

**CITY COUNCIL MEETING  
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December 6, 2016**

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**City of Dundee  
City Council Meeting Minutes  
December 6, 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, Doug Pugsley, Kristen Svcarovich, and Ted Crawford. Staff members: Rob Daykin, City Administrator; Shelby Rihala, City Attorney; Greg Reid, City Engineer; and Melissa Lemen, Administrative Assistant.

**Public Attendance**

Ryan Pasquarella, CPA, Grove, Mueller & Swank, P.C.; and Michael Humm, Kennedy Jenks.

**Agenda Changes**

Item 5.2 Kelly Amador, ODOT – Bypass Project Update was removed from Presentations as Kelly Amador and her co-presenter were unable to attend the meeting. The presentation has been tentatively rescheduled for the January 3, 2017 City Council meeting.

Item 7.7 Resolution No. 2016-27, Easement Necessity was added to Old Business

Item 8.4 City-County Dinner Schedule was added to New Business

**Public Comment**

Michael Humm, Kennedy Jenks & Associates, advised the Council that he is here to provide an update. He informed that yesterday Kennedy Jenks & Associates were informed that Preston Van Meer has submitted his letter of resignation. Mr. Humm wanted to make sure that the Council was aware of that, and reviewed the fact that Preston was instrumental in the WWTP. Following his work on that project he had taken on some different roles at the company, and had not been involved in the day-to-day engineering work that has been done for the City of Dundee. Mr. Humm informed that moving forward he does not believe that the City will see any kind of tangible change with ongoing work or work in the future. He advised that he is here to answer any questions or hear any concerns that the Council may have with regard to this change.

C. Nelson inquired about how the WWTP responded to the Thanksgiving weekend rains. Mr. Humm acknowledged that there were heavy rains amounting to 2.25 inches. He further advised that Todd Miller put some water into the equalization lagoon and permeated out what he could. Mr. Humm informed that it operated under the EQ strategy. He informed that it doesn't appear to be as sustained as what we have previously seen and that they are tracking the data.

**Ryan Pasquarella, CPA – Annual Audit Review**

Ryan Pasquarella, CPA, Grove, Mueller & Swank, P.C., informed that they performed the independent audit for the City. He informed that he is here to present the Financial Statements for the City of Dundee for the fiscal year ending June 30, 2016, and to provide a summary of what happened that fiscal year. He reviewed the Governance Letter briefly with the Council, pointing out one adjustment that was made, and further advised that the finance department does a very good job. Mr. Pasquarella next reviewed the provided bound copy of the financial

statements. He briefly reviewed the Independent Auditor's Report on page 1, and pointed out that they gave the City a clean opinion on presenting the financial statements in accordance with the modified cash basis which is allowed by the State of Oregon. He referenced the letter on page 53, and advised that they had to perform an additional audit over the City's internal controls and financial statements related to some of the debt that the City has. He explained the work that must be completed in accordance with governmental auditing standards. He pointed out that on page 55 a finding is notated that was originally discovered in 2015 but continues forward for the time being. On page 56 he reviewed the letter regarding their audit of the City's compliance with some of the Oregon Revised Statutes. It was noted that the City did not retain documentation for one of the intermediate procurements selected for testing and, therefore, compliance could not be verified. City Administrator Daykin explained that this was with regard to the colored sidewalk tiles that the previous City Engineer had researched. He informed that two quotes were presented with regard to this work, the thermoplastic alternative and the concrete alternative. C.A. Daykin advised that he had the impression in talking with Charles that he was unable to find other comparable concrete providers for the ultimate direction that was chosen, though no documentation as to this process was able to be confirmed. Potential repercussions to this lack of documentation were briefly discussed.

Mr. Pasquarella discussed that last year he had talked with Council regarding the switch over to doing a full GAAP Financial Statement, and the fact that the State was leaning that direction as far as that being potentially needed going forward. He informed that they've heard nothing from any State Departments related to that and as far as they know now, staying with the modified cash basis is going to be fine. He advised that he will keep the City informed if anything does come up related to that.

