

MINUTES
DAYTON CITY COUNCIL
REGULAR SESSION
AUGUST 7, 2017

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

ABSENT:

STAFF: Scott Pingel, City Manager
Rochelle Roaden, City Recorder
Steve Sagmiller, Public Works Director

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Wytoski called the meeting to order at 6:30 pm and those present gave the Pledge of Allegiance.

B. ROLL CALL

Mayor Wytoski noted there was a quorum with Councilors Bixler, Collins, Mackin, and Price. Mayor Wytoski noted the absence of Councilor Marquez.

C. APPEARANCE OF INTERESTED CITIZENS

Tim Ashley, Ashley Construction, 7642 Webfoot Road, Dayton, expressed his concern and frustration with the delay in permits being issued by the City of Newberg. His permit application for the Dayton High School pole building was submitted in May and the permit still not has been issued. The delay is ridiculous. Mayor Wytoski remarked that in the past, this service was put out to bid hoping to acquire a different provider with faster response times on permits and no other bids were received. Scott Pingel, City Manager, stated he would contact the City of Newberg the next day. Discussion continued.

Henry Bruns and Connie Hiram, 302 Alder Street, Dayton, asked about the extent of the water restriction, the history of the situation, and expressed his concern for not being able to water thousands of dollars of shrubs they recently planted.

Elma Hernandez, 913 Church Street, Dayton, is also concerned about the water restriction affecting her vegetable garden and a lack of communication. She is intrigued to find out what the situation is that warranted the current restriction.

Larry Smurthwaite, 773 Joel Palmer Way, Dayton, inquired about the root cause of the water restriction, the design of the water system today and where we are headed in the future. Also, what are the contracts and/or agreements involved with the water system? The biggest frustration is knowing that Lafayette is not on the same restrictions as Dayton but we share water somehow. Additionally, he is concerned with his neighborhood turning into a freeway since the barricade was lifted after construction was completed. Children are playing in the street, and people are running the stop sign 75% of the time at the bottom of Sweeney, putting children at harm. Furthermore, he feels

that the code enforcement of lawn maintenance is not consistent throughout his neighborhood. People are dumping things in the field near his house and the City is not dealing with it.

Jeremy Oliveira, 14765 SE Foster Road, Dayton, is frustrated with the permit process taking so long though the City of Newberg. He is having to pay additional monthly payments that he should not have to pay due to permits taking far too long. He contacted the State of Oregon and issued a complaint against the City of Newberg. He was told that permits should be issued in a specific amount of time as long as Newberg is getting paid. Discussion continued.

MAYOR WYTOSKI MOVED TO REARRANGE THE AGENDA MOVING ACTION ITEM FIVE, WATER SYSTEM STATUS UPDATE, TO PROCEED ACTION ITEM ONE. SECONDED BY DARRICK PRICE. Motion carried with Bixler, Collins, Mackin, Marquez, Price and Wytoski voting aye.

Victoria Huerta, 1005 Ferry Street #4, Dayton, has a food truck that she would like to be able to operate in Dayton.

D. ACTION ITEMS

1. Water System Status Update

Scott Pingel gave an in-depth description of the water system's history, structure, current production, and the Inter-Governmental Agreement (IGA) with the City of Lafayette for the shared well field and water rights. He further explained the current situation which warranted the water restrictions put in place. Mayor Wytoski gave additional historical information noting the improvements made over the last ten years to the water system, and frustrations with the current IGA. Discussion continued with comments and questions made by Harry Bruns, Larry Smurthwaite, Eva Sanchez, 817 Joel Palmer Way, Dayton, and Elma Hernandez.

2. Appointment of New City Councilor to Vacant City Council Position

Both candidates, Nikki McGraw and Khalen Dunn, gave a brief introduction.

A vote was taken. Mayor Wytoski voted for Khalen Dunn. Councilors Bixler, Collins, Mackin, Marquez and Price voted for Nikki McGraw.

Rochelle Roaden, City Recorder, performed the swearing in of Councilor Nikki McGraw.

