee Fire Department  
Chief VanKeulen  
801 OR-99W Dundee, OR 97115  
*Sent via e-mail*

Dear Chief VanKeulen,

The Tualatin Valley Firefighters Union is in receipt of signed cards from the Dundee Firefighters. The Dundee Firefighters have voted unanimously to join the International Association of Firefighters, Local 1660. Local 1660 respectfully requests the Dundee Fire Department voluntarily recognize the Tualatin Valley Fire Firefighters Union as the exclusive bargaining unit for the Dundee Firefighters.

Upon completion of the voluntary recognition, can a signed letter indicting this recognition please be provided to me?

Kind regards,

A handwritten signature in cursive script that reads "Brian Smith".

Brian Smith  
Tualatin Valley Fire Fighters Union - IAFF Local 1660  
503-435-7573  
brian.smith@iaff1660.org

Clatskanie - Cornelius - Forest Grove - Hoodland - Portland Air Base  
Sandy - Scappoose - Tualatin Valley - WCCCA - Woodburn

P.O. Box 1904 - Lake Oswego, OR 97035 - Phone: (503) 697-9418



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## CDR Labor Law, LLC

819 SE Morrison St., Suite No. 245  
Portland, OR 97214  
(503) 878-8499

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October 9, 2020

Rob Daykin  
City Administrator  
City of Dundee  
P.O. Box 220  
620 SW 5th Street  
Dundee, OR 97115

Re: ENGAGEMENT LETTER

Dear Rob:

This letter will confirm that CDR Labor Law, LLC has agreed to provide counsel and advice to the City of Dundee in connection with labor relations matters. We look forward to working with you and will do our best to provide the highest-quality legal services in a responsive, efficient manner.

Fundamental to a sound relationship is a clear understanding of the terms and conditions upon which we will be providing legal services. Accordingly, the purpose of this letter is to clarify and confirm these terms and conditions.

It is our understanding that we will advise the City of Dundee regarding the potential unionization of its paid firefighters and other labor relations issues as requested by the City. We will also provide advice and training related to labor, employment, and related matters on an ongoing basis, if requested.

### Staffing

I will be the primary attorney working on your matters. I may seek input or assistance from my colleagues, Chris Duckworth and Adam Collier, where appropriate and after consultation and approval from you. I may also assign certain tasks to our paralegal, Ashley Andreasen, as appropriate.

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Rob Daykin  
October 9, 2020

I understand that the law firm of Jordan Ramis serves as outside counsel to the City on municipal law matters. At times, I may suggest that we consult with another lawyer or professional outside our firm about issues in a matter. Before doing this, we will discuss the issue with you and ask for your approval.

It is important that you are completely satisfied with our services and responsiveness at all times. If questions or comments arise about our services, staffing, billings, or other aspects of our representation, please contact me. My direct dial number is (503) 673-8041 and my email address is dan@cdrlaborlaw.com.

#### Attorney's Fees and Costs

Our fees for legal services for the City of Dundee are \$335 per hour, plus any expenses incurred, such as filing fees, deposition charges, arbitrator or mediator fees, court reporter costs, copying costs, postage, travel costs and related expenses. The rate for our paralegal is \$150 per hour. It is difficult to estimate the time and expense that will be necessary to adequately advise or represent you. However, we will promptly provide you with a detailed estimate for any specific matter upon request. These types of estimates are subject to unforeseen circumstances and are by their nature inexact, so we cannot be bound by any such estimates unless otherwise agreed to by us in writing.

We adjust our rate from time to time generally to reflect the increased experience and special expertise of our attorneys and the inflationary cost increases associated with maintaining our practice. Any adjusted rates will apply to all services performed thereafter.

The billing rate multiplied by the time spent on your behalf, measured in tenths of an hour, will be evaluated by the billing attorney as the basis for determining the fee. Each month we will furnish you with a statement describing our services and our fee and separately showing disbursements and other charges in a format and with such detail as we agree upon. There often is an unavoidable delay in reporting disbursements and other charges, and therefore not all

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Rob Daykin  
October 9, 2020

to be paid for all services rendered and disbursements and other charges made or incurred on your behalf prior to the date of withdrawal.

On behalf of the firm, we are pleased to have the opportunity to work with you. If you have any questions, please call or email.

If this letter correctly reflects your understanding of the terms and conditions of our representation, please confirm your acceptance by signing the enclosed copy in the space provided below and return it to me. Upon your acceptance, these terms and conditions will apply retroactively to the date we first performed services on your behalf.

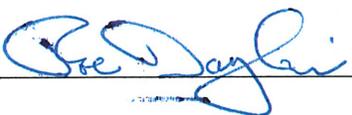
Very truly yours,



Dan L. Rowan

I have read this letter and consent to it.

City of Dundee

By:  \_\_\_\_\_

Printed Name: Rob Daykin

Title: City Administrator

Date: 10/12/20

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Rob Daykin  
October 9, 2020

disbursements and charges may be billed at the same time as the related legal services.

### Responsibilities

Our goal is to provide you with conscientious, competent, and diligent legal services. We will provide legal counsel and assistance to you in accordance with this letter, keep you informed of progress and developments, and respond to your inquiries.

However, we cannot achieve this goal without your full assistance and cooperation. To enable us effectively to render these services, you agree to fully and accurately disclose to us accurate and complete facts, information and written materials relating to a matter, and to keep us apprised of developments relating to the matter. You also will assist and cooperate with us as appropriate in dealing with the matter.

### Termination

You may terminate our services at any time upon delivery of written notice to us stating that you wish to terminate this agreement. If you terminate our services, we may bill and be paid for all fees and costs incurred to termination. Unless we specifically agree to do so in writing, we will not be obligated to perform any further services or advance any expenses after receipt of your notice of termination.

Similarly, we reserve the right to withdraw from our representation if the terms of this engagement letter are not honored, if our amounts billed are not paid in a timely manner, if our advice is not followed, if you don't cooperate with us in our representation, or if any other fact or circumstance arises that would, in our view, impair an effective attorney-client relationship or would render our continuing representation unlawful or unethical.

In the event of a termination, you will take all steps necessary to free us of any obligation to perform further, including signing any documents (including forms for substitution of counsel) to complete our withdrawal, and we will be entitled

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# CDR Labor Law, LLC

819 SE Morrison St., Suite No. 245  
Portland, OR 97214  
(503) 878-8499

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October 14, 2020

Rob Daykin  
City Administrator  
City of Dundee  
Via email

RE: Options for Responding to IAFF Local 1660, Request for Recognition –  
Privileged and Confidential

This memorandum provides an overview of the process whereby a group of public employees may become represented by a labor organization and an employer's options when presented with a request for voluntary recognition. It then applies this overview to the current situation at the City of Dundee to assist Council in evaluating the options.

Public employees have the right to organize and bargain collectively under Oregon law, specifically the Public Employee Collective Bargaining Act (PECBA, ORS 243.650-243.806). To exercise this right, a group of public employees must select a labor organization to represent them and the labor organization must either gain recognition from the public employer as the employees' representative or receive certification as the representative from the Oregon Employment Relations Board.

## Voluntary Recognition

Voluntary recognition is as the name suggests. The union request recognition by informing the employer that a majority of employees within a defined group have selected the union to represent them. So long as the employer has a good faith belief that the union has majority support, it may agree to recognize the union as the employees' representative. No formal process is required for an

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employer to recognize the union, although a letter or Council resolution to that effect is customary and preferred.

As soon as the employer agrees to recognize the union, the union becomes the exclusive bargaining representative for the employees in the defined group. This group is referred to as a bargaining unit. There are rules regarding which employees may form an appropriate bargaining unit, but typically a group consisting of all employees within a department (such as the Fire Department) is appropriate. Supervisors, as defined by PECBA, are excluded from the bargaining unit by law.

#### Certification through the Employment Relations Board

An employer is not required to recognize a labor union. An employer may decline voluntary recognition if it has doubts that the union enjoys majority support or if the employer would simply prefer that the union go through the more formal process defined in the labor statute.

The formal process begins with the union filing a petition with the Employment Relations Board. The petition states that a majority of employees in a defined group support the Union. The petition must be supported by evidence that the union has majority support. This evidence is confidential and may not be reviewed by the employer absent very rare circumstances.

The petition will also state which process the Union is requesting for certification. The first and much more common option is certification through what is known as the "card check" process. To receive certification through this process, the union must present cards signed by a majority of the employees in the proposed bargaining unit. The Employment Relations Board then reviews the cards against a list of all employees in the proposed bargaining unit. If the Union has presented a majority, the Board will certify the union as the exclusive representative. The other process is an election conducted by the Employment Relations Board. This is rare because typically a union will not file a petition unless it is confident that it has majority support. And when a union has majority

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support, the union will be able to secure authorization cards and will choose that process because the outcome is much more predictable.

#### Employer Challenges to an ERB Petition

Once a petition is filed, the employer may file objections to the petition if it believes some aspect of the petition does not comply with the labor statutes or rules. The most common objection is that the group of employees the union seeks to represent is improper. For example, a bargaining unit of only certain individuals, but not all employees, in a particular classification would be prohibited under the ERB's rules and case law. Another common objection is that the petition includes positions or classification that are supervisors and should be excluded from representation. An employer may also object if there are concerns that the union violated the law in gaining majority support, but these kinds of objections are rarely if ever filed.

If objections are filed, the Employment Relations Board will hold a hearing to take evidence relevant to the objections and issue a ruling. This process typically takes at least a month and often longer depending on the complexity of the issues. The ruling of the ERB may be appealed to the Oregon Court of Appeals, although this is also rare.

