

**CITY COUNCIL MEETING
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City of Dundee
City Council Meeting Minutes
November 15, 2016

Call to Order

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

Council and Staff Attendance

Present: Mayor David Russ; Councilors Jeannette Adlong, Storr Nelson, Tim Weaver, and Ted Crawford. Absent: Councilors Doug Pugsley and Kristen Svicarovich. Staff members: Rob Daykin, City Administrator; Peter Watts, City Attorney; Greg Reid, City Engineer; Doug Rux, Newberg Community Development Director, and Melissa Lemen, Administrative Assistant.

Public Attendance

Jennifer Sitter, 101 NW Brier; Tom Mortimer; and Saj Jivanjee

Agenda Changes

None.

Public Comment

Jennifer Sitter, 101 NW Brier, approached the Council and requested they look into creating City coding to protect property owner views. She informed that most of the City of Dundee is built on a hillside, and advised that protecting views would be beneficial for current and future residents. She indicated that she currently lives in the Vineyard Estates community and has an amazing view. She further advised that when she bought her house in 2008 she paid a premium price because of the view, and they were assured by the builder that the lot below them would have a one-level house. However, the builder ended up selling the lots and the new builder is currently building three-story houses that are blocking the views of residents from all angles. She advised that she recently emailed the Mayor and the City Administrator regarding this issue. She reviewed the reply she received from Rob regarding the matter, including the portion which states that, "This issue has been raised in the past, but because this issue depends on unique circumstances of the situation, the general feeling is that it is best left to the owners to negotiate and arrange or buy those protections from their neighbors." Ms. Sitter advised that she did negotiate a view protection, but since the original builder has sold the lots and the City does not have any restrictions on blocking views she feels her view is no longer protected. She advised that she has many neighbors that would also like some protection in the form of a height restriction on new houses and also trees.

Mayor Russ informed that he is presently in contact with the builders' agent regarding a property in that area, and they said that the builder has already planned what models that they want to put on all of these lots and that the builder doesn't want to build anything under 2500-2800SF in size. Ms. Sitter informed that she has spoken with her neighbors in the area who are all in agreement on this issue. She also advised that a few of her neighbors were under the impression that there is a 2-story height limit in Dundee. Councilor Adlong inquired about the process following when the subdivision is approved by the Planning Commission. She inquired about whether or not those specifics pertaining to house height, etc. are enforced. C.A. Daykin reviewed the building permit process in the City of Dundee. C. Adlong confirmed that there are certain height limits on houses. Ms. Sitter expressed concerns regarding trees and pointed out that there are some enormous trees blocking other people's views. C. Weaver pointed out that this is a significant issue just above her location on Viewmont and Walnut Streets. C. Crawford advised that he would support tasking the Planning Commission to start looking at other

ordinance examples that protect views. He further advised that there are ordinances in California and Washington that have been passed to protect views, particularly of trees or tall buildings. C. Adlong pointed out that there is something in our ordinances to protect the solar access for a home, and conversation ensued regarding this. Mayor Russ asked the City Council members whether or not there is a consensus to look into this issue further. C.A. Daykin advised that this topic could be added to a future agenda for further discussion at that time.

Consent Agenda

The motion was made and seconded to approve Consent Agenda item 5.1 City Council Minutes, November 1, 2016. **The motion** passed unanimously.

