

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



DATE: MONDAY, AUGUST 20, 2018
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.	APPEARANCE OF INTERESTED CITIZENS	
This time is reserved for questions or comments from persons in the audience on any topic.		
D.	CONSENT AGENDA	
	1. Regular Session, May 7, 2018	1-4
	2. Regular Session, June 4, 2018	5-10
	3. Working/Special/Executive Session, June 18, 2018	11-18
E.	ACTION ITEMS	
	1. Safe Roads to School Grant Discussion/9 th to Flower Sidewalk Improvements	19-22
	2. Staffing Discussion/Approval of Interim City Manager Contract	
	3. Food Vendors/Special Events/Fee Discussion	23-29
F.	CITY COUNCIL COMMENTS/CONCERNS	
G.	INFORMATION REPORTS	
	1. City Manager's Report	
H.	ADJOURN	

Posted: 08.17.18
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 Meeting, Tuesday, September 4, 2018
City Hall Annex, 408 Ferry St, Dayton

MINUTES
DAYTON CITY COUNCIL
REGULAR SESSION
May 7, 2018

PRESENT: Mayor Elizabeth Wytoski
Councilor John Bixler
Councilor John Collins
Councilor Kitty Mackin
Councilor Trini Marquez
Councilor Nikki McGraw

ABSENT: Councilor Darrick Price

STAFF: Zoe Monahan, City Manager
Rochelle Roaden, City Recorder
Steve Sagmiller, Public Works Director

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Wytoski called the meeting to order at 7:15 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 McGraw. Mayor Wytoski noted the absence of Council President Darrick Price.

C. APPEARANCE OF INTERESTED CITIZENS

Linda Arndt, 1005 Ferry Street Unit 19, Dayton, Oregon, stated that several people from Country View Manor were with her tonight to talk about the parking along Ferry Street and the entrance to Country View Manor. She brought some photos with her and gave them to Zoe Monahan, City Manager, for review. Mayor Beth Wytoski stated that the City has been working for 3 or 4 years trying to get ODOT to make some improvements in this section of the State highway. She stated that the Council is very aware of the safety issues and will continue to be an advocate and to develop a plan to complete this project. Discussion continued.

Alicia Saucedo, 1005 Ferry Street Unit 28; Shari Staple, 1005 Ferry Street Unit 2; Emma Morales, 1005 Ferry Street Unit 25; and Angela Avalos, 1005 Ferry Street Unit 24, also concurred with Linda Arndt's statements.

D. ACTION ITEMS

1. Direction to Proceed with at Text Amendment to the Development Code

KITTY MACKIN MOVED TO DIRECT STAFF TO PROCEED WITH A TEXT AMENDMENT TO THE DEVELOPMENT CODE REGARDING SB 1051 (ADU) ACCESSORY DWELLING UNITS. SECONDED BY JOHN COLLINS. Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, and Wytoski voting aye. Price absent.

2. **Direction to Provide a Letter of Support for the Green Cities Project Addressing the Dayton Footbridge**

Zoe Monahan, City Manager, stated that one of the Council goals is to move forward with an opportunity to fix the Footbridge. In looking at other options to fund the project, she suggests that the City have a vision for this area so that we can market the repairs for grant funding. The DLCD recommended that we look at a University of Oregon program that would use us as a case study project where we can select the research topics. Then the DLCD would provide us with \$1,000 grant funding in order to get the deliverables that the professor would prepare. Discussion continued.

John Collins stated he is concerned that the direction is changing from the original discussion about what the bridge needs and we are putting off the urgent issues, which are safety issues. Steve Sagmiller, Public Works Director, stated that there is already a plan in place and an inspection is scheduled for the next couple of weeks. John Collins asked if it is possible to use TLT funds to help pay for the repairs to the bridge. Discussion continued.

KITTY MACKING MOVED TO AUTHORIZE THE MAYOR TO SUBMIT A LETTER OF SUPPORT ON BEHALF OF THE CITY COUNCIL TO PARTICIPATE IN THE GREEN CITIES PROGRAM WITH THE UNIVERSITY OF OREGON AND RECEIVE FUNDS FROM DLCD FOR THE PROJECT. SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw and Wytoski voting aye. Price absent.*

E. **CITY COUNCIL COMMENTS AND CONCERNS**

Kitty Mackin asked Steve if the drop box ever got fixed in the Library, which is missing a hinge. Steve stated that it has not been fixed to his knowledge. Kitty also stated that there are some brand new curb ramps in Dayton, but the condition of the street from the chip seal leading up to the curb ramps is pathetic and she wants to know if there anything that can be done? She stated that the ramps around the park are particularly bad and a little dangerous. Mayor Wytoski recommended that she call ODOT and issue a formal complaint.

