

**CITY COUNCIL MEETING
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**City of Dundee
City Council Meeting Minutes
December 4, 2018**

Call to Order

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

Council and Staff Attendance

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

Public Attendance

Tom L. Edwards; Tom Edwards; Kay Edwards; Larry Anderson; Don Lowe; Greg Murdock, Construction Defect Consulting (CDC); Michael Humm, Engineer, Kennedy Jenks Consultants; Brandon Falk, Kennedy Jenks Consultants; and M. Gabi Hinoveanu.

Agenda Changes

None.

Public Comment

Don Lowe, 959 SW Seventh Street, addressed the City Council and discussed that included on the disk of information received following his records request regarding the McCaw subdivision was a copy of an executive session of the City Council meeting discussing a lawsuit with Comcast. He alleged that it was negligent for a City Official to release this information to the public, and would like to know what the City will do about it and what the City will do to prevent such occurrences in the future. Secondly, Lowe discussed that residents have filed an appeal of the Council's decision regarding approval of the McCaw subdivision decision; more information will be forthcoming as they deal with that through the courts. Third, Lowe informed that he is still requesting the removal of Dustin Swenson from the Dundee Planning Commission. He stated that there has been no formal discussion from the City Council and discussed that he requested that this be put on the agenda and the City Council vote on his removal per Oregon State Law. He alleged that Swenson's behavior is unacceptable and that four or five other citizens of Dundee have also filed formal complaints against him as well. Lowe pointed out his belief that informal training "sometime in the future" is not acceptable for a public official in the City of Dundee or the State of Oregon. Given those considerations, Lowe announced that he is withdrawing his application for Planning Commission. He discussed that there is no way he could serve on a Commission and serve with a Council who approves that type of behavior.

Consent Agenda

A **motion** was made and seconded to approve Consent Agenda Items 5.1 City Council Minutes, November 20, 2018, Item 5.2 Financial Report Ending October 31, 2018, and Item 5.3 the 2019 Meeting Calendar. The **motion** passed unanimously.

Old Business

Planning Commission Appointment

M. Russ reviewed that Don Lowe has verbally withdrawn his application, leaving only one applicant willing to serve on the Planning Commission. C. Crawford pointed out that Ms.

Hinoveanu has previously served on the Dundee Planning Commission. M. Gabriela "Gabi" Hinoveanu, 142 SW Hawthorne Court, introduced herself to Council and explained that she took some time off to start a family; her children are old enough now and she would like to serve on the Planning Commission once again. Brief discussion ensued. A **motion** was made and seconded to appoint M. Gabi Hinoveanu to the Dundee Planning Commission to fill the unexpired term ending December 31, 2019. **The motion** passed unanimously.

Fire Station Roof Repair Update

C.A. Daykin explained that Greg Murdock, Construction Defect Consulting (CDC), is present tonight to provide a project update following a meeting earlier today with the contractor and staff. Murdock introduced himself and indicated that CDC has been involved with the roof repair project from the very beginning, the details of which were reviewed. He discussed that Porter Construction was hired as the general contractor and that as the architect, he was asked to provide an update on the project as well as provide comment on the financial aspects.

Murdock reviewed that the history with CDC goes all of the way back to the investigation of this project, as well as to the development of the scope of repair while representing the surety for Baldwin General Contracting. He explained that the project has been broken down into two roofs, the apparatus bay roof area where all of the fire equipment is (the high roof), and the low roof. It was noted that the areas of built up roof required repairs. Discussion ensued regarding the progress of the project and photos were reviewed as presented on the projector. He noted that there was a slab problem that's being addressed by the general contractor directly that doesn't involve their project. Murdock discussed their belief that during the process of the original construction where the framing below the roof was actually wet when it was roofed; moisture therefore got into the seam area. Due to the widespread damage throughout, the decision was made that approximately 9000 square feet of roof between the two roofs required replacement. Additional photos were reviewed and discussion ensued regarding the repair process. Murdock pointed out that though they were expecting damage along the deck area, in the short parapet walls there was concealed damage as well. Additionally, he explained that the water actually got down through the roof and below the SIP panels on the apparatus bay roof. He noted that at this time the upper roof repair work has been completed. Murdock discussed that the project is going well and that on the low roof there have been problems found in the parapet walls though none below. Additional damaged areas were reviewed in photos and detailed discussion ensued. Photos of the new roof area were shown and Murdock explained that it is not a closed system; around the perimeter of the roof is a vent box where fans will allow air to be pulled through the roof and back out. The new roof will have a 25 year labor and material warranty.

