

TOLEDO CITY COUNCIL MINUTES

January 7, 2009

Mayor elect Rod Cross called a regular meeting of the Toledo City Council to order at 7 pm. Councilors present: Wes Chadwick, Bob Emmett, Mark Camara, Nancy Lynne, Monica Lyons and Mary Young.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Jim Ruggeri, City Planner (CP) Rusty Klem, Planning Secretary Arlene Inukai, Police Chief (PC) Mark Fandrey, Public Works Director (PWD) Adam Denlinger, Treasurer Polly Chavarria, Accounts Payable Clerk Carma McCaslin and Assistant City Recorder Nancy Bryant.

Oath of Office:

Assistant City Recorder Bryant administered the Oath of Office to the newly elected Councilors Nancy Lynne, Mary Young and Monica Lyons as well as newly elected Mayor Rod Cross.

Elect Council President:

Motion-It was moved and seconded (Chadwick/Young) to elect Bob Emmett Council President for the years 2009 and 2010. **Motion passed unanimously.**

Visitors present: Janice Watson, Ginger Tibbles, Jay Watson, J. R. Ernst, George McGrath, Ila Parsons, Bruce Parsons, LaRue Hart, Edna Abbott, Robert Smith, Craig Hoffman, Gary Heinsoth, Lynn Mendenhall, Ron Manning, Marilyn Manning, Stuart Miller, Lowell Neal, Angelo Stephenson, Janet Stephenson, Randy Parsons, Terri Strom, Betty Kamikawa, Teresa Denlinger, Teresa Methvin, Don Amberg, Terri Dillman, Bob Wienert, Rob Wienert, Kurt Carstens, Ken Tibbles, TC Duty, Gerry Pelletier, Judy Pelletier, Cody Gray and many others who did not sign the visitor sign-in sheet.

Visitor Comments:

There were none

Consent Calendar:

Motion-It was moved and seconded (Camara/Lyons) to approve the consent calendar consisting of the invoice list dated January 5, 2009 as well as council minutes dated December 17, 2008.

Motion passed 7-0.

Discussion and Information Items

Bob Wienert Asphalt Plant Proposal Presentation

Kurt Carstens an attorney representing Bob Wienert, presented council with information regarding property owned by Wienert Investment, located at 11-10-18-A, Tax Lots 3600 & 3700 in Toledo, Lincoln County, Oregon.

Carstens referred to two articles published in the local newspaper. One article asked how would you like an asphalt plant smack in the middle of Toledo. He said the seven points listed in this

article have nothing to do with the City's duty with the law in this case and the oath that the newly elected members just took and that is to uphold the law.

In response to the seven points listed in the article Carstens commented as follows:

- Lower property values- the subject property is in an area of heavy industry. An asphalt plant fits into the area because the zone allows it outright.
- Higher cancer risks- the article does not tie any cancer risks to Wienert's operation directly. The techniques in this industry are advancing rapidly from the environmental perspective. Modern plants are different than they were five years ago. Wienert is environmentally conscious.
- No increase in employment in Toledo-on the surface that is correct. The employment base will be moved from Newport to Toledo. The benefits to Toledo will include employees who are Toledo residents and currently work at the Newport plant will have a shorter commute to work, Toledo residents may have a better chance to get jobs as they open and plant employees will frequent local businesses.
- Loss of City Revenues- there will be no loss of city revenues. When the subject property is developed and the plant is running it will increase the property's taxes.
- Increase traffic and road damage- the City of Toledo developed this subdivision of their property in an industrial zone in the heart of industrial operation. Business Hwy 20 is designed to handle business.
- Habitat degradation for sturgeon and endangered Coho salmon-there are no wetlands on this property anymore. The plan for the property is to finish the fill, lay asphalt, and nothing else as a permanent nature. The machines and or buildings will be portable. Other items on the property may include gravel, stored-contained petroleum material, and used asphalt pile. The storm drain system will include an oil skimmer.
- Harm to Toledo's tourist industry and local economy-the Newport plant is located within an intersection near the Lincoln County Fairgrounds. Wienert shuts down operation during the fair and causes no interruption to Newport city functions. This operation will have no impact on the tourist economy.