Old Business

Charles Street Storm Improvements

C.A. Daykin provided the Council with a copy of the memo dated November 15, 2016 from City Engineer Reid regarding the Charles Street Storm Improvements. He advised that bidding was opened today for the project which C.E. Reid is here to discuss in further detail. C.E. Reid reviewed the fact that the need for the project originated a little over a year ago following a severe storm in early December which caused flooding across a residential property in the area as well as flooded the basement. After consideration of possible alternatives, C.E. Reid concluded that the best route would be a diversion off of Charles Street, which would be the most cost-effective way to solve the specific flooding issue as well. He further advised that C.A. Daykin secured some money through an outside loan to help fund the project. C.E. Reid informed that that though he was hopeful to keep the cost of the project below \$50,000, the bids did come in above that. He discussed the benefits of the project which not only include addressing the flooding issue on Charles Street, but will also divert water from the north side of Neiderberger Road to the south side which will reduce the flows to the Myrtle Street system. He explained that at the bottom of Myrtle Street the existing pipe "T's" in a manhole which is not a very good flow situation; moving that additional flow out of there will likely benefit the whole area. C. Nelson inquired about where within the project there may be potential for unanticipated conditions or change orders. C.E. Reid replied that working to get under the water line and the gas line that are along Neiderberger could be challenging. He advised that field measurements show there is only a couple of inches between the top of the storm pipe and the water line, but the gas line should be another foot above which should not be an issue. C.E. Reid advised that there are a couple of trees across the street that may pose an issue, but indicated that he already included the two additional trees. He also mentioned the fact that when digging along a ditch there is the possibility of running into unexpected things buried there. C.E. Reid discussed further details of the project with regard to water management. He advised that they will need to find a window of opportunity between storms in order to avoid a time of flooding. C. Nelson inquired as to when C.E. Reid completed his estimate. C.E. Reid advised that he re-did the estimate just before the bid because he had to redesign due to the depths of the waterline as well as change to 18" pipe. Discussion ensued further regarding specific concerns. **A motion** was made and seconded to authorize Staff to award the Charles Street Storm Improvements to C&M Excavation and Utilities for a contract price of \$59,999. **The motion** passed unanimously.

New Business

Potential TSP Amendment – 9th to 11th Linden Connection

Doug Rux, Newberg Community Development Director, was present on behalf of City Planner Jessica Pelz. He reviewed that C.A. Daykin and he had a conversation with a development group

with regard to the property at the SE corner of 9th and Alder Streets (459 SW 9th Street) regarding a potential development. He advised that part of those discussions related to the Transportation System Plan (TSP). He reviewed that the new Plan recently adopted has the connection of Linden Lane going from 11th Street, connecting over to 10th Street, and then realigning from Linden north of 9th Street. He noted that back at the time that the TSP was being prepared and it was going through the Planning Commission and the City Council, there were various discussions pertaining to Linden Lane. In the final adopted version of the TSP there is a roadway connection in between. Mr. Rux advised that in the discussions that they've had with the development group (present this evening), they have asked if the City Council would be interested in considering an amendment to the TSP to remove the roadway portion between 10th Street and 9th Street, and replace it with a bike/pedestrian connection instead. Mr. Rux further explained that the TSP is a part of the Dundee Comprehensive Plan, so a TSP amendment would require a Comprehensive Plan Amendment process that would require compliance with the Transportation Planning Rule. He noted that there is a traffic analysis that would also need to be completed as part of that process. He advised that it would then go back in front of the Planning Commission and then come back in front of the City Council for their final decision. Mr. Rux reviewed the drawings included in the Agenda Packet on pages 12-16. Mr. Rux noted that a potential amendment would really encompass two pieces. First, it would be showing 10th Street as a road connecting all of the way from Alder down to 99W and, secondly, the issue involving a potential road connection between 10th and 9th Street or potentially a pedestrian connection to provide more flexibility for the development concept.

Mayor Russ inquired as to whether or not the developer owns the property where 10th Street would be which Mr. Rux confirmed that indeed they do. M. Russ then inquired about whether it would be a huge change in the TSP if the connection were moved a little further north so that it didn't line up exactly with Linden Lane on 9th Street. Mr. Rux explained that the issue is that there would be separation between the intersection connections; 100 feet from the center line would be required¹. He further explained that if the connector street was located at the eastern most portion on this property, there would not be that required 100 foot spacing between the centerline of Linden and the centerline of the new road. M. Russ inquired about the 100 foot requirement and Mr. Rux discussed the separation requirements pertaining to intersections on roadways as contained within the Development Code. Detailed discussion ensued regarding potential issues involved with moving the connector street to the east on the property. Mr. Rux also discussed the potential possibility of reducing the roadway width of that connector street, presently identified as a 60 foot right-of-way. He informed that upon discussion today with C.A. Daykin, it was noted that a 50 or 55 foot width may be a possibility so that the separation distance between two intersecting streets could be obtained. This potential option was discussed in further detail. M. Russ inquired about whether or not offset streets are permitted within the Development Code. Mr. Rux explained that they are allowed as long as they are 150 feet or more from centerline to centerline. Mr. Rux reviewed the fact that the issue at hand is whether or not the City Council would consider initiating an amendment to the TSP to drop that section of roadway between 9th Street and 10th Street, and instead have that as a bike/pedestrian connection.

