

**AGENDA  
DAYTON CITY COUNCIL  
WORK/SPECIAL SESSION**



**DATE: MONDAY, JUNE 19, 2017**  
**PLACE: CITY HALL ANNEX, 408 FERRY STREET**  
**TIME: 6:30 PM**

**Dayton – Rich in History....Envisioning Our Future**

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<b><u>ITEM</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>PAGE #</u></b>
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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. PUBLIC HEARINGS**  
*The City Council will hold a public hearing to obtain citizen input on the proposed 2016/2017 Supplemental Budget.*

- E. ACTION ITEMS**
  - 1. Consideration of Temporary Occupancy Permit Allocation 1-4
  - 2. Approval of Resolution 16/17-14 Supplemental Budget 5-10
  - 3. Approval of Resolution 16/17-15 Authorizing Year-End Transfers 11-14
  - 4. Approval of Resolution 16/17-16 Election to Receive State Revenues 15-16
  - 5. Approval of Resolution 16/17-17 Adopting FY2017-18 Budget 17-24
  - 6. Establishment of a Youth Advisory Committee 25-26
  - 7. Renaming the Community Center 27-28
  - 8. Food Trucks Ordinance Discussion 29-34

- F. CITY COUNCIL COMMENTS/CONCERNS**

- G. INFORMATION REPORTS**
  - 1. City Manager's Report

- H. ADJOURN**

Posted: 06.15.17

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 Work Session, Monday, July 17, 2017**  
**City Hall Annex, 408 Ferry St, Dayton**

**To:** Honorable Mayor and City Councilors

**From:** Scott Pingel, City Manager

**Issue:** Temporary Occupancy Permit Application

**Background Information:** An application for a Temporary Occupancy Permit (TOP) was presented to the City Council at the June 5, 2017 City Council meeting. I approved the TOP for a two week period from June 6, 2017 to June 20, 2017. As the applicant indicated she would like the council to consider approving a 6 month TOP at her property at 304 Church Street, city staff informed her the City Manager could approve the TOP for 2 weeks until the next City Council meeting. Here is the meat of section 4.4 Temporary Occupancy:

**4.4.3 Temporary Occupancy Permit.**

*The City Recorder is authorized to issue a Temporary Occupancy Permit, valid for a period of up to two weeks, allowing an individual(s) to occupy and sleep in a mobile home temporarily parked in the yard of a residence, in which the individual has access to sanitation and kitchen facilities. No more than four Temporary Occupancy Permits within a twelve-month period may be issued by the City Recorder for temporary occupancy on property belonging to the same real property owner.*

*An individual may request the City Council to authorize the City Recorder to issue a Temporary Occupancy Permit, valid for up to six months and subsequent renewals for up to six months each. City Council may authorize a six month permit or renewal if, following open hearing on the matter, City Council finds: (1) the mobile home is parked in the yard of a residence in which the occupant of the mobile home has access to sanitation and kitchen facilities, or the mobile home is completely self-contained with sanitation and kitchen facilities, or the mobile home is plumbed into the city water and sewer systems; (2) the applicant demonstrates that he or she is actively proceeding in good faith with the construction of a permanent dwelling or is requesting the temporary occupancy permit because of a temporary medical emergency; and (3) a six-month temporary occupancy will not diminish the quiet enjoyment of property rights for adjoining property owners.*

City staff have received information from neighboring property owners that this camper has already diminished the quiet enjoyment of property rights of adjoining property owners (criterion 3). It is also questionable whether sanitation and kitchen facilities are available since, according to City records, the water and sewer are shut off at this property. Also, the City does not currently have any building permit application or demolition application that would demonstrate that the applicant is actively proceeding in good faith with the construction of a permanent dwelling.

**City Manager Recommendation:** Without enough evidence to show that each of the 3 criteria in the code for a 6-month Temporary Occupancy Permit have been or will be met, I cannot recommend approval of this application.

**Potential Motion:** “I move to reject the Temporary Occupancy Permit per the request in the application.”

**City Council Options:**

1 – Move approval of the TOP application.

2 – Move to reject the TOP application.

3 – Take no action and direct Staff to do more research and bring more options back to the City Council at a later date.

# City of Dayton

416 Ferry Street - PO Box 339 - Dayton OR 97114

## Temporary Occupancy Permit Application

Date of Application:

5/8/2017

Name of Property Owner:

Sandra K. Utt

Address of requested Occupancy Permit:

304 Church St. Dayton, OR 97114

Mailing Address (if different):

222 5th St. Dayton, OR 97114

Daytime Phone #'s:

(503) 864-3640 OR (701) 578-5537

Describe the temporary occupancy unit (motor-home, trailer, camper, etc):

Type of Unit:

camper

Make:

Vista Linear

Color:

white

Model:

D

Year:

1970

License Plate #:

9B1B -1/B Washington

Expiration Date:

waiting inspection

You will need to provide proof of insurance for this Vehicle.