Carstens stated there isn't any basis for these kinds of claims against this plant. He provided a history. He said when the City of Toledo developed the plan to bring an economic life into the area there was an economic development process that resulted in the City receiving money for developing the Toledo Industrial Property (TIP). The city would then sell the lots and receive the funds from those sales. Wienert purchased the subject property after being approached by city officials. He said there were some handshake deals that don't show up in the paper work. Those deals included Wienert completing the roadway adjacent to the property as well as installing the sewer and water lines both at his expense. In exchange the city would arrange for the approval of the railroad crossing. He stated Wienert also received a verbal agreement of an outright use for an asphalt plant from city staff and when he inquired of other problems associated with the property he was not informed of a wetland issue. He said since purchasing the property Wienert did complete the roadway but the city placed water and sewer lines through the property without an easement and the city did not obtain the approval to cross the railway. Wienert acquired the railway crossing permission himself. During the city's renovation of Business Hwy 20 city officials approached Wienert with a request to dump spoils on his property. Wienert agreed. He

said the city dumped the spoils without a permit to do so. After the Hwy project was complete Wienert started land fill on the property himself. Wienert then approached Carstens' office with a request to file applications needed to move his asphalt plant to Toledo. After a review of the issue Carstens' office determined that the asphalt plant would be considered an outright use and there are no permits required for an outright use. Wienert continued to fill on his property until he received a Cease and Desist Order dated May 25, 2007 from Oregon State Department of State Lands (DSL) regarding land fill activity within or near wetlands next to Depot Slough.

Carstens stated that there have been numerous attorneys including those hired by the city who have come to the same finding that this plant is considered an outright use according to the city's zoning code. Despite this information someone is fighting the issue. Also, the city did not inform Wienert of any wetland issues with the property before or during the purchase.

Carstens and Wienert have been reluctant make a land use application with the city because they are skeptical of its approval without conditions. Wienert has filed a lawsuit against the city because he wants to be allowed to use his property as he intended. Carstens stated if the city declared the asphalt plant as an outright use, sign the Oregon State Department of Environmental Quality (DEQ) Land Use Compatibility Statement (LUCS) and resolve the wetland issue they would drop the law suit. He said DEQ will monitor the environmental impact of the asphalt plant on Wienert's property. This plant is not an environmental monster.

Carstens further stated that Wienert was recently approached by the city regarding a buy back agreement. Wienert gave an estimate of \$435,000 but that estimate lacked many of his expenses. Wienert does not want to sell his property and the actual amount that he has into the property is \$584,087.73. At this price Carstens does not believe that the citizens of Toledo would pass a bond measure to purchase the property. He said Wienert needs the DEQ/LUCS form signed so that he can continue with his project.

In conclusion Carstens stated that he believes there is a writ of mandamus suit that can be filed with the State Courts to force the City to sign the form and that may be an applicable procedure in this case.

Council questions

Councilor Camara questioned Carstens why they didn't go through the City's land use development process.

Carstens stated that they were aware of the process but did not choose to do that because it would afford the opportunity for a decision to be made that is a conditional use.

Councilor Camara then asked Carstens if he felt that council would have not followed the law in making that decision.

Carstens stated there was enough opposition that they were not willing to take that chance.

Council President Emmett voiced his concern regarding how a temporary operation relates to our taxation.

Carstens explained that the structures will be portable. Wienert will not be building a structure. All portable structures can be taken off the property at any time and would be taxed as personal property. The value of the real property would go up because of its developed state.

Councilor Camara questioned whether permits were required for Wienert's plant at Salishan.

Carstens said that plant is under the jurisdiction of Lincoln County and no permits are required.

Councilor Chadwick questioned what additional permits would be required to be fully operational if the City signed off on the DEQ LUCS form.

Carstens stated none, the DEQ LUCS form is one step in the DEQ process.

Wienert stated DEQ will require a storm water run off system for the operation.

Carstens clarified, the LUCS form is signed off by the City to satisfy DEQ that the placement is proper in terms of the zoning regulations. Then DEQ will be the regulatory body for the operation itself. There are no public hearings required before DEQ signs off on the project.

Councilor Chadwick thought it is odd that someone can place an asphalt plant in the middle of a city without any required applications, hearings or permits with the exception of signing off on the LUCS form.

There was a general discussion regarding the different types of emission permits required in relation to environmental impacts.

Councilor Camara asked if handshake deals are normal practice. The concept doesn't thrill him.

Carstens stated that there was a price paid for the land that was the negotiated price. The City wasn't able to complete the infrastructure so they asked Wienert to do it and they agreed to get the railway permit. It isn't something that happens regularly.