John Collins wanted to know where the City stands on the water issue from the last City Council meeting. He asks as a City will we accept City of Lafayette's City Manager Preston's answer to the water loss, that it is a paper loss. Zoe Monahan stated that we have reached out to the City of Lafayette to have regular check-ins so this will hopefully improve our communications. She stated that then she will know a bit more of where are systems are at. She stated that she doesn't think that the City will be going back and telling them that we don't accept the information that they are providing to us, without providing additional information. We do not monitor their system, we monitor our system. Going forward both cities are committed to make sure we conserve our water. Discussion continued.

John Collins inquired about the status of the people who are on Ash Street and renting out their property illegally for the past 9 or 10 months. Mayor Wytoski stated that it is still listed. She stated that Scott had sent a cease and desist notice several months ago, but she is not sure if there has been further action. John stated that he hopes we will follow up on this issue and enforce the laws that the Council has put in place. He also stated that Scott Davison has a rental listed on Air B&B and he wants to make sure that he is running that legally. Rochelle Roaden, City Recorder, reviewed TLT payments that had been made by the rental on Ash Street.

John noted that he is the Council Representative for the DCDA and he would like everybody to know that the bands are coming together for the Dayton Friday Nights and there will be improvement in some of the vendors. The Permit for the street closure has been obtained. He asked what the status was on some of the bad benches in the Park. Steve Sagmiller stated that Public Works will put as many back together as possible. Mayor Wytoski asked about the benches that were made by the FFA and that if new benches were needed the FFA only charged \$100 per bench. John Collins said that it would be nice if the bad parts of the Bandstand could be painted, maybe get some volunteers to help. Steve stated that the City would provide the paint.

Mayor Wytoski stated that in the Community Center there are some nasty cobwebs and a good cleaning is needed.

F. INFORMATION REPORTS

1. City Manager's Report

Zoe Monahan updated the council on up-coming meeting dates and reviewed the progress of the sewer lagoons, sewer project and the 9th Street Lift Station. She also reviewed the progress of the Church Street Overlay Project and the two open job recruitments.

G. ADJOURN

There being no further business, the meeting adjourned at 8:23 pm.

Respectfully submitted:

By: Rochelle Roaden
City Recorder

APPROVED BY COUNCIL on August 20, 2018.

As Written As Amended

Elizabeth Wytoski, Mayor

MINUTES
DAYTON CITY COUNCIL
REGULAR SESSION
June 4, 2018

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

STAFF: Zoe Monahan, City Manager
Rochelle Roaden, City Recorder
Steve Sagmiller, Public Works Director

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Wytoski called the meeting to order at 6:32 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, McGraw and Price.

C. PUBLIC HEARINGS

Mayor Wytoski opened the Public Hearing at 6:33 pm and stated the City Council will hold a public hearing to obtain citizen input on a proposed sewer rate increase.

No one signed up to comment.

Mayor Wytoski closed the Public Hearing at 6:34 pm.

Mayor Wytoski opened the Public Hearing at 6:35 pm and stated that the City Council will hold a public hearing to obtain citizen input on the budget for the fiscal year beginning July 1, 2018 as approved by the City of Dayton Budget Committee.

No one signed up to comment.

Mayor Wytoski closed the Public Hearing at 6:36 pm.

Mayor Wytoski opened the Public Hearing at 6:36 pm and stated that 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 2018/19 Budget.

No one signed up to comment.

Mayor Wytoski closed the Public Hearing at 6:37 pm.

D. APPEARANCE OF INTERESTED CITIZENS

Jean Putman, 109 Commerce Street, Dayton, Oregon, presented theme ideas for the Old Timer's Weekend/Parade; 1) It's 5 o'clock somewhere; 2) Island Dreams; 3) Tropical Sunset; & 4) Sunset over the Vineyards.

John Frances, 112 Melliner Place, Dayton, Oregon, represented Your Community Mediators for Marlana Bertrum, to advocate continued funding to support the YCM. Caye Poe advised the Council on what is new with YCM in the county as well as in Dayton.

