

**AGENDA
DAYTON CITY COUNCIL
REGULAR SESSION**



DATE: MONDAY, AUGUST 1, 2016
PLACE: CITY HALL ANNEX, 408 FERRY STREET
TIME: 6:30 PM

Dayton - Rich in History.... Envisioning Our Future

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
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- A. CALL TO ORDER & PLEDGE OF ALLEGIANCE**
- B. ROLL CALL**
- C. APPEARANCE OF INTERESTED CITIZENS**

This time is reserved for questions or comments from persons in the audience on any topic.

- D. SCHOOL BOARD REPORT**
- E. ACTION ITEMS**
 - 1. Approval of 2nd Reading of Ordinance 635 Regarding Noise, Right of Way Regulations, and Utility Service Termination 1-2
 - 2. Adoption Ordinance 635 Regarding Noise, Right of Way Regulations, and Utility Service Termination 3-8
 - 3. Food Truck Discussion
- F. CITY COUNCIL COMMENTS/CONCERNS**
- G. INFORMATION REPORTS**
 - 1. City Manager's Report 9-12
- H. ADJOURN**

Posted: 07.28.16
Rochelle Roaden, City Recorder

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Dayton AT LEAST 32 WORKING HOURS (4 DAYS) prior to the meeting date in order that appropriate communication assistance can be arranged. The City Hall Annex is accessible to the disabled. Please let us know if you need any special accommodations to attend this meeting.

NEXT MEETING DATES
City Council Working/Special Session, Monday, August 15, 2016
City Hall Annex, 408 Ferry St, Dayton

To: Honorable Mayor and City Councilors

From: Scott Pingel, City Manager

Issue: 2nd Reading of Ordinance 635 Regarding Noise, Right of Way Regulations, and Utility Service Termination

Background and Information

At the April 18th City Council work session, the council discussed several potential changes to the municipal code. This ordinance deals with an exemption for basketball hoops being located in the right of way, adding recreational noise to the Excessive Noise Defined section, as well as moving encroachment licenses from a resolution to the municipal code. Ordinance 635 also makes a small tweak to section 8.0.8 Process for Terminating Utility Services. The change simply makes the section more clear. The sentence about unpaid utility charges becoming a lien on the property has been included in a section that seems to refer only to sewer, while the City should make it clear that the lien would apply to utility services generally.

The City Council approved the 1st reading of Ordinance 635 at the June 6, 2016 City Council meeting, however, there seemed to be some desire to review the ordinance further as well as the municipal code in general regarding noise. Also included in the agenda packet is Section 2.8 of the Municipal Code, which covers noise.

There are a couple of questions for the City Council to consider. Is there concern about the additions to the Noise section of the code provided in Ordinance 635, or just concerns about the Noise section of the code in general? Would the City Council like to move forward with the changes made in Ordinance 635 and look at general changes to the Noise section of the code separately, or do you want to update the entire Noise section of the code as a part of Ordinance 635?

City Manager Recommendation: I recommend approval of the 2nd reading and adoption of Ordinance 635. I would suggest we deal with other changes to the Noise code separately.

Potential Motion to Approve the 2nd Reading: “I move approval of the 2nd reading of Ordinance 635 an Ordinance Amending Chapter 2 – Offenses, Chapter 6 – Public Improvements, and Chapter 8 – Utilities, of the Dayton Municipal Code to Make Changes to Section 2.4 Storage of Vehicles or Other Personal Property on Streets or Public Property, Section 2.8 Excessive Noise Defined (Residential and Commercial Zones), Section 6.12 Encroachments on City Property, and Section 8.0.8 Process for Terminating Utility Services.”

Potential Motion to Adopt: “I move to adopt Ordinance 635 an Ordinance Amending Chapter 2 – Offenses, Chapter 6 – Public Improvements, and Chapter 8 – Utilities, of the Dayton Municipal Code to Make Changes to Section 2.4 Storage of Vehicles or Other Personal Property on Streets or Public Property, Section 2.8 Excessive Noise Defined (Residential and Commercial Zones), Section 6.12 Encroachments on City Property, and Section 8.0.8 Process for Terminating Utility Services.”

Council Options:

- 1 – Approve the 2nd reading and adoption of Ordinance 635 as recommended.
- 2 – Approve the 2nd reading and adoption of Ordinance 635 with amendments.
- 3 – Take no action and direct staff to do further research or provide further options.