Councilor Young referred to a statement in the Warranty Deed from the City of Toledo to Wienert stating that the person acquiring the fee title to the property should check with the appropriate City or County planning department to verify approved uses and to determine any limits.

Carstens stated that Wienert did check with city officials but did not get it in writing. He said the statement in the deed is a statement required by law as a general notice to the public or purchaser but does not satisfy the DSL requirement of providing a separate statement disclosing the status of the wetlands with regard to this property.

In response to further questions from Councilors Carstens stated that;

- Wienert did not know that the property he purchased was in a wetland area.
- Part one of the DEQ LUCS form should be filled out according to section 17.24.02 (E) The processing and manufacturing operations. Part two, the reason for the decision- it is one of a list of uses permitted outright within the industrial zone within the City of Toledo.
- The City has no requirement for supplying development plans in an outright use.

Councilor Camara questioned if Wienert would be willing to work with the community regarding conditions arising from some of the concerns.

In response Carstens stated there is a variety with which each individual can live with. The conditions can be so burdensome that it would hamper the operation. He asked why Wienert would agree to conditions imposed on his operation.

Councilor Camara said it would be an amount of respect for the people in the community who live here and respect for their views.

Carstens said maybe he does not respect their views because they aren't reasonable.

Mayor Cross said he understands why they took the route they did. He assumes it was to avoid something like what is happening now. However, if they had gone through the normal planning process they would have won and the plant would probably be operating today. The amount of time taken so far could have been avoided by going through the process as set by law and the public would have had an opportunity for their input.

Carstens stated if they had gone through the conditional use process it is possible that it would be completed by now. He said the process of the law is non existent. They would have been entering into a conditional use process that is not required and conditions would have been imposed.

Mayor Cross said, by the law, the conditions would not have been imposed if the plant is in fact an outright use.

Carstens answered if they filed an application for a conditional use permit they would have admitted that it is a conditional use.

Mayor Cross said the request should have been for an official response from the City Planner and the City Manager as to whether the plant would be an outright use or a conditional use.

Councilor Camara stated that the Council would make a land use appeal decision based on the law.

Carstens requested that the Council direct the City Manager to sign the DEQ LUCS form.

CP Klem provided Council with the following review:

- In December of 2006 the City placed a stop work order Wienert's property because of land fill.

- In January of 2007 Mr. Ruggeri rhetorically asked whether or not an asphalt plant is an outright use in the industrial park. After an ordinance review CP Klem's response was that it is an allowed use but will require conditional use.
- In February of 2007 he received a copy of a memo from Carstens' office that said the plant is an outright permitted use, not a conditional use and they would not be filing an application.
- In March of 2007 CP Klem responded to a request from City Manager Pete Wall for an opinion on the subject. After a more detailed review, his opinion was that the asphalt plant placed at the industrial park is a conditional use.
- He then met with Wienert and City Manager Wall and discussed how to proceed.
- In May of 2007 DEQ responded to a complaint and placed a cease and desist order on Wienert's property.
- In September 2007 CP Klem directed a memo to CA Ruggeri with a more specific outline of the reasons for his decision of the conditional use permit as apposed to an outright permitted use. The City Charter 17.24.020 lists land uses permitted outright. On that list, (E) Processing and manufacturing operations is applicable to the subject property but there is no further definition as to what that means. Under (F) of 17.24.030 Conditional Uses Permitted -it states uses which are similar to those permitted outright or conditionally in the I zone and which conform with the purpose of the zone. He said those are conditional uses, they are similar to the ones that are being requested but they also conform with the purpose of the zone. His opinion was that the batch plant is similar to processing and manufacturing operations from the outright permitted use. Since there is no definition of what it was, some court cases would state otherwise therefore the batch plant is a conditional use if it conforms to the purpose of the zone. The stated purpose of the zone is to provide sufficient and desirable land for the development of new industry. It also states the undesirable results of industrial development (noise, air, and water discharges) should be kept, as much as is possible, from adversely affecting the commercial and residential areas of the city. Keeping adverse effects as much as possible from affecting the City requires a conditional use permit or a hearing process to ascertain what those circumstances are and what those conditions might be. The definition of a conditional use permit is a use that is generally inline with the purpose of the zone but which could if not reviewed have a significant impact on the properties of uses within the zone beyond that of the uses permitted outright. The purpose of the conditional use review is to show site design and compatibility with the surrounding property. He said the easiest way to proceed for this issue would have been to request a code interpretation.

