

**MINUTES**  
**DAYTON CITY COUNCIL**  
**REGULAR SESSION & EXECUTIVE SESSION**  
**February 3, 2014**

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

**ABSENT:**

**STAFF:** Scott Pingel, City Manager  
Heather Martin, City Attorney  
Peggy Selberg, City Recorder

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

Council President Frank called the meeting to order at 6:35 pm and those present gave the Pledge of Allegiance.

**B. ROLL CALL**

Council President Frank noted there was a quorum with Councilors Bixler, Collins, Price, Utt and Wytoski. Council President Frank stated there would be a couple of changes to the order of the agenda. She stated they would move the Executive Session right after the Consent Agenda and they would be adding a discussion on Medical Marijuana Dispensary as the first Action Item.

**C. CONSENT AGENDA**

**1. Approval of Meeting Minutes**

- a. Work Session of November 18, 2013
- b. Regular Session/Executive Session of December 2, 2013
- c. Regular Session/Executive Session of January 6, 2014

**JOHN COLLINS MOVED TO APPROVE THE MINUTES OF THE WORK SESSION OF NOVEMBER 18, 2013, THE REGULAR SESSION/EXECUTIVE SESSION OF DECEMBER 2, 2013 AND THE REGULAR SESSION/EXECUTIVE SESSION OF JANUARY 6, 2014. SECONDED BY JOHN BIXLER. Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.**

**BETH WYTOSKI MOVED TO CHANGE THE ORDER OF THE AGENDA AND MOVE THE EXECUTIVE SESSION BEFORE ACTION ITEMS AND ADD MEDICAL MARIJUANA DISPENSARY DISCUSSION AS # 1 UNDER ACTION ITEMS. SECONDED BY JOHN BIXLER. Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.**

**D. APPEARANCE OF INTERESTED CITIZENS**

No one had signed up for comment.

Council President Frank closed the Regular Session at 6:39 pm and stated Council would move into the Executive Session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

Council President Frank closed the Executive Session at 7:12 and moved back into the Regular Session.

**E. ACTION ITEMS**

**1. Medical Marijuana Dispensary**

Scott Pingel stated Council needed to give staff direction on what they would like to do regarding medical marijuana dispensaries. Heather Martin, City Attorney, stated they could do an ordinance that would have a temporary prohibition on these dispensaries. She stated this would give the city the time needed to create the proper regulation and have the Planning Commission review it and then come back to Council for a final decision. Council directed staff to draft an ordinance prohibiting medical marijuana dispensaries for 180 days.

**2. Appoint new Mayor**

Council President Frank stated Councilor Wytoski's application was the only one staff had received for Mayor.

**JOHN COLLINS MOVED TO APPOINT BETH WYTOSKI TO SERVE THE CURRENT TERM OF MAYOR FOR THE CITY OF DAYTON. SECONDED BY ANNETTE FRANK. Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.**

Councilor Wytoski was sworn in to perform the duties of Mayor by Scott Pingel.

**3. Appoint new Planning Commissioner**

**JOHN BIXLER MOVED TO APPOINT ANN MARIE ANDERSON AS PLANNING COMMISSIONER. SECONDED BY ANNETTE FRANK. Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.**

**4. Reappoint Judy Gerrard, Martha Goodrich and Kelly Haverkate to the Historic**

**Preservation Committee**

Mayor Wytoski stated that Steve Monahan and Lee Monahan had given notice that they did not want to be reappointed; however, the other three members did want to be reappointed. Mayor Wytoski stated this would leave two vacancies on the Historic Preservation Committee.

**ANNETTE FRANK MOVED TO REAPPOINT JUDY GERRARD, MARTHA GOODRICH AND KELLY HAVERKATE TO THE HISTORIC PRESERVATION COMMITTEE. SECONDED BY SANDRA UTT. Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.**

**5. Temporary occupancy application**

Scott Pingel stated staff had received a Temporary Occupancy Permit Application from the residence at 105 7<sup>th</sup> Street for someone to live in a fifth wheeler next to the house for an extended period of time. He explained staff was only authorized to approve this type of permit for stays of up to 2 weeks. Scott Pingel stated the applicant was asking for permission for this fifth wheeler to remain next to the house for up to 2 years for medical reasons. He explained according to code Council can approve a Temporary Occupancy Permit for up to 6 months, at which time the applicant would need to reapply. Mayor Wytoski asked if the fifth wheeler would be hooking into city water and sewer. Scott Pingel stated he did not know the answer to that; however, they would have access to water and sewer from the house at 105 7<sup>th</sup> Street.

