

MINUTES
DAYTON CITY COUNCIL
REGULAR SESSION
May 5, 2014

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

ABSENT:

STAFF: Scott Pingel, City Manager
Renata Wakeley, City Planner
Peggy Selberg, City Recorder

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Wytoski called the meeting to order at 6:35 pm and those present gave the Pledge of Allegiance.

B. ROLL CALL

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

Mayor Wytoski stated if Council did not object she would like to move Action Item 2 before Action Item 1. Council did not object.

C. CONSENT AGENDA

1. Approval of Meeting Minutes

a. Special Session/Executive Session of March 17, 2014

ANNETTE FRANK MOVED TO APPROVE THE MINUTES OF THE SPECIAL SESSION/EXECUTIVE SESSION OF MARCH 17, 2014. SECONDED BY DARRICK PRICE. Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.

D. APPEARANCE OF INTERESTED CITIZENS

Mayor Wytoski introduced Teresa Shelburne. Ms. Shelburne stated she was representing the Dayton Community Development Association (DCDA) and wanted Council to know about the beautification project that they were working on. She explained the DCDA would like to place painted wine barrels

by all of the downtown businesses and use them as planters. She stated the barrels would be painted by local artists. Ms. Shelburne passed out a memo showing pictures of barrels (copy attached hereto and made a part hereof).

E. PUBLIC HEARING

Mayor Wytoski opened the Public Hearing at 6:43 and stated the City Council will hold a public hearing to get comments from citizens on a request from Diana Brewer to remove property located at 407 Church Street from the National Register of Historic Places, tax lot # 4317DB 1800. Mayor Wytoski asked if there were any objections to the notice that was sent in this case and if there were objections to the jurisdiction of the council to hear and decide this case. Mayor Wytoski asked Council if there were any declarations of ex parte contact or conflict or bias. Councilors Bixler, Collins, Frank, Price, Utt and Mayor Wytoski stated they knew where the property was located. There were no objections. Councilors Frank and Utt stated they also knew the homeowner. Renata Wakeley asked if any of the Councilors had previous discussions with the applicant or other property owners. There had been no previous discussion. Ms. Wakeley asked if any of the Councilors themselves owned historic homes. Councilors Collins and Price stated they own historic homes. Councilor Utt stated she owned a home near the applicant. Renata Wakeley, City Planner, gave a summary of the staff report. Ms. Wakeley stated the current owner had submitted an application to remove the property from the City of Dayton Historic Resources Inventory and Historic Property Overlay Zone. She stated the application had received review and comment from the Dayton Historic Preservation Committee. Ms. Wakeley stated this application was subject to Dayton Land Use Development Code section 7.2.112.05.F, which would require Planning Commission recommendation and City Council decision for the removal of a landmark or historic district designation under a public hearing process. Ms. Wakeley stated based on the findings as presented in the staff report (copy attached hereto and made a part hereof), staff and Planning Commission recommended denial of the request to delist the structure located at 407 Church Street. She stated in reviewing the application for delisting/removal of the property, Council had the following choices:

- A. Adopt the findings in the staff report and deny the application for delisting and removal from the City Inventory and HPO zones:
 - 1. As recommended by staff and the Planning Commission, or
 - 2. As determined by the City Council stating how the application does not satisfy the criteria, including any recommended conditions of approval, or
- B. Approve the application establishing findings to support the decision to approve the request and indicating how a criterion or criteria are met, including a recommended conditions of approval, or
- C. Continue the public hearing to obtain additional information needed to address one or more of the approval criteria (identifying each specific criterion).