Describe the location where the temporary occupancy unit will be placed (back yard, driveway, etc):

backyard on concrete pad

Provide the name of the person or persons who will be living in the unit:

Mikael Ramirez

Total number of people living in unit:

1

Date occupancy will begin:

soon as possible

Date occupancy will end:

6 mos give or take

Describe why a Temporary Occupancy Permit is being requested? (Visiting relatives, during construction of a home at same site, etc): *Attach additional sheet if needed*

Tearing down old house building a new one. I do not want juvenile's to get in again to get hurt or do damage during summer break like last year.

Do you have access to sanitation & kitchen facilities? Please describe:

yes

Please provide a picture of the mobile home

The undersigned hereby certifies that he or she understands and agrees to the following:

- 1) that they are the owners of the property identified in this application where the temporary occupancy unit will be placed.
- 2) that the individuals using the temporary unit will have access to sanitation and kitchen facilities;
- 3) that all statements made in this permit are true and factual;
- 4) that this permit application is not renewable; and
- 5) that violation of Section 4.4 for the Dayton Municipal Code is a Class B Violation and, as such is subject to a fine of up to \$250.00 for each day on which a violation occurs.

Sandra K. Utt  
Signature of Property Owner

5/8/2017  
Date

\*\*Return this application to the City of Dayton. You will be notified of the decision and a permit will be issued upon approval of this application.

\*\*\* Attachment: Excerpt from 1994 Dayton Municipal Code; Section 4.4

**CITY OF DAYTON OFFICE USE:**

Application:  Approved      ( ) Denied

[Signature]  
Signature

6-6-17  
Date

Signed by:  City Manager      ( ) City Recorder  
 Mayor      ( ) Designee \_\_\_\_\_

Permit Number:

Permit Start Date: 6-6-17

Date Permit Issued:

Permit End Date: 6-20-17

1st Renewal Start Date: 6/6/17      End Date: 6/20/17      Approved By: SP

2nd Renewal Start Date:      End Date:      Approved By:

3rd & Last Renewal Start Date:      End Date:      Approved By:

**To:** Honorable Mayor and City Councilors

**From:** Scott Pingel, City Manager

**Issue:** Resolution 16/17-14 Supplemental Budget

**Background Information:** The Supplemental Budget for FY 2016/17 is for increased community center costs, adjustments to the Transient Lodging Tax Collected and associated transfer to the Revenue Sharing Fund, and for increased transfer of funds from the Water Fund to the Water Capital Fund for the additional water line replacements that were completed in the current fiscal year.

**City Manager Recommendation:** I recommend approval of Resolution 16/17-14.

**Potential Motion Verbiage:** “I move approval of Resolution 16/17-14 A Resolution adopting the Fiscal Year 2016/17 Supplemental Budget.”

**City Council Options:**

1 – Move approval of Resolution 16/17-14.

2 – Move approval of Resolution 16/17-14 with certain changes.

3 – Take no action and direct Staff to do more research and bring more options back to the City Council at a later date but not after June 30, 2015.



**RESOLUTION No. 16/17-14**  
**City of Dayton, Oregon**

**TITLE:**        *A Resolution adopting the Fiscal Year 2016/17 Supplemental Budget*

**WHEREAS**, on June 20, 2016, the City Council adopted the FY 2016/17 Budget, made appropriations and levied taxes with adoption of Resolution Number 15/16-22; and

**WHEREAS**, Fiscal Year 2016/17 will end on June 30, 2017; and

**WHEREAS**, the budget is reviewed periodically to determine if any adjustments are required; and

**WHEREAS**, certain adjustments are necessary to ensure adequate funds are available within the Administration Fund, General Fund Transfers, Water Fund and Water Capital Fund to pay for increased Community Center costs, adjust for actual Transient Lodging Taxes received, and to pay for additional capital projects in the Water Capital Fund; and

**WHEREAS**, the amount of the adjustments for the Water Capital Fund is more than 10 percent for the fund requiring a public hearing; and

**WHEREAS**, a public hearing for the FY 2016/17 Supplemental Budget was held on June 19, 2017.

**The City of Dayton resolves as follows:**

- 1)        **THAT** the City Council authorizes the Fiscal Year 2016/17 Supplemental Budget and appropriates the FY 2016/17 Line Item Adjustments attached hereto as Exhibit A and by this reference made a part hereof; and
- 2)        **THAT** this resolution will be effective immediately upon adoption by the City Council.

