

MINUTES
DAYTON CITY COUNCIL
REGULAR SESSION
October 3, 2022

PRESENT: Mayor Elizabeth Wytoski
Council President Daniel Holbrook
Councilor Annette Frank
Councilor Kitty Mackin
Councilor Jim Maguire
Councilor Rosalba Sandoval-Perez

ABSENT: Councilor Trini Marquez

STAFF: Rochelle Roaden, City Manager
Patty Ringnald, City Recorder
Melissa York, Office Specialist II
Steve Sagmiller, Public Works Director
Josh Bilodeau, Public Works Supervisor

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Wytoski called the meeting to order at 6:31 p.m. and those present gave the pledge of allegiance.

B. ROLL CALL

Mayor Wytoski noted there was a quorum with Councilors Frank, Mackin, Maguire, and Sandoval-Perez attending the meeting in person and Councilor Holbrook attending via Zoom. Mayor Wytoski noted the absence of Councilor Marquez.

C. APPEARANCE OF INTERESTED CITIZENS

Dayton resident Larry Smurthwaite, of 773 Joel Palmer Way, Dayton Oregon, expressed his concerns regarding the increase in his water bill and the City's new water rate system. Mr. Smurthwaite feels there are discrepancies regarding the water base rate calculations, the billing system, water leak detections, and thermal data determinations.

Mayor Wytoski reviewed the City's water rate methodology and stated that statewide, cities are asked to try to promote policies around water conservation. Staff was asked to review water revenues and volume changes and bring back comparisons to the next Council meeting.

City Manager, Rochelle Roaden reminded the Council that in April, 2022, Tim Tice of Oregon Association of Water Utilities (OWAU) had provided Council with a presentation of various average residential water users and commercial water rate comparisons. Discussion continued.

On another subject, Larry Smurthwaite stated that he had concerns regarding his campaign signs being taken from private property. He wanted to know who was taking them and if a police report had been filed.

Mayor Wytoski stated that she too had concerns regarding campaign signs, noting that she had experienced the same.

D. CONSENT AGENDA

Approval of Meeting Minutes

1. Regular Session Meeting Minutes of September 6, 2022.

Mayor Wytoski noted that there was a correction to the September 6, 2022 minutes.

ANNETTE FRANK MOVED TO APPROVE THE MINUTES OF THE REGULAR SESSION MEETING OF SEPTEMBER 6, 2022 AS AMENDED. SECONDED BY JIM MAGUIRE. *Motion carried with Frank, Mackin, Maguire, Holbrook, Sandoval-Perez and Wytoski voting aye. Marquez absent.*

E. ACTION ITEMS

1. **9th Street to Flower Lane Project Update, Denny Muchmore, City Engineer**

Rochelle Roaden updated the Council regarding the 9th Street to Flower Lane project and stating that the City has received a Safe Routes to School grant from ODOT in the amount of \$750,000.00. The total spent on the project was \$449,905.25 and \$263,617.10 is remaining. The contingency amount was explained and a change order of \$210,541.10 was proposed, with \$53,076.00 remaining to be spent on additional ADA ramps.

Denny Muchmore, City Engineer spoke to the Council regarding the change order approval for the 9th to Flower Lane project and explained that the project is substantially complete, except for some additional pedestrian ramp gutter, sidewalk replacement from 8th Street to 7th Street, and from 7th Street to 6th Street. Discussion continued.

2. **Approval of 9th to Flower Sidewalk Project Construction Change Order #2.**

JIM MAGUIRE MOVED TO APPROVE CONSTRUCTION CHANGE ORDER #2 FOR HAWORTH, INC., TO CONSTRUCT SIDEWALKS BETWEEN 8TH AND 6TH STREETS IN THE AMOUNT OF \$210,541 AND GIVE THE CITY MANAGER THE AUTHORITY TO APPROVE ADDITIONAL CHANGE ORDERS TO EXPEND THE REMAINING GRANT FUNDS OF \$53,076. SECONDED BY KITTY MACKIN. *Motion carried with Frank, Holbrook, Mackin, Maguire, Sandoval-Perez, and Wytoski voting aye. Marquez absent.*

3. **Approval of Planning Commission Appointments.**

Rochelle Roaden explained that the Planning Commission is comprised of a five member commission who serve four-year terms. Current, Planning Commission members Ann-Marie Anderson and Tim Parsons terms will expire December 31, 2022. Both Commissioners have expressed their interest in serving another four-year term. There continues to be one open seat on the Planning Commission.

ANNETTE FRANK MOVED TO APPROVE THE APPOINTMENT OF ANN-MARIE ANDERSON AND TIM PARSONS TO THE DAYTON PLANNING COMMISSION WITH A FOUR-YEAR TERM EXPIRING DECEMBER 31, 2026. SECONDED BY KITTY MACKIN. *Motion carried with Frank, Holbrook, Mackin, Maguire, Sandoval-Perez, and Wytoski voting aye. Marquez Absent.*

4. Approval of Resolution 2022/23-02 Proclaiming the Week of October 16-22, 2022, as the 25th Annual National Hands and Words Are Not for Hurting Week.

Mayor Wytoski stated that the National Hands and Words Are Not For Hurting Week was developed to prevent domestic family violence, child abuse, bullying, suicide, and to stand against this type of behavior.

Rochelle Roaden stated that Ann Kelley, Founder/Executive Director was not able to attend the City Council meeting but had a video ready to share about the program. The video was made available to the Council and the community via the City's website.

