

**CITY COUNCIL MEETING
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May 4, 2021**

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**City of Dundee
City Council Meeting Minutes
May 4, 2021**

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 Tim Weaver, Ted Crawford, Jeannette Adlong, David Ford, Storr Nelson and Patrick Kelly. Staff members: Rob Daykin, City Administrator; Tim Ramis, City Attorney; Greg Reid, City Engineer; Brent VanKeulen, Interim Fire Chief; Bert Hanifan, Volunteer Lieutenant; and Melissa Lemen, Administrative Assistant.

Public Attendance

Via Zoom: County Commissioner Mary Starrett; Kevin Starrett; and County Commissioner Lindsay Berschauer.

Agenda Changes

Old Business Item 5.3 Travel Oregon Grant Agreement and 5.4 Water Tender Purchase were added to the meeting agenda.

Public Comment

C.A. Daykin explained that an email was received from Vern Wigley though he had indicated that he would contact Mayor Russ about reading a statement for him on his behalf. M. Russ discussed that he did receive the statement and had forwarded to Council though it may not have made it in time to reach everyone prior to the meeting.

Consent Agenda

A **motion** was made and seconded to approve Consent Agenda Item 4.1 City Council Minutes, April 20, 2021 and Item 4.2 Financial Report Ending March 31, 2021. **The motion** passed unanimously.

Old Business

Resolution No. 2021-03, Waste Management Rates

C.A. Daykin highlighted that a typo was made at the top of page 39 – the price of a 20-gallon roll cart should be \$19.39 instead of \$19.93. C.A. Daykin explained the difference between the two exhibits with regard to the different franchise fee amounts reflected. C. Adlong explained that at the last meeting she was opposed to increasing the franchise fee, but after the budget meeting last week she has decided to reconsider that. She voiced support of Exhibit B with the 5% franchise fee applied. C. Nelson and C. Ford also voiced support of the 5% franchise fee. Discussion ensued. M. Russ discussed that his initial feeling was one of concern for the residents, though the budget is also a concern and raising the franchise fee to 5% will bring it up equal to other franchise fees in the City. **A motion** was made and seconded to pass Resolution No. 2021-03 using the exhibit having a 5% franchise fee. **The motion** passed unanimously.

Resolution No. 2021-04, Farmers Market Temporary Use

M. Russ voiced that he does not support street parking for the farmers market and suggested that signs may help convey that message. M. Russ also expressed concern that if traffic in the area became an issue more effort would need to be put into traffic control, parking, etc. C. Kelly also

expressed concern about parking and voiced support of it being kept off of the street. C. Crawford pointed out that the open field space on the Sander Estate property could potentially provide for parking. It was noted that an OLCC permit would be required in order for wine/beer to be sold at the market, though the City has not received communication of this nature at this time. M. Russ expressed concern about excess trash potentially being an issue in nearby areas adjacent to the event, even if trash receptacles are provided at the event itself. C. Weaver voiced support that information be added to the resolution to ensure no parking on Fifth Street (to off-street parking only) and proper control of trash and recycling. C. Weaver discussed that heavy traffic is already seen in this area through daily school activities; he voiced support that traffic in this area will likely be manageable especially if traffic is off of Fifth Street to allow safe clear open passage in the street. Discussion ensued. C. Nelson inquired about whether the school parking lot is being encouraged for CPRD to use after hours. C.A. Daykin recalled that this was their intent at the presentation provided at the last meeting. He also recalled that Matt Compton had indicated that they will police the area before and following the event for trash to ensure everything is taken care of. It was noted that if there are issues/concerns that aren't being addressed the resolution could be revoked by City Council. C. Ford suggested that Council may want to stipulate that CPRD provide a parking attendant available to police the parking situation. C.A. Daykin offered that he could discuss these concerns with Compton prior to them setting up. C. Adlong voiced support that Council should provide CPRD with specific parking guidelines, though she does not feel the market will be busy initially. **A motion** was made and seconded to pass Resolution No. 2021-04 as prepared, with a list of rules provided by C.A. Daykin. **The motion** passed unanimously.