Darrick Price, 521 Ferry Street, Dayton, Oregon, representing Housing People, spoke to the Council about an opportunity to partner with the US Department of Agriculture to provide affordable mortgages for low income families. They have created a small non-profit and have been certified with USDA to help families get into new homes.

E. CONSENT AGENDA

- 1. Approval of Meeting Minutes**
 - a. Regular Session, November 6, 2017**

DARRICK PRICE MOVED TO APPROVE THE MINUTES OF THE REGULAR SESSION OF NOVEMBER 6, 2017, AS WRITTEN. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

F. CITY/COUNTY TOWNHALL DISCUSSION

No discussion.

G. ACTION ITEMS

- 1. Your Community Mediators Donation Request**

Mayor Wytoski stated that Your Community Mediators is asking for \$4800 which is almost all of the amount available to give. Discussion continued.

KITTY MACKIN MOVED TO APPROVE A DONATION TO YOUR COMMUNITY MEDIATORS OF YAMHILL COUNTY IN THE AMOUNT OF \$2,000 FROM THE CURRENT FISCAL YEAR BUDGET AS AMENDED. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

- 2. Homeward Bound Donation Request**

Marcy McDowel 1758 NW Meadows, McMinnville, Oregon, and Georgann Percival, 629 SW Westview, McMinnville, Oregon, spoke on behalf of the Homeward Bound Pet fund request and gave an overview of the past year. Discussion followed.

DARRICK PRICE MOVED TO APPROVE A DONATION TO HOMEWARD BOUND PETS IN THE AMOUNT OF \$633 FROM THE FISCAL YEAR 2017/2018 AND \$867 FROM FISCAL YEAR 2018/2019 TOTALING \$1,500 AS AMENDED. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

3. **YCTA Donation Request**

Cynthia Thompson, Transit Manager for Yamhill County Transit, 531 5th Street, McMinnville, Oregon, presented the 2018 funding request for \$3,054. Discussion followed.

JOHN COLLINS MOVED TO APPROVE A DONATION TO YAMHILL COUNTY TRANSIT AUTHORITY IN THE AMOUNT OF \$1,500 IN THE 2018/19 FISCAL YEAR TO BE PAID FROM THE LINE ITEM SPECIFIED FOR YTCA AS AMENDED. SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

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

Dave Larmonth, Recology Western Oregon, 1850 NE Lafayette Ave, McMinnville, Oregon, presented the proposed 3.5% rate increase for sewer services. Discussion followed.

JOHN COLLINS MOVED TO MOVE THE DISCUSSION OF THE PROPOSED RECOLOGY WESTERN OREGON RATE INCREASE TO THE JUNE 18, 2018, SPECIAL SESSION MEETING. SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

5. **Approval of Resolution 17/18-13 Police Services**

Zoe Monahan explained that there is an increase of about \$300 with the rest of the contract being the same as prior years.

DARRICK PRICE MOVED TO APPROVE RESOLUTION 2017/18-13 A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN YAMHILL COUNTY AND THE CITY OF DAYTON FOR POLICE SERVICES FOR FY 2018/19. SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

6. **Approval of Resolution 17/18-14 5th Street Overlay and Small Cities Allotment**

Zoe Monahan reviewed the changes to the Small Cities Allotment.

DARRICK PRICE MOVED TO APPROVE AUTHORIZING THE CITY MANAGER TO SIGN THE 2018 SMALL CITIES ALLOTMENT AGREEMENT AND ACCEPT THE GRANT ALLOCATION OF \$50,000. SECONDED BY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

7. **Approval of Resolution 17/18-15 9th Street Lift Station**

Zoe Monahan reviewed the need for a public utility and access easement with the Dayton School District for the 9th Street Lift Station and asked for permission to enter into those negotiations. Discussion followed.

JOHN COLLINS MOVED TO AUTORIZE THE CITY MANAGER TO NEGOTIATE A PUBLIC UTILITY AND ACCESS EASEMENT WITH THE DAYTON SCHOOL DISTRICT FOR THE 9TH STREET LIFT STATION PROJECT. SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

8. **Approval of Resolution 17/18-16 DLCD Housing Assistance**

Zoe Monahan reviewed the DLCD Housing Grant Assistance Program and recommended a housing needs assessment. Discussion followed.