#### The City's Options

According to the letter sent September 27, 2020, IAFF Local 1660 has requested recognition for a bargaining unit consisting of "Dundee Firefighters". Only public employees (and not volunteers) have a right to representation under Oregon's labor statute. Supervisors, such as the Fire Chief or Interim Fire Chief, are also excluded from representation. Thus, Local 1660 is requesting recognition of a unit of the paid Firefighters employed at the City.

If the City does not agree to voluntarily recognize Local 1660 as the representative of the paid firefighters at the City, the next step for Local 1660 would be to file a petition with the Oregon Employment Relations Board. Local 1660 would need to provide cards with the petition, signed by a majority of the paid firefighters and authorizing Local 1660 as their representative. Based on

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the information I have, there does not appear to be any procedural basis to file objections to challenge a petition. A unit of all paid Firefighter is an appropriate unit and there is nothing to suggest any other issues with a petition should one be filed. Given the small size of the proposed unit, it seems safe to assume that at least a majority (and more likely all) of the Firefighters have signed authorization cards, which means that the Board would certify 1660 as the representative as a matter of course.

Therefore, whether the City chooses recognition or the formal ERB process, the parties will likely end up in the same place. Agreeing to recognize Local 1660 has the advantage of building goodwill at the outset of the relationship and avoid the time and expense of participating in the formal ERB process.

#### Conclusion

Because requiring Local 1660 to go the formal process is not likely to change the outcome and could have a negative impact on morale or the new relationship with Local 1660, voluntary recognition appears to be the better option given my current understanding of the situation.

## Collective Bargaining for Elected Officials: An Overview

Collective bargaining is a unique negotiation process used to establish the terms and conditions of employment for over half of the public employees in Oregon. At one time or another, we have all been negotiators. Whether buying a car or deciding a child's bedtime, everyone has participated in the give and take that ends up with an agreement. Experience tells us a successful outcome often depends on a solid understanding of the process and the role of the participants. Elected officials who understand the basics of collective bargaining are better able to make responsible decisions that balance the interests of employees with the welfare of the electorate.

### The Bargaining Process

Collective bargaining for public employees in Oregon follows the framework established by the Public Employee Collective Bargaining Act or PECBA (ORS 243.650–243.782) and the relevant Oregon Administrative Rules (OAR 115-010-0000–115-086-0020.) The Oregon Employment Relations Board is responsible for implementing PECBA and overseeing the resolution of public sector labor disputes.

PECBA gives employees the right to representation by a labor organization and the right to bargaining collectively through a chosen representative. A group of employees that bargains collectively is known as a bargaining unit. Once a bargaining unit has chosen a labor organization as its representative, the labor organization has the responsibility of negotiating the terms of employment for all employees in the bargaining unit. Strictly speaking, not all labor organizations are unions, but the terms “union” and “labor organization” are often used interchangeably.

Once a group of public employees chooses a labor organization, the law requires the public employer to meet and bargain in good faith over the terms and conditions of employment for the represented employees. The collective bargaining process typically begins prior to the expiration of an existing contract or when a labor organization is first certified. Once the employer receives a demand to bargain, the parties schedule an initial bargaining session. Often the parties begin by agreeing to ground rules that set the parameters for negotiations.

Negotiations typically span multiple bargaining sessions where the two sides exchange proposals and counterproposals regarding the contents of the new contract. In addition to wages and benefits, contracts include provisions governing discipline, hours of work, and a variety of other subjects. Parties generally bargain over non-economic issues before reaching wages, health care, and other economic issues. Proposals usually consist of draft contract language and may cover a single issue or be “packaged” to address multiple subjects.

In most negotiations, the parties sign tentative agreements for each open issue. These agreements are “tentative” because the bargaining unit must ratify the new

contract before it takes effect. Most public employers also require ratification of the tentative agreements by the governing body as a condition of negotiations. However, an employer's negotiating team must make this condition known to the union at the outset of bargaining. If either side fails to ratify, the parties return to the bargaining table.

In addition to giving public employees the right to organize and bargain, PECBA defines the rights of the parties when no agreement is reached during the normal course of bargaining. Once the parties have bargained for 150 days without reaching an agreement, either side can request mediation with the assistance of the State Conciliator's Office. The parties must participate in mediation for a minimum of fifteen days before either side can declare impasse. Mediation and a declaration of impasse are prerequisites to proceeding to the final stage of the dispute resolution process.

How labor negotiations precede once the parties reach impasse depends on the type of employees represented. State law prohibits police officers, firefighters, deputy district attorneys, emergency telephone workers, parole and probation officers, corrections officers, and mass transit employees from striking. Instead of the right to strike, impasse for these employees is resolved through binding interest arbitration. The issue at interest arbitration is which of the parties' final bargaining positions, contained in each side's "last, best offer", will become the new labor contract. Each side presents evidence at a hearing before a neutral arbitrator who then chooses one of the two last, best offers based on statutory criteria.

All other public employees in Oregon have the right to strike in an attempt to break an impasse in collective bargaining. A declaration of impasse and a thirty-day "cooling-off" period are prerequisites to a lawful strike or an employer's implementation of the terms of employment contained in its final offer. A strike lasts until the parties reach agreement or until the striking employees make an unconditional offer to return to work.

Most negotiations end with an agreement before reaching impasse. However, understanding the impasse resolution process is vital to developing a strategy for negotiations. For example, an employer might take an aggressive position when dealing with a union whose employees are unlikely to support a strike. In contrast, it would be unwise to propose reductions in pay or benefits when dealing with a strike-prohibited unit where the employees are paid less than their comparators because the union likely would prevail at interest arbitration.

### Planning for Collective Bargaining

As with so many other things, preparation is the key to successful collective bargaining. The first step is defining the role of elected officials and selecting a bargaining team. Public employers should address the role of elected officials and identify the bargaining team well before bargaining begins. Although the governing

body has final decision-making authority in the collective bargaining process, it is very rare for a governing body to bargain directly with the union. Instead, the governing body delegates bargaining authority to a bargaining team.

In some cases, an elected official will participate as a member of the bargaining team. However, elected officials at the bargaining table often face a conflict between their role as final decision-maker and their obligations as a bargaining representative. For instance, an individual councilor on the bargaining team must bargain within the parameters set by the governing body even if the councilor does not personally believe they are in the best interest of the city. Furthermore, where agreement is subject to ratification by the governing body, it is a violation of the duty to bargain in good faith for the elected official on the bargaining team to fail to recommend ratification of the tentative agreement. Finally, when an elected official is at the bargaining table, the union's negotiator will tend to focus their attention on the elected official, knowing that the official is part of the governing body that sets the parameters for the bargaining team.

Many local governments retain an outside negotiator to represent them during bargaining. Whether to use an outside agent depends on the goals and circumstances of the upcoming negotiations. An outside negotiator is advisable when negotiations are likely to be contentious; when an employer is seeking substantial changes to contract language; when several problems have arisen under the prior contract; or during bargaining for a first contract. Conversely, an outside negotiator might not be necessary when relations between labor and management are strong and neither side anticipates proposing substantial changes to the status quo.

Delegating the lead negotiator role to an outside agent or a management employee with substantial bargaining experience offers several advantages. Using a knowledgeable, experienced negotiator usually results in more favorable terms and clearer contract language. An outside negotiator is familiar with how other employers have addressed similar issues and can draw on language from other contracts, which often makes bargaining more efficient. Using an outside agent also helps preserve and protect relationships. Internally, the negotiator facilitates productive communication and consensus between the governing body and management. Externally, the negotiator acts as a buffer between the city's leadership and the union and represented employees. Finally, the ERB recently confirmed that negotiations where the public employer is represented by a private negotiator may be closed to the public.

The members of an effective bargaining team all serve different functions. The lead negotiator is responsible for communicating with the union, both at the table and through informal conversations. The lead negotiator also decides the order in which issues are addressed and prioritizes different objectives. The bargaining team should include managers or supervisors who serve as subject-matter experts for different topics. At least one member of the team should have detailed knowledge of

the job duties and terms of employment for the employees in the bargaining unit. Another should be familiar with the city's human resource and payroll policies. Someone who can assess the financial impact of proposals and provide information about the employer's budget is also essential. Finally, a notetaker should record the minutes of negotiations to reflect the bargaining history for each proposal. Occasionally, individuals can serve multiple roles so long as all the roles are filled.

Once a governing body decides on the composition of its bargaining team, it should provide clear guidance regarding the team's scope of authority and objectives. Delegation of authority to the bargaining team can vary from broad guidance (e.g. "negotiate a contract within the prescribed budget and in the best interests of the City") to detailed instructions on specific issues (e.g. "Switch employee health care to a high deductible plan with an HRA-VEBA contribution.") The bargaining team may meet with the governing body in executive session to provide updates on the status of negotiations and discuss strategy. The best results are achieved when the bargaining team has some freedom to bargain within the parameters set by the governing body without fear of being second-guessed. The bargaining team, in turn, must communicate with the governing body and take care not to exceed the authority granted. Effective communication is essential to avoid surprises and ensure that the governing body will ratify the contract when the parties reach a tentative agreement.

Once the bargaining team and governing body have defined the scope of authority and developed a general strategy, the bargaining team should begin developing specific proposals. Prior to bargaining over non-economic proposals, members of the bargaining team should solicit feedback from supervisors and managers. The team should address provisions of the expiring contract that led to grievances, resulted in unexpected costs, or impeded efficient operations.

To develop viable economic proposals, projecting the cost of proposals is essential. Although it can be difficult to calculate the exact cost of every proposal, reasonable projections ensure the bargaining team is staying within budget. For example, projecting the cost of a wage increase is relatively straightforward. Yet it is surprising how often employers neglect this important step until negotiations are well underway. The bargaining team also should have a sense of how the overall compensation of the bargaining unit compares to the compensation of employees at comparable cities. For strike-prohibited units, a formal compensation survey is often necessary to understand the potential outcome of interest arbitration.