Travel Oregon Grant Agreement

C.A. Daykin explained that this represents that two grant applications were submitted to Travel Oregon. The first application was not awarded; the second was the same request as made previously but through another program for assistance with developing a new "Welcome to Dundee" sign at the south side as well as banner placement on the poles, though that is still budgeted out of the City budget for next year. C.A. Daykin explained that the one which was awarded was for a specific project that met the guidelines of the program to provide opportunities for outdoor gathering and seating, and maintaining social distancing, with commercial-type patrons. He discussed that the City submitted application for the five lots that the City owns on Alder Street to develop just those types of elements which would include a walking path, opportunities for seating as well as some landscaping. C.A. Daykin explained that the grant is in the amount of \$100,000 and the grant agreement stipulates that the City would need to complete the project by November 30, 2021. C. Crawford pointed out that Dundee received the maximum grant amount provided by the program. C.A. Daykin discussed that Tourism Fund dollars would provide for some of the cash match as well as incoming services which are being provided both with public works crews as well as donated architectural services, and there may also be another cash donation collection from businesses. C. Crawford estimated that approximately \$20,000 in funds would be provided from tourism funds. C. Adlong discussed the fast-track nature of the project and pointed out the May 31, 2021 deadline in order to have any input into the design; she inquired about what kind of public process would be provided. C.A. Daykin discussed that he has instructed Staff to prepare a mailing list based on the size of the park and the guidelines within the Dundee Development Code; notice will be sent out likely for the first Parks Committee meeting June 2, 2021, which would be an opportunity not only for the general public to comment, but also the Parks Advisory Committee members to also provide their comments. **A motion** was made and seconded to authorize the City Administrator to execute a grant agreement with Travel Oregon in the amount of \$100,000. **The motion** passed unanimously.

Water Tender Purchase

Volunteer Lieutenant Bert Hanifan provided a Power Point presentation regarding the water tender purchase, a copy of which was added to the meeting agenda packet. Lieutenant Hanifan also reviewed information provided in his memo as well as information contained in Rob Daykin's memo; copies included in the record. He explained that at the October 5, 2020 meeting, City Council authorized the city administrator to enter into agreement for the purchase of a new fire tender not to exceed \$300,000, or a used fire tender not to exceed \$225,000. Lieutenant Hanifan explained that upon looking on the used market they discovered that there is not much available, and what is available costs as much as a new fire tender, which moved them forward to looking at new tender options. Lieutenant Hanifan discussed the differences between construction water trucks and fire water tenders. Hanifan explained that their present water tender volume is 1600 gallons. He described water tender operations as shown in his presentation. Hanifan explained that a committee was selected from the fire department which included himself along with Captain Jeff Myers and Senior Engineer Ernie Castro. Discussion ensued regarding the specs and requirements determined necessary for the apparatus. Hanifan discussed the quotes solicited from four vendors, as well as reviewed the ranking process. He explained that typically a new water tender would take about a year to receive. Discussion ensued and Hanifan explained that a lot of their options and specifications are close to what a stock water tender would be. Hanifan explained that Fouts Bros. was their top ranked choice; he provided an overview of the schematic of the actual apparatus itself from the vendor. He noted that Yamhill Fire District also has two engines and a water tender from Fouts, which Hanifan indicated that was able to personally test drive. He discussed the importance of Dundee having a water tender apparatus capable of maneuvering well on the grade of the hills within the City of Dundee itself as well as nearby rural areas; an apparatus with the correct horsepower torque ratings and correct braking mechanisms would be necessary. It was noted that a local mechanic in McMinnville already works with the vendor and there is a lot of preauthorized work which could be done; the mechanic could come directly to the fire station to complete minor repair work. Brief discussion ensued.

Potential financing options were discussed, including reviewing the information provided by C.A. Daykin in his agenda report. It was noted that the lowest cost proposal is presented is at 2.49% interest for five years. C. Crawford suggested that if the City enters into a lease agreement, making sure it is transferrable to another agency would be important (in case the Department changes entities). **A motion** was made and seconded authorizing the city administrator to execute a lease agreement to purchase a water tender at a price of \$284,763. **The motion** passed unanimously. Lieutenant Hanifan noted that they would expect delivery of the apparatus in late June or early July; photos will be provided to Council. It was noted that the new apparatus will be a part of the Christmas parade this year.