Murdock reviewed photos of the apparatus bay area where wall grout joints are allowing water into the wall during periods of wind driven rain from the south or the west. He explained that they have asked the contractor to provide a proposal to wrap the area through the winter to see if that stops the water intrusion and allows the area to dry out; in better weather conditions this area will need addressed. C.A. Daykin reviewed that he was told that the leaking grout area has been sealed multiple times and that invariably it ends up failing again. He discussed that Jim Omundson had suggested possibly the metal siding similar to the rest of the structure for this area. Murdock noted that he had suggested to Omundson that over cladding the area was a potential option as well. Additional options of elastomeric paints or penetrating sealants were also briefly discussed.

Murdock discussed that the first change order that occurred was when the City required a performance and payment bond from the contractor, which was unfortunately overlooked and is not typically bid by contractors for private projects. Additional detailed conversation ensued and it was noted that of the \$40,000 in contingency money available, about \$18,000 was put forth for

the bonds. Murdock discussed that their total use of contingency is up to about \$44,000 as of October 31, 2018, the balance of which has been mostly the repairs to the apparatus bay roof. Those repairs have been done on a time and materials basis, which Murdock explained have been monitored very closely between himself and Jim Omundson. He discussed that there have been changes in the amount of \$1500-\$2000 a week have occurred just on the parapet wall; projected out that would total \$50,000-\$52,000, about \$12,000 over. Murdock discussed that it's only been at the parapet wall where the extensive damage has been seen. He discussed that allowances have been provided for in the contract totally about \$93,000. Additional detailed discussion and explanation of repair work ensued, and Murdock pointed out that their goal is to get most, if not all, costs back that have gone out by not having to use the full amount of the allowances.

C. Svicarvich inquired as to when the remaining repair work is expected to be completed. Though Murdock discussed that he has not received a schedule from the contractor, he indicated that he would anticipate the repair work to be completed near the end of January or beginning of February, though the weather could be a factor. Murdock discussed some of the details pertaining to interior work which will also need to be completed.

C.A. Daykin discussed that, though he was unable to attend the meeting, he was able to speak with Omundson who indicated that the crew that is on site is doing really well and moving at a good pace; he feels very confident with how things are going. He explained that Omundson has spent a lot of time to ensure that things stay within budget and to catch things that need to be addressed, though the City will be exceeding the amount that was originally anticipated with the budget; hopefully whatever savings are incurred in the allowances will offset some of these increased costs but this will be better known in the next thirty days.

C. Pugsley inquired, with regard to the tie-ins, if the building will then be back to the full standards that it was designed to. He reviewed that the fire department was to be designed and built to be a major earthquake center for the community. Murdock confirmed that this is the goal and that the engineer had all of the original design information from McKenzie; the repair work was designed to restore to that. Discussion ensued.

Construction Defect Consulting Agreement Amendment

Greg Murdock, Senior Project Manager, CDC, discussed the details pertaining to the change order request dated September 27, 2018. A **motion** was made and seconded to approve a change order to the Construction Defect Consulting architectural services agreement in the amount of \$3,740. **The motion** passed unanimously.

