

MINUTES
DAYTON CITY COUNCIL
Regular Session
October 7, 2024

PRESENT: Mayor Annette Frank
Councilor Drew Hildebrandt
Councilor Scott Hover
Councilor Kitty Mackin
Councilor Chris Teichroew

ABSENT: Council President Luke Wildhaber
(unexcused)
Councilor Jim Maguire
(excused)

STAFF: Cyndi Park, Interim City Manager
Rocio Vargas, City Recorder
Dave Rucklos, Tourism & Economic Development Director
Don Cutler, Public Works Supervisor
Curt Fisher, City Planner

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Annette Frank called the meeting to order at 6:30 pm and all those present gave the Pledge of Allegiance.

B. ROLL CALL

Mayor Annette Frank noted that councilors Hildebrandt, Hover, Mackin and Teichroew were present in person. Noted that Councilor Maguire was absent excused. Council President Wildhaber was absent unexcused.

C. APPEARANCE OF INTERESTED CITIZENS

Darrick Price, 521 Ferry Street, with Green Spark Homes presented the City Council with a memo referencing the property on 8th and Main. He explained the water drainage situation with the existing house (711 Main St.) next to the new home (721 Main St.) that he and his clients Greg White and Nathan Zook are building. Mr. Price stated that they have completed all the requirements and conditions given to them by the city on their building permit. He stated that there was a complaint from the neighbors regarding the water draining properly from their home since the construction occurred. Mr. Price stated that he looked over and noticed that the water accumulated on the ground from the gutters, which were not connected to the city stormwater. He stated that he went to the neighbors and told them what the issue was and explained a solution. Mr. Price stated that he received an email from the city stating that they(contractors)

needed to add the drainage system for the existing house per City Engineer. He stated that the city issued a temporary occupancy permit to put in the storm drainage system within 60 days for the existing house. Mr. Price state that he wants the City Attorney to review his argument because he believes the city is in violation to ORS 92.040.

Greg White, 14570 SE Palmer Creek, 721 Main St owner, stated that Mr. Price explained the situation and wanted to add that with by adding the storm drainage system required by code would dimmish the value of his property, because in the future an owner may not be able to add an RV pad.

D. CONSENT AGENDA

1. September 3, 2024, Regular Session Minutes

DREW HILDEBRANDT MOVED TO APPROVE THE SEPTEMBER 3, 2024, REGULAR SESSION MINUTES. SECONDED BY CHRIS TEICHROEW. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

E. ACTION ITEMS

1. Resolution 2024/25-05 Proclaiming Oct. 20th through Oct. 26th, to be the 27th Annual National Hands & Words are not for Hurting Week

KITTY MACKIN MOVED TO APPROVE RESOLUTION 2024/25-05 PROCLAIMING OCT. 20TH THROUGH OCT. 26TH, TO BE THE 27TH ANNUAL NATIONAL HANDS & WORDS ARE NOT FOR HURTING WEEK. SECONDED BY SCOTT HOVER. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

2. Second Reading and Adoption of Ordinance 661 Amending Chapter 7.4.1 of the DLUDC

Councilor Mackin preformed the second reading of Ordinance 661 Amending Chapter 7.4.1 of the DLUDC by title only.

DREW HILDEBRANDT MOVED TO APPROVE THE SECOND READING OF ORDINANCE 661 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING CHAPTER 7.4.1 OF THE DLUDC BY TITLE

ONLY. SECONDED BY SCOTT HOVER. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

DREW HILDEBRANDT MOVED TO ADOPT ORDINANCE 661 AMENDING CHAPTER 7.4.1 OF THE DLUDC OF THE DAYTON MUNICIPAL CODE. SECONDED BY KITTY MACKIN. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

3. First Reading of Ordinance 662 Amending Chapter 6 Public Improvements of the Dayton Municipal Code opting into ORS 105.668

Councilor Mackin completed the first reading of Ordinance 662 by title only.

DREW HILDEBRANDT MOVED TO APPROVE THE FIRST READING OF ORDINANCE 662 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING CHAPTER 6 OF THE DAYTON MUNICIPAL CODE TO ADOPT LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668. SECONDED BY CHRIS TEICHROEW. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

4. First Reading of Ordinance 663 Amending Chapter 3.8 Transient Lodging Tax

Dave Rucklos, Tourism and Economic Development Director presented a levy update among other updates to the TLT Code. He provided information on surrounding cities and their TLT levy percentage compared to Dayton and recommended an increase from 8% to 10%.

Councilor Hildebrandt inquired if 10% was enough or if the city should set a higher percentage in anticipation of keeping up with the trend in tourism cities on the coast. He inquired if this would be helpful for the City or not.

Mayor Frank inquired about the City of Carlton TLT percentage.

TED stated that they have 7% but they do not have a lodging facility.

TED stated that the LOC is advocating to change the 70/30 split of the TLT for marketing and for the city. He stated that this is a pass down tax to tourists and caps at 12%.

Councilor Hover stated that he thinks the City should be more cautious and take a two-tier approach; that if needed revisit and increase at another time.

There was a discussion on what the percentage looks like on a room.

Mayor Frank asked other council members for their input.

Councilor Mackin expressed concern on the change discouraging the current construction.

Councilor Teichroew inquired for clarification on the who incurs the tax cost and if the Vintages would have to increase their tax as well.

Interim City Manager stated that it is a pass down tax the tourist.