C. Nelson reviewed the fact that previously there was a lot of discussion about trying to get traffic ultimately over to 11th Street, with 11th Street being the gateway to the southeast side of town.

¹ Following the meeting, staff determined the 100-foot separation was not correct. DMC Section 17.305.030.F states "All streets other than local streets, or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of centerlines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, be avoided. If unavoidable, the "T" intersection shall leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction. A "T" intersection having less than a 200-foot separation from the centerline of another street shall be subject to the review and approval of the city engineer."

Discussion ensued regarding additional details contained within the TSP pertaining to the streets in that area.

Mayor Russ pointed out that the present plan appears to be an improvement over the concept from the prior TSP of having 9th Street connect over to 10th Street, which would have cut right through their property on a diagonal.

Mayor Russ invited the development group to come forward and express their thoughts. Tom Mortimer introduced himself and advised that he is the principal owner of the discussed property for the past twenty years. He advised that it is the present site of Bag It Systems, a company which he indicated they have owned for about twenty years. He shared his view that this particular piece of property is an important piece of property for the City of Dundee, referring to it as the gateway to wine country. He advised that he has retained and created a partnership with Saj Jivanjee, who is also present. He informed that Mr. Jivanjee is a very experienced developer, architect, and also a very creative person. Mr. Mortimer explained that they also work together collaborating on a wine related project. He further informed that he himself has a winery and a wine brand. Mr. Mortimer advised that they have some exciting plans for the discussed property. He informed that this is an important discussion that would fundamentally influence the viability of what they would hope to do on the land. He went on to add that if the road comes straight through from Linden Lane it separates off a portion of the land, totally changes the economics of the project, and potentially throws the project into questionable viability. He further noted that they understand and embrace the notion of creating crossflow parallel to 99W. However, he shared their opinion that the concept to continue Linden Lane through doesn't necessarily solve the primary goal, and at the same time it impairs what they could potentially do with their property which is the reason for their request.

Saj Jivanjee advised he owns a winery and is very familiar with the area. He advised that he and Mr. Mortimer created a relationship to develop the discussed property. He advised that he is a developer, architect, and also does a little urban design. He indicated that he looks at not just this particular aspect of the project, but what can be done to enhance the overall highest and best use of the property while also enhancing the property with regard to the net benefit for the City of Dundee. Mr. Jivanjee discussed his thoughts as they pertain to the present layout of streets in the area, as well as suggested his idea for the placement of a roundabout in the area of Alder and 9th Street, which he feels would create a gateway and soft approach for traffic. He also suggested the idea of connecting 10th Street up to Alder Street, and then come to an intersection at 9th Street and Alder Street with a roundabout and significant iconic image (some kind of a sculpture). Mr. Jivanjee further expressed his opinions with regard to the TSP as it pertains to his property, while also expressing concern for the benefits to the City as well. He expressed his opinion that this property could be developed in a very exciting way and brings a lot of benefits to Dundee. He offered that they have some ideas but are not sure which direction to go unless they have some guidance from the Council, as well as them looking at things in a much broader perspective.

C. Nelson supported that they have come forward with ideas, but pointed out that there is a lot of traffic coming down 9th Street, and the majority of our commercial property is also on the north side of 9th Street. He advised that the City is trying to maintain connection between the hillside of Dundee and the Riverside of Dundee, and 99W along with the railroad crossings. C. Nelson advised that they've had a lot of discussions about 10th and 11th Street, and it was decided at the Council level that 11th Street was the best choice. He further advised that with the two sets of railroad tracks which don't line up, coupled with the need to get traffic flow from one point to another, it is difficult to accomplish without cutting properties in half. Mr. Jivanjee pointed out that if they review the plan they have laid out, it is possible to make Alder a pretty interesting street. He suggested that the idea of the roundabout would slow down the traffic coming down