DARRICK PRICE MOVED TO AUTHORIZE THE MAYOR TO SIGN DLCD REQUEST FOR ASSISTANCE: OREGON HOUSING PLANNING PROJECT APPLICATION FOR A HOUSING NEEDS ASSESSMENT. SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

9. **Approval of Resolution 17/18-17 Sewer Rate Increase**

Zoe Monahan discussed the need to raise the sewer rates and recommended a two dollar increase. Discussion followed.

DARRICK PRICE MOVED TO APPROVE RESOLUTION 17/18-17 A RESOLUTION APPROVING THE SEWER SERVICE MONTHLY RATE SCHEDULE. SECONDED BY JOHN BIXLER.
Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.

10. Approval of Resolution 17/18-18 Joint Mayor’s Letter Regarding Building Code Division Decision

Zoe Monahan reviewed the regulations regarding the Building Codes Division (BCD) decision. Mayor Wytoski added that building codes decision could affect future contracting services.

JOHN BIXLER MOVED TO APPROVE RESOLUTION 17/18-18 AUTHORIZING THE MAYOR TO ADD HER SIGNATURE TO THE JOINT MAYOR’S LETTER TO ENCOURAGE THE GOVERNOR TO INTERVENE AND TO REPEAL THE EMERGENCY RULES REGARDING THE BUILDING CODES DIVISION (BCD) DECISION. SECONDED BY TRINI MARQUEZ.
Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.

11. 2018 Water Discussion

Zoe Monahan stated that the City of Lafayette will be going on water restrictions and due to low water levels, she is recommending that the City of Dayton go on Grade 1 water restrictions as of July 2nd. Discussion continued. Zoe Monahan advised that she would be putting water conservation information out to the community.

H. CITY COUNCIL COMMENTS AND CONCERNS

No council comments.

I. INFORMATION REPORTS

1. City Manager’s Report

Zoe Monahan reviewed the progress of on-going City projects.

J. ADJOURN

There being no further business, the meeting adjourned at 9:29 pm.

Respectfully submitted:

By: Rochelle Roaden
City Recorder

APPROVED BY COUNCIL on August 20, 2018.

As Written **As Amended**

Elizabeth Wytoski, Mayor

MINUTES
DAYTON CITY COUNCIL
WORK/SPECIAL/EXECUTIVE SESSION
June 18, 2018

PRESENT: Mayor Elizabeth Wytoski
Councilor John Bixler
Councilor John Collins
Councilor Kitty Mackin
Councilor Trini Marquez (*arrived at 6:38 pm*)
Councilor Nikki McGraw
Councilor Darrick Price

STAFF: Zoe Monahan, City Manager
Patty Ringnalda, City Clerk
Steve Sagmiller, Public Works Director
Lisa Brosnan, City Planner

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Wytoski called the meeting to order at 6:33 pm and those present gave the Pledge of Allegiance.

B. ROLL CALL

Mayor Wytoski noted there was a quorum with Councilors Bixler, Collins, Mackin, McGraw and Price, she also noted the absence of Councilor Marquez.

C. PUBLIC HEARINGS

Mayor Wytoski opened the Public Hearing at 6:34 pm and stated the City Council will hold a public hearing to obtain citizen input on a Plan Text Amendment to allow Accessory Dwelling Units in a R-1 Zone. Mayor Wytoski noted that there were no conflicts or bias to declare from the Council.

Lisa Brosnan, City Planner summarized the Staff Report and Exhibit B outlining the changes. She also reviewed the addition of “Places of Worship” language added to the Code.

No one signed up to comment.
Mayor Wytoski closed the Public Hearing at 6:47pm.

D. APPEARANCE OF INTERESTED CITIZENS

No one signed up to comment.

E. CONSENT AGENDA

1. Approval of Regular Session, November 6, 2017
2. Approval of Special/Executive Session, December 11, 2017
3. Approval of Special/Executive Session, December 18, 2017
4. Approval of Regular/Executive Session, January 8, 2018
5. Approval of Special/Executive Session, January 22, 2108

KITTY MACKIN MOVED TO APPROVE THE CONSENT AGENDA AS AMENDED. SECONDED BY JOHN BIXLER. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

F. ACTION ITEMS

1. First Reading of Ordinance 642 Development Code Amendment-ADU

Kitty Mackin gave the first reading of Ordinance 642.