New Business

Yamhill County Second Amendment Sanctuary Ordinance

M. Russ proposed that the City of Dundee adopt a similar ordinance in the City of Dundee regarding the second amendment, though he indicated that his actual intention would be to create an ordinance to protect the entire Constitution. C. Ford inquired about whether or not this ordinance has been passed in Yamhill County to which M. Russ affirmed. M. Russ explained that an ordinance of this type is to ensure that, as the Constitution is written, that the Second Amendment rights of the citizens of Dundee are protected. Discussion ensued. C. Crawford pointed out that this seems to be the County Commissioners' interpretation of what they think the Constitution is and not what courts of the U.S. Federal Government says the Constitution is.

Commissioner Lindsay Berschauer was present and requested to provide comment. She explained that this ordinance was first brought forward in March 2021; it is more refined than what some of the other counties have passed. Berschauer explained that all of the gun regulations up to February 2021 will remain in effect; anything that comes out of the State legislature or the Federal government from that point forward will be considered on a case-by-case basis essentially. She explained that what this does is the Sheriff maintains his/her discretion that they have currently (currently they can decide whether or not they want to enforce specific laws), however, moving forward the County Commissioners as well as the voting public would also have a say in which laws are enforced. Berschauer discussed that from a County perspective, though they don't control City police departments, they do control the County Sheriff. She provided additional detailed examples of how a SASA could potentially be beneficial to Concealed Handgun License (CHL) holders in Dundee, as well as the rest of the community. Berschauer discussed the importance from the City perspective of upholding the second amendment rights of Dundee residents, and explained that it also gives further reassurance on a local level to City residents who are law abiding firearm holders that they are not going to be penalized by local law enforcement even if they have the assurance on a County level. Discussion ensued. Berschauer briefly discussed Senate Bill 554 and the importance of upholding and protecting second amendment rights and noted that she is also a CHL holder. She explained that she and Commissioner Starrett brought the ordinance forward and it passed; since the vote was not unanimous on the County level it will go into effect on June 30, 2021, though it is retroactive to February 2021. She also noted that the final version of the ordinance is posted on the Yamhill County website; discussion ensued.

C. Ford inquired about whether there are other towns/cities in Yamhill County who have taken action on a similar ordinance to which Berschauer indicated that she is not aware of any other City Councils who have added this to their agenda. C. Ford voiced support of City Council considering a similar resolution for the City of Dundee. He discussed that he is a CHL holder and is concerned about the state legislature with regard to gun rights; he is seeing the gun laws moving towards taking the rights of law-abiding citizens away which concerns him. C. Ford voiced support of further discussion about this matter.

M. Russ discussed potential next steps. C. Atty Ramis discussed that they would be willing to provide the necessary adjustments the ordinance specific to a City, though discussed that viewing the final version of the ordinance would be necessary as well. He explained that the key prohibition in the ordinance is on what's called an extraterritorial act; this is not defined in the draft version of the ordinance presented tonight though was likely addressed in the version. C. Atty Ramis discussed the importance of closing the loop on issues of that nature which would affect the enforceability of the ordinance. Discussion ensued.

Berschauer discussed her belief that there are 17 or 18 of these Second Amendment county ordinances across the State and none of them have ever been challenged. She discussed that the point of an extraterritorial act is a Second Amendment restriction or regulation that is passed by anything outside of the County. C. Crawford discussed that that this is the only ordinance in the State that actually has a civil penalty for enforcing the law, though Berschauer explained that Columbia County has a Second Amendment Sanctuary Ordinance (SASO) that does have a civil penalty. She explained that the reason this is included is because there is no point of passing an ordinance if there is no consequence to violating the ordinance. Berschauer discussed that the process for implementing that if it were violated and offered to provide follow up information (the ordinance) to Council. She informed that there are several cities throughout the State who have some type of SASO or resolution, though C. Crawford pointed out that only resolutions have been passed to his knowledge.

Kevin Starrett discussed that other cities have passed SASO. He discussed that the process isn't as complicated or as onerous as it is being made out to be. He explained that the City has the authority to prioritize their law enforcement budget; the Council could decide where they want to spend their law enforcement dollars. Mr. Starrett discussed that under the statute which will be heard tomorrow, a person who has a CHL will no longer be allowed to pick up or drop off their children at a school or attend any school function and still have the ability to defend themselves; at the same time, the State legislature is presently trying to pass a law that will outlaw the use of school resource officers. He explained that restrictions on the citizens of their City/County who have not only paid the fee, as well as the background check and technical requirements; now that those people have done what they were told to do by the State, will now be subject to fines and penalties for doing what they paid to do that the City potentially would not have their police involved in that process and it would be up to the State police to do it.