As a general rule, the more information a bargaining team has and the better it communicates with the governing body, the better the outcome will be.

More information about the collective bargaining process and recent decisions of the Employment Relations Board are available on the Board's website, [www.oregon.gov/erb](http://www.oregon.gov/erb). For more information on recent developments and trends in labor and employment law, visit <http://bullardlaw.com/news/alerts.html>.

## AGENDA REPORT

To: Mayor Russ and City Council

From: Rob Daykin, City Administrator

Date: October 20, 2020

Re: YCAP Housing & Utility Assistance Agreement

As I mentioned at the October 6 meeting, one of the eligible uses of the Coronavirus Relief Fund (CRF) is assistance to individuals adversely impacted by the COVID-19 health emergency to prevent eviction or otherwise prevent homelessness, and to maintain essential utility services. I reached out to YCAP regarding their need to provide these types of grants to Dundee residents with the understanding that the monies provided must be expended on CRF eligible costs by December 31, 2020. YCAP is requesting \$20,000 to meet that need. I estimated that the CRF balance for Dundee programs after accounting for the City's needs is about \$42,000.

YCAP Executive Director Alexandra Hendgen will attend the October 20 meeting to answer questions about their rent and utility assistance programs, and how they will address the need in Dundee with the additional funding from the City's allocation of the CRF.

Recommendation: Motion to authorize the city administrator to sign the Letter of Agreement with Yamhill Community Action Partnership.



**Yamhill Community Action  
Partnership  
Letter of Agreement**

This Letter of Agreement (hereinafter "Agreement") is made and entered by and between Yamhill Community Action Partnership (hereinafter "YCAP") and the City of Dundee. The effective date of this agreement shall be November 1<sup>st</sup>, 2020 through December 31<sup>st</sup>, 2020.

Project: YCAP COVID Rent Relief

City of Dundee

Contact/Lead: Alexandra Hendgen

Contact: Rob Daykin

Phone: 503-883-4172

Phone: (503) 538-3922 Ext. 103

Email: [AlexandraH@yamhillcap.org](mailto:AlexandraH@yamhillcap.org)

Email: [Rob.Daykin@dundeecity.org](mailto:Rob.Daykin@dundeecity.org)

**Background.**

Funding will be used by YCAP to assist residents of Dundee who are unable to pay their rent or utilities due to the effects of COVID 19. YCAP will be responsible for screening households and maintaining documentation pertaining to their request, as well as issuing funds directly to landlords and utility providers.

**I. Reporting.**

Provider will provide reports on number of households served, services provided, and funding spent directly to the City of Dundee, including updates on the spend down of funds as needed.

**II. Payments.**

The City of Dundee agrees to provide a one-time upfront investment in the amount of \$20,000 to fund Dundee households effected by COVID 19 being served by the YCAP COVID Rent Relief project.

**III. Miscellaneous.**

Parties agree that all payments to recipients are at the sole discretion of YCAP and that the funds provided will be properly expended no later than December 30, 2020.

**Signatures**

Agreed to on behalf of YCAP

Agreed to on behalf of  
City of Dundee

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# FUNDING AVAILABLE FOR COVID-19 RELATED RENTAL RELIEF ASSISTANCE

Available May 26, 2020, all funds are paid directly to landlords.

## WHO QUALIFIES

Renters in Yamhill County who had a loss of income or have compromised health conditions, are at risk of homelessness due to COVID-19, and who meet income criteria.

Income must be at or below 80% of the Area Median Income based on household size with applicable deductions.

**Please contact us for screening!**

## HOW TO APPLY

To apply for assistance, please visit [www.anydooryamhill.org](http://www.anydooryamhill.org) and submit an initial screening.

Or call (503) 687-1494 to be screened over the phone.

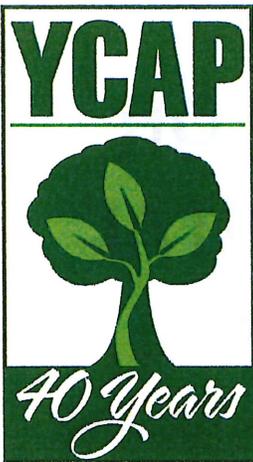
For full criteria and more details on rental assistance, visit [www.yamhillcap.org/rental-assistance](http://www.yamhillcap.org/rental-assistance)

Funding provided through Oregon Housing and Community Services by the state legislature via the Rental Relief Program and Providence Health & Services

Follow YCAP on Facebook and Instagram for additional updates:



**Need more information  
on YCAP services?  
Call (503) 472-0457**



# FUNDING AVAILABLE FOR ENERGY ASSISTANCE

Additional CARES Act funds received due to COVID-19!

## WHO QUALIFIES

Residents of Yamhill County who need assistance paying energy bills and who meet income criteria.

Households must meet the gross income guidelines at or below 60% of State Median Income based on household size with applicable deductions.

Assistance can be paid directly to the utility(s) providing service to the household.

## HOW TO APPLY

To request an application for assistance, please call 503-687-1480.

You can also request an application by visiting <http://yamhillcap.org/energy>.

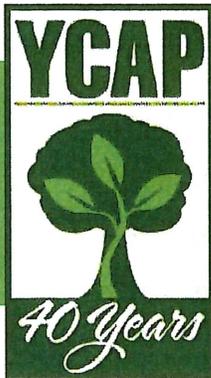
For more information on eligibility, visit [http://yamhillcap.org/energy\\_bill-assistance-eligibility](http://yamhillcap.org/energy_bill-assistance-eligibility).

Funding provided through Oregon Housing and Community Services and the following Federal and State Programs: LIHEAP, OEAP, OLGA, CARES

Follow YCAP on Facebook and Instagram for additional updates:



**Need more information  
on YCAP services?  
Call (503) 472-0457**



**Yamhill Community Action Partnership  
Delivering Hope In 2020**

*Community Action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live.*

*We care about the entire community, and we are dedicated to helping people help themselves and each other.*

# Housing Stabilization



**You helped change the lives of a family of three who spent the last three months in a YCAP Shelter after being homeless and living on the streets for years. We first met this family through the Street Outreach program, and it was apparent they were struggling with serious medical conditions that were contributing to their homelessness.**

As soon as possible, YCAP offered them space in our shelter program and assigned a Case Manager to help them work through the system. **They worked hard to graduate the six week Rent Well course so they could be re-housed despite past evictions.**

Using funds from the Medically Fragile Supportive Housing program, YCAP's Housing Specialist was able to secure an apartment for them with a local landlord and arranged a remote lease signing due to COVID-19.

YCAP's staff conducted a safety inspection on the empty apartment and a bed and street-to-home kit were delivered to help make the place feel like home. The family is continuing to work with their YCAP Case Manager to make progress on education and employment goals while maintaining their new home.

# Veteran Stories



Being a good parent is hard, being a good parent when you are struggling with homelessness is so much harder, but this veteran didn't let homelessness stand in the way of being there for his sons. After experiencing six months of homelessness, this dedicated dad was able to be housed through the Supportive Services for Veteran Families (SSVF) program at YCAP.

With stable housing, he now has a safe place to take care of his children, be part of their lives, and help share the responsibility and joys of parenting. **We wish him and his family the best!**

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This disabled veteran and his faithful dog Freddy faced homelessness due to a death in the family. As you know, settling an estate can take time. As the legal process continued, he and Freddy were not able to live in the family home, and he was forced to live in his car off and on for the better part of a year! Fortunately, he connected with YCAP, and we were able to help him through the SSVF program. **This little family is now looking forward to having a warm safe place to call home this winter.**



# Motel Shelter Project



One of the most well-known and successful new programs has been the Emergency Motel Shelter Project. This project, which launched in March, identified individuals and families who were medically at high risk for COVID-19 (elderly, medically fragile, etc.) and required a low barrier shelter option where they were isolated from others.

The project secured motel rooms so people could shelter in place while also connecting with YCAP case managers for longer-term housing solutions. Working closely with public health and area hospitals, 84 individuals were identified as high risk and sheltered during the worst of the pandemic.

**Of those sheltered, 66% have had a positive exit from the program by moving into long term housing, checking into treatment centers, or are actively working with a YCAP Case Manager.**

This successful project was created and launched quickly by YCAP due to tremendous collaboration between the Cities of McMinnville and Newberg, Yamhill County, Providence Newberg Medical Center, the Public Health Department, area motels, and private donors.

## A Motel Shelter Project Participant Speaks:

“YCAP staff, volunteers and contributors to the motel project, I would like to express my sincere appreciation for the time that I was given at a motel in Newberg. I had been living and working out of my car for months, and I was really worn down, depressed and suffering with health problems when the housing specialist and case management team at YCAP placed me at the motel. I was safe and had stability for the first time in many months, my time at the motel gave me the time and opportunity to get paperwork completed and ultimately get into my own apartment with the assistance of the housing specialist. I will be forever grateful to this program and all the people who have worked and donated to help people like me, thank you very much. I look forward to the day that I can give back to my community because of the help I have been given. I feel that the motel project saved me from the threat of COVID-19 because I had a safe place to stay home and stay safe, it helped me have restful sleep and warmth. I was also given weekly food boxes delivered to my room, so I didn't have to go out to look for food and put myself or others at risk. **Thank you so much for all that you've done for me.**”

## Wildfire Response

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In September, the YCAP Mobile Shower was unexpectedly called into action to assist fire evacuees at Northwest Christian Church Newberg Campus. Evacuees who quickly had to abandon their homes arrived needing food, water, and personal hygiene supplies.

The shower was used to help people displaced by the fires wash off the smoke and soot as well as maintain their physical and mental well-being during their evacuation. We are thankful for collaborations with Northwest Christian Church and other community partners who step-up at times like these to help all those in need.