DARRICK PRICE MOVED TO APPROVE THE FIRST READING OF ORDINANCE 642 AN ORDINANCE AMENDING THE DAYTON DEVELOPMENT CODE, CHAPTER 7 OF THE DAYTON MUNICIPAL CODE, RELATED TO ACCESSORY DWELLING UNITS AND RESIDENTIAL USES ON RESIDENTIAL PROPERTIES OCCUPIED BY HOUSES OF WORSHIP, AND DECLARING AN EMERGENCY. SECONDED BY JOHN BIXLER. *Motion defeated with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting nay.*

MAYOR WYTOSKI MOVED THAT THE FIRST ACTION ITEM BE APPROVAL OF ORDINANCE 642 AN ORDINANCE AMENDING THE DAYTON DEVELOPMENT CODE, CHAPTER 7 OF THE DAYTON MUNICIPAL CODE, RELATED TO ACCESSORY DWELLING UNITS AND RESIDENTIAL USES ON RESIDENTIAL PROPERTIES OCCUPIED BY HOUSES OF WORSHIP, AND DECLARING AN EMERGENCY. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

Approval of Ordinance 642 Development Code Amendment-ADU

John Collins made suggestions to the accessory dwelling unit language. Discussion followed.

DARRICK PRICE MOVED TO APPROVE THE LAND USE AND DEVELOPMENT ADMENDMENT AND ADOPT THE FINDINGS AS CONTAINED IN THE STAFF REPORT AS MODIFIED BY THE CITY COUNCIL. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

Kitty Mackin gave the first reading of Ordinance 642.

DARRICK PRICE MOVED TO APPROVE THE FIRST READING OF ORDINANCE 642 AN ORDINANCE AMENDING THE DAYTON DEVELOPMENT CODE, CHAPTER 7 OF THE DAYTON MUNICIPAL CODE, RELATED TO ACCESSORY DWELLING UNITS AND RESIDENTIAL USES ON RESIDENTIAL PROPERTIES OCCUPIED BY HOUSES OF WORSHIP, AND DECLARING AN EMERGENCY. SECONDED BY JOHN BIXLER. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting nay.*

2. **Approval of Resolution 17/18-18 Authorizing Year End Transfers**

Zoe Monahan stated there were no new changes from the 17/18 budget.

JOHN COLLINS MOVED TO APPROVE RESOLUTION 17/18-18 A RESOLUTION AUTHORIZING YEAR END TRANSFERS OF FUNDS FOR FISCAL YEAR 2017/2018 BUDGET. SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

3. **Approval of Resolution 17/18-19 Election to Receive State Revenues**

DARRICK PRICE MOVED TO APPROVE RESOLUTION 17/18-19 CITY OF DAYTON'S ELECTION TO RECEIVE STATE REVENUES FOR FISCAL YEAR 2018/2019 AS AMENDED. SECONDED BY JOHN BIXLER. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

4. **Approval of Resolution 17/18-20 Adopting FY2018/19 Budget**

Zoe Monahan reviewed the changes to the budget approved by the Budget Committee. Discussion followed.

DARRICK PRICE MOVED TO APPROVE RESOLUTION 2017/18-20 A RESOLUTION ADOPTING THE CITY OF DAYTON BUDGET FOR FISCAL YEAR 2018/2019; MAKING APPROPRIATIONS; AND CATEGORIZING AND LEVYING AD VALOREM TAXES. SECONDED BY KITTY MACKIN. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

5. **Approval of Resolution 17/18-21 CCRLS Agreement**

Zoe Monahan reviewed the 5 year contract and the proposed updates. Discussion followed.

KITTY MACKIN MOVED TO APPROVE RESOLUTION 17/18-21 A RESOLUTION APPROVING AMENDMENT #05 OF THE INTERGOVERN-MENTAL AGREEMENT BETWEEN CHEMEKETA COMMUNITY COLLEGE AND THE CITY OF DAYTON FOR THE CHEMEKETA COOPERATIVE REGIONAL LIBRARY SERVICE (CCRLS) FOR A 5 YEAR PERIOD ENDING IN 2023. SECONDED BY JOHN COLLINS. Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.

6. **Approval of 9th Street Lift Station Modified Scope and Budget**

Zoe Monahan stated that this is a request to ask for approval to modify the scope and budget for the 9th Street Lift Station. Discussion Followed.

