

**MINUTES**  
**DAYTON CITY COUNCIL**  
**REGULAR SESSION**  
**December 1, 2014**

**PRESENT:** Mayor Elizabeth Wytoski  
Councilor John Bixler  
Councilor John Collins  
Councilor Darrick Price  
Councilor Sandra Utt

**ABSENT:** Councilor Annette Frank  
Councilor Trini Marquez

**STAFF:** Scott Pingel, City Manager  
Steve Sagmiller, Public Works Director  
Peggy Selberg, City Recorder

**A. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor Wytoski called the meeting to order at 6:31 pm and those present gave the Pledge of Allegiance.

**B. ROLL CALL**

Mayor Wytoski noted there was a quorum with Councilors Bixler, Collins, Price and Utt. Councilors Frank and Marquez had excused absences.

**C. CONSENT AGENDA**

**1. Approval of Meeting Minutes**

- a. Regular Session of November 3, 2014
- b. Special Session/Executive Session of November 17, 2014

**DARRICK PRICE MOVED TO APPROVE THE MINUTES OF THE REGULAR SESSION OF NOVEMBER 3, 2014, AND THE SPECIAL SESSION/EXECUTIVE SESSION OF NOVEMBER 17. SECONDED BY JOHN BIXLER. Motion carried with Bixler, Collins, Price, Utt and Wytoski voting aye. Frank and Marquez absent.**

**D. APPEARANCE OF INTERESTED CITIZENS**

Mayor Wytoski introduced Karl Kamper from Your Community Mediators. Mr. Kamper wanted to thank Council for last year's donation to Your Community Mediators. Mr. Kamper gave a brief update on the services provided to Dayton citizens. He stated this year they had provided services to 6 cases involving 15 Dayton residents.

**E. ACTION ITEMS**

**1. Fountain Demolition Report from KL Bowers Concrete**

Kim Bowers from K.L. Bowers Concrete stated his company would be taking the fountain completely down by December 4<sup>th</sup>. He stated they had demolished a section in order to

determine how it was originally constructed. Mr. Bowers stated as the demolition continues they will be videotaping the process to show Council more of the original structure. Mr. Bowers stated he should be able to provide more information in January.

**2. Approval of Land Option Agreement & Solar Lease Agreement with the ERORA Group**

Scott Pingel stated Council would need to consider both approval of the land option agreement and the solar lease agreement with ERORA Group. He stated the land option agreement would tie the land to the ERORA Group so they could begin to design the solar farm to see if they could get a power sale agreement with PGE. Scott stated ERORA Group would give Dayton a \$500 option payment. He explained that if the ERORA Group was successful in obtaining a power sale agreement with PGE, the ERORA Group would then exercise the land option and the City would execute the lease agreement.

**JOHN BIXLER MOVED TO APPROVE THE SOLAR LEASE AGREEMENT BETWEEN THE CITY OF DAYTON AND THE ERORA GROUP. SECONDED BY DARRICK PRICE.**

*Motion carried with Bixler, Collins, Price, Utt and Wytoski voting aye. Frank and Marquez absent.*

**JOHN BIXLER MOVED TO APPROVE THE LAND OPTION AGREEMENT BETWEEN THE CITY OF DAYTON AND THE ERORA GROUP. SECONDED BY DARRICK PRICE.**

*Motion carried with Bixler, Collins, Price, Utt and Wytoski voting aye. Frank and Marquez absent.*

**3. Approval of Agricultural Lease Agreement with Bernard Bros. Farms Inc.**

Scott Pingel stated the fence on the property would need to be taken down in order for Bernard Bros. to mow the roadside ditch area. He explained this was not part of the original discussion; consequently he would like some leeway when discussing this process and perhaps being able to reduce the first year's rent. Council agreed. Scott Pingel stated staff would have to have new fences placed around the wells in order to protect them. Scott Pingel stated Council would need to decide on the term length. He explained Bernard Bros. would like to lease the land for 10 years; however, he would recommend to Council 5-6 years. Scott stated he felt 10 years was too long and would like to have a shorter time frame in case there would arise an opportunity to develop the land. Councilor Collins didn't think 10 years was too long. Mayor Wytoski stated she felt 7 years would be reasonable in that it should be long enough for Bernard Bros. to get some use out of the land and not so long that the city could not take advantage of future opportunities. Council agreed to a 7 year lease. Councilor Collins presented to Council a suggested amendment to Bernard Bros. Farms contract with the addition of section 20 B. Council agreed to add this section to the agreement and to call it Amendment A (copy attached hereto and made a part hereof).

