

**MINUTES**  
**DAYTON CITY COUNCIL**  
**REGULAR SESSION**  
**November 7, 2016**

**PRESENT:** Mayor Elizabeth Wytoski  
Councilor Annette Frank (arrived 6:32 pm)  
Councilor John Bixler  
Councilor John Collins  
Councilor Trini Marquez  
Councilor Darrick Price  
Councilor Erin Taylor (arrived 6:31 pm)

**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, Marquez and Price. Mayor Wytoski noted the absence of Councilors Frank and Taylor.

**C. APPEARANCE OF INTERESTED CITIZENS**

No one present.

**D. SCHOOL BOARD REPORT**

No one present.

**E. ACTION ITEMS**

**1. Audit Presentation – Grove, Mueller, and Swank**

Devan Esch with Grove, Mueller and Swank presented the Annual Financial Report for the year ended June 30, 2016. He gave an overview of the auditing process which resulted in a clean opinion. He then reviewed the reports presented in the Annual Financial Report. He pointed out the disclosure noting that the City of Dayton is not in compliance by having adequate cost and depreciation records for city assets. This is not new and 50% of municipalities in Oregon do not provide this information due to cost to research the infrastructure from the beginning. He stated that the audit went very well with no management points or adjusting journal entries which is fantastic. He thanked Rochelle Roaden for her efforts.

**ANNETTE FRANK MOVED TO ACCEPT THE FINANCIAL STATEMENTS FOR THE YEAR ENDING JUNE 30, 2016. SECONDED BY ERIN TAYLOR.** *Motion carried with Bixler, Collins, Frank, Marquez, Price, Taylor and Wytoski voting aye.*

**2. CR Zone to Allow Accessory Dwellings Discussion/Approval**

**DARRICK PRICE MOVED TO DIRECT STAFF TO AMEND THE DAYTON LAND USE AND DEVELOPMENT CODE TO ALLOW FOR ACCESSORY DWELLINGS IN THE CR ZONE. SECONDED BY ANNETTE FRANK.** *Motion carried with Bixler, Collins, Frank, Marquez, Price, Taylor and Wytoski voting aye.*

**3. First Reading of Ordinance 637 Sidewalk Permits**

Darrick Price performed the first reading of Ordinance 637.

**JOHN BIXLER MOVED TO APPROVE THE 1<sup>ST</sup> READING OF ORDINANCE 637 AN ORDINANCE ADDING SECTION 3.9 TEMPORARY CLOSURE OF STREETS AND WAYS FOR SPECIAL EVENTS, AND 3.10 SIDEWALK VENDORS AND CAFES TO THE DAYTON MUNICIPAL CODE, AND REPEALING RESOLUTION 08/09-42 APPROVING A RESOLUTION DIRECTING THE CITY MANAGER TO IMPLEMENT AN APPLICATION FOR ENCROACHMENT PERMIT AND ENCROACHMENT LICENSE AGREEMENT AND ASSOCIATED FEES. SECONDED BY ANNETTE FRANK.** *Motion carried with Bixler, Collins, Frank, Marquez, Price, Taylor and Wytoski voting aye.*

**4. DCDA Update Presentation**

Kelly Haverkate, Program Manager, invited the City Council to their Appreciation Event on November 14<sup>th</sup> at the Barlow Room. The DCDA was recognized again this year by being awarded the Best Image Building Event (Artscape Program), and Best New Building (Francis Court Building on Main Street) at the Oregon Main Street annual event in September. The annual newsletter is about to go out and space is available if anyone has any information to include please let her know. Scott Pingel suggested Election results as a possibility.

Ann-Marie Anderson, Chair, 2016 Friday Nights Committee, gave a presentation recapping the 2016 Friday Nights event.

**5. MBR/RO Discussion and Council Action**

James Reilly gave an update on the MBR/RO system with the November 4, 2016, testing data and he noted that the MBR system worked perfectly in September despite very adverse conditions. He believes that voltage issues are causing the blowers to fail and if remedied, the system will perform as intended. He identified three methods to mitigate the RO flow issue to ensure 100 GPM which included electrical adjustments, completing the planned holding tank, and further testing. He would like to continue testing and is working to get an investor on board.

Mayor Wytoski remarked that John Gregor with GPEC was in attendance during recent electrical testing and Council is encouraged to ask him or City Staff questions. Mayor Wytoski outlined three possible options: discontinue the relationship with AquaArray and walk away from the MBR/RO project looking at other options down the road; allow AquaArray to operate the MBR/RO system in Pond 3 for a few more months and not provide additional funding; or allow continued operation and extend the maintenance contract for 3 more months for additional testing and data collection.

Mayor Wytoski then asked James to explain why the MBR/RO system had an alarm and shut down on September 7<sup>th</sup> as well as shut down each week in September and a red alarm on the 28<sup>th</sup>. James commented that it may have been shut down but it wasn't due to not working properly.

Annette Frank asked City Staff to give an update on the electrical testing performed the prior week. Steve Saggmiller, Public Works Director, deferred to John Gregor, GPEC Electrical Contractors, Amity, Oregon, to respond. Mr. Gregor gave an update on the electrical testing performed noting that the electrical supplied is what was requested and performed correctly. He further stated that the two misleading issues are the voltage and the motors. He stated that the voltage supplied falls inside the industry standard operating range for those type of motors. He further stated that the blowers are burning up because there was no overload protection on the blower motors. The thermal protection inside the motors was not wired, it was bypassed and caused the motor to fail.

Annette Frank asked about the safety of the electrical on the MBR raft. John Gregor stated that he had the Yamhill County Chief Electrical Inspector onsite and the point of connection from PGE to where the GPEC scope of work ended all falls within the national electrical code requirements. The raft has some issues which James is aware of.

John Collins commented that he is against funding or spending any more money on this project. He believes that multi-million dollar engineering companies, if they believed this system would work, they would invest and since that has not happened it speaks volumes. Darrick Price commented that developing a relationship with an investor is tricky and time consuming and James really has only been at that for 40 days now. Being a part of some of these conversations, James has received a lot of interest and some traction so there is interest out there.

James Reilly explained that he has put all his resources into the system and he does not have the money to continue testing without any financial assistance. He's in a difficult position.

Darrick Price commented that James believes the system works but the data is lacking to confirm that. He further stated that an option might be to put performance metrics in place for the next few months to get the data we want to get before basing the final decision on anecdotal evidence. This would mean a new maintenance contract for the next three months. Annette Frank commented that she is okay with allowing further testing but is not comfortable with spending any more money. Mayor Wytoski stated that she would not have supported this project had it been known at the start that the first two years would be spent on research and development.

**JOHN COLLINS MOVED TO ALLOW AQUAARRAY TO CONTINUE OPERATING THE MBR/RO SYSTEM UNTIL JANUARY 31, 2017 BUT PROVIDE NO FURTHER FUNDING. ERIN TAYLOR SECONDED.**

*Motion carried with Bixler, Collins, Frank, Marquez, Taylor and Wytoski voting aye. Price recused himself.*

**F. CITY COUNCIL COMMENTS AND CONCERNS**

Annette Frank asked if information had been provided regarding video cameras. Scott Pingel said the City Attorney stated there's nothing for the City to do but if a neighbor has their camera pointed in your yard, that you would probably have a civil case.

Erin Taylor asked about any plans to illuminate the sidewalk by the Block House. Scott Pingel will research options. Erin also mentioned trees that need to be trimmed that are blocking the view when turning onto Palmer Lane. Scott stated that it's an ODOT right of way but he will look into it.

Mayor Wytoski mentioned the holiday party and asked councilors to let her know of availability. She is looking to make it less formal. And maybe in future years doing a summer barbecue instead of a winter party.

**G. INFORMATION REPORTS**

**1. City Manager Report**

Scott Pingel, City Manager, wanted to clarify that it was never part of any understanding that City Staff would be providing testing for AquaArray. City Staff testing was for discharging and to submit to DEQ.

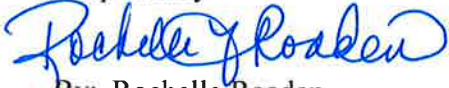
Rochelle Roaden, City Recorder, will send out an email to confirm RSVP's for the December City County Dinner in McMinnville.

Erin Taylor congratulated Rochelle Roaden on the audit. Scott Pingel commented that replacing Peggy Selberg was one of the biggest stresses in his career and having Rochelle hit the ground running has been awesome.

**H. ADJOURN**

There being no quorum, the meeting adjourned at 8:06 pm.

Respectfully submitted:



By: Rochelle Roaden  
City Recorder

**APPROVED BY COUNCIL on January 3, 2017.**

**As Written**  **As Amended**

  
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Elizabeth Wytoski, Mayor