the hill, creating a center there. M. Russ advised that he likes the idea of the roundabout potentially for that area in the future, but with regard to Alder Street, he doesn't feel their plan serves the purpose that the City is looking at. M. Russ acknowledged their concern for the highest and best use of their property, but pointed out that as a City Council they are concerned about the highest and best use of the City. He also pointed out that with regard to Linden Lane, in the completion of the TSP will be a connection from 5th Street to 11th Street. This is a significant connection where there is a light at 5th Street and it goes all of the way to 11th Street where the goal is to have people be able to cross and get down to the Riverside District. Discussion ensued further regarding the pros and cons of the proposed design, as well as additional details reviewed with regard to the TSP. M. Russ raised the topic of the difficulty in the City being able to finance such a plan, even if it were approved, and suggested that as developers it would likely be incumbent on them to complete 10th Street all of the way through if it were approved, or potentially put in the roundabout themselves in order to make this plan workable. Mr. Jivanjee suggested the possibility of utilizing Urban Renewal funds if those were available. He also pointed out that eventually the economics of this project will bring in additional tax revenue which will benefit not only the City and the developer, but will also provide a much greater public good. Mr. Jivanjee further explained that the public benefit and the private benefit need to have some symmetry. He pointed out that while transportation plans are done in good faith, he feels that the same objectives can likely be achieved through other ways of doing it as well. He again discussed his thoughts and opinions on the matter, and how the City could potentially benefit equally as well. M. Russ reviewed the fact that, as someone who works in real estate and has been involved with commercial properties and management for a long time himself, he feels strongly that they would gain a benefit by the City putting the road through their property. He pointed out that they would have more traffic (that otherwise would have been on 99W) passing through their business area all of the time. Mr. Jivanjee inquired about whether or not there are any other options to be considered.

C. Crawford inquired as to whether or not Mr. Jivanjee would be willing to help pay for the cost of a roundabout. Mr. Jivanjee supported the idea of looking at all options. He further advised that at this point they cannot determine what the economic benefits of this land are and they have no direction at the moment. He explained that if they knew the entire property could be developed into something that would create economic benefit, that would justify the infrastructure costs and they may be willing to work with the City on these costs. He reiterated that their property is prime real estate property in the City and doesn't see the value in cutting across it. C. Crawford inquired as to whether or not they'd be more willing to pay for the costs of a roundabout if the City took the road out and put in the bike/pedestrian crossing instead. Mr. Jivanjee suggested the idea of creating an LID or utilizing other tools, and expressed concern that at this time there is no direction for them to move forward. He indicated that at such time when an agreement is made between both parties, then there would be a plan that they could work with. C.A. Daykin inquired as to the Council's thoughts if in lieu of a public built street, to have that connectivity between 9th and 11th Street more or less follow this pathway with interconnecting public easements that connect to parking areas. He compared his thoughts to projects in Sherwood where different mall structures have been built with inner connecting parking lots and pathways between the different ownerships of properties. He proposed this as a potential idea to consider that might satisfy the need for moving traffic north/south between 9th and 11th Street. M. Russ pointed out that it's a good idea, but he is concerned about traffic flow in the area. C. Nelson shared his concern, and discussed the idea of "parking lot roadways" which he indicated that he observes more and more as time goes by. Conversation ensued regarding potential complications from C.A. Daykin's suggested idea, as well as further discussion regarding the goals for future traffic flow through the City of Dundee. Mr. Jivanjee reviewed again his idea for moving the road to the lower section of their property so as to avoid chopping it up. The details of this were discussed at length. Mr. Jivanjee expressed his concern that the City may be inclined

go through their property there due to the fact that presently there are no structures located in the area. C. Nelson responded by explaining that the City does not make these decisions lightly and understand that they are impacting someone severely and significantly. Mr. Jivanjee discussed further concerns with the Council, and inquired as to the basis for their decision. M. Russ pointed out that due to the fact that Linden Lane comes out in that location, it a favorable place to connect. M. Russ also pointed out that though Mr. Jivanjee expressed concerns regarding their participation and costs associated with the plan they are suggesting to Council, they are asking the City to alter a plan that is already in place, and they need to consider what they would be willing to give to make that happen. M. Russ suggested the idea of taking an immediate angle where it connects to 9th Street so that they are getting more of their bulk piece of property all together, giving them more contiguous land. The details of this option were discussed at length. Mr. Jivanjee inquired as to what further improvements they would be responsible for regarding this option. C. Nelson pointed out that corner lots covering entire blocks can be costly with the extensive street frontage. M. Russ invited Mr. Jivanjee to submit a request as things move forward, if he so desired, to our Urban Renewal Agency, to see if they can help with any of those costs. C. Crawford pointed out that 10th Street to Alder Street is not reflected in the TSP. Mr. Jivanjee pointed out that, though it may not be part of the TSP, 10th Street is developed there is industrial ground on both sides with accessibility. The opportunity given to then develop and have access on the backside of 9th Street has tremendous economic benefit. M. Russ suggested the potential idea of the developers building a private drive along the back side of their property.

