

MINUTES
DAYTON CITY COUNCIL
REGULAR SESSION
FEBRUARY 6, 2017

PRESENT: Mayor Elizabeth Wytoski
Councilor John Bixler
Councilor Kitty Brown
Councilor John Collins
Councilor Darrick Price
Councilor Trini Marquez (arrived 6:32 pm)
Councilor Erin Taylor (arrived 6:34 pm)

ABSENT:

STAFF: Scott Pingel, City Manager
Rochelle Roaden, 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, Brown, Collins and Price. Mayor Wytoski noted the absence of Councilors Marquez and Taylor.

C. APPEARANCE OF INTERESTED CITIZENS

No one present.

D. CONSENT AGENDA

1. **Approval of Meeting Minutes**
 - a. **Regular/Executive Session of December 5, 2016**

JOHN BIXLER MOVED TO APPROVE THE MINUTES OF THE REGULAR SESSION OF DECEMBER 5, 2016. SECONDED BY DARRICK PRICE. Motion carried with Bixler, Brown, Collins, Price, Marquez and Wytoski voting aye. Taylor absent.

E. ACTION ITEMS

1. **Approval of 2nd Reading of Ordinance 639 Allowing Accessory Dwellings in CR Zone**

Darrick Price performed the second reading of Ordinance 639.

JOHN COLLINS MOVED TO APPROVE THE 2nd READING OF ORDINANCE 639 AN ORDINANCE AMENDING THE DAYTON LAND USE AND

DEVELOPMENT CODE TO PERMIT ACCESSORY DWELLING UNITS AS SPECIAL PERMITTED USES IN THE COMMERCIAL RESIDENTIAL (CR) ZONE PER THE SUPPLEMENTAL STANDARDS FOUND IN SECTION 7.2.402 OF THE DAYTON LAND USE AND DEVELOPMENT CODE. SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler, Brown, Collins, Price, Marquez, Taylor and Wytoski voting aye.*

2. Adoption of Ordinance 639 Accessory Dwellings

JOHN BIXLER MOVED TO ADOPT ORDINANCE 639 AN ORDINANCE AMENDING THE DAYTON LAND USE AND DEVELOPMENT CODE TO PERMIT ACCESSORY DWELLING UNITS AS SPECIAL PERMITTED USES IN THE COMMERCIAL RESIDENTIAL (CR) ZONE PER THE SUPPLEMENTAL STANDARDS FOUND IN SECTION 7.2.402 OF THE DAYTON LAND USE AND DEVELOPMENT CODE. SECONDED BY ERIN TAYLOR. *Motion carried with Bixler, Brown, Collins, Price, Marquez, Taylor and Wytoski voting aye.*

3. Approval of Resolution 16/17-6 Amendment No. 2 to City Engineer Contract

DARRICK PRICE MOVED APPROVAL OF RESOLUTION 16/17-6 A RESOLUTION APPROVING AMENDMENT #3 TO PERSONAL SERVICES AGREEMENT BETWEEN CITY OF DAYTON AND WESTECH ENGINEERING, INC., FOR CITY ENGINEER SERVICES. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Brown, Collins, Price, Marquez, Taylor and Wytoski voting aye.*

4. MBR/RO Project Discussion/Council Action

Scott Pingel, City Manager, stated that at the November 7, 2016, Council meeting, the Council moved to allow AquaArray to continue MBR operations in Pond 3 until January 31st but to provide no further funding. Now that it is past the January deadline, further action needs to be taken regarding officially dissolving the relationship. Scott spoke to a Research and Development Director at Suez who might be interested in acquiring AquaArray's technology. Suez would like the City to leave the equipment where it is for now until they determine if they are moving forward or not.

Darrick Price commented that Suez came to Dayton two weeks prior and he spent four or

five hours talking with them about the technology. He further stated that he does not have any economic interest in this other than what is best for the city. He believes that Suez wants to buy the intellectual property and the little amount of equipment from AquaArray and AquaArray would then walk away from the project. Suez would work with the City on a pilot project to finish any additional upgrades that need to be done to get the permitting for the full year discharges. They want to do this as soon as possible to determine the viability of the system and if it does not work, they will walk and the City is in the same position we are in. They will pull it really fast if it is not viable. The City might be able to recoup some of the costs as well.

Scott further commented that Steve Sagmiller, Public Works Director, feels much better with the idea of moving forward with Suez on board and not AquaArray. Suez owns Utility Service Group who the City currently uses for maintenance on the Breymann Reservoir and the wells therefore the City has a good professional relationship established with this company.

Darrick Price further stated that the two representatives from Suez both held PHD's in their fields and will be able to really help us understand the situation and determine how to make this work before they will spend any money.