CP Klem contends that it is a conditional use permit because of mitigating circumstances to be determined that might have an effect on the city.

CP Klem suggested the DEQ LUCS form could be signed off stating yes it is an outright use with the requirement of a conditional use permit, the content of which will be determined by the process as outlined by the city ordinance.

CP Klem further stated there are numerous processing and manufacturing operation uses. Making asphalt can be considered one of them but when you look at the conditional use list regarding

similar uses that you want to look at through the conditional use process to protect the community and adjacent properties that makes it a conditional use permit. We need a development review process that would do the same thing as a building permit process. All the questions would have to be determined through the development review process.

Public Comment

Angelo Stephenson read a statement from Stuart Miller that asked council to hold a decision on this issue over to January 15, 2009 to give their attorney time to review the testimony of this meeting. He welcomed the new council members. He said they are very fortunate to have a city manager who manages and knows how a city should be run, an outstanding public works director who is head and shoulders above anyone who has held that position before him and a lot of staff who do a very good job. One glitch in your armor is the city attorney and it is time to replace him.

CA Ruggeri informed Mr. Stephenson that the asphalt plant is on the agenda under discussion items and there will be no decisions made on the issue at this meeting.

Lowell Neal voiced his concern regarding spoils dumped on Wienert's property as stated by Carstens in his presentation and he would like to know what was dumped on the site. He said it is important information to know because the Environmental Protection Agency and the Corps of Engineers does not allow spoils to be dumped on a wetland even if there is a permit. He asked that Council follow up on the question of what were the spoils dumped on Wienert's property during the Hwy 20 project. He pointed out that he had no prior knowledge of the newspaper article in today's paper, referred to by Carstens in his presentation this evening, before writing his own letter to the editor regarding the same issue. He welcomed the new council members and acknowledged that newly elected Councilor Young has had personnel experience with the conditional use permit process. She subjected herself to the process and submitted a plan to open her coffee shop.

Stu Strom expressed his concern of handshake deals as referred to by Carstens and the fact that they can happen. He said Carstens went on to say that it doesn't really matter what the people of this community want or what the council is going to say because Wienert is going to do this anyway.

Betty Kamikawa testified that she is concerned about the safety of her children crossing Hwy 20 with additional trucks associated with an asphalt plant in Toledo.

Gerry Pelletier welcomed Carstens and Wienert and wished them both well. He said Carstens did a fine job of representing his client. He said he is in favor of the city purchasing the property from Wienert. He believes that people want to have a say in what goes on at the industrial park and just because the mill puts out a big stink we don't need to add to it.

Cody Gray stated that he supports more jobs in Toledo. He said half of his kids don't live here because of the lack of job opportunity. He believes the proposed asphalt system would be a lot less smell than the Newport operation and questioned what the community is going to do when GP shuts down.

Gerry Pelletier questioned what happens to small communities with growth. He said if the growth is too large that the community will lose the quality of life that is here now.

Joe Arriaga stated that he believes the land use process should be the same for all. He said if you don't need to go through the planning commission then we don't need a planning commission.

Scott Hoffman stated that he works for Wienert. Locating the asphalt plant in Toledo may not create jobs but the employees will frequent the local businesses. He said Wienert has the highest character.

Jess Ernst voiced his support for the asphalt plant. He said community member's concerns are based on speculation alone. He drives by the Newport plant daily. The county road and city road departments use the same roads and he hasn't seen any wear or destruction of those roads. He does not support a buy out of the property by the City of Toledo.

CP Klem said that he has visited the movable asphalt site at Gleneden beach. There is some run off and noise but the operation is much cleaner and quieter than what people view as an old asphalt plant. The reason we need to look at this closer and protect the city is because the property is located in the center of a bowl as opposed to the GP Mill which is located on the outskirts of the city and has been there for many years.

Mayor Cross asked if there were any other visitors wishing to comment. There being none the Mayor called for recess at 9:29 pm.

Council returned to regular session at 9:34 pm.

City Council Goal Update

CM Amberg provided Council with an update of the 2008 City Council goals.

Goal 1: Complete Feasibility Study for Raw Water Line. Specifications for water master planning along with the feasibility study were developed through a joint effort with Seal Rock Water District's RFP process for the district's master planning effort, PWD Denlinger provided technical insight along with evaluation of consultants who responded to the RFP.