Mr. Mortimer raised again the topic of the 100 foot offset, and the fact that their property isn't quite long enough to generate that 100 feet from Linden Lane. Though he hasn't surveyed or measured it, he inquired about the possibility that if the street weren't quite as wide or if there were certain provisions made that maybe they could get to the 100 feet. M. Russ explained that 9th Street is a connector street, and because of that designation it's a given width. Also, because of that designation and having its given width, there cannot be an offset street on it. C. Nelson and C.E. Reid pointed out that Mr. Mortimer is referring to the Linden Lane connection. C.E. Reid advised that the Dundee Improvement Design Standards uses 150 feet, which he noted to be a very conservative standard adopted by ODOT. He further advised that there are strategies for offset sidewalks that are presented by the City of Portland, making it possible to provide good pedestrian crossings. He supported the importance of the cross-connectivity that is supported in the TSP. He advised that if we wait and go all of the way to Alder and just provide the pedestrian crossing, there is still over 1000 feet before we get to Alder, which is well over the 600 feet between intersections that is needed. He advised that the City would also be giving up parking and other amenities that would go along this potential street. Mr. Reid explained that he'd rather consider the offset option that not have the street, but informed that it needs to be understood that if this is completed we will have people trying to get across town off of the highway that are going to turn onto 9th Street and then go up and stop to take the right, so it will slow down traffic on 9th Street. He noted that if the City is trying to create a commercial zone in this area that maybe it's not as critical. M. Russ pointed out that the offset is technically more hazardous as well. C.E. Reid added that with this option there are more potential conflicts with pedestrian crossings, but there are some strategies to address that.

Mr. Jivanjee inquired of the Council as to how flexible they are with regard to the zoning of light industrial; he asked whether the City would be open to the development of some frontage on 9th Street as commercial and in back industrial if they managed to do the road connection. He further explained the importance economically of having frontage for along 9th Street to offset the mitigation on that, and inquired as to whether or not the Council would be open to that. City Attorney Watts clarified that the developers are in fact asking the City to consider amending their Comprehensive Plan and TSP. He went on to add that as a general rule, it has been difficult for jurisdictions to get industrial land rezoned into commercial. C.A. Watts informed that there was

some legislation a few sessions ago that would essentially prohibit it unless there were some fairly radical changes that had occurred. He advised that it would make sense to check in with the Department of Land Conservation and Development (DLCD) and informed that this can be quite a lengthy process. C.A. Watts pointed out that initially what was being asked and what was publically noticed was a bike/pedestrian pathway for consideration. Going through that process would require working with Staff, moving on to Planning Commission, and then a return back to City Council. C.A. Watts further discussed the details of the process. He advised that any of the changes being discussed will need to go through the TSP amendment process, the details of which were also discussed. C.A. Watts advised that the safest option would likely be to publically notice the desired proposal, and to have the developers come back with further detailed information.

C. Crawford inquired about the present Bag It Systems building with regard to plans for the future. Mr. Mortimer advised that the current concept that they have, which is subject to figuring out how to make it all work economically, would be that the building would be removed and it would be replaced with a series of synergistic and architecturally compatible buildings. He advised that this would be a considerable uplift from where things are at right now. He also advised that the problem they keep running into is the fact that right now they have a recycled bag plant which is in pretty bad shape sitting where it is, and they keep trying to find a platform to make the economics of this work. He informed that he believes they have a plan but he doesn't know if that plan works with a road going through the property. Conversation ensued further regarding thoughts and ideas for the future of the mentioned property.