**ORDINANCE 635
CITY OF DAYTON, OREGON**

An Ordinance Amending Chapter 2 – Offenses, Chapter 6 – Public Improvements, and Chapter 8 – Utilities, of the Dayton Municipal Code to Make Changes to Section 2.4 Storage of Vehicles or Other Personal Property on Streets or Public Property, Section 2.8 Excessive Noise Defined (Residential and Commercial Zones), Section 6.12 Encroachments on City Property, and Section 8.0.8 Process for Terminating Utility Services.

WHEREAS, the City Council desires to amend Chapter 2 – Offenses, Chapter 6 – Public Improvements, and Chapter 8 – Utilities, of the Dayton Municipal Code to make changes to sections 2.4 Storage of Vehicles or Other Personal Property on Streets or Public Property, 2.8 Excessive Noise Defined (Residential and Commercial Zones), 6.12 Encroachments on City Property, and 8.0.8 Process for Terminating Utility Services as attached in Exhibit A; and

WHEREAS, the City Council considered said amendments in a public meeting on April 18, 2016; and

WHEREAS, on June 6, 2016, the City Council considered the information provided by staff and deliberated on the proposed action.

The City of Dayton ordains as follows:

Section 1. The City Council hereby adopts Ordinance 635; and

Section 2. The City Council adopts the amendments to Chapters 2, 6, and 8 of the Dayton Municipal Code attached as Exhibit A and incorporated by reference herein.

PASSED AND ADOPTED by the City Council of the City of Dayton on this _____ day of _____, 2015.

Mode of Enactment:

Date of first reading: _____ In full _____ or by title only _____

Date of second reading: _____ In full _____ or by title only _____

____ No Council member present at the meeting requested that the ordinance be read in full.

____ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor:

Opposed:

Absent:

Abstained:

Mayor

Date of Signing

ATTESTED BY:

Rochelle Roaden
City Recorder

Date of Enactment

Exhibit A

(additions in italics and deletions in strikethrough)

2.4 STORAGE OF VEHICLES OR OTHER PERSONAL PROPERTY ON STREETS OR PUBLIC PROPERTY

2.4.1 Exception. Basketball hoops are allowed in the public right-of-way only if the following conditions are met:

(a) The hoop must not block the sidewalk, pedestrian/bike path, or public roadway to the point that it impedes foot, bike, or vehicle travel.

(b) The hoop must not block access to fire hydrants or mailboxes.

(c) The use of the hoop is only allowed between the hours of 9 a.m. and 10 p.m.

(d) The hoop and any use of the hoop must not disturb the peace of those in the nearby vicinity and must not violate the City's noise provisions under Section 2.8 of this Chapter.

(e) The City is in no way responsible or liable to any individual for damage, injury, or loss to any person or property arising directly or indirectly out of the negligent or otherwise wrongful construction, maintenance, inspection, repair, use or supervision of use of any hoop placed in the public right-of-way or for any act or omission in violation of this Section 2.4.1.

(f) In the event any hoop is found to be in violation of this Section 2.4.1 the City may order the hoop removed. A person who fails to remove a hoop as ordered shall be liable to the City for its costs, including but not limited to labor and materials for removal of the hoop and any supporting apparatus as well as costs, disbursements, and attorney fees incurred for collection.

2.8 NOISE

2.8.2 Excessive Noise Defined (Residential & Commercial Zones)

Excessive noise in a Residential or Commercial Zone in violation of this section includes, but is not limited to:

- (a) The keeping of any bird or animal which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity.
- (b) The use of a vehicle or engine, either stationary or moving, so out of repair, loaded, or operated as to create any loud or unnecessary grating, grinding, rattling, or other noise.
- (c) The sounding of a horn or signaling device on a street, public place, or private place, except as a necessary warning of danger.
- (d) The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.
- (e) The erection, including excavation, demolition, alteration, or repair of a building in residential districts, other than between the hours of 7:00 am and 6:00 pm, except in case of urgent necessity in the interest of the public welfare and safety and then only with a permit granted by the City ~~Administrator~~ *Manager* for a period not to exceed ten (10) days. Such permit may be renewed for periods of five (5) days while such emergency continues to exist. The actual owner of property may do work on property actually occupied by him between the hours of 6:00 pm and 10:30 pm without obtaining a permit as herein required.
- (f) The use of a gong or siren upon a vehicle, other than police, fire, or other emergency vehicle.
- (g) The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat, or motor vehicle except through an operational muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.
- (h) The use or operation of an automatic or electric piano, phonograph, gramophone, victrola, radio, television, loudspeaker, or any instrument for sound-producing or any sound-amplifying device so loudly as to be heard more than 150 feet from the source during the hours of 7:00 am and 10:30 pm; or 50 feet from the source from 10:30 pm to 7:00 am.
- (+) The conducting, operating or maintaining of a commercial garage within 100 feet of a private residence, apartment, rooming house, or hotel in such manner as to cause loud or disturbing noises to be emitted therefrom between the hours of 10:30 pm and 7:00 am.