JOHN COLLINS MOVED TO ACCEPT THE MODIFED SCOPE OF WORK WITH GPEC FOR THE GROUND AND ELECTRICAL WORK FOR \$36,255 WITH A CONTINGENCY OF 10% FOR A TOTAL OF \$39,880.50. SECONDED BY DARRICK PRICE. Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.

7. **Approval of 9th Street Lift Station Upgrade**

Zoe Monahan discussed Phase II of the project to add a building to house the controls. Discussion followed.

DARRICK PRICE MOVED TO APPROVE OF PURCHASE OF THE CONTROL BUILDING AND CONTROLS FOR THE 9TH STREET LIFT STATION FROM FLYGT, A SOLE SOURCE PROVIDER, FOR \$57,114.65 WITH A CONTINGENCY OF 10% FOR A TOTOAL OF \$62,826. SECONDED BY JOHN BIXLER. Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.

8. **Approval of Approval of Breyman Reservoir Maintenance Contract**

Zoe Monahan reviewed the Breyman reservoir maintenance contract Discussion followed.

DARRICK PRICE MOVED TO APPROVE ENTERING INTO A MAINTENANCE CONTRACT WITH SUEZ FOR UPGRADES AND MAINTENANCE OF THE BREYMAN CONCRETE RESERVOIR. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

9. Approval of Lagoon Aeration

Steve Sagmiller, Public Works Director, reviewed the request to add aeration to sewer lagoon 3. He further stated that this is Phase I of a 3 Phase plan. Discussion followed.

DARRICK PRICE MOVED TO APPROVE INTRODUCING AERATION INTO SEDIMENTATION POND 3 IN FISCAL YEAR 2018-2019 AT A COST NOT TO EXCEED \$49,438. SECONDED BY JOHN BIXLER. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

10. Approval of Resolution 17/18-22 Planning Services for FY2018/19

Zoe Monahan reviewed the contract for renewal of planning services for the City of Dayton.

KITTY MACKIN MOVED TO APPROVE RESOLUTION 2017/18-22 A RESOLUTION APPROVING A CONTRACT FOR LAND USE PLANNING SERVICES WITH THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS, JULY 1 THROUGH JUNE 30, 2019. SECONDED BY TRINI MARQUEZ. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

11. Approval of Resolution 17/18-23 MOU with DCDA

Zoe Monahan reviewed the proposal to use the remaining \$8,000 of the certified local government grant to be use for a professional assessment of the historic gas station located at 216 Ferry Street and enter into a memorandum with the DCDA.

Judy Gerrard, 305 Main Street Dayton, Oregon, and Kelly Haverkate, 523 Ash Street, Dayton, Oregon, were in attendance as representatives of the DCDA and answered questions from the Council. Discussion Followed.

KITTY MACKING MOVED TO APPROVE RESOLUTION

2017/18-23 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DAYTON COMMUNITY DEVELOPMENT ASSOCIATION FOR THE USE OF CERTIFIED LOCAL GOVERNMENT FUNDS. SECONDED BY JOHN COLLINS. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

12. Approval of Recology Western Oregon Proposed Rate Increase

Zoe Monahan discussed the proposal for a rate increase for garbage services from Recology. Discussion followed.

KITTY MACKIN MOVED TO APPROVE THE PROPOSED RATE INCREASE OF 3.5% AS PROPOSED BY RECOLOGY WESTERN OREGON. SECONDED BY DARRICK PRICE. *Motion carried with Bixler, Collins, Mackin, Marquez, McGraw, Price and Wytoski voting aye.*

G. FOOTBRIDGE DISCUSSION

Zoe Monahan reviewed the proposed fencing to the Footbridge and the costs associated with it. She also stated that the City has requested an inspection of the bridge and the report for that inspection should be back within the next two weeks. Discussion followed.

H. WATER DISCUSSION

Zoe Monahan reviewed the meeting that she had with Lafayette regarding the shared water source. Steve Sagmiller answered questions from the Council. Water restriction grades were discussed and further discussion was tabled until a future work session. Discussion followed.

Mayor Wytoski excused Councilor Price from the Executive Session based on a potential conflict of interest.

Mayor Wytoski closed the Regular Session at 9:00 pm and stated Council would move into Executive Session pursuant to ORS 192.660(2)(e) to deliberate with persons designated by the City to negotiate real property transactions.