Mayor Russ asked the Council their thoughts on the potential TSP amendment. C. Weaver advised that his initial thought is that the City should stay with the original plan, although he is still open to development. He pointed out that this is an important link in the TSP. C. Nelson advised that he is not in favor of initiating a TSP amendment for installing a bike/pedestrian pathway, but he is open to entertaining new ideas and suggested that maybe the Urban Renewal District would be a good avenue to move that forward. C. Crawford pointed out that the developers have said that if they do go forward with this development that the property value will increase immensely which could go towards urban renewal. He further advised that although there will be other urban renewal funds from the rest of the City area, if they really got this going it could generate a substantial amount of urban renewal dollars. C. Nelson reviewed the fact that connecting 9th Street with the river is an important issue and that their property is a key component. C. Crawford pointed out that connecting 10th Street to Alder really doesn't meet their objectives because of the restricted railroad crossings, which is why 11th Street was chosen. 11th Street also aligns nicely with the Fulquartz Road area property. C. Crawford advised that at this time he does not support the bike/pedestrian pathway although he indicated that he is flexible as he wants to see development on this property. C. Adlong pointed out that they've been trying to get something on this property for a long time and she'd like to be able to work with the developers. She pointed out that while right now it's not very dense and may not seem like we need the connection right now, if the density does increase then we do need to have some way between 9th and 10th Street. She indicated that she may be open to an offset street or another solution. She explained that initially she thought the bike/pedestrian pathway would be great, but as she looked to the long-term she realized the importance of having a crossing. M. Russ advised that he feels similarly, though he indicated he is always open to possibilities to do something that works for everyone. The one thing that he indicated that he is not negotiable on, and he feels there are other Councilors who support as well, is the fact that there needs to be vehicle traffic through the area from 5th to 11th Street. M. Russ informed that at this time Council does not support moving forward with an amendment to the TSP as proposed.

Marijuana Tax Collection Agreement

C.A. Daykin informed the Council that many cities expressed their interest in having the Oregon Department of Revenue (DOR) collect their respective local marijuana taxes, which he explained may be due to the fact that they hadn't yet experienced actual collections which Dundee has. C.A. Daykin explained that this process has been working well for the City of Dundee, and that they still meet with the provider to complete the cash transaction at the bank which has gone well. He further shared that the State is handling the process the same way; appointments must be made to pay marijuana tax in cash at the Salem office only. C.A. Watts offered his thoughts on the matter and a brief discussion ensued regarding this and the potential pros and cons. M. Russ inquired as to whether the City is at risk when deposits of cash are made into City accounts, comingling City funds with federally vilified money. C.A. Watts replied that he doesn't believe everything would be at risk, and further explained that there are eight additional states that passed legislation; and with the addition of each new state that comes online he believes the risk of Federal action lessens. The consensus of Council was to hold off on entering into an agreement with DOR for the collection of Dundee's local marijuana tax at this time.

Preservation of Views

Mayor Russ initiated a discussion regarding preservation of views. He suggested that the Council may want to advise the Planning Commission to investigate legislation regarding view protections. C.A. Daykin inquired about what the public purpose would be in terms of public need. He informed that if the Council is concerned about preserving tax value, as Ms. Sitter indicated in her email, that while this may indeed protect her tax value, it lessens the values of others if further restrictions are being put on how they develop their property. C.A. Daykin expressed concern about going down this path for the remaining few properties that are left in the City of Dundee on the hillside that potentially could be developed. C. Adlong pointed out that she believes trees are the bigger issue. C.A. Daykin pointed out that when the tree ordinance was created he specifically asked the Council at that time if they wanted to deal with legislation on private properties to which they declined. M. Russ pointed out that when trees reach a certain height they also become hazardous as well. C. Adlong pointed out that the Council has changed since the original requests for the tree ordinances were discussed and people came to the Council 10-15 years ago. C.A. Daykin informed that two different issues are being raised. He advised that the tree issue can be dealt with as a Municipal Code issue; he doesn't believe it would need to be dealt with through the Land Use Code.

City Attorney Watts advised that normally a view issue is taken care of either through CC&R's or by purchasing air rights. C.A. Watts explained both of these options in greater detail. He also advised that the definition of blocking a view can be difficult to ascertain. C.A. Watts explained that the trend he is seeing in view protection with regard to trees presently goes in the opposite direction, where there is protection for trees so that when people are looking at the side of the hill they see trees instead of houses. C.A. Watts advised that his only concern with tasking the Planning Commission with what to do pertains to the difficulty in defining view protection. C. Crawford suggested, and C. Adlong supported, reviewing model ordinances in California and Washington to see what they do and what we may be able to copy. C.A. Daykin pointed out that we have limited resources for this potentially large project. He informed that this going to require a large amount of research, multiple workshops with the Planning Commission before we get to the stage of developing a regulation to have a public hearing, and will take 6-7 months at the very least. He advised that if the Council feels this is an important issue and there is a public need, he will move forward if they so desire. M. Russ acknowledged that the building issue is a separate conversation to have. M. Russ pointed out that the tree issue is a concern that people have, and that he has been contacted by a few residents regarding the problem. C. Adlong pointed out that