Mayor Wytoski asked if the applicant wanted to give testimony. Diana Brewer, the applicant, asked to give comment. Diana Brewer stated her address was 1355 NW 2nd St, McMinnville. She stated she and her husband purchased the home at 407 Church Street in 1983 and in 1987 it was placed on the historic list without their consent or permission. She stated the property has undergone significant alterations that have removed the defining features for which the property was originally recognized. Ms. Brewer stated some of these alterations included an exterior door and deck, addition of a lattice railing, exterior light fixture, installation of vinyl siding and installation of vinyl windows. Councilor

Frank asked Ms. Brewer to explain why she did not want to work with the Historic Preservation Committee and the State Historical Preservation Office. Ms. Brewer stated she felt it would be easier for her to accomplish the changes to the home if the property was delisted. She explained the plan was to not only enhance the livability of the house but also to enhance the block that it resides on. Mayor Wytoski asked Renata Wakeley to explain the process for listing a property on the historic list and would it be possible for a property owner to not be notified. Ms. Wakeley stated she could not speak to what the process was in 1986; however, exhibit C of the staff report did comment on that process. She stated Judy Gerrard, a current member of the Historic Preservation Committee, did comment that there was an inventory that was drafted in 1986 and notification was sent to those property owners that public hearings and events would be held. Mayor Wytoski stated she felt that based on the criteria it would be difficult to delist it at this time especially since both committees that had reviewed the application had recommended against delisting and were willing to work with the applicant. Councilor Frank stated she was concerned that there may not be much flexibility from SHPO for the work that the applicant would want to do. Renata Wakeley stated any work done inside would not be a problem and some outside mechanical work could be done as long as it was screened. Mayor Wytoski stated no one had signed up for comment and closed the public hearing at 7:12. Mayor Wytoski stated Council would now continue discussion under Action Item 2.

F. ACTION ITEMS

2. Brewer Historic home de-listing

Councilor Utt stated she was concerned if Ms. Brewer had not received notice in 1986 that her home was going to be on the historic list. She also was concerned that if the cost becomes too much then improvements may not be made. Councilor Bixler stated he was also concerned by that. Mayor Wytoski stated she felt that she did not see any way that Council could approve the application based on the criteria and the recommendations from the other committees. However, she does feel that is unfortunate because she does not like to tie up a homeowners hands when they want to make improvements to their property. Mayor Wytoski stated she did hope that Ms. Brewer would take assistance from the Historic Preservation Committee since that committee had offered to work with her.

DARRICK PRICE MOVED TO ADOPT THE FINDINGS IN THE STAFF REPORT AND DENY THE APPLICATION FOR DELISTING AND REMOVAL FROM THE CITY INVENTORY AND HPO ZONE AS RECOMMENDED BY STAFF AND THE PLANNING COMMISSION. SECONDED BY ANNETTE FRANK. Motion carried with Bixler, Collins, Frank, Utt, Price and Wytoski voting aye.

Mayor White stated Council would now discuss Action Item 1.

1. Homeward Bound Pets donation request

Mayor Wytoski introduced Georgann Percival, Board President for Homeward Bound Pets.

Ms. Percival gave a brief presentation of the spay/neuter program and the number of pets from Dayton that had received treatment. She stated since 2011 they had spayed/neutered 195 cats from Dayton which equaled a cost of approximately \$9,700.

ANNETTE FRANK MOVED TO DONATE \$1,300 TO HOMEWARD BOUND PETS. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.*

3. **Resolution 13/14-8, financing agreement with US Bank**

Scott Pingel stated part of the due diligence period was securing financing for the purchase of the Fisher Farms property. He stated the financing agreement for \$400,000 was with US Bank. Scott Pingel stated the agreement had been worked on by Dayton's City Attorney as well as bond counsel.

ANNETTE FRANK MOVED TO ADOPT RESOLUTION 13/14-8 A RESOLUTION AUTHORIZING A FULL FAITH AND CREDIT BORROWING AND RELATED MATTERS. SECONDED BY JOHN BIXLER. *Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.*

4. **Resolution 13/14-9, approval of Walkway/Bikeway Project Agreement with the State of Oregon**

Scott Pingel stated this intergovernmental agreement with the State of Oregon was for the walkway/bikeway project that will establish a new sidewalk on the north side of Ferry Street from 5th Street to the elementary school crosswalk. Councilor Price stated he owned a home that would benefit from this project; consequently, he would abstain from the discussion and the vote. Scott Pingel stated he had just heard from the State that they would fund up to another \$5,000. He explained this would mean that Access Management would go up to \$35,000 and the total for the project \$180,000.