**SANDRA UTT MOVED TO APPROVE THE TEMPORARY OCCUPANCY PERMIT APPLICATION FOR A PERIOD OF 6 MONTHS BEGINNING FROM THE TIME THE RECREATIONAL VEHICLE ARRIVES AT THE PROPERTY. SECONDED BY ANNETTE FRANK. Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.**

**6. Resolution 13/14-6 renaming of 11<sup>th</sup> Street Park**

**ANNETTE FRANK MOVED TO ADOPT RESOLUTION 13/14-6 A RESOLUTION RENAMING 11<sup>TH</sup> STREET PARK TO ANDREW SMITH PARK. SECONDED BY SANDRA UTT. Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.**

**7. Adopt 2014/2015 goals and objectives**

Scott Pingel stated this showed the changes to the goals and objectives that had been discussed at the January 21<sup>st</sup> work session. Councilor Collins asked if they could add having a drinking fountain to the goals. Scott Pingel stated that would be something that could be accomplished

this year and would not need to be part of the 2014/2015 goals. Councilor Collins stated he had seen some that could be attached to the bathroom outer wall. Scott Pingel stated staff would look at that kind of drinking fountain and a free standing one. Councilor Collins stated he did like the idea of some type of enhanced communications with the citizens, whatever that may end up being. Mayor Wytoski stated under Goal B she would like to make sure that the shade trees that were to have been planted in Courthouse Square Park by the playground did get planted as soon as possible. Scott Pingel stated this could be done before the end of the current fiscal year. Mayor Wytoski stated since there were no changes to these goals, they could be adopted as is.

**ANNETTE FRANK MOVED TO ADOPT FISCAL YEAR 2014/2015 GOALS AND OBJECTIVES. SECONDED BY SANDRA UTT.** *Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.*

**8. Adopt 2014/2015 Budget Calendar**

Scott Pingel stated this year there was the option to post the second notice for the Budget Committee meetings on the city's website. He stated staff would take that option and publish the first notice in the News Register and post the second notice on the website.

**ANNETTE FRANK MOVED TO ADOPT THE 2014/2015 BUDGET CALENDAR. SECONDED BY DARRICK PRICE.** *Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.*

**9. Water and sewer rate structure discussion**

Scott Pingel stated he would like to focus this discussion on the RV Park and the School District's water and sewer service. He stated the city's base water rate was almost double the sewer flat rate; however, the way the RV Park and the School District were billed, their sewer bills were almost double their water bill. Because of this, he would like to discuss a potentially more simple way to bill these accounts. Pingel suggested the RV Park's EDU total would not be based on usage but an RV space could be .3 or .4 EDU's. He gave as example the RV Park has 190 spaces at .3 EDU would equate into billing the RV Park for 57 EDU's for both water and sewer. He stated currently staff audits the RV Park every February for usage to determine the number of EDU's that need to be charged and that number could go up or down. Scott Pingel stated the School District was being billed 4 EDU's for water for the high school and 2 EDU's for water for the elementary school and for sewer the school was billed per student during the school year and 2 EDU's during the summer. He stated there may not be any good way to determine the number of EDU's to be used for billing the school district for their water and sewer. He suggested looking at what they currently pay and try to make sense of that EDU wise. Councilor Collins would like to get away from using EDU's for commercial customers. Scott Pingel stated the city's water billing system used EDU's as a unit of measurement. Mayor Wytoski stated to have a discussion on making changes to the billing system to have