Scott communicated the frustrations with AquaArray to the representatives from Suez regarding not being able to get data for more than a two or three day period. He wants to make sure that Suez understands our endgame and everyone is on the same page.

Mayor Wytoski stated that if we are able to work something out with Suez that she is not opposed to moving forward. However, she is staunchly opposed to having any continued relationship with AquaArray in any form that would require staff to communicate with James Reilly. That would include James being used as a consultant. The last few communications were full of conspiracy theory, personal insults, professional threats, name calling, and really unacceptable communication. She also wants to make sure that any future third party relationship must understand that the relationship with DEQ needs to be City driven. James overstepped the boundaries by contacting DEQ directly. Any further funding of this technology needs to be based on proven results especially since there are companies with proven technologies that could be used. Discussion continued.

ERIN TAYLOR MOVED TO OFFICIALLY DISSOLVE ANY PROFESSIONAL RELATIONSHIP BETWEEN THE CITY OF DAYTON AND AQUAARRAY, AND AUTHORIZE THE CITY MANAGER TO REMOVE OR CAUSE TO BE REMOVED, AT HIS DISCRETION, ANY AQUAARRAY EQUIPMENT OR MATERIALS REMAINING ON CITY OF DAYTON PROPERTY. SECONDED BY JOHN BIXLER.

Motion carried with Bixler, Brown, Collins, Marquez, Taylor and Wytoski voting aye. Price recused.

F. CITY COUNCIL COMMENTS AND CONCERNS

Kitty Brown asked if there is any data on jobs created in Dayton. Scott Pingel remarked that there is some data but not sure how accurate. Mayor Wytoski stated that the City Council creates policies to support economic development to support job creation. John Collins stated that the Council helps create an environment which supports job creation and he believes Dollar General will be providing 4.5 FTE (Full Time Employees) with one Manager and 3.5 cashiers. Discussion continued.

Darrick Price stated that the backwater valve the City installed is keeping water from coming in but sewage cannot go out with the water pressure so high. The amount of sewage in his basement is less than previously experienced. Scott Pingel stated that two homes installed the backwater valves out of the four that usually have issues. Darrick is looking forward to the sewer improvement project being completed.

John Bixler attended the Make-a-thon for grades 2-12 at the Dayton High School which lasted all day. Attendance was good so it was a success. He encourages everyone to attend the town hall meeting tomorrow regarding Innovate Dayton.

Erin Taylor commented about a post on Facebook regarding the improvements made to Oak Street. Mayor Wytoski remarked that she had addressed the comment and further explained that Councilors have to be aware of how many post comments because four councilors is a quorum.

Mayor Wytoski stated that February 7th is town hall to talk about Innovate Dayton. Council is encouraged to attend. She further stated that the DCDA started planning for this year's Dayton Friday Nights and a liaison between the Council and DCDA is needed. John Collins commented that he will be in attendance at the DCDA meetings so he could be the liaison if needed. Mayor Wytoski received a copy of the City of McMinnville's new ordinance regarding inclusion from Councilor Brown. She will bring it before the Council in a work session. Darrick Price stated that a well worded statement from the City about who we are is a good idea. Additionally, Wednesday is City Day at the capital. Mayor Wytoski encourages the Council to read the LOC legislative update to understand the current session's legislative priorities. Beth invited Kitty to attend meetings she has set up with state legislators during the day. Mayor Wytoski will be sending out the City Manager's performance evaluation soon. Please spend some time and any narrative comments are very helpful. Please communicate specific concerns and remember to review his performance for the full year.

H. INFORMATION REPORTS

1. City Manager Report

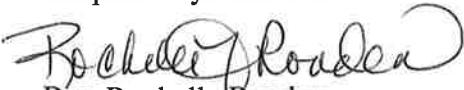
Scott Pingel updated the Council on the light pole installation on 3rd Street by the Block House to improve the lighting on the road. He met with PGE last week and is working with Denny Muchmore, City Engineer, to finalize plans.

Scott reminded the Council that the sewage issues are due to the heavy ground water that is soaking into the sewer main line. John Collins asked if the sewer improvement project will eliminate this issue in the future or will ground water still pose problems. Scott remarked that the current main line pipe is incompetent and porous and allows the ground water to seep into the sewer lines causing the overflowing. Once competent pipe is installed, our lines should not overflow. Discussion continued.

I. ADJOURN

There being no further business, the meeting adjourned at 7:31 pm.

Respectfully submitted:



By: Rochelle Roaden

City Recorder

APPROVED BY COUNCIL on March 20, 2017.

As Written **As Amended**


Elizabeth Wytoski, Mayor