Goal 2: Investigate an Urban Renewal District. Curt Olsen, President of Oregon Redevelopment Association made a presentation to City Council at the August 27, 2008 work session. After discussions with several people who are involved with redevelopment in this region it was determined that this is not a good time however, if Council desires, this can be discussed at the Council Goal Setting Session next month.

Goal 3: Investigate Techniques to Create More Affordable Housing. This issue is on the top of the list for the City Planner this year.

Goal 4: Research Possible Downtown Design Review. This concept was presented to the Planning

Commission and a full design review was not supported, but a design standard was encouraged. Planning staff is currently working on a draft design standard to amend the Zoning Ordinance Main Street District Overlay (Ord. 17.40.010). A draft will be reviewed by the Planning Commission in Jan/Feb 2009.

Goal 5: Develop and Implement a Street Utility Fee. Staff has provided Council with information and the proposed ordinance is in review by the City Attorney.

Goal 6: Review Systems Development Charges. On November 10, 2008, City Council authorized the Public Works Director to use SDC funds to perform an analysis of SDC methodology as part of the Water Master Planning contract. It was suggested at that time that further consideration should be given to developing SDC's for other sectors. It would be cost effective to complete multiple methodologies together. Council requested that staff report back with a proposal for completing SDC's for all infrastructure sectors.

Goal 7: Pursue Annexation to the Lincoln County Library District for the November 2008 Election.

Annexation requires two measures be approved: the voters within Toledo must vote in favor of annexation and the voters of Lincoln County Library District must vote in favor of annexation of the Toledo Library into the District. At the November 2008 election a levy of \$0.09 was placed before the voters and was defeated. It is best to pass the levy prior to annexing the Toledo Library into the District. Toledo Library Director Peter Rayment will be attending the district meetings to see if there is a desire to place the levy again on the May 2009 ballot.

Goal 8: Inventory Inflow and Infiltration Issues Related to Wastewater. Public Works' staff reviewed analytical data provided from smoke testing completed in the 1970's. Staff continues to evaluate the benefits of purchasing a CCTV system. These systems are very technical and as a result, outsourcing the function may be more cost effective. The Public Works Department is in the process of creating an inventory list based on smoke testing data and operator observation. This list will be used to create a maintenance schedule for annual reduction in I & I by performing systemic repairs throughout the system.

Goal 9: Develop a Proactive Code Enforcement Program. The Police Department has been working on discarded vehicles and they are currently in phase 3 of the project. The dangerous buildings issue has been moving forward however the city is waiting on a vetted search warrant template.

Goal 10: Upgrade City Website. Between March and September 2008 staff researched government agencies contracting for website design and maintenance. The results showed a number of cities around our size contracted with a local design company to develop their web sites and for on-going maintenance which was shared by the city and the designer. Travis Leonard was selected as our web site consultant. A tentative budget of approximately \$5000 for design and \$2500 per year for maintenance was developed. Staff continues to

monitor the website progress and welcomes requests from council to include or change information on the site.

Mayor Cross asked that city staff be thanked for the excellent job they have done this year and he appreciates CM Amberg's leadership in moving forward with the projects.

CM Amberg commended the city staff for working hard and making sure that the goals were addressed. She said she appreciates all of them.

Decision Items:

Appoint Cascade West Area Commission on Transportation Representatives

CM Amberg informed Council of the need to replace Jim Chambers, who is no longer a member of the Council, as the Cascade West Area Commission on Transportation Representatives. PWD Denlinger is currently the alternate and agreed to continue as the alternate representative.

Mayor Cross appointed Councilor Lyons to represent the City of Toledo on the Cascade West Area Commission on Transportation.

Toledo Public Utility Commission Appointments

CM Amberg reported that the Toledo Public Utility Commission (PUC) met on November 26, 2008. In accordance with the Toledo City Charter, Chapter 2.08 (E), the PUC members present at that meeting unanimously passed a motion to establish a PUC procedural rule that any member with three or more unexcused absences be dismissed and a new member appointed to take their place. They requested dismissal of PUC member Barbara Fredricks and an appointment of a new member to fill the vacancy.

There was a general discussion regarding the number of PUC members and quorum requirements.

Mayor Cross dismissed Barbara Fredricks from the Public Utility Commission and declared a vacancy.

Mayor Cross added that he would like the new attendance language added to the PUC procedural rules.

