

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



DATE: MONDAY, JULY 17, 2017
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>
A.	CALL TO ORDER & PLEDGE OF ALLEGIANCE	
B.	ROLL CALL	
C.	CONSENT AGENDA	
	1. Regular/Executive Session, June 5, 2017	1-8
	2. Work/Special Session, June 19, 2017	9-14
D.	APPEARANCE OF INTERESTED CITIZENS	
This time is reserved for questions or comments from persons in the audience on any topic.		
E.	ACTION ITEMS	
	1. Cost of Living Adjustment Discussion/Approval	15-16
	2. Approval of Resolution 17/18-1 Public Contracting Rules	17-24
	3. Approval of Resolution 17/18-2 Renaming the Community Center	25-28
	4. Approval of Resolution 17/18-3 Special City Allotment Grant Application	29-36
	5. 1 st Reading of Ordinance 640 Food Trucks and Push Carts	37-44

Executive Session

Executive Session pursuant to ORS 190.660(2)(h) to consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

F.	CITY COUNCIL COMMENTS/CONCERNS	
G.	INFORMATION REPORTS	
	1. City Manager's Report	45
H.	ADJOURN	

Posted: 07.13.17

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 Regular Session, Monday, August 7, 2017
City Hall Annex, 408 Ferry St, Dayton

MINUTES
DAYTON CITY COUNCIL
REGULAR/EXECUTIVE SESSION
JUNE 5, 2017

PRESENT: Mayor Elizabeth Wytoski
Councilor John Bixler
Councilor John Collins (arrived 6:37 pm)
Councilor Kitty Mackin
Councilor Trini Marquez
Councilor Darrick Price

ABSENT:

STAFF: Scott Pingel, City Manager
Rochelle Roaden, City Recorder
Steve Sagmiller, Public Works Director
Spencer Parsons, City Attorney

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 Price. Mayor Wytoski noted the absence of Councilor Collins.

C. CONSENT AGENDA

- 1. Approval of Meeting Minutes**
 - a. Working/Special Session, April 17, 2017**

DARRICK PRICE MOVED TO APPROVE THE MINUTES OF THE WORK/SPECIAL SESSION OF APRIL 17, 2017 AS WRITTEN. SECONDED BY TRINI MARQUEZ. Motion carried with Bixler, Mackin, Marquez, Price and Wytoski voting aye. Collins absent.

D. APPEARANCE OF INTERESTED CITIZENS

Sandra Utt, 222 5th Street Dayton, owns another home at 304 Church Street in Dayton, and is in the process of getting it cleared out for demolition. Last summer, juveniles entered the residence at 304 Church Street and did some damage. So she is asking for a special permit to put a camper on the property and have occupancy off and on to hopefully offset trespassers. Her son and his friend will be the gentlemen staying in the camper. Currently they are working to get it insured in the State of Oregon as it is originally from the State of Washington.

Sam Sweeney, 1070 Ferry Street, Dayton, presented a letter (Attachment A) to the council regarding

the traffic danger to school children and pedestrians walking along Ferry Street from 9th to Flower requesting the City make a formal request to ODOT to reduce the speed limit from 35 mph to 25 mph until sidewalks can be installed. Mayor Wytoski remarked that the City Council has been working on funding for sidewalks and storm drain improvements in this section of town for some time and due to our transportation systems plan and ODOT funding cycles it has not been resolved. The City wants the kids out of the street and the rainy ditches as soon as possible. Scott Pingel commented that about two weeks ago city staff walked this section with ODOT representatives. It is ODOT right of way so even if the City went ahead and paid to put sidewalks in it would have to be completed to ODOT standards. Scott informed Mr. Sweeney that he would be formally contacted by the City once ODOT has defined its requirements and the project proceeds.

John Francis, 112 Mellinger Place, Dayton, with Friends of the Bus, stated that the Yamhill County Transit Area is looking into renegotiating its contract and if there are any ideas or input on changes that could improve the current bus service, to be please contact the YCTA.

E. PUBLIC HEARING

Mayor Wytoski opened the Public Hearing at 6:43 pm and stated the City Council will hold a public hearing to obtain citizen input on the proposed sewer rate increase.

No one had signed up to comment.

Mayor Wytoski closed the Public Hearing at 6:44 pm.

Mayor Wytoski opened the Public Hearing at 6:45 pm and stated the City Council will hold a public hearing to obtain citizen input on the budget for the fiscal year beginning July 1, 2017 as approved by the City of Dayton Budget Committee.

No one had signed up to comment.

Mayor Wytoski closed the Public Hearing at 6:46 pm.

Mayor Wytoski opened the Public Hearing at 6:47 pm and stated the City Council will hold a public hearing to obtain citizen input on the proposed uses of State Revenue Sharing Funds in the City of Dayton FY 2017/2018 Budget.

No one had signed up to comment.

Mayor Wytoski closed the Public Hearing at 6:48 pm.

E. ACTION ITEMS

1. Declare a City Council Seat Vacant

Erin Taylor is no longer living in the City of Dayton.

DARRICK PRICE MOVED TO DECLARE A COUNCIL SEAT VACANT. SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

2. **Your Community Mediators Donation Request**

Marlena Bertram, Executive Director with Your Community Mediators presented the 2017 funding request for \$1,950. Discussion followed.

JOHN BIXLER MOVED TO APPROVE A DONATION TO YOUR COMMUNITY MEDIATORS OF YAMHILL COUNTY IN THE AMOUNT OF \$1,600. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

3. **Homeward Bound Donation Request**

Marcy McDowell and Georgann Percival, Homeward Bound Pets, presented the 2017 funding request for \$1,500. Discussion followed.

JOHN COLLINS MOVED TO APPROVE A DONATION TO HOMEWARD BOUND PETS IN THE AMOUNT OF \$1,350. SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

DARRICK PRICE MOVED TO AMEND THE AGENDA TO ADD DAYTON SCHOOL DISTRICT UPDATE AFTER THE HOMEWARD BOUND DONATION REQUEST. SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

5. **Dayton School District Update**

Rita Stoller gave an update.

6. **Yamhill County Action Partnership Donation Request**

Martha Penhall, Food Bank Manager, presented the 2017 funding request for \$3,000. Discussion continued.

JOHN COLLINS MOVED TO APPROVE A DONATION TO YOUR YAMHILL COUNTY ACTION PARTNERSHIP IN THE AMOUNT OF \$1,000 FOR THE FRIDAY FAMILY FOOD PROGRAM. SECONDED BY DARRICK PRICE. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

7. **Consideration of Temporary Occupancy Permit Application**

Steve Belinsky, 129 6th Street, Dayton.