Mr. Pasquarella reviewed and offered some explanation with regard to the three page Financial Analysis document pertaining to the major areas of the City, what happened during the year and where things stand at year-end related to it. He pointed out that water fund balance did drop by about 30% this year due to some significant improvement projects that were done this year. Mr. Pasquarella also reviewed that with regard to the water fund revenue section at the bottom of the second page, the drastic change in the debt payment column is due to the fact that one of the loans in the water fund was refinanced; the ratio will be better moving forward due to lower debt payments. On the final page of the report regarding the Sewer Funds, it was noted that the fund balance did increase some, though not as much as in the prior year because there were more capital improvement projects in this fund as well. Further details were discussed. Mr. Pasquarella reviewed the fact that he feels that overall the City is sitting in a good position.

In closing, Mr. Pasquarella advised the Council to review the footnote information beginning on page 24 in the Annual Financial Report. He informed that since we are reporting on a modified cash basis, the debt is not specifically shown in the financial statements other than in this footnote. He reviewed the specifics of this information and the importance of being aware of what the debt balances are. He advised that he is prepared to answer any questions that the Council may have.

C. Crawford inquired as to the financial health of the City of Dundee as compared with other cities they have reviewed on a scale of 1 to 10. Mr. Pasquarella shared his opinion that he would give Dundee a score of about a 6; Dundee has more debt than some of the other cash basis cities that they work with. Overall, he advised that the City does a very good job of storing money for capital improvements (building up those reserves related to it), and there have also been a lot of projects within the City which has increased that debt amount.

## Consent Agenda

The motion was made and seconded to approve Consent Agenda items 6.1 City Council Minutes, November 15, 2016, 6.2 Financial Report Ending October 30, 2016, and 6.3 2017 Meeting Calendar. The motion passed unanimously.

## Old Business

### Resolution No. 2016-23, Repealing Fence Permit Requirement

Mayor Russ briefly reviewed the Agenda Report and Recommendation. He inquired about whether or not there is anything in our design standards pertaining to fence requirements. C.A. Daykin replied that this information is covered in our Development Code. M. Russ inquired about specific fence aesthetics as well as material specifications. C.A. Daykin informed that aesthetics are not covered but that there are some requirements pertaining to materials in commercial zones. Those details were discussed further. C. Adlong pointed out that electric fences are not allowed in the residential zone to which C.A. Daykin confirmed, though he does believe the agricultural zone does allow them. C.A. Daykin reviewed the Agenda Report in detail, emphasizing that the Council has a full range of options available as listed. He also reviewed that the present option is more of a volunteer type of approach. A motion was made and seconded to adopt Resolution No. 2016-23, a resolution repealing Resolution No. 06-14, relating to requiring a permit for the construction of a fence. The motion passed unanimously.

### Engineer's Report – Locust Street Improvements

C.A. Daykin reviewed the background information contained on the Engineer's Report and the fact that the City Council originally reviewed this approximately a year ago, but because of other projects on the table at that time they weren't able to move as quickly on this as they had wanted to. Mayor Russ inquired about whether or not the lot on the northwest corner of 8<sup>th</sup> Street and Locust Street is included in this Local Improvement District (LID) to which C.A. Daykin confirmed.

C. Svcarovich inquired about street lighting, which isn't reflected on the map. C.A. Daykin informed that street lighting is not included in that area in that part of Dundee; all of the street lights are mounted on PGE poles. C. Crawford inquired as to whether or not Chehalem Park and Recreation District (CPRD) put any money aside for these street improvements when they developed Fortune Park. C.A. Daykin informed that no money was set aside for the City of Dundee, but that he is unaware if they put any money aside within their own organization. C. Crawford inquired further regarding whether an agreement was made with regard to Maple Street to which C.A. Daykin responded that CPRD never executed an agreement with the City. The fact that CPRD had previously discussed setting aside some money for this project was discussed; C.A. Daykin reviewed that they didn't like the terms in the agreement that basically indicated that the City Council could decide when they would have to do the improvement as a unilateral action. Further details were discussed including the fact that Don Clements, CPRD, is aware of where things stand presently with regard to this process.