# Youth Outreach

“Tee” was working a part-time job, hanging out with her friends, and focusing on graduating from High School when part way through her senior year everything changed. **When Tee came out to her mother that she was bi-sexual, her mother did not accept the news well.** Within a few weeks, Tee’s mother gave her the ultimatum that if Tee wanted to “live like this” she couldn’t live at home anymore. The next day after school Tee returned home to find that her mother had packed up all her belongings and was kicking her out.

Tee was hurt and confused, but luckily had a supportive friend who let her stay with her family for a while. Tee was scared and unsure of her future when school staff referred her to Youth Outreach’s Transitional Living Program (TLP), but Tee was happy when she was quickly housed a couple of days later. The TLP program is designed for longer-term placement, and Tee can stay in the program for upto 18 months.

**Because of you, Tee was able to finish high school, maintain her part-time job, and save money.** Some of her long-term goals include: going to college using the Oregon Promise grant and finding a stable long-term independent living situation. Tee is currently working on these goals with YO’s Life Skills Coach. She is now feeling good about her options and is more excited about what her future holds.

# Transitional Living Program



Bryan was 19 years old and living with seven other family members when he first contacted Youth Outreach. He was working part time and finishing his last year of high school. Bryan's living situation was very tenuous and had not been stable for several months as he bounced between two locations. **The pressure of his home instability was negatively affecting his education and starting to cause work challenges.**

Bryan began working with a TLP Case Manager to follow an individualized program that will help him meet his goals and become self-sufficient while being housed in one of the TLP apartments.

He graduated high school this spring and has adjusted to online learning. He is continuing to work as his job was deemed essential and has stayed busy during this past month. **A couple of Bryan's program goals are to save \$10,000, enroll in community college using the Oregon Promise Grant, learn more about banking and money management, and continue to work out on a regular basis with a focus on building muscle mass.** We are excited about the growth we have already seen and the huge potential for him!

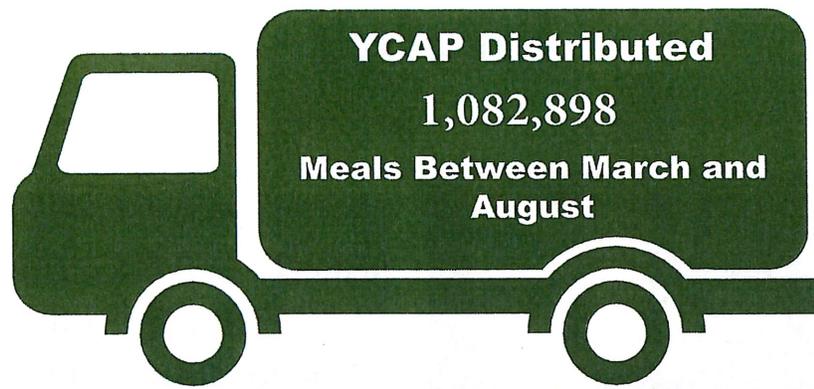
# Food Bank



When COVID-19 first hit in March, the community told us loud and clear that one of the top priorities was food! As store shelves began to empty, YCAP saw a tremendous increase in the number of people who needed help getting healthy food. Fortunately, the community stepped up in a big way and donated in record amounts! YCAP's warehouse is currently stocked thanks to your generosity, and more than 1.3 million pounds of food has been distributed out of the YCAP warehouse during COVID-19.

This massive effort meant that people were able to feed themselves and their families. Even before COVID-19, more than 18.8% of children in Yamhill County were food insecure, and those numbers have increased significantly this year.

The Food Bank also stepped up during the recent wild fires to help provide food and water to evacuees through its robust network of partner pantries and meal sites.

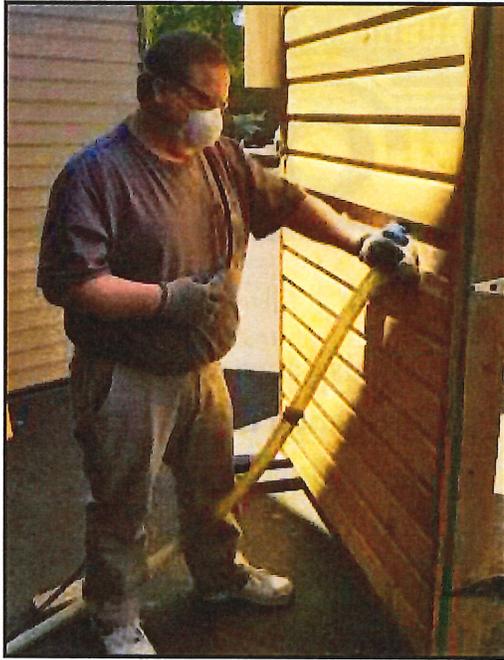


YCAP also started creating supplemental food boxes to help reduce the spread of COVID-19 and react quickly to community needs. Creation of food boxes for rapid deployment to partner pantries that saw an unanticipated spike in need was assisted by the

addition of two warehouse spaces. First, Mac Market generously donated their space, and when that was outgrown, MV Advancements allowed their warehouse space to be used.

The YCAP Food Bank also provided weekly food boxes for the families being helped by the YCAP Emergency Motel Shelter Project and to at-risk families with young children that are served by Lutheran Community Services. YCAP received donations of tens of thousands of boxes from local wineries to assist with this effort. During COVID-19, community action became reality in ways we have not seen before as donors, businesses, agencies, and non-profits joined together with YCAP to support the most vulnerable among us.

# Energy



Living in an old double-wide manufactured home without an adequate heating system is hard for anyone, but it is especially difficult when you are a single, disabled senior living on a fixed income. The cold seems to go on forever because the system just isn't producing much warm air while the very leaky ducts and single-pane metal windows sap away what little warmth is

being produced. The energy bills in a situation like this quickly become unmanageable.

**Thankfully, YCAP's Energy Assistance program was able to help with the large overdue electricity bill, but to provide a long-term solution, the Weatherization program had to step in with some improvements to the home.** Energy modeling software indicated that duct sealing, new windows and improved floor insulation would be cost-effective.

Using a variety of funding sources, YCAP was able to replace the furnace, bringing more efficient and comfortable heat into the home and address the issues of heat loss. The senior has now reported their health is much improved because the air is cleaner and their home is warmer.

# Weatherization

A single, working mom with three young children and no child support had been receiving energy assistance from YCAP since 2016. Fortunately, their home was approved for the Weatherization program. The 1991 double-wide manufactured home lacked routine maintenance and had a barely functioning heating system with significant leaks in the ductwork. The belly of the home was also damaged and needed insulation. Nearly every window in the home had air leakage and conditions that promoted mold. The YCAP technician noted there were several broken windows with one bedroom window not meeting fire safety standards.

YCAP took on the challenge to make the home more livable for this family in need.

First, the furnace was upgraded to an efficient heat pump that included effective duct sealing. Most of the windows were replaced with sealed, energy efficient vinyl windows. The belly was patched, completely insulated and air sealing was performed. Ventilation improvements were addressed by the replacement of two bath fans.



As a key component of the holistic approach Energy Services provides, education on maintaining the improvements and other aspects of the home were provided. With small maintenance expenses, the single mom can lengthen the life of the home, avoid expensive repair costs in the future, and lower her energy bills. **Thanks to you, the children now have a safer, warmer, and more energy efficient place to call home.**

Thank you to everyone who has supported  
YCAP in this historic year!

# RAISE *THE* BARN

**MASTER CARPENTER**



**CREW CHIEF**



**NEIGHBORS**

**Columbia Bank**

**Recology**

**Washington Roofing**



## ALTERNATIVE ACCESS TO SERVICES

Main Campus: 1317 NE Dustin Court, McMinnville  
**Main Line: (503) 472-0457 or (855) 216-5289 (toll free)**  
Hours: 8:30am – 12:00pm and 1pm – 5:00pm, Monday – Friday

### HOUSING, HOMELESS, & GENERAL CLIENT SERVICES

Need help paying for rent, finding shelter or housing, connecting to veteran services?

- Complete a shelter/housing request here: [www.AnyDoorYamhill.org](http://www.AnyDoorYamhill.org)
- For phone screening, please call (503) 687-1494

### REGIONAL FOOD BANK SERVICES

Need food for you or your family or a hot meal? See the attached Food Bank Brochure for places that give out food or serve free hot meals.

- For on-line food pantry/meal site location information: [www.yamhillcap.org/food](http://www.yamhillcap.org/food)

### ENERGY SERVICES

Need help paying an energy bill, keeping warm, or lowering your monthly energy costs?

- For information and to request a form visit: [www.yamhillcap.org/energy](http://www.yamhillcap.org/energy)
- For phone consultations, please call (503) 687-1480

### YOUTH OUTREACH SERVICES

Newberg Campus & Youth Center: 719 E First Street, Newberg

Need a safe place to go after school or someone to help you find a place to live, a mentor, or a job? Need a quiet place to do school or homework? Give us a call!

**Main Line: (503) 472-0457 extension 1001**  
**Safe Shelter Hotline (866) 538-8023 toll free**

Hours: 9:00 am – 8:00 pm, Monday – Friday  
For more information: <http://yamhillcap.org/youth-services>

**For more services, dial 211 or download the 211 Info app**  
**For the hearing impaired, Oregon Relay 711**



## AGENDA REPORT

To: Mayor Russ and City Council

From: Rob Daykin, City Administrator

Date: October 20, 2020

Re: School District At Home Learning Assistance Agreement

Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions is an eligible use of the Coronavirus Relief Fund (CRF). I discussed the needs of the School District to meet this challenge for Dundee resident students with Dr. Luke Neff, and he shared a request he made to the City of Newberg for similar funding. The total request of \$275,290 was based on the needs of the entire School District system. Because it would be administratively burdensome to account for expenditures solely for Dundee residents, Dr. Neff suggested that the City contribution a percentage of the cost that would be representative of the needs for students residing in Dundee. Dr. Neff plans on attending the October 20 meeting to provide an updated request and respond to questions from Council.