different ways of billing different types of customers was a more detailed discussion than could happen at this meeting. She stated she felt this discussion should deal with the current large uses and how best to adjust how they are billed. Scott Pingel stated the RV Park and the School District were the two large users in the city that were different. Scott Pingel explained that if changes were made to the RV Park and the schools utility bills to more closely reflect the city's water and sewer rates proportion-wise, the sewer fund would lose approximately \$30K and the water fund would gain approximately \$30K. He stated they did not need to resolve this at this meeting; however, he would like some direction from Council before staff does the annual water and sewer rate adjustments. Mayor Wytoski stated she would like more time to look into the issue but did agree that some type of adjustment would probably need to happen. Scott Pingel stated he would like to get away from the annual adjustment and just go with something that would be consistent and if a rate adjustment was necessary it would be accomplished by resolution instead of adjusting EDU's. Mayor Wytoski and Councilor Bixler stated that made sense. Councilor Frank stated Council would probably need to have a discussion regarding how to bill commercial customers differently from other customers. Scott Pingel agreed but stated that would have to be a separate conversation. He explained for the School District their total bill would stay the same but the EDU's would change so their water and sewer portions would be more in line with the city's water and sewer rates proportion-wise. Council agreed with this. Pingel stated he would take this direction and apply it when he brings back the resolutions for water and sewer rates for the new fiscal year.

**F. CITY COUNCIL COMMENTS/CONCERNS**

Mayor Wytoski stated she had heard from the school that they were no longer interested in participating in the Christmas Tree lighting. She wanted Council to be aware so they could have the discussion in plenty of time to decide what the city wanted to do with that event. Mayor Wytoski stated she would like a day other than Wednesday for the tree lighting because there are so many other church activities on Wednesdays. Mayor Wytoski stated another concern of hers was how Center Market was posting pictures on their front door of young adults that had been accused of shoplifting. Councilor Collins stated he did not think that was a good policy for a store to have. Councilor Frank suggested that maybe someone could talk to the store owner regarding this policy. Councilor Collins thought that would be a good idea and stated he would stop by and talk with the owner, not as a City Councilor but as a private citizen.

**G. INFORMATION REPORTS**

**1. City Manager's Report**

Scott Pingel stated he had talked with a representative from ODOT regarding the Small Cities Allotment Grant that was to be used for improvements to 4<sup>th</sup> Street from Alder to Mill and was told that they could not use that grant for a different location. He stated this grant award was based on a poor road rating. Pingel stated if the city did give those grant funds back to the State it would not reflect badly on the city and they could apply for another grant in the fall. He stated the grants for next year would be \$50,000 instead of the \$25,000 that had been awarded.

**ANNETTE FRANK MOVED TO FOREGO THE SMALL CITIES ALLOTMENT GRANT FOR IMPROVEMENTS ON 4<sup>th</sup> STREET FROM ALDER TO MILL. SECONDED BY JOHN COLLINS.** *Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.*

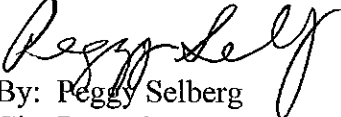
Scott Pingel wanted to make Council aware that they had received a request for a telecom franchise agreement from Astound Broadband and staff will be presenting Astound Broadband with a draft and will be entering into negotiations. He stated that Nancy Werner from Beery, Elsner & Hammond, the city's attorneys, would be handling these negotiations and wanted to know if the Council had ever consider a right-of-way ordinance. He stated he would be bringing this back to Council for further discussion. He explained it would make franchise agreements much easier because they wouldn't have to negotiate a new one if another company wanted one or every time an agreement came up for renewal.

Mayor Wytoski wanted to know what it would take to take for the city to offer a city-wide broadband or Wi-Fi. She stated some cities in Yamhill County were doing it. Councilor Bixler stated he has been working on that for the School District for the past few months and it is not an easy thing to accomplish. She stated she would like to have staff look into the possibility and suggested talking with Sherwood that has been able have a city wide broadband.

**H. ADJOURN**

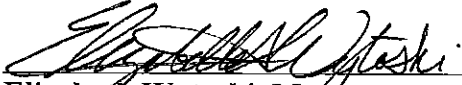
There being no further business, the meeting adjourned at 8:40 p.m.

Respectfully submitted:

  
By: Peggy Selberg  
City Recorder

**APPROVED BY COUNCIL on April 7, 2014**

As Written  As Amended

  
Elizabeth Wytoski, Mayor