C. Adlong inquired as to the location of the swale within this LID at a cost of \$6,617.78. City Engineer Reid confirmed the location to be between the curb and the sidewalk on both sides. He further advised that he and Rob have already discussed this and it will be reviewed again during the design phase. Further details were discussed including the fact that the swale would be kept as shallow as possible, and may be minimized depending upon how much water quality facility is needed. C.E. Reid described a possible alternative plan to this as well. C. Adlong pointed out that the park site can get pretty wet and boggy. C.E. Reid explained that all of the drainage in that area is ditch drainage, and with limited options he has chosen the swale idea for the water

quality facilities. C. Crawford inquired as to how the process of the LID will be affected by the sale of the six lots in this area. C.A. Daykin offered explanation and discussion ensued regarding this process. At this time it is not known whether or not the builder is informing prospective buyers of the intended action by the City. M. Russ pointed out that once the resolution is passed, this information should be made available to prospective buyers. C. Adlong inquired as to how lengthy the process is between the time the resolution is passed and completion of the assessment. C.A. Daykin explained the step by step process in detail from the time the resolution is passed through the formation of the LID, followed by design and construction of the project. C.A. Daykin then explained the final assessment process followed by further discussion regarding the details surrounding the City Council adopting an ordinance that spreads that assessment. The property owners would have a set time period to either pay this assessment in full or execute an installment payment plan with the City. C.A. Daykin informed that the City anticipates the project, if we move forward with it, to be constructed when the weather is sufficient to build, potentially next spring and early summer. C. Svicarovich inquired as to what would be the effect if CPRD or the other property owner decided they wanted a driveway added; she inquired as to whether something like that could be dealt with during the design phase. C.A. Daykin pointed out that he's had contact with someone interested in purchasing the property that is vacant that is zoned industrial. C.A. Daykin informed the prospective buyer about what was happening and they expressed some interest in possibly changing the zoning to residential, but in order to better serve the property residential then we would need to stub out sewer and water services to that side of Locust Street which would be an additional expense. If in the course of design the City were to initiate this improvement with the idea that it shouldn't be developed residentially, then we could recover our costs. C.A. Daykin reviewed a similar example of this on First Street which was discussed in detail. The possibility of amending the properties within the LID was discussed, and City Attorney Rihala advised that she will need to check the City Code to see if this a possible option. M. Russ raised the concern pertaining to the potential request midway through the project of someone requesting to add a driveway, which would change the cost of the project. Discussion ensued regarding potential costs and further details pertaining to both industrial and residential driveways. The possibility of the public hearing being set for the January 3 or January 17, 2017 City Council meeting was discussed.

#### **Resolution No. 2016-24, Intent to Initiate LID Proceedings**

A **motion** was made and seconded to adopt Resolution No. 2016-24, a resolution declaring the City Council's intent to initiate Local Improvement District formation proceedings to construct street and other public improvements on Locust Street from Seventh Street to Eighth Street. **The motion** passed unanimously.

#### **Street Names – Parks Drive, Edwards Drive, Dundee Landing Road**

C.A. Daykin reviewed the Agenda Report and the details regarding the complexity of this issue. He communicated Staff recommendation to keep the historic alignment of Parks Drive from Highway 99W to Edwards Drive. C. Adlong supported this idea. The map on page 53 of the agenda packet was reviewed and discussion ensued regarding street names in the localized area. M. Russ suggested naming the parkway collector as Riverside Drive as this would be the street leading to and through the Riverside District. **A motion** was made and seconded to keep the historic alignment of Parks Drive from Highway 99W to Edwards Drive. **The motion** passed unanimously.

C.A. Daykin referred to the map and pointed out that presently there is a sign naming Dundee Landing Road. He pointed out that at this time there are no addresses on the Eighth Street section, and it is unknown at this time where Dundee Landing Road will end up going. C.A. Daykin further suggested that if Mr. Edwards and Lindquist start to develop, Council may want to

revisit the issue of these two streets in an attempt to clarify where Dundee Landing Road really begins. Conversation ensued regarding this and thoughts and ideas were shared.

### **Recreational Vehicle Parking and Use Regulations**

C.A. Daykin reviewed some of the details of the Agenda Report. He pointed out that presently the City doesn't have a regulation regarding living in recreation vehicles. If it is determined that the Council desires to add such an ordinance, the details of such would need to be outlined.