Reports and Comments:

Department Reports

PWD Denlinger welcomed the new council members and provided Council with an update on conditions the City experienced from the January 1, 2009 storm event. He said on January 1st, at approximately 3:00 pm, the City of Toledo experience sanitary diversion conditions at the Wastewater Treatment Facility as a result of a very heavy rain and extreme high tide event. Bypass conditions were reported to DEQ along with other regulatory agencies immediately under the Oregon Emergency Reporting System. Maximum flows recorded at the plant registered as high as 10.3 million gallons during the later afternoon hours. These flows were controlled through the system for approximately 40-hours. Wastewater Treatment Plant operators estimated that 1.5 mil/gal of partially treated influent was diverted through the plant. In addition, due to high tides

and increased flows the lift station experienced surcharging, which caused pumps to trip-off due to overheat and excessive run time. As a result the pumps at the Butler Bridge Pump Stations were monitored throughout the 40-hour period. This created a sanitary diversion condition at both pump stations. Operators estimated that 32,000 gallons of combined sanitary and storm water flows were diverted through the system.

In response the public works staff quickly mobilized manpower to monitor and control flows throughout the remainder of the system. Plant operators recorded approximately 5-inches of rain at the Wastewater Treatment Facility for the 40-hour period beginning January 1, 2009. Operators gathered samples from Depot Slough at the discharge point before the bypass occurred to establish a base line for reporting. Collections staff discovered that the impellers on both pumps were worn causing the poor pump performance. The public works crew will be working with an outside contractor to replace both impellers.

At no time during the storm event did crews experience mechanical failures within the sanitary or storm-water systems.

On January 2nd the department received a call from Head Start representatives alerting staff that water had entered the building through floor drains in the kitchen and bathrooms. After a thorough evaluation of the plumbing completed by public works staff using tracing dye, crews were able to confirm that the source of flooding was related to surcharging in the sanitary system. The crew continue to evaluate preventative steps that will prevent future back flow from occurring.

CP Klem reported that council will be receiving the design review draft from the Planning Department in the mail within the next few days. It is incomplete so if council has any concerns he advised them to call the planning secretary and she will make sure the information is forwarded.

City Manager's Report

(CM) Amberg reported the following;

- She extended her welcome to the new council members and a welcome back to Mayor Cross. She is hoping for a good 2009 and looks forward to working with all of the council.
- She requested an appointment to replace past council member Sara Cole on the Promotion Committee. She said there is an issue for the committee to discuss after this meeting.

Mayor Cross appointed Nancy Lynne to fill the Promotion Committee member vacancy.

- On Saturday January 17, 2009 there will be a team building meeting for council.
- PUC will be meeting soon to review the Northwest Natural Gas Franchise.
- February 7, 2009 has been set for council's next goal setting meeting.

Council Comments

Councilor Lyons said that her father was once a reporter/political analyst and as a child she was taken to all of the council meetings in the Los Angeles basin. She didn't enjoy it as a child and finds it ironic that she is now a member on the City Council but she is glad to be here.

Council President Emmett thanked the public works crew for an outstanding job on the streets during the storm.

Councilor Young stated that she is glad to be here.

Councilor Lynne said it has been a stressful first meeting but she is glad to be here.

Councilor Chadwick welcomed the new council.

Councilor Camara said he is looking forward to getting down to serious business.

Mayor Comments

Mayor Cross reported the following:

- Welcomed new and old council members. He said it should be an interesting 2009.
- He was proud of the citizens of Toledo that attended the meeting tonight. Everyone kept their cool, said their piece and that is the way government should work.
- Starting next Tuesday at 8:30 am and each Tuesday thereafter he will be at the Main Street Café for coffee with the Mayor. He encouraged anyone who would like to attend to do so.
- He feels blessed to be here and thanked the visitors for coming tonight.

Mayor Cross called a brief recess at 10:02 pm and announced an executive session will follow.

The Council meeting resumed at 10:13 pm and Mayor Cross called for an executive session according to ORS 192.660(2) concerning (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Executive Session:

Council reviewed the Wienert lawsuit and requested follow up information concerning insurance coverage.

The Council returned to regular session at 10:40 pm.

Mayor Cross appointed Don Amberg to fill the Public Utility Commission member vacancy.

Adjournment:

The meeting adjourned at 10:45 pm.

ATTEST:

APPROVE:

Assistant City Recorder

Mayor