ANNETTE FRANK MOVED TO ADOPT RESOLUTION 13/14-9 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A WALKWAY/BIKEWAY PROJECT AGREEMENT WITH THE STATE OF OREGON. SECONDED BY SANDRA UTT. *Motion carried with Bixler, Collins, Frank, Utt and Wytoski voting aye. Price abstained.*

5. **Resolution 13/14-10, declaring the 1999 Dixie Chopper as surplus**

ANNETTE FRANK MOVED TO ADOPT RESOLUTION 13/14-10 A RESOLUTION DECLARING CERTAIN PROPERTY, A DIXIE CHOPPER MOWER, AS SURPLUS

AND AUTHORIZING ITS TRANSFER, SALE AND OTHER DISPOSITION. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.*

Scott Pingel asked for Council's approval to discuss water and sewer rate structure before the medical marijuana facilities discussion. Council agreed to the change in the agenda.

7. Water and sewer rate structure discussion

Scott Pingel reminded Council they had previously discussed the need for certain rate structure changes in order to bring the RV Park and the school district rate structure more in line with all other customer's rate structure. He explained staff would assign a specific amount of equivalent dwelling unit (EDU) for both water and sewer; for example each four RV spaces would be considered 1 EDU. Scott Pingel stated these changes would eliminate having to evaluate these two entities each February. He stated he was interested in getting feedback from Council regarding these changes. He stated he would bring the actual resolution back to Council at a later meeting. Councilor Frank liked the changes and felt it would make it much simpler. Councilor Collins wanted clarification on how staff arrived at the 4 RV spaces for an EDU. He thought it might be less and he wanted to make sure that whatever was used would be fair in comparison to the usage of actual households. Mayor Wytoski stated she understood Councilor Collins comment; however, she felt this was a good starting point and would like to see how it works out. She stated they could always change it at a later date. Councilor Price wanted to make sure the new calculation for the school did not increase their total bill by too much. Scott Pingel stated staff would make sure that both entities were not impacted too much by this change in their rate structure.

6. Medical Marijuana facilities discussion

Mayor Wytoski stated she and Councilor Frank had attended a conference regarding medical marijuana facilities which was very informative. She stated there was discussion on what other cities in Oregon were doing regarding medical marijuana facilities and how cities in other states were handling these types of facilities. Mayor Wytoski stated there could be future legislation that would not allow a medical marijuana facility within 1,000 feet of schools and any location where children congregate, i.e. parks, daycares, transit centers, playgrounds, athletic fields, and preschools. She stated she felt it would be a good idea to add this language to any changes they make to Dayton's codes. Scott Pingel stated what Council needed to be cognizant of was that for commercial and commercial/residential zones, medical facilities were allowed; consequently, medical facilities would need to be clarified in the city's code. He explained that in order to have any kind of restrictions the city's Land Use code would have to be adjusted – such as clarifying the definition of medical facilities and/or clarify which zones they would be a specific permitted use. Mayor Wytoski stated she would like to have the language of where children congregate; however, that may eliminate every zone in Dayton and they have to be cautious about doing that. Scott Pingel stated staff could create a map that would show 1,000 feet from all schools and locations where children would congregate and do another one that

would show 500 feet from those same locations. Councilor Frank stated she would like staff to look at the current code to see what can be done about those locations that are currently growing marijuana for their own medical use. Scott Pingel stated staff would look at that; however, it would be important to also make sure that the city was following the guidelines that Yamhill County Sheriff's would be following. Mayor Wytoski stated in addition to restricting facility location in the zones where children congregate, she would like to look into doing background checks on employees at those facilities and in regulating the hours they would be open. Scott Pingel stated staff would start work on drafting changes to the code. He stated they have until the end of June in order to meet the timeframe for notice for the Planning Commission to consider these changes at their August meeting.