Resolution No. 2018-19, Wastewater Facility Plan Amendment

Michael Humm, P.E., Kennedy Jenks Consultants provided a slide presentation regarding the Riverside Sewer Study. He discussed that the current system facility plan does not address how this side of the town is served and thus they put together an estimate of flows that are going to be generated based off the proposed zoning. He explained that they reviewed existing topography on that side of the bypass/adjacent to the bypass and then used standard sewer sizing metrics to lay out proposal lines. The summary of design standards in Table 1 was reviewed. Humm explained that the design standards and potential uses drive the preparation of a concept plan for the sewer system in the Riverside Master Plan. Humm discussed and reviewed the maps provided on pages 54 and 55 of the agenda packet. He explained that the Study provides a baseline and what the City can expect in terms of flow development and sewer size, much of which will be dependent upon the actual layout of the development, specifically the roads; depending on where the roads will be located will really define the alignment. Additional discussion ensued and Humm pointed out that a small pump station is proposed (as shown on page 54) as the gravity service to feed the basins is below the invert of the headworks. Humm

discussed that the white shaded areas on the maps reflect areas that require sewer which is shallower than the standard 7 foot burial depth; the City public works design standards allow that to be shallow to as much as 3 feet. He also noted that the depth of the sewer system can change depending on how the area is built out and graded; the white areas could potentially not need to be served depending upon development. Humm discussed that in larger developments such as the Riverside District, site topography can change as mass grading sometimes occurs, which can help raise some of the low lying areas.

C. Nelson inquired about the pump station and whether shallower sewers aren't possible. Humm explained that different approaches were reviewed, though there are advantages to locating the pump station near the plant including that there is already redundant backup power and some of the infrastructure present in terms of manholes and piping which can be utilized, as well as maintenance access. C. Nelson pointed out that it can be beneficial to have a pump station at the midpoint in a long run area which is shown. M. Russ expressed concern about going 23 feet deep in a high water table area. C. Pugsley inquired as to whether it's possible to grade completely out of a pump station to which Humm explained that it is dependent upon how close development is to the orange area on the map. C. Pugsley expressed concern about pump stations failing, and Humm pointed out that they have become prolific and that this pump station is actually fairly small in size. He also clarified that mass grading may provide for an adjustment in several feet though not tens of feet.

Humm discussed the map on page 55 in detail. He reviewed that this reflects a similar concept although this is gravity fed into the upstream side of the headworks, so it ties into the existing collection system. Humm pointed out that the piping network that goes in this basin is really going to be driven by the road system. He also explained that whenever development occurs, through the development process they will have to go through and project their own flows based on the same metrics, based on the actual proposed developed. Additional discussion ensued. C. Crawford inquired as to what crossings are in place at this time. Humm explained that one crossing is on Edwards and Parks Drive and there is a water line crossing across Eighth Street. C. Svicarovich inquired as to whether or not City Engineer Reid or Civil West Engineering have reviewed the Riverside Sewer Study provided by Kennedy/Jenks as a third party review. C.A. Daykin noted that neither of these Engineers were asked to review the Study, and pointed out that this Study is really more Master Plan level. Additional discussion ensued regarding the pump station. Humm discussed that decisions regarding this really come down to what the driver is for the City. Humm explained that if the City is interested in the shallowest collection system with a pump station, he could provide a recommendation as to whether the pump station needs to go. C. Nelson inquired as to what the rough lift height of the pump station is as located which Humm confirmed to be in the 12-15 foot range.

Engineer Larry Anderson approached Council with regard to the Edwards Family property in the northern area of the Riverside District. Anderson discussed that the Study map is similar to the sewer plan they completed back in 2013; discussion ensued. Anderson pointed out that a large commercial center will maintain their own pump system, which may allow for an adjustment to the depth of the sewer main. He explained that in their evaluation they had basically all of the Edwards property served as well as the Lindquist property to the south (almost along the same alignments) to the headworks of the plant without a pump. He pointed out that in the Kennedy/Jenks plan they are showing 18 feet deep at the north property line in contrast to the minimum 8 feet minimum that he believes they had laid out in 2013, which he feels is the reason a pump is required in the Kennedy/Jenks version. Anderson discussed their plan in greater detail and pointed out the benefits of moving forward with their plan, though a copy of their referenced plan is not available at the meeting tonight. Humm provided clarification with regard to their Study findings and voiced support of the 18 foot depth as indicated. Additional detailed