**ADOPTED** this 19<sup>th</sup> day of June 2017.

**In Favor:**

**Opposed:**

**Absent:**

**Abstained:**

\_\_\_\_\_  
**Elizabeth Wytoski, Mayor**

\_\_\_\_\_  
**Date Signed**

**ATTEST:**

\_\_\_\_\_  
**Rochelle Roaden**  
**City Recorder**

\_\_\_\_\_  
**Date of Enactment**





**Exhibit A**

<b>Appropriations:</b>	Increase Appropriations	
	<u>From</u>	<u>To</u>
<b>General Fund Revenues –</b>		
Building Permits	\$15,000	\$25,000
Transient Lodging Tax Collected	\$20,000	\$42,500
<b>Total General Fund Revenue</b>	<b>\$848,176</b>	<b>\$880,676</b>
<b>General Fund Administration Expenditures – Materials and Services</b>		
Community Center Maintenance	\$11,500	\$16,000
Community Center Rental Refund	\$10,500	\$16,000
Total Materials and Services	\$60,675	\$70,675
Total Administration Expenditures	\$144,759	\$154,759
<b>General Fund Transfers –</b>		
Transfer to State Revenue Sharing Fund	\$14,000	\$36,500
Total Transfers	\$27,000	\$49,500
<b>Total General Fund Expenditures</b>	<b>\$848,176</b>	<b>\$880,676</b>
<b>Water Utility Fund Revenue –</b>		
Water Service Charges	\$765,000	\$775,000
Total Water Utility Fund Revenue	\$1,309,521	\$1,319,521
<b>Water Utility Fund Expenditures – Transfers</b>		
Transfer to Water System Capital Projects	\$190,000	\$200,000
Total Transfers	\$423,000	\$433,000
Total Water Utility Fund Expenditures	\$1,309,521	\$1,319,521

**Water Capital Fund Revenue –**

Working Capital	\$ 77,490	\$120,554
System Development Charges	\$ 16,968	\$ 50,904
Transfer From Water Fund	\$190,000	\$200,000
Total Water Capital Fund Revenues	\$285,458	\$372,458

**Water Capital Fund Expenditures –**

Wells & System Improvements	\$180,000	\$267,000
Total Capital Outlay	\$285,458	\$372,458
Total Water Capital Fund Expenditures	\$285,458	\$372,458

**Debt Service Fund Revenue –**

Working Capital	\$279,874	\$280,072
Interest	\$ 600	\$ 1,500
Total Water Capital Fund Revenues	\$528,723	\$529,921

**Debt Service Fund Expenditures –**

US Bank Loan for USDA Appl.	\$ 75,000	\$ 76,633
Total Materials and Services	\$324,458	\$326,091
Reserve for Lafayette Loan Payoff	\$ 18,900	\$ 18,465
Total Water Capital Fund Expenditures	\$528,723	\$529,921

**To:** Honorable Mayor and City Councilors

**From:** Scott Pingel, City Manager

**Issue:** Resolution 16/17-15 Authorizing Year End Transfers, and Resolution 16/17-16 Election to Receive State Revenues

**Background Information:** Transfers between funds were budgeted in the FY 16-17 budget. The City Council, however, is required to take action authorizing the actual transfers to be made. There are a couple of adjustments from the budgeted transfers. The transfer from the Water Fund to the Water Capital is increased from \$190,000 to \$200,000. The transfer from the Sewer Fund to the Sewer Capital Fund is decreased from \$100,000 to \$55,000. The transfer from the General Fund to the State Revenue Sharing Fund is increased from \$14,000 to \$36,500. The adjustments for the increased transfers are included in the Supplemental Budget.

In order to receive the City's share of State Revenue Sharing Funds, the council is required to pass a resolution declaring the City's election to receive such funds.

**City Manager Recommendation:** I recommend approval of Resolutions 16/17-15 and 16/17-16.

**Potential Motion for Resolution 16/17-15:** "I move approval of Resolution 16/17-15 a Resolution Authorizing Year End Transfer of Funds in the FY 2016/17 Budget."

**Potential Motion for Resolution 16/17-16:** "I move approval of Resolution 16/17-16 a Resolution Declaring the City of Dayton's Election to Receive State Revenues for Fiscal Year 2017/2018."

**City Council Options:**

- 1 – Move approval of Resolutions 16/17-15 and 16/17-16.
- 2 – Move approval of Resolutions 16/17-15 and 16/17-16 with certain changes.
- 3 – Take no action and direct Staff to do more research and bring more options back to the City Council at a later date but not after June 30, 2017.



**RESOLUTION No. 16/17-15**  
**City of Dayton, Oregon**

**TITLE:**        *A Resolution Authorizing Year End Transfer of Funds in the FY 2016/17 Budget*

**WHEREAS**, on June 20, 2016, the City Council adopted the FY 2016/17 Budget, made appropriations and levied taxes with adoption of Resolution Number 15/16-22; and

**WHEREAS**, said FY 2016/17 Budget included various transfers from one fund to another; and

**WHEREAS**, sufficient revenues were raised during FY 2016/17 to fund all of the transfers budgeted.

**The City of Dayton resolves as follows:**

- 1)        **THAT** it authorizes the transfer of funds as set forth in Exhibit A (attached hereto and made a part hereof); and
  
- 2)        **THAT** this resolution will be effective immediately upon adoption by the City Council.

**ADOPTED** this 19<sup>th</sup> day of June, 2017.

**In Favor:**

**Opposed:**

**Absent:**

**Abstained:**

\_\_\_\_\_  
**Elizabeth Wytoski, Mayor**

\_\_\_\_\_  
**Date Signed**

**ATTEST:**

\_\_\_\_\_  
**Rochelle Roaden**  
**City Recorder**

\_\_\_\_\_  
**Date of Enactment**

**Exhibit A**

**2016/2017 SUMMARY OF TRANSFERS**

Transferred From	Amount	Transferred to										Total		
		Gen Fund 100-100	Sewer Fund 400-400	Water Cap 600-600	Sewer Cap 700-700	State Rev Sh 500-500	Equip Res 750-750	Bldg Res 760-760	Street Cap 770-770	Parks Cap 780-780	Debt 850-850			
<b>General Fund</b> 100-100	49,500					36,500	2,000	6,000			5,000			49,500
<b>Street Fund</b> 200-200	55,000						2,000	3,000	50,000					55,000
<b>Water Utility Fund</b> 300-300	433,000			200,000			3,000	5,000					225,000	433,000
<b>Sewer Utility Fund</b> 400-400	61,000				55,000		3,000	3,000						61,000
<b>Totals</b>	<b>598,500</b>													<b>598,500</b>

**RESOLUTION No. 16/17-16**  
**City of Dayton, Oregon**

**TITLE:**        *A Resolution Declaring the City of Dayton's Election to Receive State Revenues for Fiscal Year 2017/2018*

**WHEREAS**, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse funds only if the city provides four or more of the following services:

- 1)     Police protection
- 2)     Fire protection
- 3)     Street construction, maintenance, and lighting
- 4)     Sanitary sewer
- 5)     Storm sewers
- 6)     Planning, zoning, and subdivision control
- 7)     One or more utility services

and

**WHEREAS**, city officials recognize the desirability of assisting the state office responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760; and

**WHEREAS**, in order to receive State Revenue Sharing Funds, the City Council must hold two public hearings to allow the public to comment on possible uses of these funds and the proposed uses of these funds in the FY 2017/18 Budget; and

**WHEREAS**, these hearings were held by the Budget Committee on May 1, 2016; and by the City Council on June 5, 2016; and

**WHEREAS**, another requirement to receive these funds is that the City must enact a resolution each year stating that they wish to receive them.

**Now, therefore, the City of Dayton resolves as follows**

- 1)     **THAT** pursuant to ORS 221.770, the City of Dayton hereby elects to receive state revenues for fiscal year 2017/2018; and
- 2)     **THAT** the City of Dayton hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:
  - Police protection
  - Street construction, maintenance, & lighting
  - Sanitary sewer
  - Storm sewers



- Planning, zoning, and subdivision control
- Drinking water

and

- 2) **THAT** this resolution will be effective immediately upon adoption by the City Council.

**ADOPTED** this 19<sup>th</sup> day of June, 2017.

**In Favor:**

**Opposed:**

**Absent:**

**Abstained:**

\_\_\_\_\_  
**Elizabeth Wytoski, Mayor**

\_\_\_\_\_  
**Date Signed**

**ATTEST:**

\_\_\_\_\_  
**Rochelle Roaden  
City Recorder**

\_\_\_\_\_  
**Date of Enactment**

**To:** Honorable Mayor and City Councilors

**From:** Scott Pingel, City Manager

**Issue:** Resolution 16/17-17 Adopts the 2017/18 Budget

**Background Information:** The budget is the same as approved by the Budget Committee.

**City Manager Recommendation:** I recommend approval of Resolution 16/17-17.

**Potential Motion Verbiage:** “I move approval of Resolution 16/17-17 A Resolution Adopting the City of Dayton Budget for the Fiscal Year 2017/2018; Making Appropriations; and Categorizing and Levying Ad Valorem Taxes.”

**City Council Options:**

1 – Move approval of Resolution 16/17-17.

2 – Move approval of Resolution 16/17-17 with certain changes.

3 – Take no action and direct Staff to do more research and bring more options back to the City Council at a later date but not after June 30, 2017.



**RESOLUTION No. 16/17-17**  
**City of Dayton, Oregon**

**TITLE:** *A Resolution adopting the City of Dayton Budget for the Fiscal Year 2017/2018; Making Appropriations; and Categorizing and Levying Ad Valorem Taxes*

The City Council of the City of Dayton, Oregon, on the 19<sup>th</sup> day of June 2017, sat in special session for the transaction of City business.

**BE IT RESOLVED THAT** the City Council of the City of Dayton, Oregon, hereby adopts the FY 2017/2018 Budget approved by the Budget Committee on May 15, 2017, in the amount of **\$7,330,044 of which \$672,611 is in Unappropriated Ending Fund Balances**. Copies of said budget are on file at City Hall, 416 Ferry Street, Dayton, Oregon.

**BE IT FURTHER RESOLVED:**

- 1) **THAT** the amounts for the purpose of operating the City of Dayton for the FY 2017/2018 budget year be appropriated as follows, beginning July 1, 2017:

**GENERAL FUND**

Administration	\$176,498
Parks Department	\$106,649
Library	\$ 90,919
Planning Department	\$ 74,799
Building Program	\$110,476
Transfer to Equipment Replacement	\$ 5,000
Transfer to Building Reserve	\$ 15,000
Transfer to State Revenue Sharing	\$ 36,000
Transfer to Park Reserve	\$ 5,000
Contingency	\$100,000

**FUND TOTAL** **\$720,341**

**UNAPPROPRIATED** **\$239,640**

**LOCAL OPTION TAX FUND**

Personnel Services	\$ 53,329
Materials and Services	\$193,450
Capital Outlay	\$ 3,000
Contingency	\$147,272

**FUND TOTAL** **\$397,051**

**STREET FUND**

Personnel Services	\$ 45,989
Materials and Services	\$ 95,971
Capital Outlay	\$ 6,500
Transfer to Equipment Replacement Reserve	\$ 5,000

**RESOLUTION No. 16/17-17  
City of Dayton, Oregon**

Transfer to Building Reserve	\$ 10,000
Transfer to Street Reserve	\$ 50,000
Contingency	\$ 23,314
<b>FUND TOTAL</b>	<b>\$236,774</b>
 <b><u>WATER UTILITY FUND</u></b>	
Personnel Services	\$ 246,084
Materials & Services	\$ 375,767
Capital Outlay	\$ 12,000
Transfer to Building Reserve	\$ 10,000
Transfer to Equipment Replacement Reserve	\$ 7,000
Transfer to Water System Capital Project Fund	\$ 150,000
Transfer to Debt Service Fund	\$ 235,000
Contingency	\$ 208,849
<b>FUND TOTAL</b>	<b>\$1,244,700</b>
<b>UNAPPROPRIATED</b>	<b>\$ 125,000</b>
 <b><u>SEWER FUND</u></b>	
Personnel Services	\$177,076
Materials & Services	\$206,592
Capital Outlay	\$ 6,500
Transfer to Building Reserve	\$ 5,000
Transfer to Equipment Replacement Reserve	\$ 5,000
Transfer to Sewer Reserve	\$ 30,000
Contingency	\$100,000
<b>FUND TOTAL</b>	<b>\$530,168</b>
<b>UNAPPROPRIATED</b>	<b>\$118,261</b>
 <b><u>STATE REVENUE SHARING FUND</u></b>	
Materials & Services	\$ 98,525
Capital Outlay	\$ 7,049
<b>FUND TOTAL</b>	<b>\$105,574</b>
 <b><u>WATER UTILITY CAPITAL FUND</u></b>	
Capital Outlay	\$ 162,171
<b>FUND TOTAL</b>	<b>\$ 162,171</b>
 <b><u>SEWER UTILITY CAPITAL FUND</u></b>	
Capital Outlay	\$2,600,000
Contingency	\$ 13,564
<b>FUND TOTAL</b>	<b>\$2,613,564</b>

**RESOLUTION No. 16/17-17  
City of Dayton, Oregon**

<b><u>EQUIPMENT REPLACEMENT RESERVE FUND</u></b>	
Capital Outlay	\$26,000
Contingency	\$ 1,825
<b>FUND TOTAL</b>	<b>\$27,825</b>
<b><u>BUILDING RESERVE FUND</u></b>	
Capital Outlay	\$90,000
Contingency	\$ 3,505
<b>FUND TOTAL</b>	<b>\$93,505</b>
<b><u>STREET CAPITAL PROJECTS FUND</u></b>	
Capital Outlay	\$165,000
Contingency	\$ 56,980
<b>FUND TOTAL</b>	<b>\$221,980</b>
<b><u>PARK CAPITAL PROJECTS FUND</u></b>	
Capital Outlay	\$29,000
Contingency	\$ 1,704
<b>FUND TOTAL</b>	<b>\$30,704</b>
<b><u>DEBT SERVICE FUND</u></b>	
Materials & Services	\$249,451
Reserve for Lafayette loan payoff	\$ 23,625
<b>FUND TOTAL</b>	<b>\$273,076</b>
<b>UNAPPROPRIATED</b>	<b>\$189,710</b>
<b>TOTAL APPROPRIATIONS FOR ALL FUNDS FOR 2017/2018</b>	<b>\$6,657,433</b>
<b>UNAPPROPRIATED FUNDS</b>	<b>\$ 672,611</b>
<b>TOTAL FY 2016/17 BUDGET FOR CITY OF DAYTON</b>	<b>\$7,330,044</b>

- 2) **THAT** the Dayton City Council hereby imposes and categorizes the taxes provided for in the adopted budget at the rate of \$1.7057 per \$1,000 of assessed value for tax year 2017/2018 upon the assessed value of all taxable property within the City of Dayton:

	<b><u>General Government</u></b>	<b><u>Excluded from Limitations</u></b>
<b>Permanent Rate</b>	<b>\$1.7057/\$1,000</b>	



**RESOLUTION No. 16/17-17**  
**City of Dayton, Oregon**

- 3) **THAT** the Dayton City Council hereby imposes and categorizes the Local Option Tax provided for in the adopted budget at the rate of \$1.85 per \$1,000 of assessed value for tax year 2017/2018 upon the assessed value of all taxable property within the City of Dayton;

	<b><u>General</u></b> <b><u>Government</u></b>	<b><u>Excluded from</u></b> <b><u>Limitations</u></b>
<b>Permanent Rate</b>	<b>\$1.85/\$1,000</b>	

- 4) **THAT** the City Manager is authorized to prepare and submit any certifications of the taxes levied that may be deemed necessary by the Oregon Department of Revenue and Yamhill County.

- 5) **THAT** this resolution shall become effective July 1, 2017.

**ADOPTED** by the City Council of Dayton, Oregon, on this 19<sup>th</sup> day of June, 2017.

**In Favor:**

**Opposed:**

**Absent:**

**Abstained:**

\_\_\_\_\_  
**Elizabeth Wytoski, Mayor**

\_\_\_\_\_  
**Date Signed**

**ATTEST:**

\_\_\_\_\_  
**Rochelle Roaden**  
**City Recorder**

\_\_\_\_\_  
**Date of Enactment**





**To:** Honorable Mayor and City Councilors

**From:** Scott Pingel, City Manager

**Issue:** Establishing a Youth Advisory Committee Discussion

**Background Information:** At the June 5, 2017 City Council meeting, Councilor Mackin requested that the City Council discuss establishing a Youth Advisory Committee at the June 19<sup>th</sup> meeting. Below is information from the municipal code regarding the establishment of committees.

**1.08.00 COMMISSIONS, COMMITTEES AND TASK FORCES**

**1.08.01 Creation**

Commissions, committees, task forces, and other advisory bodies, including those of a temporary nature or created for a specific purpose, may be established by ordinance or resolution. Council may establish by resolution rules and practices for advisory bodies.

**1.08.02 Structure**

Every advisory body will have a specific statement of purpose that will be reexamined periodically by the Council to determine its effectiveness.

**1.08.03 Appointment of Members**

Members of all advisory bodies including those of a temporary nature or those created for a specific purpose will be appointed by the mayor with confirmation of the Council.

**1.08.04 Dissolution**

The mayor and Council may dissolve any advisory body, except those required by state law.

I recommend the council discuss and as possible provide direction to staff to draft a resolution establishing a Youth Advisory Committee. Part of the direction to staff should include the specific points made in the code language above such as rules, practices and a statement of purpose for the committee.



**To:** Honorable Mayor and City Councilors

**From:** Scott Pingel, City Manager

**Issue:** Renaming of Community Center

**Background Information:** At the April 17, 2017 City Council meeting, the City Council discussed the possibility of renaming the Community Center. City staff looked into how the facility was named and whether any CDBG or other dollars were tied to the facility's name. City staff did not find any reason the City Council would not be able to rename the facility. As far as staff can tell from the minutes of the meeting where the facility was named, there was some desire to include Palmer Creek in the name. Other than that it was mostly an exercise of figuring out what sounded best.

All of that is simply to say the council certainly has the prerogative of renaming the Community Center and may do so as the council sees fit.

If the council lands on an adjusted name for the facility, I recommend not taking that action at the June 19<sup>th</sup> meeting. Rather, the council should direct City staff to draft a resolution establishing the new name as agreed by the City Council.



**To:** Honorable Mayor and City Councilors

**From:** Scott Pingel, City Manager

**Issue:** Food Trucks Ordinance Discussion

**Background Information:** The City Council discussed a draft of a food trucks ordinance in February 2017. The Council's direction at that time regarding the ordinance was that the ordinance should:

- Allow for food trucks on private property with little restriction for a limited number of days per year (30 days) and in conjunction with special events such as Dayton Friday Nights or various school events such as football games.
- Define both "food trucks" and "push carts" and to restrict push carts to city parks and only in conjunction with special or public events.
- Provide regulations for food trucks in the right of way in conjunction with special events such as Dayton Friday Nights.
- Provide regulations for food trucks on private property operating on a more regular basis (more than 30 days per year).

The language does not currently allow for food trucks to locate downtown or around the school during lunchtime on some kind of impromptu basis. Is that something we want to allow? I am not necessarily advocating for that, but city staff have had that question asked of them.

Also, the council should consider whether you want to allow food trucks to operate on private property on a semi-permanent basis at all. The current draft allows for it and provides regulation for food trucks on private property that will operate for more than 30 days in a year. If the council is not in favor of that idea, we could essentially get rid of all of section 3.11.4, which is really the longest part of the draft ordinance. If the council's intent is simply to provide a vehicle to allow for food trucks at events and as the school has used them so far, section 3.11.4 is unnecessary.

At this point, I am not asking for the council to adopt the Food Trucks ordinance, however, I would like direction from the council so that I can finalize a draft to bring back to the council in ordinance form for a 1<sup>st</sup> reading.

### 3.11 FOOD TRUCKS AND PUSH CARTS

**3.11.1 Definitions.** When not clearly otherwise indicated by the context, the following words and phrases used in this section have the following meanings:

(1) “Food Truck” means the sale of food and/or non-alcoholic beverages from an enclosed mobile unit, which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food, or trucks or vans of sufficient size to properly prepare food with a service window from which to serve food. This definition does not include outdoor barbecue grills, street vendors, or push carts. Exceptions include:

(a) Residential lemonade stands and similar short-term sales associated with residential uses.

(2) “Push Cart” means the sale of food and/or non-alcoholic beverages from a cart pushed or moved by hand, dolly or other manual method, which is used for the purpose of preparing, processing or converting food for immediate consumption as a walk-up service.

#### 3.11.2 General Provisions.

- (a) Prior to any use or operation of a food truck or push cart in the City of Dayton, the operator is required to obtain the appropriate Mobile Food Unit License through the Yamhill County Health Department and hold a current and valid Food Handlers Permit.
- (b) Prior to any use or operation of a food truck or push cart in the City of Dayton, the owner or operator of the food truck or push cart must register their business with the City of Dayton per Section 3.3 of the Dayton Municipal Code.
- (c) The use or operation of a push cart, in a manner other than defined and allowed in section 3.10 of the Dayton Municipal Code regarding mobile devices, is restricted to City parks and only in conjunction with special events where the operator of the push cart has received permission from the person or entity in charge of the special event.
- (d) The temporary use or operation of a food truck on private property for less than thirty (30) days in a calendar year that is directed toward a specific event(s) are not subject to the provisions in this section as long as the food truck operator has permission from the property owner, and is fully contained (i.e.: trucks that provide their own water, power, and waste disposal).

**3.11.3 Food Trucks in the Public Right-of-Way.** The provisions of this section apply to food trucks used in the preparation and/or sales of food and beverage items to the general public in the public right-of-way during a special or public event.

- (a) Food trucks are allowed under the provisions in this section in the Commercial (C), Commercial Residential (CR), and Public (P) zoning districts. The City Manager will establish an application and review process for this purpose. The person in charge of the event must complete the application and receive permission prior to the event for any food trucks to be placed in the public right-of-way during the event.
- (b) An application for approval for the placement and operation of food truck(s) in the City of Dayton public right-of-way must include the following:
  - (1) A completed application form and application fee.
  - (2) The application requires the signature of the person in charge of the event. If any food truck is planned to be in the adjacent public right-of-way in front of a

business, the application also requires the signature of the business owner confirming they've been notified and concur with the food truck placement.

- (3) Site plan drawn to scale.
- (4) Proximity to bathroom and plan for hand-washing facilities.
- (5) Disposal plan for wastewater and gray water.
- (6) Written verification that the food truck has been permitted, inspected and meets applicable County health regulations.
- (7) Any additional information that may be required by the city manager to properly evaluate the proposed site plan. The city manager may waive any of the requirements above where determined that the information is unnecessary to properly evaluate the proposal.

**3.11.3.1 Permit Terms and Conditions.** Permits for food trucks for special events shall terminate at the end of the event or event series.

- (a) The permit issued shall be specific to an event or event series, and the permit is not transferable to other events. The permittee will be responsible for compliance with all conditions of approval.
- (b) The permit is specifically limited to the area approved, and will include a site plan indicating the area approved for the operation of the food truck.
- (c) A Class I-IV mobile food unit license issued by the Yamhill County Department of Health must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- (d) All food trucks are subject to all applicable city, county, and state codes and regulations.

**3.11.4 Food Trucks on Private Property.** The provisions of this section apply to food trucks used in the preparation and/or sales of food and beverage items to the general public on private property. A food truck that remains on one lot for more than four (4) hours in any one day and for more than thirty (30) days in any 12-month period must be approved following the procedures identified in this section 3.11.4 of the Dayton Municipal Code.

- (a) The following limitations and standards shall apply:
  1. Food trucks shall not provide drive-through facilities and are not allowed to provide internal floor space to customers.
  2. Food trucks must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food but does not include a push cart.
  3. Food Trucks shall not exceed twenty-six (26) feet in length, not including the trailer hitch, or be greater than two hundred sixty (260) square feet.
  4. All food trucks shall be placed on a paved surface such as but not limited to concrete, asphalt pavers, or gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 7 of the Dayton Municipal Code.



5. All seating areas shall be located on the subject property at least ten (10) feet from a food truck.
  6. Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with the provisions of Section 7.2.303.
  7. Food trucks shall provide adequate vision clearance as required by Section 7.2.308.08.
  8. Trucks shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements, and shall not occupy pedestrian walkways or required landscape areas. Blocking automobile access to parking spaces shall be considered occupying the spaces.
  9. Trucks shall be located at least three feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
  10. Trucks shall remain at least ten (10) feet away from other food trucks, buildings and parking stalls.
  11. Trucks shall not be located within twenty-five (25) feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way. Trucks shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. Customer service windows shall be located at least five feet from an active drive aisle used by cars. Each truck shall provide an awning for shelter to customers with a minimum clearance of seven feet between the ground and the awning.
  12. Only one truck shall be allowed on any legal lot of record.
- (b) Operation and Maintenance.
1. Trucks shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscured fence or landscaping, or containing them within a storage shed not to exceed one hundred (100) square feet.
  2. The exterior surfaces of all trucks shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.
  3. The exterior surface of all food trucks proposed to be located in the Central Business Overlay (CBO) zone shall be a color that is consistent with historic buildings in downtown Dayton.
  4. Trucks shall not have missing siding, skirting or roofing.
  5. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on food truck sites shall comply with building code anchoring and engineering standards and fire code standards. Tents and canopies shall not have tears, mold, or broken or non-functioning supports and shall be securely anchored.

6. Unenclosed areas intended to be occupied by customers, such as areas near food truck service windows and customer seating, shall be illuminated when trucks are in operation during hours of darkness.
7. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at three feet above ground level.
8. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
9. Food trucks are exempt from land use district density, floor area ratio and Central Business Overlay design guidelines and standards. Accessory items to the food truck that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
10. Signage shall comply with sign code regulations per Section 7.2.111.07. Each truck is permitted one A-Frame sign.

(c) Fire and Safety.

1. Trucks shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
2. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
3. If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the mobile food unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
4. Trucks shall meet fire code requirements regarding distances from other structures or combustible materials.
5. Any cooking device within a food truck that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the fire marshal. Appropriate fire extinguishers are required.
6. Propane tanks shall be stored and handled properly and be located at least ten (10) feet from combustible vegetation and trash receptacles and twenty (20) feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.

(d) Health and Sanitation.

1. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one receptacle for every food truck. Where the food truck operator proposes to provide an outdoor seating area a minimum of one twenty-gallon trash receptacle and one twenty-gallon recycle receptacle shall be provided in the common seating area.
2. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute

walk (such as at a neighboring business) and must be available during the truck's hours of operation. If the restroom is not on-site, the food truck operator shall submit written permission from an adjacent business or property owner where the facility is located.

3. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
4. Food trucks that are fully contained; i.e., trucks that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food trucks that require a water source, power source, or waste disposal location are permitted only where the city manager has approved site plans that show safe access and location of the aforementioned provisions. Such provisions shall be subject to all applicable building permits and system development charge requirements.

#### **3.11.4.1 Revocation or Suspension of Permit.**

- (a) A food truck permit shall be subject to revocation by the city if the application is found to include false information.
- (b) A food truck permit shall be suspended if the food truck is closed for more than ninety (90) days without providing advance written notice to the city manager.