3. Approval of Resolution 17/18-4 Authorizing the Transfer of Control of the Astound Franchise

KITTY MACKIN MOVED TO APPROVE RESOLUTION 17/18-4 A RESOLUTION OF THE CITY OF DAYTON AUTHORIZING THE TRANSFER OF CONTROL OF THE TELECOMMUNICATIONS FRANCHISE HELD BY ASTOUND BROADBAND, LLC. SECONDED BY JOHN BIXLER. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

4. First Reading of Ordinance 640 Food Trucks

Darrick Price performed the first reading of Ordinance 640.

JOHN BIXLER MOVED TO APPROVE THE FIRST READING OF ORDINANCE 640 AN ORDINANCE ADDING SECTION 3.11 FOOD TRUCKS AND PUSH CARTS TO THE DAYTON MUNICIPAL CODE. SECONDED BY TRINI MARQUEZ. *Motion failed with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting nay.*

John Collins proposed the following changes:

- 1) 3.11.4 - Change 'Food Trucks on Private Property' to 'Food Trucks not in Public Right of Way'
- 2) 3.11.2 (d) - Add 'Public zones'
- 3) 3.11.4 - Remove "four (4) hours"
- 4) 3.11.4 – Change 'thirty (30) days' to "fourteen (14) days"
- 5) 3.11.2 (a) – Add language requiring proof of written permission from property owner
- 6) 3.11.2 – Move 3.11.4 (d)(1) to General Provisions and create 3.11.2 (e).

John Bixler proposed the following change:

- 1) 3.11.2 (d) – Change 'thirty (30) days' to "fourteen (14) days"

Due to the amount of changes, it was decided that a new draft would be needed which makes the first reading not applicable.

5. Consideration of Temporary Occupancy Permit Application

Scott Pingel gave a brief description of the application submitted by Steve Belinsky. Discussion followed.

JOHN BIXLER MOVED TO APPROVE THE TEMPORARY OCCUPANCY PERMIT FOR A PERIOD OF SIX MONTHS AS LONG AS THERE ARE NO OBJECTIONS FROM THE CO-OWNER. SECONDED BY KITTY MACKIN. *Motion carries with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

E. CITY COUNCIL COMMENTS AND CONCERNS

Councilor Kitty Mackin remarked that using the Dayton Community Group on Facebook to put out the water restriction notice does not reach everyone because it is a closed group. There is another Facebook group, Downtown Dayton, which is open. Also, the Water Restriction Notice should be in both English and Spanish. Mayor Wytoski commented that the Facebook pages are not official City pages and they are not official City communications. Councilor Collins remarked that the Downtown Dayton site is a page not a group. Also, the City website has a translator available to read the content in Spanish. Discussion continued.

Councilor Nikki McGraw thanked everyone for the opportunity to be City Councilor.

Councilor Darrick Price asked about the timeline for the sewer upgrade project. Scott Pingel commented that Rural Development has taken six months to review the project. This has caused a delay in starting the bidding process and getting the project started by winter as originally hoped.

Councilor John Collins commented that in the future it would be better to start with a voluntary level of water restriction before going directly to a Stage 2. Additionally, the water restriction stages should be reworded providing clarification of what can be watered at each level i.e., hanging baskets, gardens, etc. He further asked if there are any state laws that we can take advantage of to restrict Lafayette's usage from our reservoir when they are drawing down the water close to the fire safety levels. Discussion continued.

F. INFORMATION REPORTS

1. City Manager Report

Scott Pingel gave an update on the Ferry Street Pedestrian Improvements from 9th to Flower.

He informed the Council that the Community Development Assistant resigned last week and that a temporary from Express Temps will be used to help with coverage and backup. Additionally, Debra Lien, the Community Development Specialist/Librarian, is retiring in March of 2018. Scott is looking at possible ways to restructure that position.

The reservoir was full this morning so the wells are currently off and in a resting period. They have not rested for three or four weeks. Coming off restrictions now would be too soon and put us into the same situation that caused the restrictions. He is working with Lafayette's City Manager to stay on their restrictions. Once an opportunity to pull back exists, the restrictions will be updated. Discussion continued.

G. ADJOURN

There being no further business, the meeting adjourned at 9:25 pm.

Respectfully submitted:



By: Rochelle Roaden
City Recorder

APPROVED BY COUNCIL on October 2, 2017.

As Written **As Amended**


Elizabeth Wytoski, Mayor