discussion ensued and it was noted that the plans are similar except for the depth issue. Anderson discussed the elevated costs associated in putting in the deeper sewer option, in addition to the cost of the pump station which would be required. M. Russ discussed that at this point the City is reviewing an overview. C.A. Daykin provided clarification that manhole 20 was installed with the WWTP facilities based on the accommodating future growth in the Riverside area, and inquired as to whether Humm is confident that that's where all of the sewage would come from the properties north of the sewer treatment plant, and then lifted to the headworks. Humm confirmed this to be correct. Additional conversation ensued and Anderson discussed their plan in detail.

C.A. Daykin informed that the 2004 Waste Water Facility Plant specifically stated that any new development would have to be on its own collection system and cannot attach to the Edwards Road sewer main. C.A. Daykin explained that the Edwards main is at nominal capacity that has to serve the rest of the City that is yet to be developed and that is already zoned for industrial commercial uses. He clarified that there is not the capacity to take on the uses that are zoned agriculture that will have additional uses, which is why the Study requires a dedicated line coming to the WWTP. With regard to the need and location of a pump station, C.A. Daykin discussed that this is a matter which can be resolved later on. He also pointed out the importance of having a document so the two major property owners see that they do have to work together.

Engineer Anderson discussed that their biggest concerns are that they have an opportunity to discuss this before the Planning Commission to work out more details on how things are sequenced, how things are paid and reimbursed, and greater detail on the depth and design. If tonight's resolution is adopted, Anderson supported adding verbiage which provides flexibility to change any and all of it. C.A. Daykin explained that it's part of the City's Master Plan process and the Development Code refers to the Master Plan so that when a development comes in it all ties into that requirement; the City must show what kind of facilities are needed to serve that area, and that Master Plan is referenced by the Development Code. Additional discussion ensued and C.A. Daykin briefly described the process moving forward, including the importance of both major property owners working together. He also discussed an option that the City Council can consider if it reaches the point where the City Council feels that one party or the other is not working in good faith and preventing development from moving forward. If Council so chose to become involved, they could take action and make it a public project and move forward in that direction as opposed to allowing private development to construct the public facilities. Anderson inquired as to whether the City is prepared to condemn easements in order to move forward. He explained that that is the issue because they can agree and the City can force the share of the costs; if they build it through a Local Improvement District (LID) or advanced financing agreement this City can require the developer to pay their share at the time they develop. M. Russ explained that in some ways that is the purpose of the Resolution. Additional discussion ensued and M. Russ encouraged Anderson and the Edwards family to provide a better plan for review if they so desire. Anderson offered additional detailed discussion regarding some of the history of the process thus far, concerns with regard to the type of development desired for the area, as well as noted the unique opportunity presented in the City of Dundee. He pointed out that the needs in Dundee are much different today than they were in 2010. C. Svicarovich expressed her appreciation of Anderson's concerns and comments explained that she believes that many of Anderson's concerns are being addressed in the zoning meetings. Anderson pointed out that the Zoning Plan looks the same as it did in 2018, though C. Svicarovich pointed out that the uses are different.

City Attorney Ramis discussed that in adopting the document the City is also adopting Section 2 of the resolution, which he believes resolves the question that is being asked. He pointed out that this is a Master Plan which is general and provides a baseline for analysis; it doesn't design a

system. Discussion ensued and the consensus of Council was to amend the language in the sentence in Section 2 of the Resolution from "...to guide construction of future sewer collection facilities...." to "...to guide design and construction of future sewer collection facilities..." A **motion** was made and seconded to adopt Resolution 2018-19, a resolution adopting an amendment to the City of Dundee Wastewater Facility Plan with the amended language in Section 2 "...Wastewater Facility Plan to guide design and construction of future sewer collection facilities within the Riverside District" **The motion** passed unanimously.