(j) No person shall make, continue, assist in making, or allow:

(1) Any unreasonably loud, disturbing, or raucous noise;

(2) Any noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of reasonable persons of ordinary sensitivity; or

(3) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

(i) The standard for judging loud, disturbing and unnecessary noises shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration: the proximity of the sound to sleeping facilities, whether residential or commercial; the land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived; the time of day or night the sound occurs; the duration of the sound; and whether the sound is recurrent, intermittent, or constant.

2.8.6 Remedy.

If, after proper notification of a violation of section 2.8 of the Code, the nuisance is not abated, the city manager or designee may proceed to abate the nuisance pursuant to the provisions in Section 5.13, Uniform Nuisance Abatement Procedure, of this Code. In addition to the remedies provided by Section 5.13, the city shall have all remedies available to it by law.

CHAPTER 6

6.12 ENCROACHMENTS ON CITY PROPERTY

6.12.1 License Necessary.

It is unlawful for any person to erect or cause to be erected any structure more permanent in nature in, over, or upon any city-owned property except that the city manager, or the city manager's designee, may grant permission for walls, fences, steps or other similar structures of a more permanent nature to be located on city-owned property subject to a revocable encroachment license to be issued by the manager and recorded with the Yamhill County Clerk's Office.

8.0 GENERAL

8.0.8 Process for Terminating Utility Services. (Amended ORD 627 – Effective 08/06/15)

- (1) Prior to terminating utility service, the City shall provide written notice to the customer that utility service to the property is subject to being discontinued unless the delinquent amounts are paid in full immediately. Written notice shall be provided in a manner prescribed by the City according to the following:

- (a) Written notice shall provide that utility service to the premises is subject to be terminated, the reason for potential termination of services, and terms by which said customer can avoid termination of services.
 - (b) Notice shall be deemed sufficient if mailed to the address listed on the application for utility services as listed in the City's records and shall be deemed complete on the date of deposit in the US Mail or upon personal delivery.
- (2) If full payment or arrangements satisfactory to the City are not timely made, the City may, without further notice or process, terminate utility service to the affected premises.
 - (3) Sewer services cannot be disconnected and charges shall continue to accrue at the current rate provided that a residence receiving both services, or only sewer services, is still occupied after termination of services. ~~All charges, less any deposit, shall immediately become a lien upon the property.~~
 - (4) *All charges, less any deposit, shall immediately become a lien upon the property.*

TO: MAYOR WYTOSKI AND CITY COUNCIL MEMBERS

**THROUGH: SCOTT PINGEL
CITY MANAGER**

**FROM: STEPHEN SAGMILLER
PUBLIC WORKS DIRECTOR**

SUBJECT: PUBLIC WORKS ACTIVITIES REPORT JULY 2016

Water:

Regulatory Samples bi weekly
Daily rounds
Work orders
Locates
Meter reading
Meter Re Reads
Turn ons / turn offs
Water Report to Lafayette
Water report to State
Receive chemicals at Treatment Plant
Meter replacement (various)
Water line inspection 7th St.
Repair Well 2

Wastewater:

Regulatory Samples weekly
NPDES Samples
Daily Rounds
MBR operation at Lagoons
Check operation of lift stations daily
Locates
DMR to DEQ
Clear floats at lift stations
Work on Lagoon roads
Clean RO and return to service
Deliver chlorine to lagoons

Parks:

Clean Restrooms at park daily
Dump garbage all parks
Mow Alderman
Mow CH Square
Mow AS Park
Friday Night events
Picnic benches to park

Facilities:

Clean CC

Set up CC

Microwave to CC

Dump garbage at CC

Mop CC

Fire extinguisher checks

Facility walk through

Mow at Shops

Storm water:

Locates

Streets:

Street sweeping

Plant trees on Ferry St

Dumped trash Ferry St

Street repair and patching (various)

Misc:

Deliver agendas

Meet with contractor for Alder St.