Recommendation: Motion to authorize the city administrator to enter into agreement with Newberg Public Schools that provides \$\_\_\_\_\_ in funding from the City of Dundee's allocation of the Coronavirus Relief Fund to be used in partnership with the City of Newberg in assisting with at-home learning of students.





To: Dan Weinheimer, City Manager of Newberg

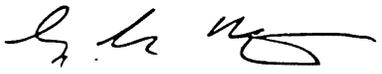
As we enter into an unprecedented school year, Newberg Public Schools seeks the help of the City of Newberg in defraying the costs incurred in providing increased internet connectivity for our students, families, and community, as well as the requisite devices to support our students at home learning needs. With the prolonged closure of schools, the district has worked to ensure that each family has access to the internet for communication and connectivity, and each student has what they need to access comprehensive distance learning. This increased internet access in our community not only supports students but also families adjusting to remote working restrictions, helping to minimize workforce disruptions. With the understanding that one of the eligible uses of the Coronavirus Relief Fund covers expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions, we would like to ask that the City of Newberg partner with Newberg Public Schools by allocating a portion of their Coronavirus Relief Fund (CRF) allocation to help purchase these necessary expenditures for our students, families, and community. The table below itemizes the key investments incurred while pursuing these outcomes during the allowable expenditure period.

<b>Comprehensive Distance Learning Expenditures</b>	<b>Cost</b>
500 Chromebook 11 3180s to ensure that each student has a device of their own to participate in online learning	\$90,250.00

630 T-Mobile hotspots to increase capacity and allow connectivity for students and families to access the Internet for comprehensive distance learning, workforce development, and general connectivity.	\$151,200
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120 Verizon hotspots to increase capacity and allow connectivity for students and families to access the internet for comprehensive distance learning, workforce development, and general connectivity.	\$33,840
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Thank you for your consideration.



Dr. Luke Neff  
Director of Strategic Partnerships  
Newberg Public Schools

# AGENDA REPORT

To: Mayor Russ and City Council  
From: Rob Daykin, City Administrator  
Date: October 20, 2020  
Re: Remote Meeting Technology Options

Attached is a quote from our IT consultant providing seven device options to assist with remote meetings by the City Council. Purchase of the devices are an eligible use of the Coronavirus Relief Fund (CRF) to facilitate compliance with COVID-19 related public health measures. The CRF allows cities to retain assets that were purchased in conformance with CRF following the end of the public health emergency and the Council starts meeting in person with the general public. Use of the devices will be for conducting City business only, no personal use, and are subject to public records requests. The intent of the device is to assist with teleconferencing, for use as a depository of City documents including meeting packets and allow councilors to work with documents and/or spreadsheets with their MS Office 365 Suite account. Various features include: tablet vs. laptop, touchscreen or not, and screen size - 11" to 15.6". Consideration should be given that these devices may be used in lieu of paper agenda materials, periodic membership changes on the Council and that the devices should be standardized for City work use. Below are images of some of the devices.

Option 1:  
Samsung  
Galaxy Tab  
S7+ with  
Cover  
Keyboard



Option 2:  
Microsoft  
Surface Pro 7  
with Cover  
Keyboard





Option 3: HP ProBook X360



Option 4: Probook 430 (similar to Option 7: Probook 650)



Option 5: HP Elitebook X360 830 (similar to Option 6: HP Elitebook 850)

**Recommendation:** Motion authorizing the purchase of seven \_\_\_\_\_.

# BLACKPOINT

## QUOTE

### IT Services

9700 SW Capitol Hwy Suite 100 Portland, OR 97219

Customer Service: 1-866-442-7820 quotes@blackpoint-it.com  
 Service Desk: 1-866-575-9512 servicedesk@blackpoint-it.com

Date: 10/14/20  
 Quote #: BPSQ45705-01  
 SalesRep:  
 Cyril (Guy) Allen 971-717-6539  
 Prepared By:  
 Cyril (Guy) Allen 971-717-6539

Customer	Bill To	Ship To
City of Dundee Rob Daykin (503) 538-3922 620 SW 5th St Dundee, OR 97115 United States	City of Dundee Rob Daykin (503) 538-3922 PO Box 220 Dundee, OR 97115	City of Dundee Rob Daykin (503) 538-3922 620 SW 5th St Dundee, OR 97115 United States

#### Special Instructions/Descriptions

#	Description	Qty	Unit Price	Ext. Price
1	<b>Option 1: Samsung Galaxy Tab S7+ 12.4" Screen Size Touchscreen Mobile Processor - 6GB RAM - 128GB SSD Storage</b>			
2	Samsung Galaxy Tab S7+ SM-T970 Tablet - 12.4" WQXGA+ - 6 GB RAM - 128 GB Storage - Android 10 - Mystical Black - Qualcomm Snapdragon 865 Plus SoC Octa-core (8 Core) 3.09 GHz - Upto 1 TB microSD Supported - 2800 x 1752 - 8 Megapixel Front Camera - 14 Hour Maximum Battery Run Time	7	\$940.00	\$6,580.00
3	Samsung Book Cover Keyboard/Cover Case (Book Fold) Samsung Galaxy Tab S7+ Tablet - Black - 7.5" Height x 11.2" Width x 0.6" Depth	7	\$150.00	\$1,050.00
4	<b>SubTotal</b>			<b>\$7,630.00</b>
5				
6	<b>Option 2: Microsoft Surface Pro 7 12.3" Screen Size Touchscreen i5 Processor - 8GB RAM - 256 SSD Storage</b>			
7	Microsoft Surface Pro 7 Tablet - 12.3" - 8 GB RAM - 256 GB SSD - Windows 10 Pro - Matte Black - Intel Core i5 10th Gen microSDXC Supported - 2736 x 1824 - PixelSense Display - 5 Megapixel Front Camera	7	\$1,486.00	\$10,402.00
8	Microsoft Type Cover Keyboard/Cover Case Tablet - Black - Bump Resistant, Scratch Resistant - 0.2" Height x 11.6" Width x 8.5" Depth	7	\$120.00	\$840.00
9	<b>SubTotal</b>			<b>\$11,242.00</b>
10				
11	<b>Option 3: HP ProBook X360 11" Screen Size Touchscreen i5 Processor - 8GB RAM - 256GB SSD Storage Reversible for laptop or tablet use style.</b>			
12	HP ProBook x360 11 G6 EE 11.6" Touchscreen 2 in 1 Notebook - HD - 1366 x 768 - Intel Core i5 (10th Gen) i5-10210Y Quad-core (4 Core) 1 GHz - 8 GB RAM - 256 GB SSD - Windows 10 Home - Intel UHD Graphics 615 - BrightView - IEEE 802.11ax Wireless LAN Standard	7	\$905.00	\$6,335.00
13	<b>SubTotal</b>			<b>\$6,335.00</b>
14				
15				

#	Description	Qty	Unit Price	Ext. Price
16	<b>Option 4: HP Probook 430</b> <b>13" Screen Size</b> <b>Not Touchscreen</b> <b>i5 Processor - 8GB RAM - 256GB SSD Storage</b>			
17	HP ProBook 430 G7 13.3" Notebook - 1920 x 1080 - Intel Core i5 (10th Gen) i5-10210U Quad-core (4 Core) 1.60 GHz - 8 GB RAM - 256 GB SSD - Pike Silver Aluminum - Windows 10 Pro - Intel UHD Graphics 620 - In-plane Switching (IPS) Technology - English Keyboard - 15.25 Hour Battery Run Time - IEEE 802.11ac Wireless LAN Standard	7	\$1,000.00	\$7,000.00
18	<b>SubTotal</b>			<b>\$7,000.00</b>
19				
20	<b>Option 5: HP Elitebook X360 830</b> <b>13.3" Screen Size</b> <b>Touchscreen</b> <b>i5 Processor - 8GB RAM - 256 GB SSD</b> <b>Reversible screen fold for laptop or tablet use style.</b>			
21	HP EliteBook x360 830 G7 13.3" Touchscreen 2 in 1 Notebook - Full HD - 1920 x 1080 - Intel Core i5 (10th Gen) i5-10210U Quad-core (4 Core) 1.60 GHz - 8 GB RAM - 256 GB SSD - Windows 10 Pro - Intel UHD Graphics 620 - BrightView, In-plane Switching (IPS) Technology - English Keyboard - 22 Hour Battery Run Time - IEEE 802.11ax Wireless LAN Standard	7	\$1,635.00	\$11,445.00
22	<b>SubTotal</b>			<b>\$11,445.00</b>
23				
24	<b>Option 6: HP Elitebook 850</b> <b>15.6" Screen Size</b> <b>Touchscreen</b> <b>i5 Processor - 8GB RAM - 256GB SSD Storage</b>			
25	HP EliteBook 850 G6 15.6" Touchscreen Notebook - 1920 x 1080 - Intel Core i5 (8th Gen) i5-8365U Quad-core (4 Core) 1.60 GHz - 8 GB RAM - 256 GB SSD - Windows 10 Pro - Intel UHD Graphics 620 - In-plane Switching (IPS) Technology - English Keyboard - IEEE 802.11ac Wireless LAN Standard	7	\$1,860.00	\$13,020.00
26	<b>SubTotal</b>			<b>\$13,020.00</b>
27				
28	<b>Option 7: HP Probook 650</b> <b>15.6" Screen Size</b> <b>Not Touchscreen</b> <b>i5 Processor - 8GB RAM - 256GB SSD</b>			
29	HP ProBook 650 G5 15.6" Notebook - 1920 x 1080 - Intel Core i5 (8th Gen) i5-8365U Quad-core (4 Core) 1.60 GHz - 8 GB RAM - 256 GB SSD - Natural Silver - Windows 10 Pro - Intel UHD Graphics 620 - In-plane Switching (IPS) Technology - English Keyboard - 15 Hour Battery Run Time - IEEE 802.11ac Wireless LAN Standard	7	\$1,668.00	\$11,676.00
30	<b>SubTotal</b>			<b>\$11,676.00</b>