Mayor Russ expressed his opinion that there shouldn't be a difference between a motorized or non-motorized recreation vehicles (RV's), and that no vehicle (regardless of what type) should be allowed to stay in one place on a street for more than 72 hours. It was reviewed that enforcement action is unlikely to be taken unless there is a complaint. Conversation ensued regarding a variety of vehicles, including boats, as well as personal storage such as utility trailers and PODS. M. Russ suggested the possibility of creating different standards for non-vehicle storage items. C. Crawford referred to Newberg's regulations and felt they were reasonable and also pointed out that it would be an easy transition for our shared police department. C. Crawford also suggested asking our Planning Commission to review the regulations as well. M. Russ pointed out that he is supportive of the portion of Amity's regulation which requires the Council to be satisfied with the progress of the construction (while an RV is occupied only during construction of the owner's home) as well as be connected to water and sewer systems. C. Adlong pointed out that Amity allows for an 18 month construction period while Newberg allows 6 mos. which seems more favorable. C. Nelson suggested that although he is supportive of Newberg's regulations, he would like to see RV's extended the 72 hour allowance to keep things consistent. C. Weaver supported this opinion as well, and advised he feels this regulation would be fair. C.A. Daykin pointed out that Newberg ordinance embeds their regulation into the Development Code which can be a complex process. He suggested using the Newberg structure but adopting it as a Municipal Code provision.

C.A. Daykin reviewed the aspects of Amity's regulation that were favored, though including the 6 month construction period limit as reflected in Newberg's. M. Russ suggested a 72 hour limit for any vehicle parked in the same location on the street in addition to the remaining details included in Newberg's regulations. C. Adlong expressed concerns regarding oversize or larger size RV's. Discussion ensued further regarding the possibilities of adding regulations for these types of vehicles as well. C. Svicarovich pointed out that Sherwood's regulations include a portion pertaining to regulation with regard to street width, and suggested adding this information to our regulation. M. Russ and C. Adlong also supported that idea. C.A. Daykin suggested the possible idea, although he's not certain if it's enforceable, of adding a requirement pertaining to the RV being parked adjacent to the owner's property. Discussion ensued further regarding this. C. Weaver pointed out that often times the 72 hour regulation turns into 144 hours by the time the process of enforcing the regulation is completed. C.A. Daykin mentioned that some regulations also discuss how to define whether or not a vehicle has actually moved. C. Weaver discussed his thoughts on this matter, and suggested the vehicle be moved at least a vehicle length away from its original location. C. Weaver also pointed out the importance of the street sweepers being able to clean the dirt off of the streets, with parked vehicles potentially creating a nuisance and drainage issue after time. C.A. Daykin advised that he can further research this and bring the information back to Council at a future date.

C.A. Daykin inquired of the Council as to their feelings regarding RV's being connected to either power and/or water while parked on the street; specifically when power or water connections are crossing the pedestrian way. The consensus of the Council was that this should not be allowable due to the safety issue.

### **View Presentation and Restoration**

Mayor Russ expressed his disappointment and pointed out that only two samples have been provided for guidance on view protection. He further advised that he has reviewed additional samples doing his own research, and stressed that there are more examples available. M. Russ noted specifically that in the City of Timarron, California that a property owner cannot maintain any landscaping that would provide an unreasonable obstruction to someone's view. C. Crawford advised that he has done some research as well and noted that the City of Redmond, Washington has some ordinances pertaining to view protection as well. Though he was unable to locate them specifically, he noted they were mentioned in a document pertaining to view shed protection. C. Crawford advised that they protect views to specific scenic vistas, etc., and felt that it might be possible to create something similar for the City of Dundee. C.A. Daykin pointed out that although there may be other examples out there, the two samples shown provide for a dispute resolution process which was the direction they were looking at to resolve these types of disputes. M. Russ pointed out that in these two examples the City would be in the middle but would not be taking an active role which is what C.A. Daykin recommends. City Attorney Rihala advised that she did speak with the Principal Planner in Santa Barbara, the staff person for administering their program. She advised that he gave her some background about how their regulations came to be and their experiences with it. She explained that in Santa Barbara oceans views were the biggest concern. She felt that it sounded similar to the Council discussion at the previous meeting, though she herself was not present. C.A. Rihala explained that in Santa Barbara their concerns began with concerns of second story developments blocking views, and there was a lot of public frustration as development in Santa Barbara moved up the hills and into the Mesa's; there began to be more and more blockage of views. Many people came before Council and they were considering doing development code restrictions in terms of rights, but the Principal Planner said that in Santa Barbara their City Attorney took the position that the City was not in a position to enforce views; that did not serve a public purpose and was considered to be a private purpose. C.A. Rihala advised that in talking with Peter Watts (who was at the last City Council meeting), she advised that the Santa Barbara City Attorney gave the same advice as he had; if you want to ensure that your view stays, you purchase an easement or a CC&R's from that other person. C.A. Rihala further explained that in Santa Barbara there was further tension due to the fact that the public had come as they were frustrated by the development blocking their views, so the compromise was the proposed View Dispute Resolution. The goal of this was to exclude the City from this private right of action and to keep the City out of it as much as possible. She advised that in Santa Barbara there have been thirty cases over the past fifteen years. The Principal Planner indicated to C.A. Rihala that the biggest positive is that it forces communication between the neighbors and that people communicate with one another. He advised that the biggest negative that he has seen is that when a case does go to litigation it is very expensive, with the two property owners bearing that cost. Though the City is not in the middle of it, depending on what the situation is, it is expensive for the people involved. The Principal Planner noted that the reason they focused on trees was that it was a compromise that they weren't going to take action for protection of buildings blocking views because there was no public purpose for that; the Tree Dispute Resolution was more of a compromise. C.A. Rihala noted that the City of Santa Barbara has a much more complex development and architectural review than most places in Oregon that she is familiar with. She also noted that they have a separate review board that reviews design reviews; any proposed development goes through the land use process but then it also goes through the architectural design review process. C.A. Rihala advised that the review board has adopted what they call "Good Neighbor Guidelines" which are not binding, but indicate that if you block someone's view this is something to think about. This was explained in further detail. She advised that all second story homes are reviewed and reviews are made by this review board and then appealed to Council. She pointed out that it is a very elaborate and very complex review process, as well as expensive. C.A. Rihala also noted that the Principal Planner also indicated that he's had very mixed opinions on this process over the past years.