Ninth Street Construction Design

C.E. Reid provided a slide presentation regarding preliminary Ninth Street design options for the area located between Highway 99W and extending to Alder Street. He noted that the TSP defines this section of Alder Street as a standard collector street. C.E. Reid explained that there is 60 feet of right-of-way through the section. Multiple street options and Streetscapes were discussed at length, with examples shown on the projector (as also included in the agenda packet beginning on page 65). Different planter options were discussed at length as shown on page 71. It was noted that water quality planters could be placed to abut the sidewalk which would be for water quality off the street. C. Nelson supported the need for parking at least in the section from Highway 99W to Linden Lane; parking may be less important from Linden Lane to Alder Street, but making the transition may require some thought. C. Svicarovich discussed her concerns with the cross-section in Figure 7 (page 67) allowing only for a 10 foot travel lane which she felt needs more space than this, especially when traveling up a hill. Additionally, she discussed that the Ste. Michelle Winery could potentially be trucking heavy loads of water up this street in the future. C. Nelson suggested that parking on one side only might be a better option. Additional discussion ensued. C.A. Daykin discussed that there will likely be some significant commercial investment in this area. He explained that there are a variety of reasons for the parking issue seen right now on Seventh Street; he does not believe the same situation will occur in this area with the type of uses being proposed. C.A. Daykin also recalled discussion about urban renewal participating with destination parking, and he doesn't feel that street parking would be missed in this area. Discussion ensued regarding the opportunity to potentially create a nice gateway to wine country look for this area; this area was noted to be a major access point to wine country. C. Adlong voiced support of two bike lanes being included in the design, though didn't feel strongly that additional parking would be needed. C.A. Daykin discussed that in prior years there were a couple of different partitions in which case the property owners dedicated an additional 3 feet; at one time it appears that the City looked at having a 66 foot wide right-of-way though no documentation has very been found to indicate why this was desired. He also pointed out that this is something that urban renewal could participate in if the City desired having a wider right-of-way width to make this a more dramatic transportation feature. The option of a median for this area was introduced and discussed at length. Many thoughts and ideas were suggested and discussed. S. Svicarovich discussed that at the intersection of Ninth Street and Highway 99W a left turn lane may be needed in the future with all of the development in the area. Though that analysis was not done as part of the TSP, it's something that the Ste. Michelle team has been asked to review as part of updating their traffic analysis. Additional discussion ensued. C. Nelson suggested that potentially creating a one-way street entrance to wine country could be another option; C.E. Reid noted that the TSP would need to be changed to accommodate that option. M. Russ discussed concerns with long-term maintenance of a median area, which C.E. Reid noted that concern as well and discussed that careful planning would need to be done.

C. Svicarovich reviewed information she located in the TSP (pedestrian and bike access ways should be provided at 330 foot spacing) and voiced support of a mid-block pedestrian crossing between Highway 99W and Linden Lane as it likely makes sense in this area. She also referenced a footnote under the statement in the TSP which discussed that this spacing was based on a proposed amendment to the City Code and inquired as to whether this had been done. C.E.

Reid indicated his belief that the Code has been amended to support that crossing though he will verify the information.

C.A. Daykin discussed that they are trying to gather enough information to prepare a concept plan with cost estimates attached that can be used as the basis for securing a state loan. He explained that he views this as a City initiated project for construction, and the question is how to ensure that the appropriate parties pay their fair share. The option of a Local Improvement District (LID) was discussed, though a more detailed discussion will need to take place in the future. C.A. Daykin provided clarification that only the area between Highway 99W and Alder Street is being considered for improvement at this time; he noted that if the City does make application for the loan he would like to put in the possibility of extending up Alder from Ninth to where the finish improvements constructed by Alder Hill subdivision are located.

C. Svicarovich voiced support of the parkway collector with bike lanes option in figure 10 on page 67, though she is intrigued by the islands as presented in the alternative concept; discussion ensued.