Authorized Signature

Title

Date

# AGENDA REPORT

To: Mayor Russ and City Council  
From: Rob Daykin, City Administrator  
Date: October 20, 2020  
Re: Sander Estate Park – TSP Projects

On September 25, the City conducted a pre-application meeting with CPRD and their consultants regarding the construction of a new park (Sander Estate Park) located on approximately 7 acres next to Fifth Street and uphill (west) of the Post Office. Staff provide the following input to comply with the Dundee Transportation System Plan (TSP):

**Fifth Street** - Fifth street is designated as a collector street with bike lanes in the TSP. The existing street is substandard<sup>1</sup> and the right of way is only 40 feet in width along the frontage of the subject property.<sup>2</sup> The City will request 10 feet of property along the frontage of Fifth Street to be dedicated for public right of way (ROW). Pursuant to DMC 17.305.030.H, three-quarter street improvements next to Fifth Street will be requested. A crossing will be needed in the vicinity of the Billick Park entrance and parking lot on Fifth Street. Note: The TSP also calls out for the striping of bike lanes from the highway to Alder Street along the Fifth Street and Upland Drive alignment.<sup>3</sup>

**Graystone Drive** – The TSP identifies the extension of Graystone Drive to Fifth Street as an improvement project.<sup>4</sup> The park concept plan shows a 23-space parking facility at the west end that was connected to Graystone Drive. Staff commented that the parking facility would need to be accessed from Fifth Street and street dedication of 50 feet in width along the western end of the subject property will be required. Discussion ensued on why the entire 50 feet should be the responsibility of CPRD, however, obtaining additional ROW was limited by existing residential development. Staff discussed a construction deferral of street improvements to extend Graystone Drive to Fifth Street should the parking lot be designed in a manner to provide alternate vehicle access between Graystone Drive and Fifth Street. Staff also discussed participation in the construction of the new street. Since that discussion, the consultant revised the concept plan to eliminate the parking lot at the west end and instead show the street extension of Graystone Drive to Fifth Street. The consultant inferred that the on-street parking could instead satisfy the parking needs that was being addressed by the parking lot facility.<sup>5</sup>

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<sup>1</sup> Lacks curbs and sidewalks along the frontage of the subject property and the paved surface is less than 36 feet in width.

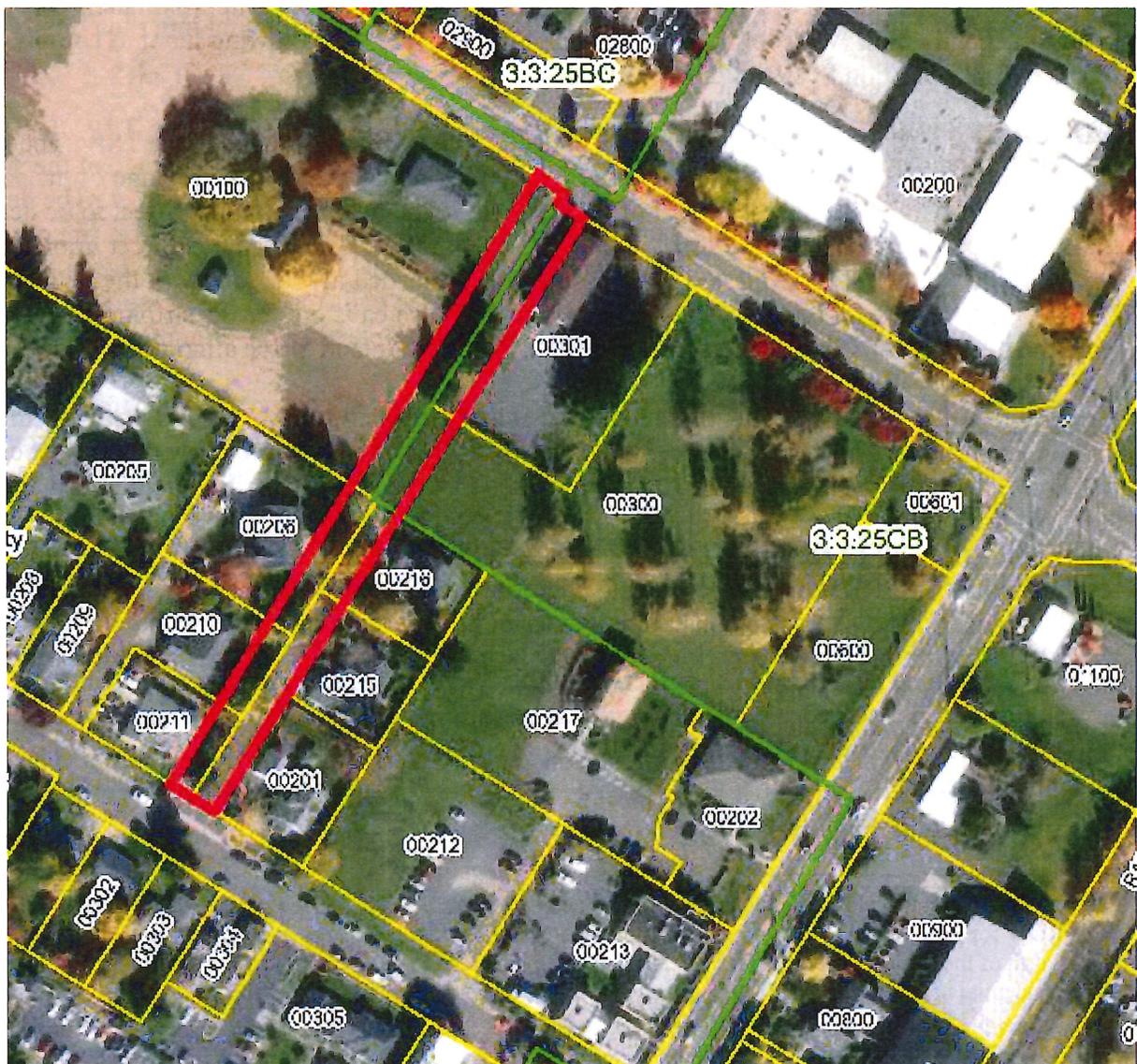
<sup>2</sup> The ROW for Fifth Street is 60 feet in width from the Post Office to the highway and varies from 50 feet to 60 feet in width north of the subject property to the intersection of Upland Drive and Dogwood Drive.

<sup>3</sup> The residential uses on Fifth Street and Upland Drive actively park vehicles on the street next to their residences.

<sup>4</sup> The prior 2003 TSP also had a local street from 7<sup>th</sup> Street to 5<sup>th</sup> Street in this area, which explains the termination of Graystone Drive in a way to be extended in the future.

<sup>5</sup> Depending on the spacing, it is estimated the new street would accommodate about 22 parking spaces.

**Seventh to Fifth** – The TSP identified two projects that are on the same alignment from Seventh Street to Fifth Street just west of the Post Office. One is a local street improvement (D12) and the other is shared use path (S11). It seems unusual to have those two projects on the same alignment, but Staff assumes the idea is that a narrow street without sidewalks would be next to a separate shared-use path providing bike and pedestrian access. Under that assumption a 50-foot ROW may work. If the S (shared-use path) designation was an error and intended as a W (walking project), then a standard local street with sidewalks on both sides would fit a 50-foot ROW. Staff requested dedication of 25 feet next to the eastern property line, representing half of the ROW for these future projects. Also, a construction deferral agreement will be required so the full improvement may be constructed when the remaining ROW is acquired. However, acquiring the remaining ROW will require dedications from six residential properties and will have a significant adverse impact on the residential uses. See the map below showing the alignment of the proposed 50-foot wide ROW for the new street and shared-use path.



Due to the significant grade change between the access driveway for the Post Office next to the subject property and the proposed elevation of the proposed parking facility and access driveway located on the subject property, construction of a new street will be challenging and costly.<sup>6</sup> If the intent of the new street was to provide improved vehicular circulation of the commercially zoned areas without having to rely on the highway or move commercial traffic through residential neighborhoods, then a better alignment from Seventh Street to Fifth Street seems to be about 100 feet to the east of the row of the last three houses next to the CBD zoned property. Also, a street at this location will result in a block length of 300 feet which is compatible with the existing block lengths currently established in Dundee and within the minimum of 600 feet established in the TSP. Since a construction deferral agreement requires the payment of monies to Dundee representing the estimated construction cost of the improvements, Staff is looking for guidance on the intent of the TSP designating what appears to be two separate projects, local street and shared-use path, or alternatively, a local street with sidewalk on both sides of the street. Per the Code the City will retain these funds until such time the improvements are constructed, and if the actual construction cost exceeds the funds provided then the City will require the owner to pay the difference. Since Council expressed interest in restoring a walking path between Seventh Street and Fifth Street on the east side of the Post Office, perhaps the Council is willing to initiate an amendment to the TSP if there is interest in revisiting the local street and shared-use path projects at this location.

**Recommendation:** Staff recommends a motion by Council to initiate an amendment to the Dundee TPS for relocating D12 and project S11 to the east of the current location for the following reasons:

1. The construction of a new street will require dedication from six developed residential properties at great expense<sup>7</sup>, and
2. Such dedication will result in the creation of non-conforming setbacks for existing structures and a non-conforming lot size for at least one of the lots, and
3. Construction of a new street at the existing alignment in the TSP will have a greater impact to the residential properties in order to allow for greater circulation of commercial traffic, in particular to those residences that will not have adequate setback from the proposed street, and
4. The construction cost of a new street and/or shared-use path east of the Post Office will be less costly than the existing alignment due to flatter terrain, and
5. The revised street location will provide public street access to the interior of the CBD zoned property and appears to meet the traffic circulation needs of the City, and
6. Future commercial development next to the proposed alignment will likely be more capable of sharing the cost of improvements and may benefit more from the proposed street.