we have Cascade peaks, Mt. Hood and Mt. Jefferson which are all seen from the hill; this is a nice view. She explained that evergreen trees can grow to be 100 feet tall and completely block a view. She supported the fact that having trees is important, but that there are deciduous trees that don't grow over 40-50 feet tall and ways to have a lot of trees around without completely eradicating everyone's views for ½ mile behind. She further advised that she hears complaints about the issue from people who live off of Viewmont and off of Alder; they are not concerned with trees planted near to them but those that are planted down off of 1st Street and Peach, Plum and Cherry Streets that are ¼ mile ahead of them. She further advised that the residents are upset about the fir trees that are blocking their views and they don't know what to do about it. Discussion ensued regarding possible solutions for this issue. C. Adlong pointed out that what we do have in our Code now pertaining to solar access needs should be something that can be enforced. She discussed her concerns in greater detail. C.A. Watts pointed out that it may become complicated if one resident feels that another's tree is blocking their view and they need to cut it down; with many different potential situations it would need to be defined as to whom is the responsible party required to pay the cost of cutting or trimming the tree. C. Weaver suggested the idea of doing some grandfathering in with regard to some instances, which C. Adlong supported the idea of as well. C. Weaver pointed out that Ms. Sitter had said that there is not a significant issue with the height of the homes going in around her; what she is concerned about more than anything are the trees and the potential of the trees growing taller. C. Weaver also pointed out that though the builder hasn't yet started building in front of her residence, she indicated that she was assured the home is not going to block her view. He advised it would seem this to be her issue to take up with the builder, though he inquired as to whether or not the City could take action to potentially protect that.

C.A. Daykin reviewed the fact that if this is a vital important public issue we will move forward with the process, though it won't be an easy one. C. Weaver explained that the view from his home on the top of the hill on Viewmont was cut in half by trees. Upon moving halfway down the hill he indicated that he tripled his view and thus understands the issue at hand very well. C.A. Daykin suggested the possibility of the matter being taken upon by the concerned resident talking to their neighbor regarding the issue to come to a compromise. The consensus of the Council was that this would be unlikely to happen. M. Russ supported the idea of looking into this and taking care of the matter for the residents of Dundee. M. Russ inquired about whether or not the building aspect of view protection would go into Land Use or if it were something that could be in design standards. C.A. Watts advised that it may depend on how it's taken up; if it's a broad view protection that limits building height his thought was that it would be Land Use and not just Code. He further advised that the building piece of this makes the issue more problematic. He also noted that if the developer (with regard to the Sitter's home) did indeed inform all of those people that their view would not be blocked and then didn't put any restrictions on the lower lot's, then really her course of action would be against the developer. C. Adlong inquired as to whether or not the Planning Commission put restrictions on the height of some of the homes in Graystone subdivision as a result of a neighbor who came and testified during the Planning Commission hearing. C.A. Daykin informed that the developer did so voluntarily. M. Russ inquired as to what the City of Dundee's height limit restriction is presently to which C.A. Daykin replied that 30 feet is the limit for a residential structure. M. Russ suggested moving forward with the tree issue only as the building component seems too complicated. C.A. Daykin asked the City Attorney whether it is a Land Use action if their focus is just trees; he was hopeful it could be a City Code provision. C.A. Watts advised that City Attorney Shelby Rihala will be taking on the project and he felt fairly confident that it should be able to be added as a Municipal Code section. C. Adlong pointed out that there needs to be an education process moving forward as well, possibly including articles in the City newsletter, so that Dundee residents are considerate and aware that what they plant in their yards affects the people around them. **A motion** was made and seconded to direct the Planning Commission to

research the issue of trees and recommend an ordinance regarding trees and views pending City Council approval. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Adlong expressed her appreciation to City Engineer, Greg Reid, for everything he did with regard to the Viewmont Greenway project. She expressed her appreciation for the drinking fountain, the beautiful bridge, and is very pleased with how the project turned out overall. C.E. Reid pointed out that the Public Works did a lot of work on the project and their efforts were praised as well.