C.E. Reid discussion street lighting options. C.A. Daykin discussed that PGE will be rolling out a new tariff for LED street lights; Option B will be brought back which C.A. Daykin pointed out will benefit the City in future development. Additional discussion ensued and it was noted that with Option B the developers will pay for the street lights and the fixtures, and the City would get a much lower monthly rate; PGE maintains the lights. C.A. Daykin also discussed that PGE now offers the new black poles that were used in the Falcon Crest area with the Cree LED light fixtures. C. Svicarovich pointed out that PGE also offers a Westbrook fixture which is a bell-shaped fixture. C. Svicarovich inquired about whether the goal of the street lighting is to light the street or only the sidewalks. C.A. Daykin pointed out the importance of that as well and noted that he anticipates the lights for Ninth Street facing the street. C. Nelson voiced that he needs more time to consider all of the options.

M. Russ voiced support of having some sort of semi-permanent pedestrian crossing. C. Crawford voiced that he would be in favor of pavers but not stamped concrete as this fades over time. C. Svicarovich voiced that she is not in favor of the 2 foot joint pattern for the sidewalk if it's going to be cut in like it was cut in on Highway 99W; she prefers it be tooled though C.E. Reid noted possible increased cost in doing so. Additional detailed discussion ensued and C. Svicarovich pointed out that if there is a significance cost involved she doesn't feel it would be worth it. C. Crawford voiced support of a sidewalk wider than 5 feet, and M. Russ suggested the addition of additional hardscape features with a wider sidewalk. C. Adlong voiced concern about the addition of a median and noted that she doesn't feel it fits in with the City of Dundee, though she would like to see areas of green along with hardscape areas. She voiced that she is also in favor of the storm water treatment facilities, even if they aren't present along the whole length of the area. C. Pugsley pointed out that the storm water treatment facilities would work especially well in areas where there is no parking which C.E. Reid supported as well and discussion ensued. C. Svicarovich voiced support of looking at a medium sized planter if 3 feet of additional space was available on each side and a bike lane could be added; a 12 foot travel lane she noted to be her biggest priority. C.A. Daykin suggested that if there were a median there would then be a wider sidewalk next to the curb; this could be broken up where there are tree wells or alternating groups of plantings that are in their own planter spaces. C. Svicarovich suggested that between the planter area and the sidewalk there may be an intermixing of hardscape. C.A. Daykin discussed that an option of the street lighting could be placed in the median and not in the pedestrian pathway on both sides of the street. C.E. Reid suggested potentially going down to a minimum 4 foot bike lane; even a 16 foot space could accommodate a 12 foot travel lane. A 4 foot bike lane was noted to be a bit narrow; a 5 or 6 foot bike lane would be most ideal. C.E. Reid inquired as

to whether Council would be interested in seat walls along some of the intermittent planter areas to which they supported. Council also supported potential water quality facilities along the sidewalk unless there is parking, and favored pedestrian crossings as well. Options for defining the pedestrian crossings were discussed, and C.E. Reid suggested potentially combining the look of these with the sidewalk hardscape areas as well.

C.A. Daykin reviewed that Saj Jivanjee has advocated for a roundabout at the Ninth Street intersection multiple times during presentation of his winery project. Though it was noted that a roundabout could be an elegant solution to the skewed streets at this intersection, C.A. Daykin discussed that this solution would come at a significantly increased cost. Additional discussion ensued with regard to potential future traffic patterns and volumes in the area. C. Nelson pointed out that sometimes roundabouts are required to be very large in size depending on traffic, and C. Svicarovich suggested that Dundee doesn't have the volumes of traffic to justify one at this time; when the TSP is next updated in the next few years there might be more volume to be able to justify this type of solution. Discussion ensued regarding the fact that additional right-of-way would need to be obtained as well as concerns expressed about grading/excavating the area where it would be located to make it level.

C.A. Daykin encouraged Council to be observant of their surroundings as they're out and about in other communities and forward him any streetscape ideas they see that might be applicable to the Ninth Street area.

New Business

Resolution No. 2018-20, November 6 Election Results

A **motion** was made and seconded to adopt Resolution No. 2018-20, a resolution accepting Dundee election results from the November 6, 2018 general election as certified by Yamhill County Clerk Brian Van Bergen. **The motion** passed unanimously.