C.A. Daykin pointed out that by pursuing this, the City is creating a new legal right that does not exist right now under Oregon law. He further advised that by virtue of doing that, opportunity will be given for neighbor to sue neighbor. C.A. Daykin advised he has difficulty in finding the public purpose in this as opposed to two neighbors working it out themselves, or purchasing the view and establishing that right through an easement. C.A. Daykin pointed out that the difficulty in trying to create something regarding views in the Development Code is that it is difficult to come up with a standard that is definable; it has to be a clear understandable standard in the Development Code. He further informed that if the Council really wants to pursue this then there are a list of questions that City Staff need their input on so they can develop a regulation that would meet their needs. With regard to the public purpose aspect, M. Russ advised that he feels a responsibility as a Civic Leader to help preserve resident property values, which is a public purpose. He further informed that when someone's view is severely encroached their property value is reduced. C.A. Daykin pointed out that while those on the hill may be concerned about their panoramic views, people in the lower sections looking up hill and seeing the trees on the hillside enjoy that view as well; removing the trees and exposing the houses behind them would potentially impact their view as well. C. Svicarovich noted that she and her husband have discussed obtaining a view shed easement, and if they had gone through that process and purchased that view shed easement, the creation of this type of policy would devalue what they would have already paid for. C. Svicarovich explained that this is an expensive endeavor. C. Adlong pointed out that on occasion a property owner will purchase the lot in front or behind them in an attempt to protect their view.

C.A. Rihala reviewed that there are three cities in Oregon which do address this issue including Portland and Bandon, though it is all done through the Development Code and they all have specifics pertaining to building heights, setbacks, and they all specify what view they are protecting. C.A. Rihala discussed this in greater detail. C. Crawford advised that he is interested in the aspect of protecting a specific view which he believes to be possible in Dundee. C. Nelson informed that he believes there to be two issues, including the manmade view restriction issue as well as the issue of a natural changing environment view restriction. C. Svicarovich informed that she is not in favor of either option. She expressed her opinion that she believes it crosses a line that the City shouldn't cross, and doesn't make sense to her for the community. C. Weaver advised that he has concerns when case law comes down and is determined constitutionally vague. C. Weaver expressed his opinion that he doesn't feel an ordinance can be created that would work for preserving views that would be applicable in every case. He discussed his concerns in greater detail with regard to the variations in landscape within the City. C. Crawford pointed out that while he is not in favor of creating an ordinance, he is supportive of a dispute resolution. C. Weaver supported the idea of conflict resolution and neighbors talking to one another. C. Nelson pointed out that dispute resolution is available now; in order to have the City involved in a dispute resolution process, what is being disputed must first be defined. He further acknowledged that this is difficult to ascertain. C. Nelson advised that he is now leaning towards not involving the City and allowing property owners resolve these issues on their own. C. Pugsley shared his opinion that C. Weaver's point about the constitutional definition is a good thing to keep in mind. He further informed that he tends to believe that the City should not get involved, and goes on to add that the City can inform property owners that the Yamhill County Mediators are available. C. Pugsley added that he would be in favor of discussing the types of trees within the City environment, but even this issue has complexity given the older established trees already present. Discussion ensued further regarding views; including the Councilors own personal perspectives as well. C. Weaver supported the idea of recommendations for trees at maturity being a particular height, though he acknowledged that some established trees would need to be grandfathered in. This was discussed in greater detail. C. Weaver advised that he believes the biggest problem in the City is the conifers. C. Adlong pointed out property owners