OR

Council motion to clarify the D12 and S11 as one project (local street with sidewalks on both sides) or two projects (narrow street/no parking and separate shared-use path) within a 50 foot wide ROW or two projects requiring a wider ROW.

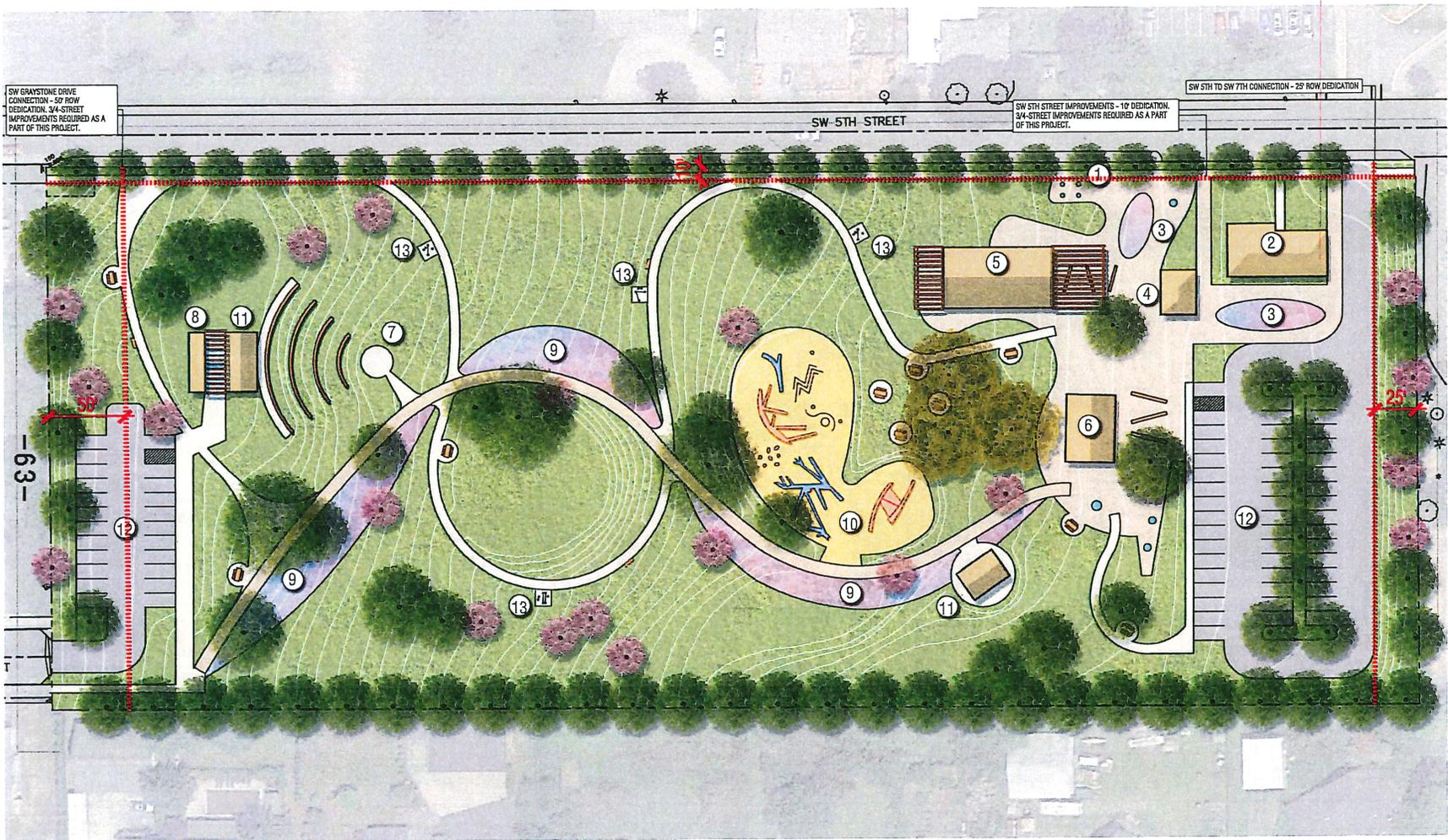
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<sup>6</sup> As a condition of approval Staff will ask the applicant to show how the parking lot will work if a new street is constructed along its east border that satisfies the Dundee Improvement Design Standards and the Dundee Development Code.

<sup>7</sup> Acquisition cost will include the value of the property obtained and the value lost to the remainder of the property.



(Original)



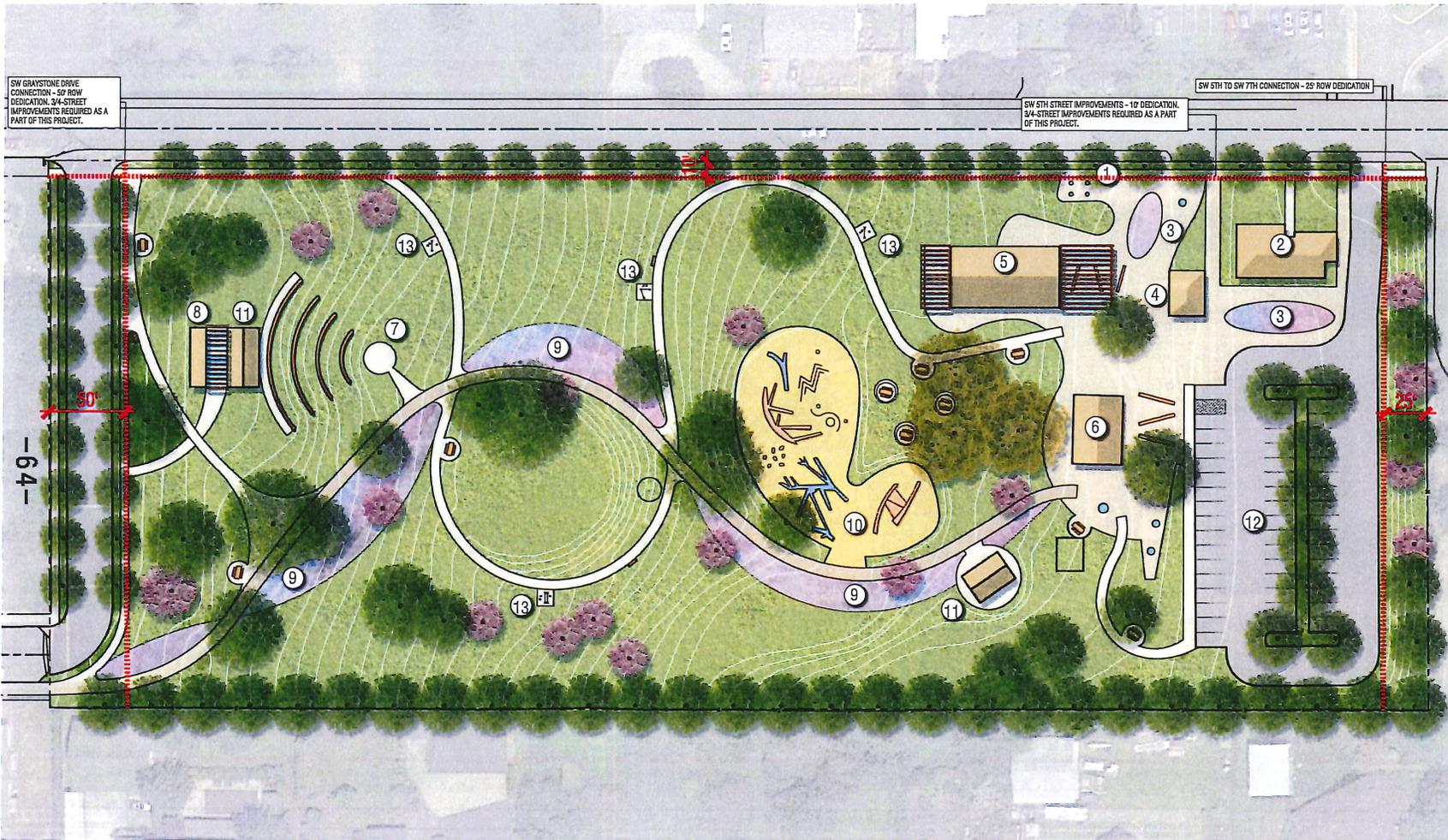
- LEGEND**
- ① ENTRY PLAZA
  - ② EXISTING FAMILY HOME
  - ③ FRAN AND JAN'S GARDEN
  - ④ EXISTING GARAGE
  - ⑤ RECEPTION HALL
  - ⑥ EXISTING BARN
  - ⑦ AMPHITHEATER
  - ⑧ BATHROOM AND STORAGE
  - ⑨ ORNAMENTAL GARDENS
  - ⑩ PLAY AREA
  - ⑪ PICNIC SHELTER
  - ⑫ PARKING LOT
  - ⑬ PAR COURSE



DRAWN BY: LANGO HANSEN LANDSCAPE ARCHITECTS  
 APPLICANT: SCOTT EDWARDS ARCHITECTS  
 OWNER: CHEHALEM PARKS AND RECREATION DEPARTMENT  
 DATE: 10/12/2020

**SANDER ESTATE PARK** ILLUSTRATIVE PLAN - PREVIOUS LAYOUT

( Revised )