Resolution No. 2018-21, Portable Sign Recovery Fee

C.A. Daykin briefly reviewed the proposed resolution that authorizes the City Administrator to remove portable signs improperly placed in the public right of way. A **motion** was made and seconded to adopt Resolution No. 2018-21, a resolution authorizing the removal of noncompliant portable daily signs from the public right of way and establishing fees for the return of such signs removed. C. Adlong inquired as to whether this resolution will driven by complaints only to which C.A. Daykin noted will likely be the case for the most part. C.A. Daykin also explained that once the resolution is adopted the information will be sent to those businesses which have these types of signs. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Nelson inquired about Mr. Lowe's comments regarding the executive session information released on the records request disk provided to him. C.A. Daykin explained that the issue was discussed at staff level; he will provide Council with a report at the next Council meeting.

C. Svicarovich discussed that she attended the Yamhill County Commissioners meeting regarding the Erath Ste. Michelle development last Thursday. She reviewed that she, C.A. Daykin and C.A. Ramis worked together to provide a letter on behalf of the City of Dundee to address the concerns discussed at the last Council meeting. C. Svicarovich explained that she discussed the concerns at the Yamhill County Commissioners meeting during their comment period. It was her belief that the applicant tried to address some of Council's concerns that were outlined in the letter. She discussed her belief that the applicant seemed to realize that they didn't evaluate the noted intersections and that those are important intersections that need to be evaluated. Additional discussion ensued and C. Svicarovich explained how the applicant completed a weekday traffic

analysis during the meeting to provide feedback which they indicated showed there would be no conflict. She requested that they also provide a weekend traffic analysis as well as follow an ODOT procedure for that analysis. C. Svicarovich requested that ODOT be brought in as a stakeholder to review the traffic analysis since the State Highway will be impacted as well. She discussed that it was a very good meeting with lots of public comment from various property owners. The meeting was continued. There was some hope that John Phelan, Yamhill County Public Works Director would be able to provide comment from the public works perspective; when Fairview Road was paved and paid for by the local home owners as part of the Cooperative Road Improvement program it was put in as a local roadway with a 4 inch rock base, and there was a concern that with the amount of heavy vehicles that will be accessing the site that really it should have been built with a 5 inch base to the industrial standard in the County. C. Svicarovich informed that the next meeting will be on Thursday, December 6 at 9:00 am to continue the meeting, and they will need to make a decision at that time. She felt that the residents have presented a very strong case and noted that they are all requesting denial of the application. C. Crawford inquired as to whether the County can put on any requirements to upgrade the roads as a condition for improvement. Though it is C. Svicarovich's belief that this is a possibility, she believes that a lot of that will be dependent upon what John Phelan presents as part of a Staff Report to the County Commissioners as that was not something that the County Planning Director considered.

Mayor's Report

M. Russ inquired about Don Lowe's comments pertaining to his request that Council needed to vote on Planning Commissioner Swenson's removal. He suggested that putting the information in writing to Mr. Lowe may help clarify the actions that have been taken. C. Nelson voiced support of this as well. C.A. Daykin reviewed that the process was discussed at a Council meeting where, if Council felt it was warranted, they would conduct a hearing and invite the Planning Commission to the hearing to discuss the accusations of improper conduct, and there would be a due process. At the time, however, C.A. Daykin reviewed that Council had indicated that they didn't feel this was necessary. C.A. Daykin offered to send Lowe an email explanation.