who plant hedges of tall growing trees which severely impact their neighbor on potentially multiple levels should be of concern to the City. She acknowledged the importance of the issue of views for the residents of Dundee. She further explained that some municipalities prohibit specific trees for a variety of reasons, and suggested this as a potential option for the City of Dundee. C.A. Daykin noted that in some communities fence regulations include those types of hedges and are addressed in the Development Code. The issue of trees was discussed in further detail. C. Weaver pointed out another issue with regard to trees is the risk of them potentially blowing down during a storm. C.A. Daykin pointed out that it is possible to prohibit specific tree species if desired. C. Adlong advised that she is in favor of pursuing the tree portion of this issue; she felt the construction portion is something that neighbors could potentially address possibly at the Planning Commission level. C. Adlong suggested the need for additional research to be done regarding the tree aspect. M. Russ supported the idea of preserving a specific view as well; one that can clearly be defined, such as the Willamette Valley or Mount Hood. C. Svicarovich noted that she is still hesitant to pursue this as she believes that what they are trying to capture is going to be really onerous, and her concern is that the City is doing something that is going to get muddled very quickly. She further expressed concerns with regard to limiting tree types and potentially habitat for native tree species. M. Russ shared his own personal experience with regard to view issues. C. Svicarovich posed the question as to whether or not all existing trees would be grandfathered into a potential tree regulation. M. Russ briefly discussed what he notes other cities to have done in this regard. C. Pugsley proposed that Council take a look at what trees are defined as fitting into an urban environment and review this information at a future date. He also acknowledged the importance of native trees as well as grandfathering in trees; also concerning is who will be responsible for paying for the removal of those trees which are not grandfathered in. C. Weaver also stressed the importance of safety with regard to trees as well. C. Svicarovich explained that if someone is concerned about a neighboring tree with regard to safety issues, an inspection can be done by an arborist and a notarized letter sent to the property owner. In the event that the tree falls on your property and causes damage, if the prior has been completed that property owner is responsible for the damages. C. Svicarovich advised that in the State of Oregon if a tree then falls down on your property without the previously discussed being in place, you are then responsible for the damages caused to your property.

C.A. Rihala reviewed page 62 of the agenda packet with the Council and requested their input. This process is creating a new legal right that doesn't exist right now, and the parameters of that legal right need to be defined in order to be enforceable. C. Pugsley reviewed again his perspective that the Council move on from this and revisit these questions after they determine if they can define an urban tree. C.A. Rihala pointed Council to the Development Code, Section 17.302. In the Street Tree Section and Landscaping Sections there are lists of trees that are acceptable to be planted in the right-of-way. C.A. Daykin explained that this is typically because of root issues. C. Adlong reviewed in detail a situation on her narrow street where trees have likely been planted in the street right-of-way as the property owners likely believe this to be their property. C.A. Daykin informed that is a violation if it indeed is in the right-of-way area and trees have recently been planted. In 2009, Chapter 12.12 was adopted which limits the types of trees that can be planted in the right-of-way. M. Russ recommended that any further questions or opinions specifically regarding the questions on page 62 be submitted to Staff in a timely manner outside of the meeting.