JOHN BIXLER MOVED TO APPROVE A TEMPORARY OCCUPANCY PERMIT PER THE REQUEST IN THE APPLICATION FOR A PERIOD OF 60 DAYS BEGINNING JUNE 6, 2017. SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

8. **Approval of Recology Western Oregon Proposed Rate Increase**

Scott Pingel explained that it is a 2.3% increase for most rates. Increases are within our franchise agreement.

KITTY MACKIN MOVED TO APPROVE THE RECOLOGY WESTERN OREGON RATE INCREASES AS PROPOSED. SECONDED BY JOHN BIXLER. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

9. **Approval of Resolution 16/17-10 Sewer Rate**

JOHN BIXLER MOVED TO APPROVE THE SEWER SERVICE MONTHLY RATE SCHEDULE. SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

10. **Approval of Resolution 16/17-11 Police Services**

DARRICK PRICE MOVED TO APPROVE RESOLUTION 16/17-11 A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN YAMHILL COUNTY AND THE CITY OF DAYTON FOR POLICE SERVICES FOR FY 2017/18. SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

11. **Approval of Resolution 16/17-12 CCRLS Agreement**

DARRICK PRICE MOVED TO APPROVE RESOLUTION 16/17-12 A RESOLUTION APPROVING AMENDMENT #04 OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN CHEMEKETA COMMUNITY COLLEGE AND THE CITY OF DAYTON FOR THE CHEMEKETA COOPERATIVE REGIONAL LIBRARY SERVICE (CCRLS). SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

12. Approval of Resolution 16/17-13 New Community Center Rates

JOHN BIXLER MOVED TO APPROVE RESOLUTION 16/17-13 A RESOLUTION AMENDING PALMER CREEK LODGE COMMUNITY CENTER RENTAL FEES & DEPOSITS, AND ADDING A FEE SCHEDULE FOR NON-RESIDENT USE OF THE FACILITY. SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

Councilor Collins commented that according to the League of Oregon Cities there is a grant available to hire a consultant to give advice on how to better run the Community Center through the USDA Rural office. Discussion continued.

Mayor Wytoski closed the Regular Session at 7:52 pm and stated Council would move into the Executive Session pursuant to ORS 192.660(2)(f) and (h) to consider information or records that are exempt by law from public inspection and to consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Darrick Price recused himself from the Executive Session and exited the meeting.

Mayor Wytoski closed the Executive Session at 8:52 pm and moved back into the Regular Session.

F. CITY COUNCIL COMMENTS AND CONCERNS

Kitty Mackin commented that she would like to discuss establishing a Youth Advisory Committee. Mayor Wytoski stated she would add that to the next agenda.

Trini Marquez expressed her concerns for the Ferry Street pedestrian issue.

John Collins asked about the status of the benches the High School Shop class is making for the park. Mayor Wytoski talked with Mitch Coleman and there have been delays but they are working to get them made as soon as possible. John will forward an email with a link to the USDA grants he spoke

about regarding the Community Center to Scott Pingel. He further stated that there is another grant that cities can apply for and manage the funds to make repairs to dilapidated single family homes for families at a certain level of poverty. Homeowners would have to apply for the grant funds and qualify. He then gave an update on a meeting he attended for the Yamhelas Westsider Trail concept plan presentation a few weeks prior. There is a 70 page presentation on the county website that is fantastic and he would love to see the Dayton City Council support this project.

G. INFORMATION REPORTS

1. City Manager Report

Scott Pingel gave an update on the Dollar General project which will probably start construction next week.

Scott and Denny Muchmore were able to meet with ODOT staff and talk them through a couple of the issues with the 9th to Ferry pedestrian issue. They did indicate that it is possible to take the same approach as with the sidewalk across from the elementary school and go for smaller funds. The challenge is that is hard to move forward with designing it when we do not know what the requirements from ODOT will be and whether we have to do storm drain improvements.

Scott is on the YCTA Advisory Board and he has not received any results from the preliminary work for the new comprehensive plan yet.

ODOT is doing a fog coat chip seal down Ferry Street sometime in August.

H. ADJOURN

There being no further business, the meeting adjourned at 9:05 pm.

Respectfully submitted:

By: Rochelle Roaden
City Recorder

APPROVED BY COUNCIL on July 17, 2017.

As Written As Amended

Elizabeth Wytoski, Mayor

Attachment A

MINUTES
DAYTON CITY COUNCIL
WORK/SPECIAL SESSION
JUNE 19, 2017

PRESENT: Mayor Elizabeth Wytoski
Councilor John Bixler
Councilor John Collins
Councilor Kitty Mackin
Councilor Trini Marquez
Councilor Darrick Price

ABSENT:

STAFF: Scott Pingel, City Manager
Rochelle Roaden, City Recorder

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Wytoski called the meeting to order at 6:34 pm and those present gave the Pledge of Allegiance.

B. ROLL CALL

Mayor Wytoski noted there was a quorum with Councilors Bixler, Collins, Mackin, Marquez, and Price.

C. APPEARANCE OF INTERESTED CITIZENS

Judy Gerard, 305 Main Street, Dayton, read a letter (Attachment A) from Ann-Marie Anderson, 309 Main Street, Dayton, dated June 19, 2017, asking the Council to reject the Utt temporary occupancy permit as it does not meet the Council's criteria for approval. Judy further stated that she has concerns because there is no sanitation, kitchen, or garbage facilities. If the campfires are required to cook food, then that is another reason why this application should be denied. There are more than one person staying in the camper, and the house is not under demolition or construction. Another option the homeowners might consider would be to board up the doors and windows, or have the Fire Department do a burn for training purposes. Another concern with the campfire is the tendency to burn deconstruction debris which is a hazard.

D. PUBLIC HEARING

Mayor Wytoski opened the Public Hearing at 6:39 pm and stated the City Council will hold a public hearing to obtain citizen input on the proposed 2016/2017 Supplemental Budget. No one had signed up to comment. Scott Pingel gave a brief explanation. Mayor Wytoski closed the Public Hearing at 6:42 pm.

E. ACTION ITEMS

1. Consideration of Temporary Occupancy Permit Application

Councilor Collins commented that he lives right near the property and the Ordinance that allows temporary occupancy permits is written for very specific purposes. It is not in his opinion for a security guard or alleviating a homeless person's situation. He would like to reject this application based solely on the criteria for the permit not being met.