Mayor Wytoski closed the Executive Session at 9:14 pm and moved back into the Regular Session.

I. CITY COUNCIL COMMENTS AND CONCERNS

Trini Marquez stated that the covered picnic structure roofing looks bad and there are no gutters. She further stated that the handicapped picnic tables in the Park are bent. She inquired about street sweeping.

John Collins stated that Friday Nights are going well.

Mayor Wytoski updated the Council regarding the activities for the up-coming Old Timers Weekend.

J. INFORMATION REPORTS

1. City Manager's Report

Zoe Monahan reviewed up-coming meeting dates with the Council.

K. ADJOURN

There being no further business, the meeting adjourned at 9:29 pm.

Respectfully submitted:

APPROVED BY COUNCIL on August 20, 2018.

As Written As Amended

By: Rochelle Roaden
City Recorder

Elizabeth Wytoski, Mayor

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, Interim City Manager
Issue: Safe Routes to School Grant Discussion/9th to Flower Sidewalk Improvements

Background and Information

With the passing of HB2017 by the Oregon Legislature, the Safe Routes to School Program received funding for infrastructure projects to deal with safety issues for students walking and biking to/from school. The first grant cycle is currently open with a Letter of Intent (LOI) due September 15th and application due October 15th. Several entities are able to apply including cities, counties, tribes, transit districts, ODOT, and other road entities.

The Mayor and I met with Jenna Berman, Region 2, Active Transportation Liaison, ODOT, last week to get a better understanding of the program in regards to our 9th to Flower Sidewalk Improvement project. Jenna informed us that ODOT would like to be the agency that submits for grant funding for this project.

At this point, I just need to know if Council supports allowing ODOT to pursue the grant on our behalf. If Council supports this direction, Jenna will need to submit the LOI by September 15th. For the application due in mid-October, we will need letters of support from the School District, Yamhill County Sheriff's Department, and residents living on Ferry Street from 9th to Flower.

Safe Routes to School Infrastructure Program Guidelines 2019-2020

Chapter 1: Organization and Overview

A successful Safe Routes to School (SRTS) Program requires six components: education, encouragement, engineering, enforcement, evaluation, and equity. The Oregon Department of Transportation addresses these components with an infrastructure program and a non-infrastructure program. This document address the Oregon Safe Routes to School Infrastructure Program (engineering) only. Go to <http://www.oregon.gov/ODOT/Programs/Pages/SRTS.aspx> to learn more about Oregon’s Non-infrastructure Program. The Safe Routes to School Program is guided by Oregon Revised Statute (ORS) 184.740 to 184.742 and Oregon Administrative Rule (OAR) 737-025-0010 through 737-025-0093.

This document is intended to provide information for prospective applicants of Safe Routes to School Infrastructure Grants funded through the Safe Routes to School Fund.

ORGANIZATION

Information on each Grant Program is provided in this document, with a focus on the Competitive Grants. The Guidelines are organized into four chapters, including:

Chapter 1: Organization and Overview

Chapter 2: Competitive Grant Program

Sub-Chapter 2A: Competitive Grant Program Eligible Entities

Sub-Chapter 2B: Competitive Grant Program Project Application Process

Sub-Chapter 2B: Competitive Grant Program Project Selection

Sub-Chapter 2D: Competitive Grant Program Project Delivery and Agreements

Sub-Chapter 2E: Competitive Grant Performance Measures and Evaluation

RESERVED Chapter 3: Rapid Response Grant Program

RESERVED Chapter 4: Project Identification Program

PROGRAM DESCRIPTION

The Safe Routes to School Infrastructure Program is divided into three types of grants:

1. **Competitive Grants:** 87.5 percent or more of Safe Routes to School funds will be set aside to build street safety projects to reduce barriers and hazards for children walking or bicycling to or from schools. Funds will be distributed through an application-based, competitive, process every two years.
2. **Rapid Response Grants:** Between selection cycles for Competitive Grants, up to 10 percent of funds will be available for urgent needs or systemic safety issues. Funds will be distributed through an application-based process on a first-come, first-serve basis for projects meeting set eligibility requirements. Eligibility requirements are currently under development.
3. **Project Identification Grants:** Up to 2.5 percent of funds will be used by the Oregon Department of Transportation to help communities identify projects that reduce barriers and hazards for children walking or bicycling to and from school and that will lead to eventual construction. A process for applying for and distributing funding is currently under development.