#### **Resolution No. 2016-27, Easement Necessity**

C.A. Daykin reviewed that this resolution pertains to the property located between 11<sup>th</sup> and 12<sup>th</sup> Streets where the City would like to obtain the storm water easement as well as the corner for ADA ramps. C.A. Rihala explained that this is a resolution of necessity which is the trigger point for all things going forward related to condemnation. She informed that the City will continue to negotiate with the property owner and try to work towards a compromise, but if a compromise is

not reachable, what the resolution of necessity does is begin the process. She further explained that the City would make an offer, and then there is a 40 day waiting period before the City can take action to condemn the property. Further details of this process were discussed. She informed that the City will continue negotiating and hopefully an agreed upon settlement can be reached without having to go through the condemnation process, but should that fail this is a back-up plan to condemn the property. **A motion** was made and seconded to adopt Resolution No. 2016-27, a resolution declaring the need to acquire property for the purpose of constructing street, public utility and related improvements and authorizing eminent domain and immediate possession if necessary. **The motion** passed unanimously.

## **New Business**

### **Resolution No. 2016-25, November 8, 2016 Election Results**

**A motion** was made and seconded to approve Resolution No. 2016-25, a resolution accepting Dundee election results from the November 8, 2016 general election as certified by Yamhill County Clerk, Brian Van Bergen. **The motion** passed unanimously.

C. Pugsley inquired as to whether or not the write-in names were known from the election results. C.A. Daykin informed that he does not have that information. This information should be available through Yamhill County. M. Russ informed that he was unable to obtain this information on their website as he has previously been able to do.

### **Resolution No. 2016-26, Whistle Blower Policy**

C.A. Daykin reviewed that having this policy in place is newly required under State law. C.A. Rihala informed that the Oregon Legislature requires this policy to be in place. **A motion** was made and seconded to approve Resolution No. 2016-26, a resolution adopting a whistleblower policy for the City of Dundee. **The motion** passed unanimously.

### **Ordinance No. 552-2016, Repeals DMC Chapter 3.06**

**A motion** was made to adopt Ordinance No. 552-2016, an ordinance repealing Ordinance No. 533-2014, an ordinance establishing a tax on the sale of marijuana and marijuana-infused products in the City of Dundee, as codified by Dundee Municipal Code, Section 3.06 (marijuana tax). **The motion** passed unanimously.

### **Local Government Dinner**

M. Russ reviewed the proposed Future Dinner Schedule and Format. It has been suggested to move to quarterly dinners as opposed to bimonthly, and the schedule pairs us with the City of Sheridan in 2018 for our dinner. Discussion ensued regarding thoughts and ideas relating to the local government dinner schedule. C.A. Daykin informed that he spoke with the City of Dayton as to their thoughts, and they have decided to let the COG know that they prefer to plan their dinner independently. They believe it would be too cumbersome trying to work out an arrangement with another City for these types of events, which C.A. Daykin is inclined to believe to be true as well. C.A. Daykin acknowledged the large amount of work the event is for City Staff. The Consensus of the Council was to support the new quarterly dinner schedule while also requesting to host the dinner independently as opposed to partnering with another City. C.A. Daykin inquired of the Council as to whether they prefer to request to continue hosting the dinner in the month of August or are flexible for another month. The consensus of the Council was to be open to having the dinner in different months. C. Pugsley suggested there be a maximum number of door prizes allowed at the event.

## **Council Concerns and Committee Reports**

C. Crawford informed that a discussion came up at the Bypass Parkway meeting that the priority had changed for legislative lobbying to obtain money for Phase 2 of the bypass, and jumped over the priority of obtaining money to fix the fishhook. C. Crawford further explained that he knew there was an urgency to purchase the right-of-way for Phase 2, but he called them on the fact that it had not been discussed publically amongst the Parkway Committee that the priority had changed for funding Phase 2. M. Russ informed that they did have that conversation in Committee, and the consensus amongst the Committee members that since the fishhook is not a part of the permanent plan, and we're having trouble gathering funds from different entities to make this happen, taking funds away from completion of the entire project to enhance a temporary portion of it really doesn't make sense. Also, M. Russ pointed out his concern that the biggest failure on the system right now is that when the bypass opens up that the Springbrook Street section fails. He expressed his opinion that if that end of the bypass becomes more operational then more people will use it. M. Russ advised that ODOT has suggested that 50% of traffic will be off of 99W in Dundee, though he doesn't feel that will be truthful until the bypass extends up Rex Hill. It is his further belief that once 50% of people are then using the bypass, the fishhook will fail miserably and something will need to be done. C. Crawford pointed out that the Parkway Committee stressed the need to be consistent in our messages to any of our elected officials at the State level to say that the next most important priority is building Phase 2, because otherwise Dundee is going to be dealing with traffic backed up into Dundee instead of on both ends the way it is now; it will be worse for Dundee if they don't get Phase 2 built up Rex Hill. C. Crawford noted that the traffic studies that they've done have said that the fishhook will fail, backing up into Dundee because people will get so tired of getting on the bypass via Springbrook and will stay on 99W.