DARRICK PRICE MOVED TO REJECT THE TEMPORARY OCCUPANCY PERMIT PER THE REQUEST IN THE APPLICATION. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

Councilor Price commented that if demolition/construction permits are obtained and water/sewer service is started, then an occupancy permit could be granted. Scott Pingel further stated that the current language needs to be reviewed and allowances need to be identified in more detail.

2. **Approval of Resolution 16/17-14 Supplemental Budget**

KITTY MACKIN MOVED TO APPROVE RESOLUTION 2016/17-14 A RESOLUTION ADOPTING THE FISCAL YEAR 2016/17 SUPPLEMENTAL BUDGET. SECONDED BY JOHN BIXLER. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

3. **Approval of Resolution 16/17-15 Authorizing Year-End Transfers**

JOHN BIXLER MOVED TO APPROVE RESOLUTION 16/17-15 A RESOLUTION AUTHORIZING THE YEAR-END TRANSFER OF FUNDS IN THE FISCAL YEAR 2016/17 BUDGET. SECONDED BY DARRICK PRICE. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

5. **Approval of Resolution 16/17-16 Election to Receive State Revenues**

JOHN BIXLER MOVED TO APPROVE RESOLUTION 16/17-16 A RESOLUTION DECLARING THE CITY OF DAYTON'S ELECTION TO RECEIVE STATE REVENUES

FOR FISCAL YEAR 2017/18. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

6. Approval of Resolution 16/17-17 Adopting FY2017-18 Budget

JOHN BIXLER MOVED TO APPROVE 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. SECONDED BY DARRICK PRICE. *Motion carried with Bixler, Collins, Mackin, Marquez, Price, and Wytoski voting aye.*

7. Establishment of a Youth Advisory Committee

Mayor Wytoski stated that Councilor Mackin requested the establishment of this committee. Committees need to have a defined purpose with goals or tasks. Councilor Mackin remarked that she would like to do a series of service learning projects and the first one could be traffic, pedestrian and driver awareness. Her model is based on service learning project which is to discuss, plan, do, regroup, and report out.

Councilor Price commented that this is a great idea but setting it up as an official city committee would require you to abide by public meeting rules. Setting up an after school program, or advocacy group would be a great idea and would be more flexible.

Councilor Collins remarked that being on an advisory committee appointed by the Mayor or Council in Oregon makes its member's public officers and legally liable which he doesn't recommend. He believes that council members and staff would be willing to help make this group as successful as possible. Discussion continued.

8. Renaming the Community Center

Mayor Wytoski commented that the Community Center has become almost exclusively a rental venue and Councilor Collins suggested revisiting the name and make sure it is fitting for the purpose and not misleading. Community Center leads people to believe it is a recreational center when that's not how it has been used. Or, maybe we want to set up a night to do a community event each week. Councilor Collins confirmed the official name as the Palmer Creek Lodge – Dayton Community Center. Discussion continued.

9. Food Truck Ordinance Discussion

Scott Pingel stated that the Council needs to determine regulations on how food trucks can be used in the right of way and where and when. And, if food trucks are going to be

allowed on private property for an extended period of time. Discussion continued.

F. CITY COUNCIL COMMENTS AND CONCERNS

Kitty Mackin asked if the City has a way to communicate what residents can and cannot do in regards to fireworks and firearms. Mayor Wytoski stated that staff puts out related information in the monthly calendars which go out with the monthly water bills.

Trini Marquez said she is excited that more people are using the boat ramp. John Collins commented that the Dundee kayaking access which is on private property was closed so more people are coming to Dayton.

John Bixler reminded the council that there is a playground being constructed at the Dayton Elementary School tomorrow and more volunteers are needed.

John Collins stated that our sign code produced from public and business input states that you can't put a sandwich board out unless it is adjacent to your property so Mr. Wheeler with the kayak business needs to be informed.

Mayor Wytoski stated nominations for the Senior Court and parade theme suggestions are needed for this year's Old Timer's Weekend.

G. INFORMATION REPORTS

1. City Manager Report

Scott Pingel commented that the application for the open council position is available.

The Transient Lodging Tax was \$44,793 for Quarter 2, 2016 through Quarter 1, 2017. The Budget will show the revenue has higher because some payments were calculated in error and refunds had to be made which are reflected under Miscellaneous Expense in the General Fund.

If everyone is in favor, Scott suggests canceling the July 3rd council meeting due to the holiday. Council concurred. Next council meeting will be July 17th.

H. ADJOURN

There being no further business, the meeting adjourned at 7:50 pm.

Respectfully submitted:

APPROVED BY COUNCIL on July 17, 2017.

As Written As Amended

By: Rochelle Roaden
City Recorder

Elizabeth Wytoski, Mayor

Attachment A

To: Honorable Mayor and City Councilors

From: Scott Pingel, City Manager

Issue: Cost of Living Adjustment (COLA) Discussion/Approval

Background Information: Each year the City Council reviews the recommendations of the City Manager for employee benefits and salary range adjustments for the upcoming year. The following compensation changes are included in the approved budget for FY 2017-18.

Cost of Living Adjustment:

The FY 2017-18 budget includes a 3% COLA. Generally, the City has used the Portland CPI-W wage earner index as a guide in determining the COLA offered to employees. The CPI-W index is 1.7% this year. City staff have continued to be diligent and efficient over the past fiscal year in keeping costs down relative to the City's revenues, projects and costs of doing business. All of the City's operating funds have strong carry forward balances. I recommend the City Council approve a cost of living adjustment in line with the Portland CPI-W index and provide City staff with a 1.7% cost of living adjustment for the 2017-18 fiscal year.

Employee Compensation:

There are no recommended changes to employee salary ranges at this time.

Employee Benefits

There are no recommended changes to employee benefits for the 17-18 fiscal year. City Employees will continue to pay 10% of premium costs through payroll deductions, and the City is paying 95% of the deductible for employee health plans through a Health Savings Account contribution.

City Manager Recommendation: I recommend approval of a 1.7% COLA for FY 2017-18.

Potential Motion Verbiage: "I move approval of a 1.7% cost of living adjustment for city staff effective July 1, 2017.

City Council Options:

- 1 – Move approval of a 1.7% COLA.
- 2 – Move approval of a COLA at a different percentage.
- 3 – Do not approve a COLA.