C. Nelson briefly reviewed some of the lock up and other restrictions associated with Senate bill 554. Mr. Starrett reviewed that Senate Bill 554-B is scheduled to be heard on the Senate floor tomorrow and is a combination of the original 554 and House Bill 2510. Discussion ensued regarding some of the restrictions included in the proposed legislation; people around the State are trying to prevent their own officers from being entangled in these potential restrictions as well as their law enforcement dollars from being spent on.

C. Adlong voiced that she is opposed to this and believes this is not the proper venue for this type of ordinance; she does not think that this is anything that the City of Dundee needs to be involved in. She shared her belief that the City shouldn't be overriding the County and that the County shouldn't be overriding the State; if there is a problem with the law it is her belief that it be litigated through the courts. C. Adlong discussed that personally she doesn't believe this type of ordinance makes the City any safer; she shared her opinion that guns are very dangerous. Discussion ensued and she expressed frustration that the City could make it so difficult for enforcing the law and that people may not know what the laws are here; she voiced concern about the inconsistency that would provide. M. Russ voiced his opinion that this type of ordinance would create consistency; at the State level Senate Bill 554 creates random zones that people may not be aware of. Discussion ensued. C. Crawford argued that it is not for the City Council to decide what laws are unconstitutional or what's not; there are a system of laws in place in the representative government democracy and a court system to decide if these laws are constitutional or not – they are not decided at this level of government. C. Ford voiced that the reality is that this happens all of the time; Portland has passed many ordinances which are contrary to State or Federal law. He pointed out that though Council may not agree on this particular item, it is fully appropriate for a City Council to look at these issues which are affecting their citizens. Though opinions may differ, C. Ford supported that having a discussion about this is an appropriate role for the City Council to play. He discussed that Council does have the rights and the authorities to debate these concepts and vote on these concepts. C. Ford pointed out that describing it as the City should just follow every law that exists is not reality; around the Country at all levels of government there are responsibilities; we shouldn't all follow around blindly with what the State or the Federal government may say in his viewpoint. He discussed that Council is comprised of reasonable people; government closer to the people should have a role and not just accept everything that's being passed. C. Ford pointed out that though it may be passed in the State legislature, there is not a very strong consensus for some of the things that are coming down as someone who spends time in the legislature.

C. Adlong voiced appreciation that the County Commissioners are present at the meeting tonight. She discussed her belief that there is a really big problem in Yamhill County with air quality, which to her is a huge safety issue for all of the citizens; discussion ensued. C. Adlong pointed

out that wildfire season is approaching, there has already been bad air quality, and she voiced the importance of working on issues of that nature as well as issues as gun control.