KITTY MACKIN MOVED TO APPROVE RESOLUTION 22/23-02 A RESOLUTION OF THE CITY OF DAYTON PROCLAIMING THE WEEK OF OCTOBER 16 THROUGH 22, 2022 TO BE THE 25TH ANNUAL NATIONAL HANDS & WORDS ARE NOT FOR HURTING WEEK. SECONDED BY ROSALBA SANDOVAL-PEREZ. *Motion carried with Frank, Holbrook, Mackin, Maguire, Sandoval-Perez and Wytoski voting aye. Marquez absent.*

5. Approval of Resolution 2022/23-03 Donation of Legion Field

Rochelle Roaden stated that on September 13, 2022, the Dayton School District voted unanimously to donate their portion of Legion Field to the City of Dayton. The Donation Agreement, along with a Resolution authorizing the City Manager to enter into a Donation Agreement, was presented to the Council.

ANNETTE FRANK MOVED TO APPROVE RESOLUTION 2022/23-03 A RESOLUTION OF THE DAYTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A DONATION AGREEMENT WITH DAYTON SCHOOL DISTRICT #8 TO ACCEPT THE DONATION OF REAL PROPERTY COMMONLY KNOWN AS LEGION FIELD. SECONDED BY JIM MAGUIRE. *Motion carried with Frank, Holbrook, Mackin, Maguire, Sandoval-Perez and Wytoski voting aye. Marquez absent.*

6. Council Initiation of Land Use Code Amendments.

Rochelle Roaden advised that she is proposing two text amendments for the Council to consider. The first is a Code change to adopt code for Psilocybin and the second is update the Dayton Land Use and Development Code adding a sunset clause to planning and land use decisions.

JIM MAGUIRE MOVED TO INITIATE A TEXT AMENDMENT TO ADD LANGUAGE INTO THE CITY OF DAYTON LAND USE AND DEVELOPMENT CODE RELATED TO THE SALE OF PSYLOCIBIN IN ACCORDANCE WITH ORS 475A. SECONDED BY ANNETTE FRANK. Motion carried with Frank, Holbrook, Mackin, Maguire, Sandoval-Perez and Wytoski voting aye. Marquez absent.

JIM MAGUIRE MOVED TO INITIATE A TEXT AMENDMENT TO ADD A PROVISION TO THE CITY OF DAYTON LAND USE AND DEVELOPMENT CODE STATING THAT LAND USES THAT CEASE OPERATION FOR A PERIOD OF TIME TO BE DETERMINED SHALL BE REQUIRED TO OBTAIN A NEW LAND USE APPROVAL AS OUTLINED IN THE DAYTON LAND USE AND DEVELOPMENT CODE PRIOR TO RESTARTING OPERATIONS. SECONDED BY ANNETTE FRANK. Motion carried with Frank, Holbrook, Mackin, Maguire, Sandoval-Perez and Wytoski voting aye. Marquez absent

7. Parks Comparable Projects List Discussion.

Rochelle Roaden reviewed the history of the Parks Improvement funding and stated that the Council had requested a list of comparable park projects for the consideration in spending TLT revenues. Options were selected to be sent to the community to vote on via survey.

8. JEDI Training Presentation from Dayton Staff.

Rochelle Roaden advised that City Management staff had attended the Justice, Equity, Diversity, and Inclusion (JEDI) training from Western Oregon University. Staff played a video presentation on what they had learned in the training.

F. EXECUTIVE SESSION

Mayor Wytoski closed the Regular Session Meeting at 8:22 p.m. and stated that Council will meet in Executive Session pursuant to ORS 192.660(2)(i) to review and evaluate the job performance of a chief executive officer, other officers, employees, and staff, if the person whose performance is being reviewed and evaluated does not request an open hearing.

Mayor Wytoski closed the Executive Session Meeting at 8:59 p.m. and moved back into the Regular Session Meeting.

JIM MAGUIRE MOVED TO ACCEPT THE CITY MANAGER'S PERFORMANCE EVALUATION AND RESET HER ANNUAL SALARY to \$112,000 PER YEAR. SECONDED BY KITTY MACKIN. Motion carried with Frank, Holbrook, Mackin, Maguire, Sandoval-Perez and Wytoski voting aye. Marquez absent.

G. CITY COUNCIL COMMENTS/CONCERNS

League of Oregon Cities (LOC) Conference was discussed by those Councilors who had attended the conference.

Councilor Sandoval-Perez stated she met with the City Manager to discuss the use of the community center for youth in our community.

Councilor Holbrook reminded Councilors to be mindful of the allotted time limit set for public comments.

H. INFORMATION REPORTS

City Manager's Report

Rochelle Roaden reviewed the Utility Bridge with Infrastructure project, advising the Council on the funding that has been obtained and the amount that is needed to complete the project. Direction regarding the future of the project and the funding that will be needed to complete the project was asked of the Council. It was noted that due to inflation and the cost of steel the cost of the Utility Bridge Project has gone from \$4.2 million to \$7.5 million. The raising sewer rate fees was discussed in length.

Councilor Holbrook stated that if the bridge could not be used for the water and sewer lines or if one of the lines fell into the river, the decision would be taken out of the Council's hands and the City would be forced to make the necessary repairs. Councilor Holbrook stated that he was in favor of moving forward with the project.

Mayor Wytoski stated that at this time she was not in support of moving forward with the bridge construction at this time, stating that she is not willing to raise sewer rates in order to cover the cost of construction on the project.


Rochelle Roaden thanked the City Council in their support of her attending the IIMC Conference in Ohio, she gained so much information, and mentioned she would be attending the LOC Conference.

Rochelle Roaden introduced Deputy Matt Twitchell stating that he is Dayton's new Deputy and that he will be working exclusively in the City. Rochelle Roaden introduced Melissa York, the City's new Office Specialist II.

I. ADJOURN

There being no further business, the meeting adjourned at 9:26 p.m.

Respectfully submitted:


By: Melissa York, OSII

APPROVED BY COUNCIL on November 7, 2022.

As Written As Amended


Elizabeth Wytoski, Mayor