Grant cycles will be every two years starting in 2019. The table below shows the rough amount available for the first three funding cycles, shown by grant type.

Funding Cycle	Competitive Grants	Rapid Response Grants	Project Identification Grants	TOTAL
2019-2020	\$ 16,038,750	\$ 1,833,000	\$ 458,250	\$ 18,330,000
2021-2022	\$ 26,250,000	\$ 3,000,000	\$ 750,000	\$ 30,000,000
2023-2024	\$ 26,250,000	\$ 3,000,000	\$ 750,000	\$ 30,000,000

All subsequent funding cycles will be determined by the Safe Routes to School Advisory Committee in consultation with the Safe Routes to School Infrastructure Program Manager.

ROLES AND RESPONSIBILITIES

Position	Role
Safe Routes to School Infrastructure Program Manager	Responsible for the overall management, oversight, and direction of Safe Routes to School Program. Primary point of contact for Safe Routes to School infrastructure funding, policy, performance reporting, and legislative issues. Approves Safe Routes to School project eligibility including project amendments.
Public Agencies	LPAs like city, county, tribes, transit districts, ODOT regions (including ODOT area Managers), and other road authorities are responsible for preparing and submitting applications for their projects and delivering each project according to the awarded grant.

Safe Routes to School Advisory Committee	Responsible for setting program criteria, guiding selection cycles, ranking projects and recommending projects for funding to the Oregon Transportation Commission.
Oregon Transportation Commission	Decision-making body responsible for reviewing recommended projects and ultimate decision on which projects to fund.

To: Honorable Mayor and City Councilors

From: Rochelle Roaden, Interim City Manager

Issue: Food Vendor/Special Events/Fee Discussion

Background Information:

With the occurrence of a few special events this summer, it became apparent that further clarification is needed regarding temporary vendors selling food who are not in a food truck or a push cart. Currently our code does not recognize this type of food vendor and what is required of them i.e., business registration, licensing, etc. And, should all temporary vendors be a registered business with the City as food trucks and push carts are required to under 3.11.2(b)? Or, is it Council's intention that the Special Event coordinator will make sure each "temporary merchant" selling food has obtained all the necessary licensing through the county?

Additionally, under 3.11.3(b)(1) Food Trucks in the Public Right-of-Way, an application and application fee are required but no fee has been established. Is it Council's intention to charge a fee for these types of permits? I would like to note that considerable amount of staff time can be used for follow-up to make sure permit applicants are in compliance.

1994 Municipal Code of Dayton, Oregon

CHAPTER 3 - BUSINESS REGULATIONS

3.11 FOOD TRUCKS AND PUSH CARTS *(Added ORD 640, Effective 11/02/17)*

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 a 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.
 - (b) Food or beverage services associated with private parties on private property where the general public is not invited.
- (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 transporting, 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. The Mobile Food Unit License must be displayed at all times, and written permission from the property owner must be available on site.
- (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 the Public (P) zone 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 fourteen (14) days or fewer 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). This temporary use of food trucks shall only be allowed in the Commercial (C), Commercial Residential (CR), Industrial (I), and Public (P) zones.

- (e) 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 at least one receptacle for every food truck. Where the food truck operator proposes to provide an outdoor seating area a minimum of at least one twenty-gallon trash receptacle and one twenty-gallon recycle receptacle shall be provided in the common seating area.

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 public right-of-way in or contiguous to the Commercial (C), Commercial Residential (CR), Industrial (I), 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. No seating may be provided by food trucks operating in the public right-of-way.
- (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 directly 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 not 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 on property not in the public right-of-way. A food truck that is situated on one lot for more than fourteen (14) days in any calendar year 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 shall not exceed twenty-six (26) feet in length, not including the trailer hitch, or be greater than two hundred sixty (260) square feet.
3. 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.
4. All seating areas shall be located on the subject property at least ten (10) feet from a food truck.
5. 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.
6. Food trucks shall provide adequate vision clearance as required by Section 7.2.308.08.
7. 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.
8. 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.
9. Trucks shall remain at least ten (10) feet away from other food trucks, buildings and parking stalls.
10. 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.

(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 the Dayton Municipal Code. 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.