C. Svicarovich inquired as to whether Lowe has appealed the land use decision to LUBA. C.A. Ramis discussed that there was a Notice of Intent to Appeal at LUBA, and provided discussion with regard to the process as well as discussed the City's options with regard to involvement or not involvement in the case. C.A. Ramis discussed that Lowe has filed a Notice of Intent, which is the first document filed in order to begin a case at the Land Use Board of Appeals. He explained that after the filing the City has 21 days to prepare the record of the case. After this information is submitted there is a period of time where parties can object to parts of the record and there is a process to get it in order. Once LUBA makes the decision that the record is in order there is a 21 day period for the petitioner to file a brief, which is when the arguments become known. C.A. Ramis explained that the responding side then has 21 days to prepare a response and sometime shortly after that there is an argument. He noted that LUBA is supposed to complete their review of these cases within 120 days; usually there are some delays but it will likely take 4-6 months for a decision. C.A. Ramis discussed that this decision is appealable then to the Court of Appeals of the State of Oregon, who have 180 days to decide the case and they have their own briefing schedule. The entire process could potentially take a year if everyone takes all of their remedies. In terms of the City's involvement, the Council has choices along a spectrum. At one end he explained that Council could defend their decision by preparing briefs and responding. At the other end of the spectrum, and a more typical approach, a jurisdiction could say to the applicant that this application was something that they applied for, Council agreed as a regulator to approve it, and it is their job now to defend it. The applicant then has the ability to do what's called "intervene" in the case at LUBA, and then carry the defense. Somewhere in the middle, and something that they tend to suggest, C.A. Ramis explained is to

tell applicants that they will have the responsibility of defending the case but when the opponents brief comes in we would typically review it, consult with the City Administrator and perhaps have an executive session with the Council, to see whether there are arguments that the City might like to address. C. Adlong inquired about who incurs the costs associated with the legal expenses that are incurred. C.A. Ramis explained that if the City takes the position that the applicant is going to carry the weight of the case they will pay for that; the City would only pay for legal services requested. He noted that getting the applicant involved in the case early allows them to incur the expense. C.A. Ramis clarified that there is a possibility that LUBA can award attorney's fees but only in the rarest cases and only if they find that positions were taken in bad faith. C. Svicarovich inquired as to what the City's options are if the applicant decides not to become involved. C.A. Ramis explained that it is possible for the City to voluntarily remand the case; if it becomes known that the applicant does not want to participate, one of the City's options is to voluntarily remand the case and then have them withdraw the application once jurisdiction is back in the Council. C.A. Ramis discussed his belief that if the City remands the case and if the application is withdrawn there is simply not a decision.

M. Russ announced that Councilor Doug Pugsley is retiring from the Dundee City Council with his term expiring December 31, 2018. He presented a plaque to acknowledge C. Pugsley's twelve years of service as a City Councilor, as well as his time serving on the Budget Committee.

City Administrator's Report

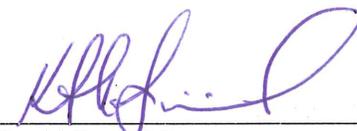
C.A. Daykin informed that the Parks Survey results have been downloaded and C. Adlong is bringing it to the Park Advisory Committee meeting tomorrow night. Don Clements and Casey Creighton, CPRD will also attend the meeting. C.A. Daykin explained that the intent is for the Parks Advisory Committee to come back to Council with a recommendation. It is his hope that once Council is provided with the information they will provide a formal recommendation to CPRD. Also, C.A. Daykin discussed that he did describe to CPRD that there's interest from Dundee City Council to have a joint workshop meeting, as there are some very important issues that need worked through including the development of parks in the Riverside area as well as the status of Billick Park. They are working towards scheduling a meeting in February; Council was in favor of scheduling this meeting on a Thursday at the Dundee Fire Station Community Room.

C.A. Daykin discussed that he and Chief John Stock had a meeting with the Sherriff and the Director for YCOM. They have invited the Sherriff to come to the first Council meeting in January to provide a description of the services provided through YCOM. This is being looked at again as another alternative to where things are today; more information will be provided at an upcoming meeting.

Public Comment

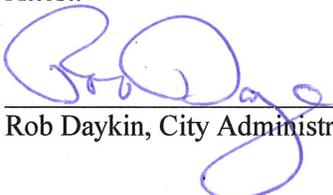
None.

The meeting was adjourned at 9:32 P.M.



David Russ, Mayor
Kristen Svicarovich, Council President

Attest:



Rob Daykin, City Administrator/Recorder