City	COLA	Comments
Amity	2.0%	
Aumsville	2.0%	
Brookings	2.7%	
Burns	2.5%	
Carlton	2.5%	
Clatskanie	2.0%	
Coburg	0.5%	
Cornelius	2.0%	
Creswell	2.3%	
Dayton	1.7%	
Drain	2.7%	
Dundee	2.1%	
Halsey	2.0%	
Harrisburg	2.0%	
Hillsboro	2.5%	
Keizer	1.5%	2.0% for Cops and PW union,
McMinnville	2.2%	
Medford	2.0%	\$25 per month increase to cap on health insurance
Nehalem	2.5%	
Ontario	2.5%	Contemplating 2.5% but not sure it will fly
Port Orford	2.0%	
Redmon	1.0%	
Reedsport	0.0%	The City of Reedsport is in full measure 5/50 tax compression with tax revenues steadily in decline. In order to stay solvent we have been forced to suspend COLA's for all staff over last few years. I was not sure if others were in this boat or if we are an anomaly in the local government world.
Roseburg	2.0%	
Salem	2.0%	
Sandy	3.0%	
Sherwood	1.6%	
Silverton	2.0%	
Sodaville	3.0%	
Sublimity	2.0%	
Sweet Home	2.5%	
Undisclosed	3.5%	That sounds like a lot, and it is, but it matches what my electric unions guys are getting and it is catch-up for the 5 years when the employees did not get an increase. I also persuaded the Council to lower the health insurance premium participation to 10% from 12.5% because beginning next January we are going to a lower cost CIS plan.
Veneta	2.1%	
Winston	2.4%	2.2 for Police and 2.5 for Public Works
Wood Willage	2.1%	
AVERAGE	2.1%	

To: Honorable Mayor and City Councilors

From: Scott Pingel, City Manager

Issue: Approval of Resolution 17-18-1 Amending Public Contracting Rules

Background Information: The City Council adopted public contracting rules in 2005 in response to HB 2341 adopted by the State legislature in 2003, which created a new Oregon Public Contracting Code. Maximum dollar amounts for personal services contracts as well as small procurements that allow for the City Manager to make direct awards for small contracts and procurements have changed since that time from \$5,000 to \$10,000. I propose that the council make this same change in the City's public contracting rules.

City Manager Recommendation: I recommend approval of Resolution 17/18-1.

Potential Motion to Approve: "I move approval of Resolution 17/18-1 a resolution amending public contracting rules."

City Council Options:

- 1 – Move approval of Resolution 17/18-1 as recommended.
- 2 – Move approval of Resolution 17/18-1 with amendments.
- 3 – Take no action and direct Staff to do more research and bring more options back to the City Council at a later date.

RESOLUTION No. 17/18-1
City of Dayton, Oregon

TITLE: *A Resolution Amending Public Contracting Rules.*

WHEREAS, the City of Dayton adopted public contracting rules on March 7, 2005 according to HB 2341 adopted by the State Legislature in 2003, which created a new Oregon Public Contracting Code (Code), codified in ORS chapters 279A, 279B, and 279C; and

WHEREAS, procurement limits allowed under the Code for different types of procurement have changed since that time; and

WHEREAS, the Code and the Model Rules allow local governments to adopt contracting rules different from or in addition to those in the Model Rules so long as they are consistent with the Code.

The City of Dayton resolves as follows:

Section 1. **THAT** the public contracting rules for the City of Dayton as adopted by Resolution 04/05-29 are amended as follows with additions in red and deletions in strikethrough:

1.10.010 General provisions

- (1) Except as provided within these rules, City public contracting is governed by the Code and the Model Rules.
- (2) The Dayton City Council is the City’s Contract Review Board (Board). Except as otherwise provided in these rules, the powers and duties of the Board under the Code and Model Rules will be exercised by the Board and the powers and duties given or assigned to contracting agencies by the Code or Model Rules will be exercised by the City ~~Administrator~~Manager as the City’s contracting agent.
- (3) For the purposes of these rules, “City ~~Administrator~~Manager” means the City ~~Administrator~~Manager for the City of Dayton, or the City ~~Administrator~~Manager’s designee.

1.10.020 Personal service contracts

- (1) “Personal service contract” means a contract for personal or professional services performed by an independent contractor, primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of attorneys, accounting and auditing services, information technology services, planning and development services, artists, designers, performers, property managers and consultants. The City ~~Administrator~~Manager has discretion to determine whether

a particular contract or service falls within this definition. For the purposes of this section, personal services contracts do not include such contracts for architectural, engineering and land surveying services. The procedures for those contracts are found in the Model Rules, OAR 137, division 48.

- (2) The following formal selection procedure will be used when the estimated payment to the contractor exceeds \$25,000.
 - (a) Announcement. The City will give notice of its intent to procure personal services through the League of Oregon Cities, and any other means the City deems appropriate, including contacting prospective contractors directly. Announcements will include:
 - (A) A description of the proposed project;
 - (B) The scope of the services required;
 - (C) The project completion dates;
 - (D) A description of special requirements;
 - (E) When and where the application may be obtained and to whom it must be returned;
 - (F) The closing date; and
 - (G) Other necessary information.
 - (b) Application. Applications will include a statement that describes the prospective contractor's credentials, performance data, examples of previous work product or other information sufficient to establish contractor's qualification for the project, references, and other information identified by the City as necessary to make its selection.
 - (c) Initial screening. The City ~~Administrator~~Manager will evaluate the qualifications of all applications and select a prospective contractor or prospective contractors whose application demonstrates that the contractor is the best qualified to the meet the City's needs.
 - (d) Final Selection.
 - (A) The City ~~Administrator~~Manager will interview the finalists selected from the initial screening. At the City ~~Administrator~~Manager's discretion, the interviews may be conducted before the Board.
 - (B) After the interview process concludes, the City ~~Administrator~~Manager will make the final selection. If the interviews are conducted before the Board, the Board will make the final selection.

- (C) The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by the City as necessary for the City to select a contractor.
- (3) The following informal selection procedure may be used when the estimated payment to the contractor is under \$25,000 or when the City ~~Administrator~~Manager determines that the informal procedure will not interfere with competition among prospective contractors, reduce the quality of services or increase costs. The City ~~Administrator~~Manager will contact a minimum of three prospective contractors qualified to offer the services sought. The City ~~Administrator~~Manager will request an estimated fee, and make the selection consistent with the City's best interests. If three quotes are not received, the City ~~Administrator~~Manager will make a written record of efforts to obtain the quotes.
- (4) The City ~~Administrator~~Manager may enter personal service contracts not exceeding an estimated \$~~50~~10,000 without following the procedures under subsection (2) or (3). However, the City ~~Administrator~~Manager must make reasonable efforts to choose the most qualified contractor to meet the City's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.
- (5) The City ~~Administrator~~Manager may negotiate with a single source for personal services if the services are available from only one contractor, or the prospective contractor has special skills uniquely required for the performance of the services. The City must make written finds to demonstrate why the proposed contractor is the only contractor who can perform the services desired.
- (6) The City ~~Administrator~~Manager may select a contractor without following any procedures when conditions require immediate action to protect life or property. In such instances, the City ~~Administrator~~Manager must make written declarations of the circumstances that justify the emergency appointments.