LEGEND

- ① ENTRY PLAZA
- ② EXISTING FAMILY HOME
- ③ FRAN AND JAN'S GARDEN
- ④ EXISTING GARAGE
- ⑤ RECEPTION HALL
- ⑥ EXISTING BARN
- ⑦ AMPHITHEATER
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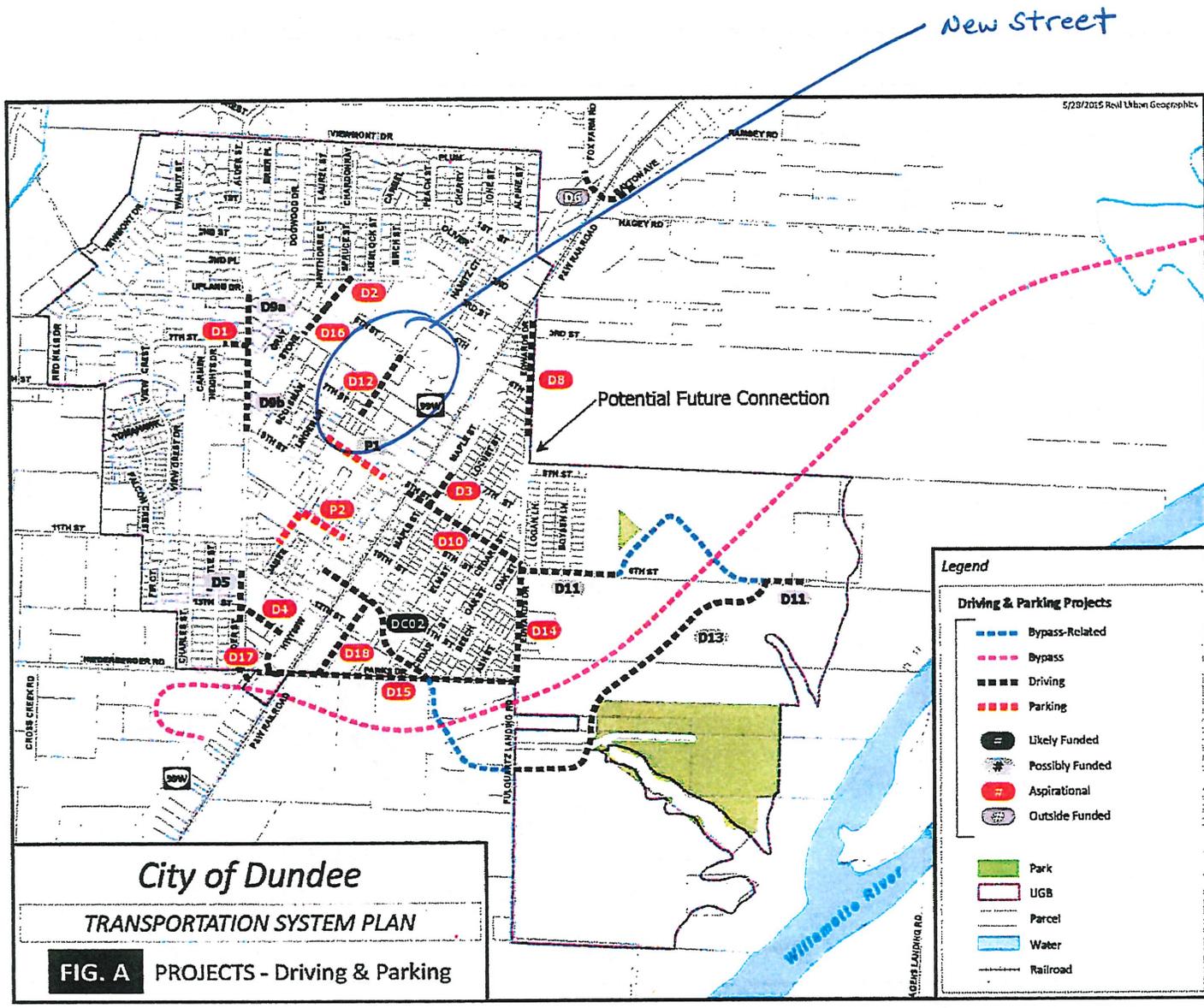
SW GRAYSTONE DRIVE CONNECTION - 50' ROW DEDICATION. 3/4-STREET IMPROVEMENTS REQUIRED AS A PART OF THIS PROJECT.

SW 5TH STREET IMPROVEMENTS - 10' DEDICATION. 3/4-STREET IMPROVEMENTS REQUIRED AS A PART OF THIS PROJECT.

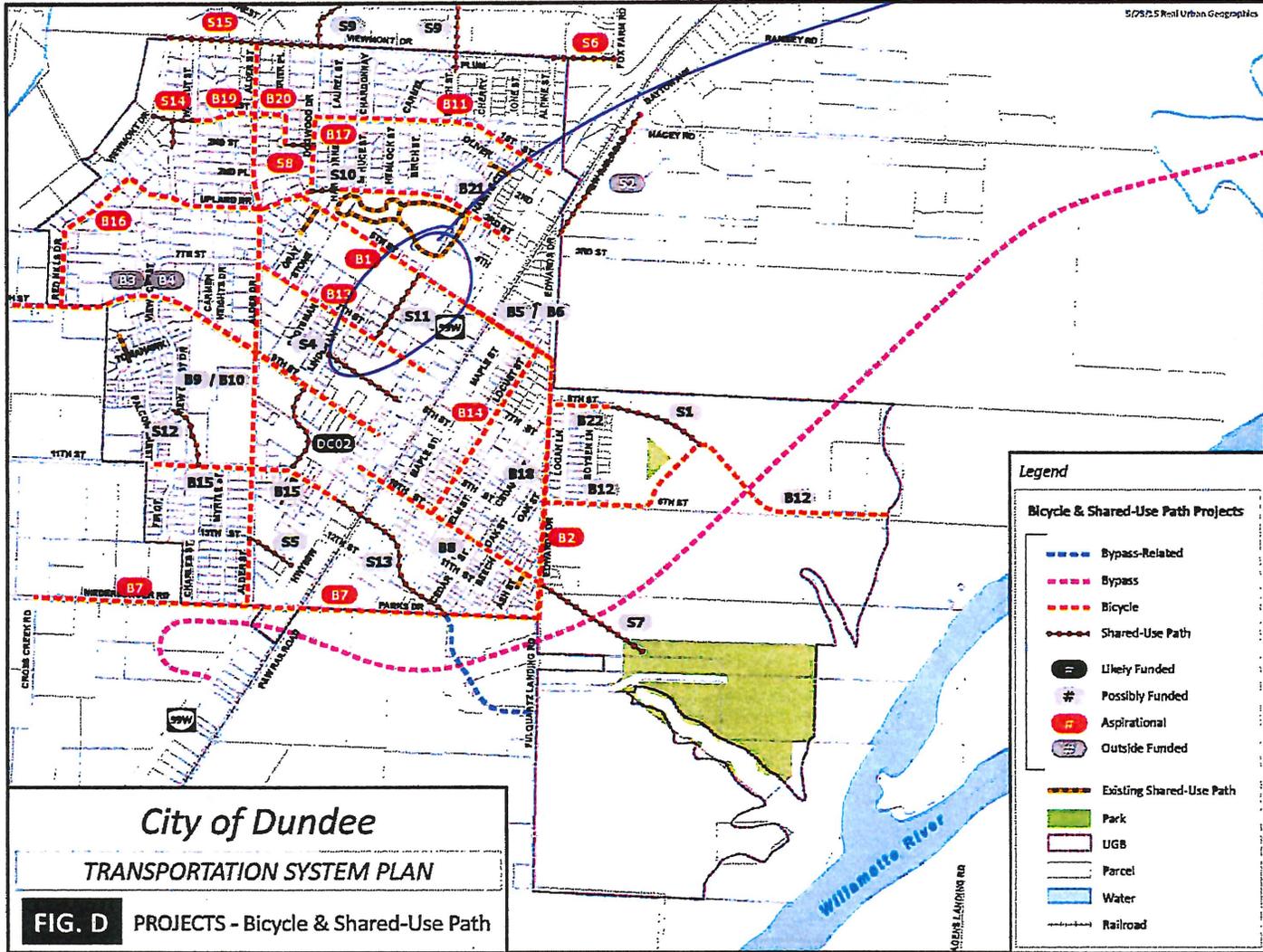
SW 5TH TO SW 7TH CONNECTION - 20' ROW DEDICATION

-64-

DRAWN BY: LANGO HANSEN LANDSCAPE ARCHITECTS  
APPLICANT: SCOTT EDWARDS ARCHITECTS  
OWNER: CHEHALEM PARKS AND RECREATION DEPARTMENT  
DATE: 10/12/2020



Shared-use path



# AGENDA REPORT

To: Mayor Russ and City Council  
From: Rob Daykin, City Administrator  
Date: October 20, 2020  
Re: Council Vacancy

I requested City Attorney Matthew Kahl to provide advice on the issue of only two persons filing for candidacy to three open council positions. The ballot prepared by the Yamhill County Clerk will have the names of the two filed candidates and three opportunities for write-ins. Yamhill County Clerk will certify the election results, including every write-in vote casted by a qualified elector. Upon receipt of the certified results, then it is the City's responsibility to confirm that the write-in candidates meet the qualifications of the Dundee City Charter. i.e. that the person has resided continually in the City the twelve months immediately preceding the election (November 3, 2020). The County Clerk stated the County would assist the City in attempting to track down the qualified write-in candidates, starting with the individual who received the most write-in votes. That individual would be offered the nomination and if accepted would fill the position. If not accepted, then the nomination would be offered to the qualified candidate with the second-most votes, and so forth. Should there not be qualified write-in candidates or if after December 31, 2020 all of the qualified write-in candidates decline the nomination, then the elective office will be deemed to be vacant and the position will be filled through appointment by majority of the remaining council.

The certified results are usually received in the first week of December, however, we will have the preliminary results shortly after the election to start the vetting process for the write-in candidates.