**JOHN COLLINS MOVED TO APPROVE THE AMENDED**

**AGRICULTURAL LEASE AGREEMENT BETWEEN THE CITY OF DAYTON AND BERNARDS BROS. FARMS INC WITH THE ADDITION OF AMENDMENT A AND WITH THE FOLLOWING PROVISION THAT THE CITY MANAGER HAS THE AUTHORITY TO NEGOTIATE AMENDMENT A TERMS WITH BERNARD BROS. FARMS INC. SECONDED BY JOHN BIXLER.** *Motion carried with Bixler, Collins, Price, Utt and Wytoski voting aye. Frank and Marquez absent.*

**4. Approval of Caretaker Maintenance Agreement**

Scott Pingel stated the City has an employee who is willing to be the caretaker at the mobile home on the City's Fisher Farms Property and he wanted to make sure that this would not be viewed as either a condition of employment or a benefit of employment. He explained the City Attorney recommended two separate agreements in which the City will agree to pay the Caretaker for their caretaker responsibilities and the Caretaker will pay rent for staying on the property. Scott Pingel stated the Caretaker Maintenance Agreement will lay out the Caretaker's responsibilities, hours expected to be worked on caretaker matters and the pay for that work. He stated the Caretaker Lease Agreement is a basic lease agreement for the property. Mayor Wytoski was concerned that this would still be viewed as a benefit because the rent was reduced from the previous renter. Scott Pingel stated he needed to be paid because his Caretaker duties are not that dissimilar from his normal duties and with most Caretaker agreements the Caretaker does not pay rent.

**DARRICK PRICE MOVED TO APPROVE THE CARETAKER MAINTENANCE AGREEMENT. SECONDED BY JOHN COLLINS.** *Motion carried with Bixler, Collins, Price, Utt and Wytoski voting aye. Frank and Marquez absent.*

**5. Approval of Caretaker Lease Agreement**

**DARRICK PRICE MOVED TO APPROVE THE CARETAKER LEASE AGREEMENT. SECONDED BY SANDRA UTT.** *Motion carried with Bixler, Collins, Price, Utt and Wytoski voting aye. Frank and Marquez absent.*

**6. Approval of Resolution 14/15-5 HRA VEBA**

Scott Pingel stated with the change in employee health benefits for 2014-2015 to High Deductible Health Savings Account (HSA) any employee age 65 or older could not have a HSA but would need to have a Health Reimbursement Authority/Voluntary Employee's Beneficiary Association (HRA VEBA) plan. He explained the HRA VEBA plan works similarly for the employee, but different Federal rules govern each. He explained the establishment of the trust needs to be approved by the City Council. Mayor Wytoski asked if Council could review any

future changes to employee health benefits. Scott Pingel stated every year there was open enrollment in the fall when changes can be made.

**SANDRA UTT MOVED TO ADOPT RESOLUTION 14/15-5 A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE HEALTH REIMBURSEMENT ARRANGEMENT/VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION ("HRA VEBA") PLANS. SECONDED BY JOHN BIXLER. Motion carried with Bixler, Collins, Price, Utt and Wytoski voting aye. Frank and Marquez absent.**

**F. CITY COUNCIL COMMENTS/CONCERNS**

Mayor Wytoski gave the official election results and stated she had been reelected as Mayor and Councilor Price was reelected as City Councilor and Erin Taylor was the newly elected City Councilor. She stated Karol Crowder had received the most write-in votes for City Councilor but had yet to officially accept the position.

**G. INFORMATION REPORTS**

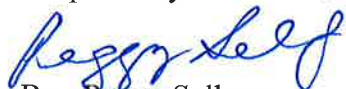
**1. City Manager's Report**

**H. ADJOURN**

There being no further business, the meeting adjourned at 8:20

Respectfully submitted:

**APPROVED BY COUNCIL on January 5, 2015**



By: Peggy Selberg  
City Recorder

As Written  As Amended

  
Elizabeth Wytoski, Mayor