1.10.030 Authority to electronically advertise solicitations for goods and services

- (1) The City ~~Administrator~~Manager is authorized to develop an "electronic procurement system" in accordance with OAR 137-047-0300(2)(b). As described in OAR 137-046-0110(15), this is an information system accessible through the internet that allows the City to post electronic advertisements and receive electronic offers for goods and services. When an electronic procurement system is in place, the Model Rules allow procurement solicitations to be advertised exclusively on the internet. This saves the City time and money over newspaper advertisements.
- (2) Prior to any development of an electronic procurement system, the City may advertise solicitations for goods and services on the internet in addition to newspaper advertisements.

1.10.040 Authority to electronically advertise solicitations for public improvements

- (1) For all public improvement contracts with an estimated cost not exceeding \$125,000, the City ~~Administrator~~Manager may electronically advertise solicitations in a manner deemed appropriate. This method of advertising will save the City time and money, may be used exclusively, and is allowed under ORS 279C.360(1).
- (2) And advertisement for a public improvement contract with an estimated cost over \$125,000 must be published at least once in a trade newspaper of general statewide circulation, such as the Daily Journal of Commerce.

1.10.050 Small procurements

- (1) As provided by ORS 279B.065, any procurement of goods or services not exceeding \$~~50~~10,000 may be awarded in any manner the City ~~Administrator~~Manager finds practical or convenient, including direct selection or award.
- (2) A small procurement contract may be amended in accordance with OAR 137-047-0800, but the cumulative amendments may not increase the total contract price to greater than \$~~6,0~~12,500.
- (3) A procurement may not be artificially divided or fragmented to qualify for this section.

1.10.060 Sole-source procurements

- (1) Pursuant to ORS 279B.075(1), the City ~~Administrator~~Manager is authorized to declare in writing certain goods and services to be available from only one source.
- (2) The determination of a sole-source must be based on findings required by ORS 279B.075(2), and otherwise be processed in accordance with OAR 137-047-0275.

1.10.070 Notice of intent to award certain contracts

- (1) At least seven days before the award of public contract solicited under a traditional invitation to bid or request for proposals, the City will post or provide to each bidder or proposer notice of the City's intent to award a contract.
- (2) If stated in the solicitation document, the City may post this notice electronically or through non-electronic means and require the bidder or proposer to determine the status of the City's intent.
- (3) As an alternative, the City may provide written notice to each bidder or proposer of the City's intent to award a contract. This written notice may be provided electronically or through non-electronic means.
- (4) The City may give less than seven days notice of its intent to award a contract if the City determines in writing that seven days is impracticable as allowed by ORS 279B.135.
- (5) This section does not apply to goods and services contracts awarded under small procurements under these rules, or other goods and services contracts awarded in accordance with ORS 279B.070, 279B.075, 279B.080 or 279B.085.

- (6) This section does not apply to any public improvement contract or class of public improvement contracts exempted from competitive bidding requirements.
- (7) A protest of the City's intent to award a contract may only be filed in accordance with OAR 137-047-0740 or OAR 137-049-0450, as applicable.

Section 2. THAT this resolution will be effective immediately upon adoption by the City Council.

ADOPTED this 17th day of July, 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: Approval of Resolution 17/18-2 A Resolution Renaming the Community Center

Background Information: At the June 19, 2016 City Council meeting, the council discussed renaming the community center to include the word “events” in the title. The current official name is Palmer Creek Lodge Dayton Community Center. The name the council decided upon is Palmer Creek Lodge Community Events Center.

By way of information, the only name on the Community Center building itself is Palmer Creek Lodge, so there isn't physical adjustments that need to be done to the Community Center unless the City Council wants to add “Community Events Center” to the building. We will just need to change the name in our brochures, advertising materials, and online.

City Manager Recommendation: I recommend approval of Resolution 17/18-2.

Potential Motion to Approve: “I move approval of Resolution 17/18-2 A Resolution Renaming the Community Center.”

City Council Options:

- 1 – Move approval of Resolution 17/18-2 as recommended.
- 2 – Move approval of Resolution 17/18-2 with amendments.
- 3 – Take no action and direct Staff to do more research and bring more options back to the City Council at a later date.

RESOLUTION No. 17/18-2
City of Dayton, Oregon

TITLE: *A Resolution Renaming the Community Center.*

WHEREAS, the City of Dayton currently owns and operates Palmer Creek Lodge Dayton Community Center; and

WHEREAS, at the time the community center was redeveloped and named, how the facility would predominantly be used was relatively unknown; and

WHEREAS, the primary use of the community center over the past 5 years has been for the individual events of private parties; and

WHEREAS, the City Council desires that the community center remain a facility available for use by the community; and

WHEREAS, the City Council desires that the name of the facility represent the primary use of the facility.

The City of Dayton resolves as follows:

- 1) **THAT** the name of Palmer Creek Lodge Dayton Community Center shall hereby and hereafter be known as Palmer Creek Lodge Community Events Center.

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

ADOPTED this 17th day of July, 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 17/18-3 Special City Allotment Application

Background Information: Overlays to City streets have been put on hold over the last couple of years as the City has pursued other priorities, namely improvements to Ferry Street between 9th Street and Flower Lane. City staff would still like to make street improvements in the interim while Ferry Street sidewalk improvements are pursued. City staff believe the best chance for the City to receive Special City Allotment grant funds is to apply for improvements to 5th Street between Ash Street and Main Street. This resolution is required along with our application for the grant funding for the public improvements needed for this section of 5th Street. We may receive up to \$50,000 through the Special City Allotment (SCA) grant. Our application is due August 5th, but SCA awards are usually announced in January or February. If we are successful in receiving this grant funding, we would plan on making the improvements to 5th Street in the current 2017-18 Fiscal Year.

City Manager Recommendation: I recommend approval of Resolution 17/18-3.

Potential Motion Verbiage: “I move approval of Resolution 17/18-3 A Resolution Authorizing Application for the Special City Allotment Grant.”

City Council Options:

1 – Move approval of the resolution.