C. Adlong inquired as to why the traffic is backed up coming into Dundee from McMinnville now on a regular basis. Discussion ensued regarding the signal light that was placed in that area, and concerns were expressed regarding the frequency of the light changing. C.A. Daykin advised that he did mention this to Kelly Amador at ODOT as a concern that the City Council discussed. He advised that she mentioned that they had previously had a sensor that wasn't working properly and they have now changed it over to radar which they feel is working better. M. Russ advised that he believes the light to be changing even when there is no one present in the left turn lane. C.A. Daykin also noted that Kelly mentioned that when police were in the area doing speed checks this caused the light to change as well, and further fine tuning has been done with regard to that.

## **Mayor's Report**

Mayor Russ advised that he recently attended a meeting at Congresswoman Bonamici's office with various Parkway Committee members and a representative from Springbrook Properties. He advised that she seemed really on board to help support the Committee and to help get FastAct money or Tiger Grants. She also expressed her willingness to try to show her support to Senator Boquist and try to keep him on track as well, though M. Russ noted that Senator Boquist has already told him that he is behind this project. M. Russ advised that the point was made to make sure that they are all on the same page with regard to making the statement that the Committee would like to move forward with the Phase 2 portion. M. Russ advised the Council that if they do have any interaction with any legislators above their level regarding the Bypass project, he recommended that they also report back to a Parkway member so the information can also be provided to the Parkway Committee.

M. Russ informed that this morning he went to Dundee Elementary School and initiated the "If I Were Mayor" contest again. He advised that the contest will be limited to Dundee Elementary students only.

M. Russ pointed out a potential parking issue on Linden Lane. M. Russ indicated that in a portion of the street there is an area where many cars are parked perpendicular to the street (in the right-of-way he believes). C.A. Daykin advised that he believes a family lives there which has several teens who are driving, so there are a lot of vehicles. He further advised that technically it probably is a violation and that it's something that we can notify the police regarding if it is a concern. M. Russ felt there was also an encroachment into the road when cars are parked in that manner. C.A. Daykin pointed out that this is likely an issue, especially if they are presenting a hazard in the area. C.A. Daykin will advise the police department of the issue.

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

C.A. Daykin advised that the last independent meeting of the Dundee Urban Renewal Advisory Committee will be tomorrow night on December 7, 2016. He informed that the next meeting will be to make a presentation to the Agency and having a joint meeting. The consensus of the Council was to schedule the final meeting on January 17, 2016.

C.A. Daykin advised that the Councilors should have received an updated League of Oregon Cities bulletin, which contains a schedule of workshops for elected officials. He informed that they are good for refresher courses as they discuss a large number of issues, and offered that if anyone on the Council wishes to attend the City has a budget to cover incurred expenses. He encouraged the Council members to consider attending one of the workshops.

C.A. Daykin informed the Council that the City has received several complaints regarding cars that appear to be improperly parked with "For Sale" signs on them around the Third Street intersection on 99W. He advised that he and Jessica Pelz, the City Planner, have been playing phone tag on the issue. He informed that there was a home occupation permit issued to the property owner but that there were some restrictions on that permit. C.A. Daykin informed that before he sends a letter out he wants to clarify if there are any other violations of this permit. He pointed out that they are clearly in violation of City policy at this time and they will be notified of this. C.A. Daykin explained that there is a 50 foot setback from the highway but there are exemptions to that, as well as some restrictions in terms of the home occupation.

### **Public Comment**

None.

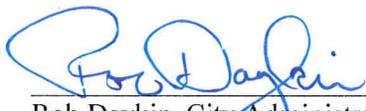
The meeting was adjourned at 9:08 pm.

### **Executive Session**

The City Council entered Executive Session at 9:09 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 9:31 P.M.

  
\_\_\_\_\_  
David Russ, Mayor

Attest:

  
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Rob Daykin, City Administrator/Recorder