8. Friday Nights/Festival discussion update

Mayor Wytoski stated she had met with the owners of Archies Ice Cream and Eatery, The Blockhouse Café, Joel Palmer House and the Barlow Room and several DCDA members to discuss the Friday Night Events. She stated they had many ideas and were very pleased with city involvement. Mayor Wytoski stated the general consensus from the business owners on what they would like to see from the city would be some support in terms of advertising. She stated she told them she was sure the city would share in the costs of some signage or a banner. Mayor Wytoski stated she explained to these business owners that the city was not interested in only being a funding source but would like to be a partner and would want to be able to participate in some aspects. She stated she had also met with some of the older citizens regarding having the parade on the Friday night of Old Timers Weekend and they were very receptive and appreciative of that. Mayor Wytoski stated she and Scott Pingel had talked about focusing on the parade at Old Timers Weekend and the weekend with the Fast Draw event. Councilor Collins stated he felt it would be a good idea to officially dissolve the Harvest Festival and the Harvest Festival committee and create a sub-committee of council members that could deal with decisions for these Friday Nights. He stated there was already an established budget for the Harvest Festival that could be used to help with costs for the Friday Night events.

JOHN COLLINS MOVED TO DISSOLVE THE HARVEST FESTIVAL AND REDIRECT THOSE FUNDS AND EFFORTS TO DAYTON FRIDAY NIGHTS AND/OR OTHER COMMUNITY EVENTS. SECONDED BY ANNETTE FRANK. Motion carried with Bixler, Collins, Frank, Price, Utt and Wytoski voting aye.

Councilor Collins stated he would be interested in being on the sub-committee. Mayor Wytoski stated she would bring back to council at the next meeting her appointments to this sub-committee.

Mayor Wytoski noted the departure of Councilor Price at 9:02 pm.

G. CITY COUNCIL COMMENTS/CONCERNS

H. INFORMATION REPORTS

1. City Manager's Report

Scott Pingel stated he wanted Council to know that an RFP for audit services had been advertised and applications were due by May 21st.

He asked if Council would have any concern regarding allowing horses to eat grass at the sewer ponds. He stated Steve Sagmiller had received requests from people with horses and would like to use them to help with the grass at the sewer ponds. Council had no problem with that.

Scott Pingel stated staff would get quotes for air conditioning at the Community Center and would bring those back to Council at a later date.

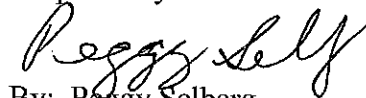
Scott Pingel stated the property owner that owns a small part of the nature trail will talk with the school district to donate her property to the district.

Scott Pingel stated Council will have to make a decision on Fisher Farms either on the May 19th or June 2 council meeting. He wanted to make sure that Council understands what they will know and what they will not know by that time. He stated they will not know for sure the exact amount of water rights that can be transferred. Scott Pingel explained that one of the reasons is that some of the Fisher Farms water rights were extremely specific for their uses. He stated the worst case scenario would be that 150 gallons per minute could be transferred. He stated currently the joint wells produced approximately 450-500 gallons per minute and Dayton's share of that would be about half. He stated so far there were no red flags from any of the water samples that have been taken from the wells on Fisher Farms. Scott Pingel explained that until the plan review for these wells goes before Water Resources the city cannot use the wells and the city can't go before plan review until they own the wells. He explained all of this will be discussed when it comes back to Council.

I. ADJOURN

There being no further business, the meeting adjourned at 9:30 p.m.

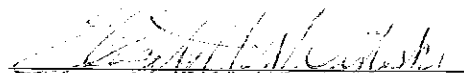
Respectfully submitted:



By: Peggy Selberg
City Recorder

APPROVED BY COUNCIL on May 19, 2014

As Written As Amended


Elizabeth Wytoski, Mayor