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

RESOLUTION No. 17/18-3
City of Dayton, Oregon

TITLE: *A Resolution Authorizing Application for the 2018 Special City Allotment Grant*

Under the provisions of ORS 366.800 and 366.805, there has been withdrawn from State Highway funds appropriated for allocation to the several cities of the State of Oregon the sum of Five Hundred Thousand and No/100 (\$500,000) Dollars, and, in addition there has been withdrawn from monies available to the Department of Transportation from the State Highway Fund the sum of Five Hundred Thousand and No/100 (\$500,000) Dollars. As provided in ORS 366.805, said sums have been set up in a separate account to be administered by the Oregon Transportation Commission and to be allotted each year by said commission to be spent, within cities of 5,000 or fewer persons, upon streets not a part of the State Highway system that are inadequate for the capacity they serve, or are in a condition detrimental to safety. No one project can receive more than \$50,000.

The City of Dayton is an incorporated City of the State of Oregon and has a population of less than 5,000 as given by the latest official federal census. The following streets of said City, 5th Street from Main Street to Church Street, and 5th Street from Church Street to Ash Street, meet the conditions required in ORS 366.805.

NOW, THEREFORE, the members of the City Council of the City of Dayton, in regular session assembled, do hereby find, declare and resolve:

1. That the aforementioned named street of said City is inadequate for the capacity it serves or is in a condition detrimental to safety.
2. That said street of said City is in need of repair, reconstruction, or other major improvement.
3. That said street is not a part of the state highway system, and is under the jurisdiction and control of the City.
4. That the Oregon Transportation Commission hereby is respectfully requested to consider and declare said street as qualified for reconstruction, repair, or other improvements out of funds allocated and made available by and through the said \$1,000,000 appropriation of revenues which is to be administered and spent by the Transportation Commission.
5. That the City of Dayton does hereby offer to Transportation Commission and does hereby pledge complete cooperation and assistance to the end, that said City may share and participate in the use and benefit of said special fund and appropriation; and therefore does designate Scott Pingel as the official representative of the City in all negotiations resulting from this request.

ADOPTED this 17th day of July, 2017.

In Favor:

Opposed:

Absent:

Abstained:

Elizabeth Wytoski, Mayor

Date Signed

ATTEST:

**Rochelle Roaden
City Recorder**

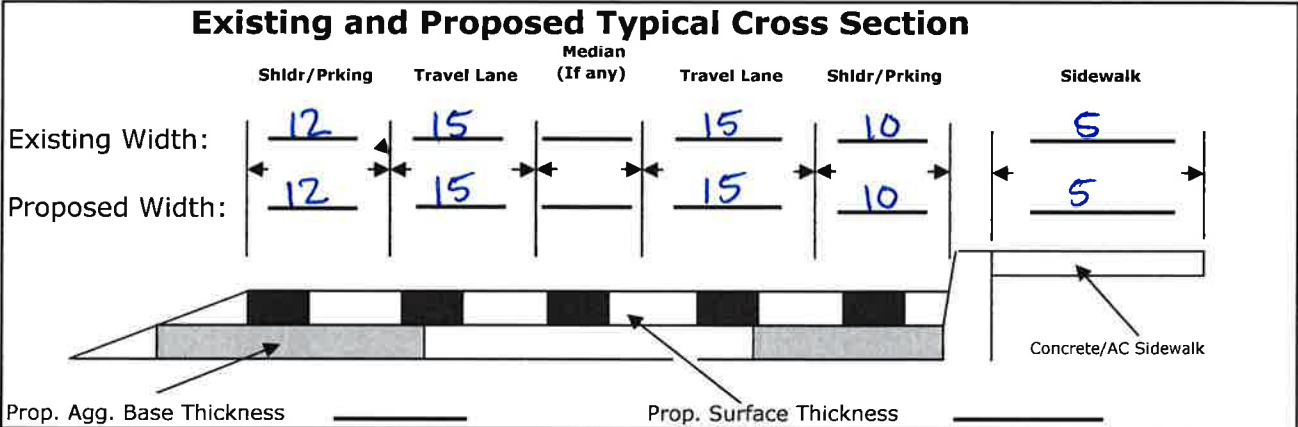
Date of Enactment

Special City Allotment (SCA) Application

CITY OF Dayton DATE 7-17-17

STREET NAME 5th street FROM Main St. TO Church St.
 (Attach map showing project limits.)

Project Length <u>343</u>	Est. Project Cost \$ <u>27,000</u>	Avg. Daily Cars (Current) <u>500</u>	Avg. Daily Trucks (Current) <u>20</u>
------------------------------	---------------------------------------	--	---



Pavement
 Surface Type AC
 Existing: AC
 Proposed: AC
 Proposed Thickness: 4"

Storm Sewer
 Existing (Y/N): N
 Proposed (Y/N): N
 Pipe Diameter: _____
 Pipe Length: _____

Adjustments:
 Inlets #: _____
 Manholes #: 1
 Pipes #: _____

Right-of-Way
 Existing Width: 70 ft.
 Adequate? (Y/N): Y
 Proposed Width: _____

	Left Side	Right Side
Sidewalks		
Existing (Y/N):	<u>Y</u>	<u>N</u>
Prop. (Y/N):	<u>N</u>	<u>N</u>
Proposed Length:	_____	_____
Proposed Width:	_____	_____
Curbs		
Existing (Y/N):	<u>N</u>	<u>N</u>
Prop. (Y/N):	<u>N</u>	<u>N</u>
Length:	_____	_____
Type:	_____	_____
Bridge		
Name & Bridge #:	_____	
Length:	_____	
Width:	_____	
Type of Structure:	_____	
Sufficiency Rating #:	_____	
Name of Stream:	_____	

Remarks: This street section would include 2 pedestrian ramps at the crossing of Main Street and 5th Street. Also, we are not proposing to develop the shoulder/parking areas.

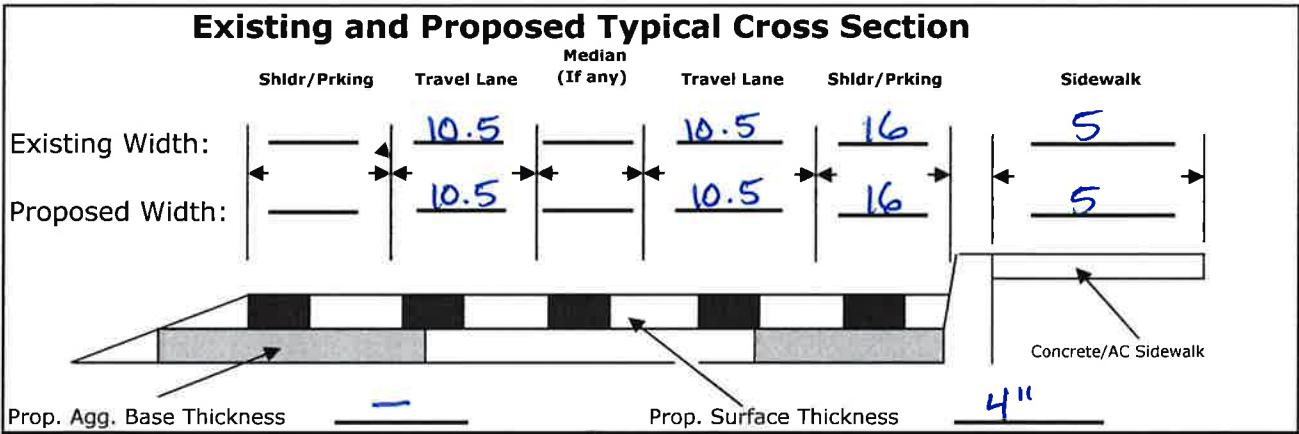
By: _____	Date: _____
Mayor	
By: _____	Date: _____
City Recorder	
By: _____	Date: _____
City Administrator	