C. Crawford advised that, with regard to his concerns pertaining to the incomplete landscaping of the fishhook area of the bypass, he recently spoke with Tom Potter regarding the issue. Mr. Potter informed him that they are still working on it. C. Crawford advised that he himself went back and looked at the drawings which showed the fence built just as it is now. He is hopeful that they won't continue it the rest of the way around the pond area. He further advised that at this time it definitely doesn't look completed, but it may be too wet for them to do any further work right now. With regard to the dead trees noted along the area, C. Crawford advised that Mr. Potter feels the water table is to blame. It was noted that the trees planted are guaranteed for three years and will be replaced. C. Adlong expressed her opinion that the soil is the reason the cedar trees died.

Mayor's Report

Mayor Russ reviewed the fact that the new traffic light that was installed at the Bypass intersection with Highway 99W south of Dundee earlier this week was not operating properly. C. Crawford noted that they were working on it yesterday. M. Russ shared that when he traveled through the area at 7:00 pm this week he noted traffic to be light through Dundee but backed way up to the west of town. He indicated that he contacted OSP and advised them of the malfunctioning light which was causing a traffic hazard. C. Weaver noted that presently there are several construction rigs off of the fishhook, over the overpass and down into that area. He advised that once that light gets timed with the 5th Street light he believes we will see some better controls going between them.

Regarding the bypass, C. Adlong asked C.A. Daykin if the letter regarding the lights had yet been completed. C.A. Daykin advised that he and C. Svicarovich did have a discussion regarding this. He advised that C. Svicarovich reviewed the work plans and the information from those findings was shared with Kelly Amador, ODOT. Kelly said she would follow through on the issue. C.A. Daykin informed that the issue addressed was why they are using different lighting fixtures in Dundee versus other areas of the bypass project. He advised that she did not have an answer for that, so she said she would follow up on it. He further advised that he was planning on inviting her to attend the next City Council meeting to provide information on that as well as a status update on the bypass project itself. C.A. Daykin advised that she also confirmed that the fence being built would only be a partial fence; they are not going to put a fence all of the way around. He also reviewed that they have not completed construction of the landscaping in that area yet. C.A. Daykin informed that Kelly did share that she will be speaking with Ernest Kim, ODOT Lighting Specialist that designed the project, as she did not understand his position on the issue.

City Administrator's Report

C.A. Daykin advised that the property tax state levy came in, and indicated that it is a little bit higher than the 3.4% increase in assessed value; it came in at 5%, which translates into about an additional \$8,800 in tax revenue for the City of Dundee.

Regarding the additional \$900,000 to be applied towards our project, he advised that he and C.E. Reid did provide comments back to Tony Snyder, ODOT; Tony said he did review those and he's meeting with the agreement writer tomorrow morning. Presumably they'll be able to wrap that up and get it to DOJ which could take 2-3 weeks.

C.A. Daykin advised the Dundee Urban Renewal Advisory Committee is going to have their final independent meeting on December 7 or 8, 2016. He advised that he's had a number of people who have said they cannot make it to one or the other of those dates, and invited the City Council to set the date for the meeting. He advised that C. Svicarovich cannot attend a meeting on December 8th and C. Nelson cannot attend a meeting on December 7th; he had not yet heard from David Russ. The consensus was to set the date of the meeting for December 7, 2016. C.A. Daykin advised that the consultant recommended that following this meeting would be a good time to bring the Committee back to meet jointly with the Agency. The consensus of the Council was to set the joint meeting for January 3, 2016 at 6:00 pm, just prior to the scheduled 7:00 pm City Council meeting.

C.A. Daykin advised that the second City Council meeting night in December is the time when we would normally schedule an Employee Appreciation Event. He advised that two Staff members won't be able to attend this year, and invited any City Council members to step forward who may be willing to participate in the planning process. A decision also needs to be made as to what will be planned. Options including the idea of having dinner at La Sierra were discussed. M. Russ supported the idea of having dinner at a restaurant, which would require less planning needing to be done by the Staff. C. Crawford suggested also checking with Babica Hen as an additional option as they have a banquet room that may be available above their restaurant. The consensus of the Council was to move forward with planning a dinner, and the majority supported the idea of reserving the banquet room at La Sierra for the event. A specific time for the event was not set, but it will likely be immediately after the office closes at 5:00 pm.

Public Comment

None.

The meeting was adjourned at 8:50 pm.

Executive Session

The City Council entered Executive Session at 8:51 P.M. in accordance with ORS 192.660 (2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions. Executive Session ended at 9:07 P.M.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder