

**CITY COUNCIL MEETING
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July 20, 2021**

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City of Dundee
City Council Meeting Minutes
July 20, 2021

Call to Order

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

Council and Staff Attendance

Attendance: Mayor David Russ; Councilors Tim Weaver, Patrick Kelly, Ted Crawford, Jeannette Adlong and David Ford. Attendance Via Zoom: Councilor Ted Crawford. Staff Attendance: Rob Daykin, City Administrator; Bill Monahan, City Attorney; and Melissa Lemen, Administrative Assistant.

Public Attendance

Vern Wigley, 110 NW Cherry Street; Scott Panida, 211 SW 1st Street; and Scott Dadson, Executive Director, Mid-Willamette Valley Council of Governments (MWVCOG).

Agenda Changes

Mayor Russ amended the agenda to add Old Business discussion Item 5.4 City Council Meeting Protocol.

Public Comment

Vern Wigley, 110 NW Cherry Street, introduced himself to Council and read a prepared statement into the record supporting the Second Amendment Sanctuary Ordinance; a copy was added to the meeting agenda materials.

Scott Panida, 211 SW 1st Street, introduced himself to Council, and voiced support of the Second Amendment Sanctuary Ordinance and stated that he is pro-gun and pro-Second Amendment, though not a gun enthusiast. He thanked the City Council members for serving the City of Dundee.

Consent Agenda

A **motion** was made and seconded to approve Consent Agenda Item 4.1 City Council Minutes, July 6, 2021. **The motion** passed unanimously.

Old Business

City Administrator Recruitment

Scott Dadson, Executive Director, MWVCOG, greeted Council and referenced the draft copy of the administrator profile and scoring sheet provided for them beginning on page 11 of the meeting agenda packet. Dadson highlighted some of the survey results as reflected on the scoring sheets. He discussed that their objective would be to have the administrative profile finalized by the Council body on August 3, 2021; five days following the advertisement would run.

C. Ford pointed out that there was an addition error on page 13 when totaling the Innovations & Major Achievements ranking column. He discussed that if added correctly, this category would have ranked fourth in importance. C. Ford discussed that this is a category of importance to him as he feels it is important to emphasize in the recruitment process that the applicant meets the basic requirements but also brings some innovation to the City, especially given that the City is in phase of growth. Additional thoughts and suggestions were provided. C. Adlong felt that

information referencing the city parks and the Parks Advisory Committee should be included in the profile as well. M. Russ voiced that executive experience is important in addition to government experience. C. Ford discussed that it is important to attract the right candidates but also felt the interview process and how that is conducted is going to be crucial to evaluating those who may have skill sets of interest for the city.

Dadson indicated that he will make the necessary revisions to the draft profile and provide Council with an updated version for the August 3, 2021, meeting. He explained that at that meeting he will still welcome any additional revisions before finalizing the profile. Dadson requested asked Council to consider what information about the city and a statement about Dundee that could be used in the advertisement; Council members referenced the mission statement, traveldundeeoregon.com, and the recent Fire Chief recruitment document as potential resources. Brief discussion ensued.

Ordinance No. 574-2021, Second Amendment Sanctuary Ordinance

M. Russ discussed that previous revision requests to include two new sections are not included in the new edit: that new information reflecting the start date of all items prior to February 2021, and that Council could review any new (Second Amendment) legislation modifications and make decisions at their discretion. C. Atty Monahan discussed that though he read the Council packet he has not addressed the questions provided in the agenda report beginning on page 19; these are questions that the City Administrator has brought to the attention of the City Council for discussion. He explained that he is present to seek Council direction and whether their input is needed to evaluate these items. C. Atty Monahan discussed that a lot of the language contained in the draft ordinance is a compilation of the Yamhill County and the Columbia County ordinances to try to make the ordinance the best that they can based on what their earlier efforts have been. He pointed out that they are looking for Council's input and assessment as to what language is appropriate for them should they pass this ordinance; Council members are the decision members who will be interpreting the language that is put into the ordinance. Discussion ensued.

M. Russ referenced Section 3.B.3 and a detailed discussion ensued regarding the exception found in Section 3.B.3, which states *This Ordinance does not permit or otherwise allow the possession of firearms in local, state or federal buildings*. C. Atty Monahan suggested that changing the word "local" to "city" would be specific that the intent is that it applies to city buildings. It was noted that at this time that would include the fire department, though it wouldn't be included if it were changed to a fire district. Lengthy discussion ensued about clarification of the information in this section. C. Nelson stated that he would like the fire department and all government buildings included in the exception.

C. Ford referenced SB 554 and this information was reviewed. C.A. Daykin explained that one change made regarding concealed licenses provides the opportunity for a school district to specifically prohibit concealed weapons on school property; it gives the option by a school district by their Board to adopt this policy. It was noted that if the Newberg School District adopts such a prohibition on allowing concealed license firearms on school property, Dundee Elementary would be included and is in the city limits. Lengthy discussion ensued regarding the preference of Council on this matter. C. Ford discussed that his interpretation would be that the ordinance would direct the Newberg Dundee Police Dept. not to enforce that part of SB 554 which allows a school district to set policy inside the city limits.

C.A. Daykin expressed concern about understanding the language of the ordinance and stated that he doesn't know how to administer it. C. Atty Monahan expressed concern about the language as well. He explained that there is a court hearing tomorrow in Columbia County where the Oregon

Department of Justice is one of the participants; they have said that the regulation of firearms is preemptive. C. Atty Monahan explained that for the creation of this ordinance, they are operating under the assumption that City Council does have local power; they are trying to use the legal expertise that they do to guide and provide the best language they can to be defensible though the ultimate decider will be potentially the courts. C. Ford referenced the Yamhill County ordinance and inquired about whether it has been legally challenged to which C. Atty Monahan discussed his understanding that it has not.

M. Russ discussed the importance of Council having the right to review future legislation modifications and make decisions on those individually. C. Atty Monahan reviewed that his understanding is that M. Russ would like to have an ordinance that preserve the rights of individuals to possess firearms under existing laws prior to today; no one can change that right by an extraterritorial act, unless the City Council reviews that modification and determines that there is some merit to it. M. Russ suggested that with that in mind, striking section 3.B.3. seems appropriate. C. Atty Monahan discussed that if it doesn't have any meaning or if it creates confusion because of specific language that seems to contradict the intent, striking it makes sense. The consensus of Council was to strike Section 3.B.3.

C.A. Daykin referenced his agenda report and the exhibits provided and explained that he had pulled out portions of the new State law as it may apply to this ordinance to request clarification if this is the intent of City Council. Discussion ensued and C. Atty Monahan discussed the potential processes moving forward. M. Russ suggested that in the original writing of the ordinance SB 554 be named as an extraterritorial act that was adopted after February 2021, and that it not be enforced. C. Atty Monahan voiced that if he were to put that into language it could be included in the draft ordinance.

C.A. Daykin reviewed that M. Russ had also raised the issue that as new laws come about that may be extraterritorial acts, that there be some sort of review process by the City Council then to allow the possibility of portions or those otherwise extraterritorial acts to actually be enforced. M. Russ explained that this stems from his desire to at least encourage future Councils to potentially review individual existing laws before February 2021 and make decisions on those as well.

C. Adlong expressed concern about the impacts of this ordinance on local public buildings as well as nearby parks. Though he voiced appreciation of C. Adlong's viewpoint, C. Ford discussed his viewpoint that he would feel safer in the room tonight if he were armed; he stated that he is knowledgeable about using firearms and knows how to protect himself and others. He explained that he has the ability and the legal right to aid others when they are in danger (including at a public park) which he feels provides a safer environment. C. Ford explained that when it is posted that there is a gun-free zone, then the criminals who are using illegal firearms pose a much greater danger as they don't have a fear that someone may counter them in the process. He explained that this concerns him as a citizen in Dundee; he wants to be safe, and he wants to protect others to be safe. C. Ford noted that he is a responsible gun owner and feels he should not be restricted by some local groups because they have a philosophical view against guns. C. Adlong offered clarification that she would like to know how the ordinance would affect other buildings that are publicly owned. C.A. Daykin explained that the law hasn't changed on that issue with the aforementioned provision regarding the option for schools to restrict concealed licenses on their properties; whatever the law was that was in effect in February 2021 is still the same law regarding park facilities and other types of public facilities. Discussion ensued. C. Ford explained that the reason he is on City Council is because he thinks local government is the best government because members do have to face citizenry and can also hold each other accountable. M. Russ discussed his opinion that this ordinance will make public buildings safer.

He pointed out that a known statistic is that those with a concealed carry license (CCL) are less likely to commit a crime than a police officer. He stated that having those with a CCL present actually makes the public safer and could protect someone from harm.

C. Ford discussed his belief that though he is supportive of the protection our rights, he does not feel certain that this ordinance is ready for a vote at this point. He explained that he feels the ordinance is quite broad and would feel more comfortable taking a closer look at it, potentially narrowing it a bit and being very clear on specifically what Council is trying to achieve. C. Ford voiced support of waiting to find out the outcome of the Columbia County court case and indicated that he would also like to understand for himself more about the differences between the ordinance in Columbia County versus the Yamhill County ordinance. He also voiced support of reviewing C.A. Daykin's questions contained in his agenda report to determine which are critically important to answer. C. Crawford noted that the Columbia County ordinance was voted on and approved by the people whereas the Yamhill County ordinance was not. M. Russ provided clarification that Columbia County utilized both processes.

C. Nelson pointed out that the entire discussion tonight is why he is not in favor of this ordinance. He discussed his belief that Council is over governmenting government. C. Nelson explained that he is a proud firearm owner, does not have a CCL right now though has had one in the past, and feels the Council is over governing and getting convoluted issues trying to manage them. He stated that he does believe in the Second Amendment and thanked Vern Wigley for his service. M. Russ voiced appreciation of C. Nelson's comments and also felt it would be nice to be able to make the process more streamlined.

C. Kelly stated that he concurs with several of the points that M. Russ and C. Ford made regarding gun-free zones. He explained that he doesn't view these areas as being anymore safe because you can't legislate against the will of an individual; it's not a gun which does the killing, it is the individual who has the intent going in who does. He pointed out that someone who has ill intent who walks into a gun-free zone will not be met with any resistance at all. C. Kelly explained that SB 554 was based off of what happened at the Clackamas Town Center shooting. He discussed his belief that the Clackamas Town Center shooter himself was confronted by an individual with a CHL; the individual met resistance which ceased the shooting. C. Kelly pointed out that the CHL owner who carried the gun on them at Clackamas Town Center likely prevented more people from being killed because he confronted the person with ill intent and likely made him retreat as a result. C. Kelly noted that historically, any populous which has been disarmed several years later ended in major genocide against the people who had been disarmed. He stated that an armed individual is a citizen, a disarmed individual is a subject.

C. Weaver voiced agreement with C. Nelson that Council is over governmenting things a bit, though expressed his opinion that it is necessary this day and age. He expressed concern about legislating more against the Second Amendment and feels it necessary that the city take a stand. C. Weaver discussed his belief that there is a solid effort against the Second Amendment right now which needs a grass roots effort against it. He pointed out that the best government is the local government. He discussed that though it seems to be a difficult complex process at-hand, he doesn't believe it can likely be simplified much. C. Weaver voiced support of the Second Amendment and believes there is a huge movement to take away the right to bear arms; historically this has ended in tens of millions of people being murdered following the confiscation of firearms.

C. Adlong discussed that she finds this ordinance filled with confusing language and the implementation seems to be very unclear and subject to interpretation by whatever existing City Administrator or Council might be in place at the time. She expressed concern that there are

many unforeseen outcomes as to some of the other questions that were raised or having to do with legal fees (not being able to get reimbursement on legal fees). She inquired about how much money the proposed ordinance has already cost the City in legal fees to which C.A. Daykin noted to be \$4200 two weeks ago. C. Adlong explained that she understands the intent of CHL holders and that their rights are being diminished, however, she doesn't feel that the City of Dundee is the entity to push this big effort forward with a limited budget. C. Adlong suggested waiting to see how this ordinance is resolved by Columbia County courts before proceeding. She explained that she doesn't believe that Dundee is the proper small town in Oregon to fight this and be subject to future legal fees which might be incurred if there are legal challenges against the City or against the police or the enforcement of this ordinance.

C. Crawford discussed that the courts are the arbitrators of what is constitutional and what is not constitutional; he felt it is not the role of the City Council to decide what is constitutional. He voiced support of waiting for the Columbia court to make the decision and move forward from there.

M. Russ suggested continuing discussion on the specific clauses included in the ordinance and asked for Council feedback. **A motion** was made and seconded to table the discussion and voting on Ordinance No. 574-2021 to the City Council meeting on August 3, 2021 and pending review of the potential Columbia County Court decision. M. Russ voiced support of entertaining a little more discussion on individual details of the proposed ordinance though it might make more sense to Council when the information is received from Columbia County. C. Ford referenced C.A. Daykin's concern about Section 3 (first paragraph on page 20 of the meeting agenda packet) with regard to the words "restrict or affect" in bold and offered his opinion that "restrict" is the proper term. C.A. Daykin discussed he is also concerned about who will be responsible for tracking new Extraterritorial Acts and trying to figure out whether they really are Extraterritorial Acts per this ordinance or not, and how are they coordinated with the police department. M. Russ expressed his interest to add verbiage to the ordinance providing Council with discretion about which future extraterritorial acts may be enforced or not. **The motion** passed unanimously.

Resolution No. 2021-13, LID Hearing

C. Adlong thanked Staff for putting all of this information together and providing the information in the meeting agenda packet; this assisted in providing her with a better understanding of the lot owners obligations and makes her more willing to move forward with this LID. **A motion** was made and seconded to pass Resolution No. 2021-13, a resolution declaring the City Council's intent to initiate local improvement district formation proceedings to construct street and other public improvements on Alder Street. **The motion** passed unanimously. C.A. Daykin provided brief discussion regarding the process moving forward.

City Council Meeting Protocol

M. Russ reviewed that over a year ago the City Council made the decision to move to Zoom meetings, though by some course of events the City Administrator determined unilaterally that Council would be meeting in person. He noted that while he supports meeting in person, it appears to him that a decision has now been made without Council consent that there will now be hybrid meetings. M. Russ requested Council input and emphasized that it is very important that a clear statement is made about the meeting process. C. Nelson voiced support of hybrid meetings and it being open and advertised to the public. C.A. Daykin discussed that there was a change to State law which requires cities to provide this type of teleconferenced meeting to the best of their ability effective January 1, 2022. He suggested that the City develop some protocols and procedures so that people can understand how they can participate in a hybrid meeting; the Council rules may need updated regarding those processes. Discussion ensued with thoughts and ideas shared about conducting hybrid meetings. The consensus of Council was to move forward

with hybrid meetings utilizing Zoom. **A motion** was made and seconded that from today forward Council commence hybrid meetings and look into formalization of public comments and establish additional rules which may apply. C. Adlong voiced the importance of being flexible over the next few months while the COVID variant is a concern. **The motion** passed unanimously.

New Business

Council Rules

C.A. Daykin inquired about whether there is interest in modifying Council rules and, if so, is there interest in a committee being formed to look into the changes to be made. C. Crawford noted that when he was Mayor previously, he never put forward a motion or seconded a motion when he was presiding over a meeting; he indicated that this was the only thing he did differently than what is done today. M. Russ noted that he only puts forth a motion or seconds one on occasion. Discussion ensued regarding examples of how things are done in nearby cities. C.A. Daykin pointed out that unless it is stated in the Council rules, meeting rules then default to the parliamentary code. C. Crawford felt Council has very civil discussions and there are presently no dominating members of Council that would require strict rules. C. Atty Monahan discussed that contained in the Council rules is the specific reference to the Standard Code of Parliamentary Procedures; by having reference to this, it is deferred to for most questions as opposed to those limited items called out in the Council rules. He explained that having such a document binds the Council more than is absolutely necessary. He suggested one option to consider would be reviewing the Council rules and making them more enhanced to call out specifically just those items that are most important to Council. Discussion ensued. Enhancing the rules and using the Standard Code of Parliamentary Procedure of back-up (rather than the primary rules of procedure) was noted to provide more fairness and likely result in more involvement on behalf of each member of the City Council. C. Adlong provided background information about the previous rules which were established during a time on the City Council where the meetings required more formality due to the participants at that time. Discussion ensued. C. Ford voiced support of establishing a set of rules that primarily guide the activities of Council; the rules can be adjusted over time as needed. C.A. Daykin pointed out that this may be a good time to review and update this information to provide for the future city administrator as well. The consensus of Council was to table this item until a future meeting where it will be discussed in greater detail.

Janitorial Service Proposal

C.A. Daykin provided historical information and briefly reviewed information contained in his agenda report on page 85. Prices for janitorial service have not changed since it was previously evaluated. He explained that the big issue is that though the cost for the service would fit into the City budget, but to the extent that it almost absorbs the entire repair & maintenance budget for city hall; more appropriations would need to be provided for any additional expenses that might arise. **A motion** was made and seconded to authorize the city administrator to sign the service contract with American Maid, LLC for janitorial services. **The motion** passed unanimously.

Council Concerns and Committee Reports

C. Crawford discussed that the Fuel by Fine Wine event that took place recently in Dundee went great; it was a nice event to come to Dundee. The event was well attended. It was noted that the event organizer is planning for the full event next year, which would include about three times as many people in attendance.

C. Kelly discussed that he has heard some concerns voiced with regard to the Dundee Farmer's Market signage/advertising options. He explained that they have apparently been told they

cannot place any event signs outside of the Sander Estate property; they would like to place a sign on the corner of Fifth Street and Highway 99W. Though there is a banner placed advertising the event on the highway, its view is lost in the construction site work and not very visible to those passing by. Conversation ensued and portions of the sign ordinance reviewed; potential signage options were discussed. It was noted that the hot weather and highway construction have been impactful to the event. C. Nelson suggested that the use of the local social media groups may also be helpful.

Mayor's Report

M. Russ discussed that he is continuing to work with the Parkway Committee and getting a local match moving forward; he will discuss this more at the next meeting. He explained that the Parkway Committee is putting together a presentation to discuss the ways that they believe that it would work for the City of Dundee to participate (and why it is so valuable) at the next meeting.

City Administrator's Report

C.A. Daykin discussed that the City expects to get notice this week or early next week from the State of Oregon regarding the status of the American Rescue Plan Act (ARPA) funds. He explained that the City is waiting for Oregon to actually receive the funds from the federal government; there is then a 30-day deadline that they have to disperse the funds to the local cities. C.A. Daykin believed the City will receive the funds sometime in August. C.A. Daykin indicated that he has asked the city engineer to start drafting up bid documents to complete the replacement of the Ninth Street water line from the highway up to Alder Street. He explained that completion of this work would eliminate a barrier to development along the entire length of that block; the ARPA funding would pay 100% of those costs estimated at \$254,000. C.A. Daykin noted that the total amount of ARPA funds anticipated to be received is approximately \$667,000, of which half would be received in August and half next spring.

C.A. Daykin mentioned that Frank Sheridan, City Manager for the City of Sheridan, will also be retiring in January of 2022. He explained that the city has already gone through a recruitment process and selected Heidi Bell, who is the present City Manager for the City of Donald.

C.A. Daykin discussed that they really don't have an answer regarding the recent issues experienced with Well #10. He explained that there was an unknown amount of sediment that was coming through the water from that well source. The well was shut off, flushing of the distribution system was completed, and Public Works will connect with Schneider Well Drilling to try and sort out what may have caused the issue.

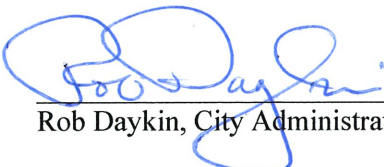
C.A. Daykin explained that he had originally discussed having the Sander Estate hearing on August 17, 2021 though he now doesn't anticipate that it will occur on that day and will likely be pushed out to September. He noted that he does anticipate having the LID Hearing at the August 17, 2021 City Council meeting instead.

The meeting was adjourned at 8:58 P.M.



David Russ, Mayor

Attest:



Rob Daykin, City Administrator/Recorder