Special City Allotment (SCA) Application

CITY OF Dayton DATE 7-17-17

STREET NAME 5th street FROM Church St. TO Ash Street.
 (Attach map showing project limits.)

Project Length	Est. Project Cost	Avg. Daily Cars (Current)	Avg. Daily Trucks (Current)
<u>647 ft.</u>	\$ <u>35,000</u>	<u>500</u>	<u>20</u>



Pavement

Surface Type AC
 Existing: AC
 Proposed: AC
 Proposed Thickness: 4"

Storm Sewer

Existing (Y/N): N
 Proposed (Y/N): N
 Pipe Diameter: _____
 Pipe Length: _____

Adjustments:

Inlets #: _____
 Manholes #: _____
 Pipes #: _____

Right-of-Way

Existing Width: 70 ft.
 Adequate? (Y/N): Y
 Proposed Width: _____

Left Side Right Side

Sidewalks

Existing (Y/N):	<u>Y</u>	<u>N</u>
Prop. (Y/N):	<u>N</u>	<u>N</u>
Proposed Length:	_____	_____
Proposed Width:	_____	_____

Curbs

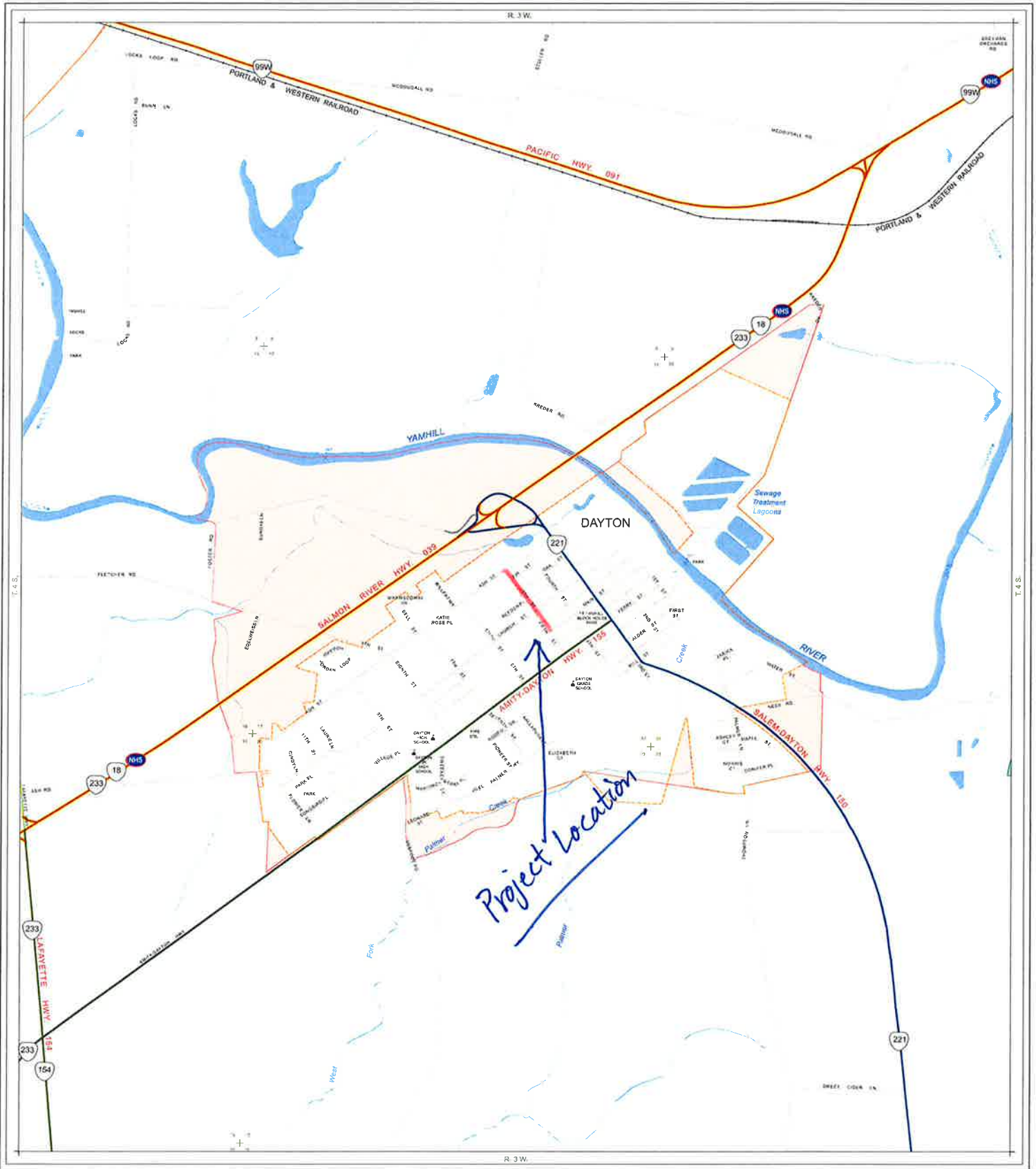
Existing (Y/N):	<u>N</u>	<u>N</u>
Prop. (Y/N):	_____	_____
Length:	_____	_____
Type:	_____	_____

Bridge

Name & Bridge #: _____
 Length: _____
 Width: _____
 Type of Structure: _____
 Sufficiency Rating #: _____
 Name of Stream: _____

Remarks: This street section would include 2 new pedestrian ramps at the Church St. and 5th Street crossing and 2 new pedestrian ramps at the Oak St. and 5th St. crossing.

By: _____	Date: _____
Mayor	
By: _____	Date: _____
City Recorder	
By: _____	Date: _____
City Administrator	



LEGEND

FUNCTIONAL CLASSIFICATION

STATE AVERTEMENT

OTHER

INTERSTATE

PRINCIPAL ARTERIAL

MINOR ARTERIAL

MAJOR COLLECTOR

MINOR COLLECTOR

LOCAL ROAD

NATIONAL HIGHWAY SYSTEM ROUTE

CITY LIMIT

URBAN GROWTH BOUNDARY

RAILROAD - AMTRAK/PASSENGER STATION

RAILROAD - FREIGHT - ROOST STOP/CAPLE

RAILROAD - PASSENGER STATION

PUBLIC BUILDING

COURTHOUSE

HOSPITAL

CITY HALL

ARMORY

POST OFFICE

SCHOOL

LIBRARY

SAFETY REFUG AREA

HEATH STATION

PARA-BUS STOP LOCATION

INTERCITY - CITY TRANSIT

COMMERCIAL - GENERAL AVENUE

PORT FACILITY

Published by

PREPARED DIGITALLY BY THE OREGON DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

NORTH

DAYTON POPULATION 2,590

T. 4 S. R. 3 W. W.M.

SCALE

0 500 1,000 2,000 Feet

0 150 300 600 Meters

OREGON TRANSPORTATION MAP

Showing Federal Functional Classification of Roads

City of

DAYTON

YAMHILL COUNTY

2016 Edition

AVAILABLE TRANSPORTATION SERVICES SHOWN WITH YELLOW BACKGROUND

AVAILABLE TRANSPORTATION SERVICES SHOWN WITH YELLOW BACKGROUND

To: Honorable Mayor and City Councilors

From: Scott Pingel, City Manager

Issue: 1st Reading of Ordinance 640 Food Trucks and Push Carts

Background Information: The City Council has been considering regulations for allowing food trucks in Dayton for several months. The City Council last provided direction and feedback to staff at the June 19, 2017 City Council meeting.

This ordinance is written to meet the City Council’s direction that the ordinance do the following:

- Include all County and State requirements for mobile food units and reference county and/or State code.
- 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).

As discussed before, if the Council does not want to allow for food trucks to locate on private property on any kind of semi-permanent basis, or if the council is undecided on how to regulate that type of situation, section 3.11.4 could be deleted from this ordinance and addressed at a later date.

Another issue to consider is that at this point, we have not required that the vendors for Friday Nights register their businesses with the City or have any kind of license. We have left it to the DCDA to ensure that food vendors have the appropriate food handler’s permit and any other necessary license through the County. Any food trucks or push cart vendors that were added to Friday Nights through this ordinance would need to register their business with the City and show proof of the necessary permits and licenses as a part of that process.

City Manager Recommendation: I recommend approval of the 1st Reading of Ordinance 640.

Potential Motion to Approve: “I move approval of the 1st Reading of Ordinance 640 An Ordinance Adding section 3.11 Food Trucks and Push Carts to the Dayton Municipal Code.”

City Council Options:

- 1 – Move approval of the 1st reading of Ordinance 640 as recommended.
- 2 – Move approval of the 1st reading of Ordinance 640 with amendments.
- 3 – Take no action and direct Staff to do more research and bring more options back to the City Council at a later date.

ORDINANCE NO. 640
CITY OF DAYTON

An Ordinance Adding Section 3.11 Food Trucks and Push Carts to the Dayton Municipal Code.

WHEREAS, the City Council desires to add Section 3.11 Food Trucks and Push Carts to the Dayton Municipal Code as attached is Exhibit A; and

WHEREAS, the City Council considered said additions in a public meeting on June 19, 2017 and July 17, 2017; and

WHEREAS, on July 17, 2017, 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 of Dayton hereby adopts Ordinance 640; and

Section 2. The City Council adopts the additions of section 3.11 to 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 _____, 2017

Mode of Enactment:

Date of first reading:

Date of second reading:

_____ 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 one week before the first reading of the Ordinance.

Elizabeth Wytoski, Mayor

ATTEST: _____
Rochelle Roaden, City Recorder

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 whether on private property or within the public right-of-way, the operator is required to obtain the appropriate Mobile Food Unit License through the Yamhill County Health and Human Services Department and hold a current and valid Food Handlers Permit. All regulations per ORS Chapter 624 and OAR Chapter 333 shall apply. All regulations in the Mobile Food Unit Operation Guide developed by the Oregon Department of Human Services, which is available through the Yamhill County Health and Human Services Department shall apply.
- (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 and provide all required documentation per paragraph (a) above.
- (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) shall only be subject to the General Provisions in this section 3.11.2 of the Dayton Municipal Code as long as the food truck operator has permission from the property owner, and the food truck 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.

Insurance. It's What We Do.

life auto home
health business
employee benefits

June 30, 2017

Dayton City Councilors
Beth Wytoski, Mayor
Scott Pingle, City Manager



Re: Insurance Programs Stewardship Report
July 1, 2017 – June 30, 2018

I would like to thank you for your continued support of Hagan Hamilton as your Agent of Record for the insurance programs, effective July 1, 2016 for the following lines of coverage:

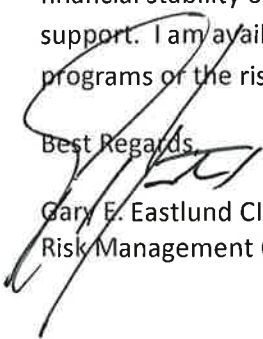
- PROPERTY/LIABILITY
- AUTO
- MECHANICAL BREAKDOWN
- WORKERS COMPENSATION

The proposed annual contribution for the CIS Package, not including the workers' compensation, is \$38,978 which is a few dollars less than the prior year contribution of \$38,984, and compares favorably with the average member increase of 3% to 5%.

The CIS workers' compensation renewal at \$13,468 up \$141 from last year's deposit premium of \$13,327. The NCCI rates were slightly less than last year and the projected payrolls are slightly higher than last year. These factors offset and resulted in a flat renewal. Your experience modification factor remains at 1.46. It will be important to monitor the city safety programs and work with the CIS loss control resources to start reversing this trend. The reduction of your experience modification factor will be the most effective cost saving tool available going forward.

In looking to the future, it is difficult to predict where the insurance premiums will be in the next few years. I am optimistic that our rates will remain static in the foreseeable future. The CIS program has maintained rate stability for Oregon members over the past 20 plus years and their commitment to the financial stability of this program is very strong. Thank you again for your past, present and future support. I am available to meet with the City leaders if they have any questions about the insurance programs or the risk management resources available through CIS.

Best Regards,


Gary E. Eastlund CIC ARM CRM
Risk Management Consultant

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