Report Criteria:
 Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Check Amount
06/16	06/17/2016	21825	362	City of Newberg	MAY 2016	2	100.106.716.00	.00	7,645.83
06/16	06/17/2016	21826	1275	Craig J Timmons	REFUND	2	400.000.450.00	.00	93.00
06/16	06/17/2016	21827	1269	David & Margaret West	REFUND	2	400.400.750.00	.00	150.00
06/16	06/17/2016	21828	1274	David Bunn	REFUND	2	400.400.750.00	.00	14.41
06/16	06/17/2016	21829	111	DCBS Fiscal Services	MAY 2016	1	100.106.700.35	.00	1,481.88
06/16	06/17/2016	21830	789	Edge Analytical	Multiple	1	300.300.751.00	.00	596.00
06/16	06/17/2016	21831	513	Elizabeth Wytoski	REIMB JUNE	3	500.500.752.00	.00	205.10
06/16	06/17/2016	21832	1110	James P. Reilly	01-00006	1	700.700.910.00	.00	4,999.02
06/16	06/17/2016	21833	1273	Joseph & Pam Clevenger	REFUND	2	400.400.750.00	.00	98.80
06/16	06/17/2016	21834	565	Krueger's Tree Farms	2016113	1	200.200.614.40	.00	784.00
06/16	06/17/2016	21835	1270	Lee Olson	REFUND	2	400.400.750.00	.00	15.40
06/16	06/17/2016	21836	108	Les Schwab	053116	5	400.400.614.00	.00	270.00
06/16	06/17/2016	21837	1272	Luz Maria Luna	REFUND	1	100.100.750.20	.00	200.00
06/16	06/17/2016	21838	121	McMinnville Water & Light	67508 05231	1	300.301.600.00	.00	338.60
06/16	06/17/2016	21839	163	Oregon Dept of Revenue	MAY 2016	1	101.101.700.35	.00	675.00
06/16	06/17/2016	21840	1245	PBS Engineering and Environmen	0075319.000	1	700.700.910.40	.00	3,217.50
06/16	06/17/2016	21841	106	Recology Western Oregon	Multiple	1	500.500.752.20	.00	973.19
06/16	06/17/2016	21842	903	Scott Pingel	REIMB 0615	10	400.400.611.00	.00	61.53
06/16	06/17/2016	21843	171	Terminix Processing Center	355371863	10	100.104.707.00	.00	67.00
06/16	06/17/2016	21844	818	Thyssenkrupp Elevator Corp	3002571854	1	100.100.707.30	.00	564.93
06/16	06/27/2016	21845	1271	Tonya Duncan	REFUND	1	100.100.750.20	.00	.00 V
06/16	06/17/2016	21846	186	VFW post # 10626	16-005A	1	101.101.705.00	.00	75.00
06/16	06/17/2016	21847	114	Yamhill County Sheriff	2016-D31	1	101.101.705.10	.00	10,466.67
06/16	06/17/2016	21848	115	Yamhill County Sheriff	16-006B	1	101.101.700.35	.00	240.00
06/16	06/23/2016	21849	329	Alexonet Inc	806	10	400.400.705.30	.00	483.70
06/16	06/23/2016	21850	246	American Leak Detection	37735	1	300.300.614.60	.00	550.00
06/16	06/23/2016	21851	179	Aramark Uniform Services	862388383	10	100.104.707.00	.00	204.96
06/16	06/23/2016	21852	317	AVENET, LLC	38957	10	400.400.705.30	.00	800.00
06/16	06/23/2016	21853	215	Baker Rock Resources	245331	1	200.200.614.41	.00	80.70
06/16	06/23/2016	21854	151	Beery, Elsner & Hammond	JUNE 2016	1	100.105.700.00	.00	1,139.50
06/16	06/23/2016	21855	1276	Brianna Flores	REFUND	1	100.100.750.20	.00	650.00
06/16	06/23/2016	21856	255	Cascade Columbia	Multiple	1	400.400.616.00	.00	1,282.08
06/16	06/30/2016	21857	222	Caselle, Inc	73783	10	400.400.705.30	.00	.00 V
06/16	06/23/2016	21858	189	CIS Trust	JULY 2016	22	400.400.594.00	.00	8,062.34
06/16	06/23/2016	21859	105	City of Dayton	Multiple	1	300.301.707.00	.00	920.95
06/16	06/23/2016	21860	362	City of Newberg	MAY 2016-2	2	100.106.716.00	.00	4,759.41
06/16	06/23/2016	21861	169	City of Yamhill	00262	1	101.101.705.40	.00	250.00
06/16	06/23/2016	21862	860	City Sweepers, LLC	9383	1	200.200.614.40	.00	390.00
06/16	06/23/2016	21863	423	Comcast Cable	0578164 070	1	300.301.602.00	.00	104.85
06/16	06/23/2016	21864	519	Comcast Cable - phone	0011596 063	10	400.400.602.00	.00	303.81
06/16	06/23/2016	21865	1127	Copiers Northwest, Inc	INV1390386	10	400.400.601.00	.00	409.23
06/16	06/23/2016	21866	789	Edge Analytical	Multiple	1	300.300.751.00	.00	210.00
06/16	06/23/2016	21867	1029	Federal Safety Compliance	B5796	10	400.400.601.00	.00	298.50
06/16	06/23/2016	21868	839	Ferguson Enterprises, Inc.	0519083-1	1	300.300.616.20	.00	845.71
06/16	06/23/2016	21869	543	Ferrellgas	Multiple	1	100.100.600.10	.00	244.92
06/16	06/23/2016	21870	261	First Aid Plus	50443	10	400.400.601.00	.00	274.15
06/16	06/23/2016	21871	614	Frontier	Multiple	1	300.300.602.00	.00	357.14
06/16	06/23/2016	21872	167	GSI Water Solutions, Inc	0107.019-15	1	300.300.705.00	.00	902.50
06/16	06/23/2016	21873	134	Iron Mountain Records Mgmt	MRK3839	10	400.400.601.00	.00	52.67
06/16	06/23/2016	21874	1278	Laurie Toney	REFUND	1	100.100.750.20	.00	200.00
06/16	06/23/2016	21875	139	Lowe's	Multiple	10	400.400.707.00	.00	770.05
06/16	06/23/2016	21876	1277	Makai Water	160601-1	1	700.700.910.00	.00	108.12
06/16	06/23/2016	21877	1147	Maria Garcia	061516	1	100.104.730.00	.00	100.00

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Check Amount
06/16	06/23/2016	21878	124	Mid-Willamette Valley COG	1516357	1	100.105.705.20	.00	444.75
06/16	06/23/2016	21879	109	News Register	41245	10	400.400.700.10	.00	731.50
06/16	06/23/2016	21880	871	OfficeMax Inc	Multiple	10	100.106.601.00	.00	46.68
06/16	06/23/2016	21881	173	One Call Concepts, Inc.	6050356	2	400.400.799.00	.00	38.28
06/16	06/23/2016	21882	1245	PBS Engineering and Environmen	0075319.000	1	700.700.910.40	.00	5,886.65
06/16	06/23/2016	21883	103	PGE	Multiple	1	400.400.600.00	.00	7,845.54
06/16	06/23/2016	21884	213	Pitney Bowes Purchase Power	052516	10	400.400.601.10	.00	35.20
06/16	06/23/2016	21885	621	Portland Engineering, Inc	Multiple	2	300.301.705.00	.00	120.00
06/16	06/23/2016	21886	747	Protec Inc	746426	1	100.100.707.30	.00	90.00
06/16	06/23/2016	21887	224	Ridgeway Supply	0037417-IN	6	400.400.617.00	.00	88.32
06/16	06/23/2016	21888	937	Schulz-Clearwater Sanitation, Inc	Multiple	1	100.103.619.00	.00	243.52
06/16	06/23/2016	21889	892	Spaniol's Stripping & Signs	60116	1	200.200.614.40	.00	2,775.00
06/16	06/23/2016	21890	119	Sprint	414585229-1	10	400.400.602.00	.00	316.06
06/16	06/23/2016	21891	1006	US Bank	Multiple	1	100.104.601.00	.00	236.59
06/16	06/23/2016	21892	546	USPS	339 061816	10	400.400.601.10	.00	170.00
06/16	06/23/2016	21893	154	Westech Engineering, Inc	Multiple	1	700.700.910.40	.00	13,611.23
06/16	06/23/2016	21894	112	Wilco	Multiple	8	400.400.616.10	.00	788.93
06/16	06/23/2016	21895	865	Xylem Water Solutions USA	3556898759	1	400.400.614.50	.00	714.00
06/16	06/30/2016	21896	1279	Adam Singer	REFUND	2	400.400.750.00	.00	92.60
06/16	06/30/2016	21897	190	AFLAC	892186	1	100.000.220.00	.00	189.52
06/16	06/30/2016	21898	1065	Andrew & Crystal Wintersteen	REFUND	2	400.400.750.00	.00	86.00
06/16	06/30/2016	21899	256	Oregon Dept of Revenue	JUNE 2016	1	100.000.212.00	.00	2,014.09
06/16	06/30/2016	21900	1280	Rebecca Alonzo	REFUND	1	100.100.750.20	.00	200.00
06/16	06/30/2016	21901	1206	Wine Country Linen Rentals	062816	1	500.500.752.10	.00	132.00
Grand Totals:								.00	94,884.61

M = Manual Check, V = Void Check