The dollar amount per percentage was discussed. There was a consensus that this is an adjustable rate and could be revised in the future.

Mayor Frank inquired if the TLT percentage change to 11% is made per resolution.

Rocio Vargas, City Recorder stated that the text in the code could be changed to 11% and the motion to approve the first reading could state it is as amended.

Councilor Mackin preformed the first reading of Ordinance 663 Amending Chapter 3.8 Transient Lodging Tax by title only.

DREW HILDEBRANDT MOVED TO APPROVE THE FIRST READING OF ORDINANCE 663 AN ORDINANCE OF THE DAYTON CITY COUNCIL TO AMEND CHAPTER 3.8 TRANSIENT LODGING TAX OF THE DAYTON MUNICIPAL CODE AS AMENDED. SECONDED BY SCOTT HOVER.

Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

5. Discussion and Potential Approval to Notify FEMA of Intend to Adopt Model Floodplain Management Ordinance

Cyndi Park, Interim City Manager stated that this approval does not adopt an ordinance only gives the City the authority to notify FEMA of the intent to adopt the Model Floodplain Management Ordinance.

Curt Fisher, City Planner stated that choosing this model code is the best choice for the City as stated in the staff report memo from Jim Jacks. He stated that by opting into this model would update the floodplain overlay code.

Mayor Frank inquired how much it would cost to update the floodplain overlay.

City Planner stated that he does not know how much it would cost but with this option the existing code could be completely stricken to add the model code. He stated that there may be support funding available in the future.

Councilor Hover inquired about the deadline.

Interim City Manager stated that the decision needed to be communicated to FEMA by December 1, 2024, the implementations deadline is July 2025.

City Planner stated that Region 10 stated that they would work with the City to allow enough time to implement the updates.

DREW HILDEBRANDT MOVED TO APPROVE THAT THE CITY ADOPT A MODEL ORDINANCE THAT CONSIDERS IMPACTS TO SPECIES AND THEIR HABITAT AND REQUIRES MITIGATION TO A NO NET LOSS STANDARD; AND THAT THE CITY MANAGER, OR DESIGNEE, REPORT THIS ELECTION TO FEMA REGION ON BEHALF OF THE CITY OF DAYTON BY DECEMBER 1, 2024. SECONDED BY KITTY MACKIN. Motion carried with Frank, Hildebrandt, Hover, Mackin and Teichroew voting aye. Councilors Maguire and Wildhaber were absent.

F. COUNCILOR COMMENTS AND CONCERNS

Councilor Mackin informed council of the LOC Board having three openings and stated that she has applied to be a board member and will have a zoom meeting on October 17th. She stated her goal is to bring more ADA conversations to the attention of the LOC.

Councilor Teichroew stated that he is interested in getting more community engagement. He stated that he thinks a pickleball court could be beneficial to the community.

Councilor Hildebrandt commented on the incident report from the Yamhill County Sheriff's Office. He stated that he is concerned about the number of calls and injured about updating the levy. He stated that he is concerned about the sustainability of current levy for the future needs of the City of Dayton.

Councilor Mackin stated that there had been a plan to submit a supplemental to the six-year levy in the current election. She stated that previous council members favored presidential elections for levy for the voter turnout.

Mayor Frank reminded council that levy campaigns must be a council member initiative, because staff cannot be involved politically. She stated that when the time comes council needs to put in the work to campaign the levy with the community.

Councilor Hover asked for clarification of the final week for the City Manager candidate interviews. He requested for a refresher to be sent out.

Mayor Frank asked for more traffic enforcement by the Sherriff.

G. INFORMATION REPORTS

1. Tourism and Economic Development (TED) Director

TED Director updated the council on the bridge status in preparation for the ribbon cutting to reopen the bridge. He stated he would like to set a date and time for the ceremony that would fit the schedule of all those who would like to attend as is the case of the former City Manager. TED Director stated once the bridge is complete, we will learn the ending balance available to make repairs to the approaches.

TED Director updated the council on the bandstand building permit. He stated that Newberg is currently having staff turnover, so this could delay the permit. He stated that due to budget any ADA adaptations need to be added to the goals in February.

TED Director updated the Council on the Urban Renewal District resolutions with the Dayton Fire Department and Dayton School District. He stated that the first reading of the Ordinance adopting the plan could go into the October 21, 2024, Work Session Agenda if the Council approves. The second reading would be November 4, 2024, and go into effect 30 days after.

TED Director stated that Wednesday he will be giving Conservation Technix a tour of the parks as they begin work on the Parks Master Plan.

TED Director state that KGW was present in Dayton recording for the morning show.

TED Director informed the Council that the City will be approaching the state and federal government for support to begin to work on the addition of the Fisher Farms wells to the city water system. He stated that the city is interested in updating the water line form the springs.

H. CITY MANAGER'S REPORT

Interim City Manager asked the Council if there was an interest of including the Community Center, as a park or recreational facility, to be updated in the Parks and Recreation Master Plan. If

there is interest of adding the community center as a park and recreational facility, then would the Council like to use the Congressional Direct Spending obtained, on this project.

I. ADJOURN

There being no further business to discuss meeting adjourned at 7:53 pm.

Respectfully submitted:

APPROVED BY COUNCIL on **October 21, 2024**

By:

As Written

As Amended

Rocio Vargas, City Recorder

Annette Frank, Mayor