A motion was made and seconded to ask the City Attorney to confer with County Commissioners to develop an ordinance that would work for the City of Dundee. C. Nelson inquired about whether something would be drafted to parallel what the County has passed. M. Russ discussed that it would mean bringing that same idea down to the City level and within the City limits. He also pointed out, as Kevin Starrett had mentioned previously, that if the State really wants that law enforced, they can come in and do that. C. Nelson inquired about whether the City would be covered under the County ordinance to which M. Russ clarified that the City police are a different entity than the County Sheriff. C. Nelson discussed that it seems awkward that the City ask the police department to enforce some laws in the City of Newberg and different laws in the City of Dundee. M. Russ noted that this conversation occurred previously and explained that this is not out of place and that the City does have a right to generate the laws which serve the City of Dundee. C. Ford discussed that it goes back to how the City will direct the police department to spend it's resources; it is a priority issue of whether the City would like the police department to prioritize this issue or focus on real crime, in his viewpoint. C. Crawford voiced that though he doesn't see a big problem with cities deciding not to use their resources to enforce laws that they don't support, his concern is with regard to penalties being included. M. Russ voiced his opinion that a penalty needs to exist so that officers cannot just discretionarily enforce, though C. Crawford argued that the City has a contract with the police department which could provide that leverage; brief discussion ensued. Commissioner Berschauer provided comment in response to C. Adlong's comment that SASO would make the City less safe. She pointed out that the SASO does not apply to people who commit crimes using a firearm; it does not apply to criminals who have a firearm and have the intent of committing a crime and use a firearm in a crime. Berschauer discussed that their SASO specifically applies to people who are otherwise law-abiding residents; they may just happen to be unaware or come into contact with a law such as is described in Senate Bill 554 that they may be unaware of. Berschauer voiced support of the idea of approaching the County Council, though noted that there are likely plenty of examples of specific city ordinances or resolutions across the State that could also be reviewed. C. Kelly discussed that he is a big proponent of the second amendment; people should be able to defend themselves if need be – it is a constitutional right we are born with which should not be taken away. C. Kelly pointed out that CHL holders are law-abiding citizens, have gone through the classes to obtain their CHL, provided their fingerprints and personal information, and he believes them to be very responsible members of the community; he does not believe their rights should be infringed upon. C. Atty Ramis voiced his belief that it won't take too much time to put an ordinance in a form that the City could adopt. He discussed that Council would need to make some decisions about the policy questions; discussion ensued. Kevin Starrett provided links in the Zoom meeting comments to the Columbia County SASO, Yamhill County SASO and Senate Bill 554. C. Nelson discussed that he is a former CHL holder in a different state though not in Oregon and noted that he is a law-abiding gun owner. He voiced that he is not in favor of a SASO explained that he agrees with C. Adlong and doesn't believe that this should be decided by the City Council at this level of government. **The motion** passed with Russ, Weaver, Kelly and Ford voting in favor; and Adlong, Crawford and Nelson voting nay.

Council Concerns and Committee Reports

C. Adlong reviewed the fires that occurred last fall and the particulate air matter that occurred as a result of the smoke. She pointed out that this type of air quality causes disease and illness. C. Adlong discussed that over the last month the burning in Yamhill County seemed to have ramped up and has contributed to poor air quality again. C. Adlong pointed out that the air quality in Dundee is really bad and is getting worse; it is getting worse throughout the entire County and this health issue is something she feels should be addressed, in addition to issues of gun control.

C. Adlong discussed that there is no safe walking route to Newberg and that Dundee students can't ride their bikes to the middle school. She discussed the importance of the addition of some walking paths and trails that connect those in the County. C. Adlong voiced her opinion that she would like to see the County Commissioners working on things that connect those in the County as well as things that improve overall health and are good for local communities.

C. Ford voiced support of the concept of building community through doing some connective routes for walking. He explained that he does a lot of walking and noted that it would be nice to have the ability to have well-constructed paths for bicycles as well as pedestrians. C. Ford discussed the forest fires which occurred in fall 2020. He noted that he is a Forester and explained that when one views the mismanagement of some of the forest lands in Oregon, a lot of those fires emanated off of federal lands and burnt across a lot of private lands – not only did it release a lot of smoke, but it released a tremendous amount of carbon into the atmosphere which they are trying to abate. C. Ford discussed that he is on the Oregon and Global Warming Commission; as a voting member of the Commission, he explained that they are trying to address climate change issues in the state; wildfires and burning broadly is a major concern. He discussed that he cares about public safety and public health; voiced support of finding out if there would be some things which could be done as a City Council; and he supported looking at some of those options and indicated that he would be willing to support them. C. Adlong thanked C. Ford for sharing his viewpoint and for his efforts in working on those issues.

Mayor's Report

M. Russ reminded Council about the upcoming election deadline of May 18, 2021.

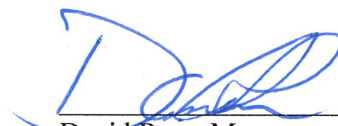
City Administrator's Report

C.A. Daykin reminded Council that the Budget Committee meeting on Thursday, May 6, 2021 will begin at 6:45 p.m. with an Urban Renewal Budget Committee meeting, followed by the continuation of the City budget at 7:00 p.m.

Public Comment

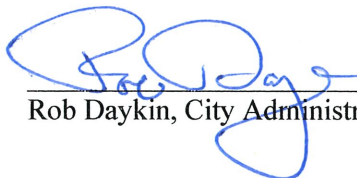
None.

The meeting was adjourned at 8:30 P.M.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder