

MINUTES
DAYTON CITY COUNCIL
REGULAR SESSION
December 3, 2018

PRESENT: Mayor Elizabeth Wytoski
Councilor John Bixler
Councilor John Collins (*arrived at 6:37 pm*)
Councilor Kitty Mackin
Councilor Trini Marquez
Councilor Nikki McGraw

ABSENT: Councilor Darrick Price

STAFF: Rochelle Roaden, City Manager
Steve Sagmiller, Public Works Director
Vicki Durand, Community Development Assistant
Denny Muchmore, City Engineer

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, Mackin, Marquez and McGraw. Mayor Wytoski noted the absence of Councilor Darrick Price. She also noted the absence of Councilor Collins, stating that he would be a little late.

C. APPEARANCE OF INTERESTED CITIZENS

None present.

D. CONSENT AGENDA

**KITTY MACKIN MOVED TO APPROVE THE MINUTES OF THE
REGULAR/EXECUTIVE SESSION OF NOVEMBER 5, 2018.
SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler,
Mackin, Marquez, McGraw and Wytoski voting aye. Collins and Price
absent.***

E. ACTION ITEMS

1. Certification of Election Results

**JOHN BIXLER MOVED TO ACCEPT THE CERTIFICATION OF
ELECTION RETURNS FOR THE NOVEMBER 6, 2018 GENERAL
ELECTION. SECONDED BY TRINI MARQUEZ. *Motion carried
with Bixler, Mackin, Marquez, McGraw and Wytoski voting aye. Collins
and Price absent.***

2. **Approval of Planning Commission Appointments**

JOHN BIXLER MOVED TO RE-APPOINT ANN-MARIE ANDERSON AND TIM PARSONS TO A TWO YEAR TERM EXPIRING DECEMBER 31, 2020, AND APPOINTING LARRY SMURTHWAITE TO A FOUR YEAR TERM EXPIRING DECEMBER 31, 2022. SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Mackin, Marquez, McGraw and Wytoski voting aye. Collins and Price absent.*

3. **Approval of Dayton Pedestrian Bridge Alternatives Study**

KITTY MACKIN MOVED TO APPROVE A PLANNING LEVEL ALTERNATIVE STUDY FOR THE PEDESTRIAN BRIDGE WITH OBEC CONSULTING ENGINEERS WITH A BUDGET NOT TO EXCEED \$10,452. SECONDED BY JOHN BIXLER. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw and Wytoski voting aye. Price absent.*

4. **Dayton Friday Nights 2018 Presentation, Ann-Marie Anderson**

Ann-Marie Anderson from the Dayton Community Development Association (DCDA) and chairman of the 2018 Dayton Friday Nights gave a short presentation of this year's events. Ann-Marie advised that the fifth annual, summer long mini-festival, jointly presented by the DCDA and the City of Dayton, was well attended with over 7,848 people attending the 14 Friday nights. She explained that attendees, vendors and local businesses were surveyed with the majority in each group expressing overall satisfaction with the events. Ann-Marie Anderson stated that overall it was a good year.

Kitty Mackin inquired as to whether the vintage cars would return in 2019; Ann-Marie Anderson advised the committee will be discussing that at their first meeting in January.

John Collins mentioned that he would like to thank Ann-Marie Anderson and Daniel Holbrook for the great work done on this year's Dayton Friday nights. He went on to talk about the great collaboration between the City Council and the DCDA.

5. **Sewer Project Update, Denny Muchmore**

Denny Muchmore, City Engineer, provided an update on the Sewer Improvement Project advising that the Mainline Gravity sewer through town is almost complete. He went on to say that the contractor is doing good work although they are substantially behind schedule which is largely due to their not having enough resources and workers. Denny Muchmore noted that this is an industry wide problem in Oregon as well as the entire west. According to their contract, the

completion date for the gravity sewer was September 9, 2018 but it appears completion will be in January 2019. The entire project, including the pump station, was schedule to be completed by December 8, 2018 but a more realistic date is March of 2019. It remains to be seen if they will be able to meet these updated schedules but he is hopeful as Kizer Excavating is using some sub-contractors which may move up the timeline somewhat.

There have been discussions with Kizer Excavating regarding the liquidated damage amounts accruing that the City can legally access and they have been told that the City's intent is to access, at a minimum, the liquidated damages to cover the cities additional costs. Denny Muchmore explained that one of the possibilities of an additional cost is a requirement by the funding agency that any time pipeline work is buried and cannot be inspected after it's done; a full time inspector is required onsite. Originally the costs of the inspector were budgeted based upon the inspector being done in mid-September but they are still onsite and it is expected they will be onsite for the next month, at least. The costs of the additional inspection time will be accessed against the contractor as well as any other costs incurred due to the additional length of the project construction timeline.

Denny Muchmore advised that the Wet Well should be completed by the end of December. Mayor Wytoski inquired as to the effect our water table will have on the contractors work with Denny explaining it will make it difficult for them. He went on to say that based upon Contract Law in Oregon, the City, as the owner, can dictate the timeframe within which the project is completed, the final product and that all applicable rules, regulations, safety standards etc. are followed but they cannot dictate the means and methods in which the contractor constructs the project or which segment they build and in which order.

Mayor Wytoski also asked if all of the mainlines are in and aligned correctly with Denny Muchmore responding that they are in place but that some of the pipe burst lines did not burst in all directions. He advised that contingencies are built into the contract should Kizer Excavating need to open them back up and pull any pipe that did not burst correctly.

Lastly, Denny Muchmore advised that all original contract work will be completed first then any needed repairs will be done, including the gravity lines, beginning in the spring and into early summer. Mayor Wytoski inquired about a minimum daily fine based upon the delays; Denny advised that legally, liquidated damages cannot be set up as a penalty or fine. The intent of liquidated damages is that before the project begins the owner looks at the project, making their best estimate of if the project is not completed on time what type of costs could occur due to the contractor not completing the project on time. Liquidated damages represent the potential damages the city can access and is a way to recoup direct expense.

6. Approval of City Manager's Contract

Mayor Wytoski announced that she would be postponing the approval of the City Manager's Contract and that it will be retroactive. The contract has been returned from the City Attorney's office but is still pending her review.

F. CITY COUNCIL COMMENTS AND CONCERNS

Trini Marquez asked for an update on the recent water issues. Rochelle Roaden, City Manager, advised that she and Steve Sagmiller, Public Works Director, would provide an update in the City Manager's Report.

John Collins stated that he didn't have any comments or concerns but would like to thank Councilor Bixler for serving on the City Council.

G. INFORMATION REPORTS

1. City Manager Report

Steve Sagmiller spoke about the recent concerns regarding the water and some taste and odor issues being experienced by residents. In order to isolate and alleviate the issue, as of the last week of November, Public Works has been running water only from the springs and McDougall 1 and 2. This change seems to have resolved the taste and odor issues. Steve noted that by resting the reservoir it has allowed it to turn over a couple of times lowering the levels of iron and manganese. The chlorine dosage has also been increased to see if that will help in the oxidation of the iron and manganese before it gets to the filter. Steve Sagmiller advised the council that as of this morning at 6:00 a.m. the city began feeding off of the main reservoir. There are approximately 12 miles of main line within the city so he advised that it will take some time to cycle through. Should we experience this same problem again he plans on increasing the potassium permanganate which should help oxidize the iron and manganese. Steve mentioned that he feels the best course of action is to attempt one change at a time so that he is able to determine which solution provides the best results. He also advised that on December 10, 2018, the wells are scheduled to be cleaned again and he hopes that all of the actions taken will resolve the problems the City has experienced lately.

Mayor Wytoski asked about the iron manganese level at the Fisher Farms Wells. Steve Sagmiller explained that it is on the same aquifer so the same issues would be experienced from the water there. He did advise that he plans on using one methane stripper and have all the wells go to that one stripper which will keep us from having to have a methane stripper on each well.

John Collins questioned whether the Lafayette wells are getting the same service. Steve Sagmiller explained that all five wells turn on and off at the same time. The reason behind this is we need the flow that the five wells produce to effectively backwash the filters. He also said that these wells are also scheduled to be cleaned.

John Bixler inquired as to whether the Fisher Farms Wells are deeper with Steve Sagmiller explaining that they are approximately the same level as ours. He did advise that the City's wells are a confined aquifer and that there is no co-mingling of the water up above and down below. Initial testing shows that the Fisher Farms Wells have the same level of iron manganese.

Rochelle Roaden reported that she was notified late last week that the City of Dayton has been awarded the Small Cities Allotment grant for 2019 in the amount of \$100,000. The grant will allow the city to do improvements on Main Street from 3rd to 5th Street and the American with Disabilities Act (ADA) ramps associated with those streets.

A Pre One Stop meeting was held on November 15, 2018, for the Dayton Pedestrian Bridge project with Business Oregon, SEDCOR and the grant writer from the Council of Governments (COG) attending.

Rochelle Roaden advised that the group reviewed the history of the bridge and that they have been advised that it would be best to split the project into two separate projects, one for removing the infrastructure off of the bridge and one for the bridge itself. Rochelle mentioned that she has reached out to Dennie Houle asking him to schedule the One Stop meeting for a February time frame which should work well as we expect to have information back from OBEC by then.

Rochelle Roaden reported that we have added free Wi-Fi for residents to both the Library and the Community Center and it is now available. The monthly service fee is \$70 per location for a total of \$140 per month which will be deducted from Online Northwest's franchise fees.

The City Recorder/Finance Officer position was posted on November 26, 2018, with a closing date of December 22, 2018. To date, two applications have been received.

H. ADJOURN

There being no further business, the meeting adjourned at 7:32 pm.

Respectfully submitted:

APPROVED BY COUNCIL on January 7, 2019.

By: Rochelle Roaden
City Recorder

As Written As Amended



Elizabeth Wytoski, Mayor

