

TOLEDO CITY COUNCIL WORK SESSION
April 22, 2009

The council work session began at 6:16 pm. Council Present: Monica Lyons, Nancy Lynne, Mary Young, Mark Camara, Wes Chadwick, Mayor Rod Cross and Council President (CP) Bob Emmett.

Staff Present: City Manager (CM) Michelle Amberg, Library Director (LD) Peter Rayment, Fire Chief Will Ewing, Public Works Director PWD Denlinger, Treasurer Polly Chavarria and Assistant City Recorder Nancy Bryant.

Visitors: Don Amberg, Teresa Denlinger, Martha Lyon.

Discussion and Information Items

Review City Council Agenda- May 6, 2009:

Council reviewed the agenda for May 6, 2009. There were no changes to the agenda.

Former Toledo Fire Station Update:

FC Ewing and PWD Denlinger reported on the history and current condition of the former public safety building and property.

Highlights were as follows:

- The building, built in 1978, is a two level wood frame building with a brick veneer.
- Evidence of distress to the building began shortly after its construction, specifically cracks in the walls, floors and windows as well as doors not closing.
- After a heavy rain event in 1996 severe shifting of the soil began in that area, causing a heaving or lifting of the ground level in the administration portion of the building as well as areas outside the building.
- Cross-sections of the soil and rock profile indicate that the surface of the bedrock below the building is sloping away from the road. The June 2000 geotechnical analysis suggests a historical slide mass is moving to the southeast of the building causing the building's distress.
- An asbestos fiber roof over the administration portion of the building was removed in 2007 at the request of Department of Environmental Quality. Additional metal roofing was installed over the apparatus bays on the back side of the building. The roof over the bay area currently leaks.
- Crews have been monitoring cracks in the sidewalk in front of the building for some time. They have noted the expansion in the cracks have opened in the last two weeks. The sidewalk expansion was created by heaving, which is consistent with the geotech report of 2000.
- During the geotech analysis process in 1999 staff were forced to evacuate the building because of the soil movement. The geotech report advised against additional improvements built on the property.

In response to council questions PWD Denlinger and FC Ewing stated the following:

- The building can be sold “as is” with full disclosure of the property issues including the geotech report.
- There are potential buyers who have recently looked at the building.
- There are soil movement issues under the roadway in front of the property.
- The cost to remove the administration portion of the building and make the property safe could be as much as \$90,000. An engineered wall will be needed to replace what is removed.
- Asbestos material remains in the roofing of the apparatus bay area of the building and will need to be addressed if the entire building is removed.
- There is currently one lease rental occupant in the building.

Council and staff continued to discuss the condition of the building and property as well as whether to sell now “as is” or keep it and reconstruct the wall after removing the administration portion of the building.

Councilor Camara noted his concern of unloading an unsafe building onto someone else.

Councilor Young said the city could use the building for storage but keep it for sale.

Councilor Emmett posed the question of whether the cost to rehabilitate the building could be recovered in the sale of the property.

Councilor Chadwick said he is reluctant to have the city undertake the risk of doing the engineering and reconstruction of the building.

Councilor Young noted her concern that the city has a code violation in keeping the building in its current condition. She said the city has to remove the administration portion of the building and make the building more attractive to sell it.

Mayor Cross said this council needs to decide what is best for the community rather than what is best for business. He would like to see a compromise in doing the work cost effectively while still doing the right thing.

Councilor Emmett inquired if there are funds in the budget to accommodate removing the administration portion of the building.

CM Amberg said that the Projects Fund could be considered but noted that it would prohibit completing any projects that were intended for that fund and the current balance would not cover the cost for this purpose.

Councilor Chadwick noted that council should be open and agreeable to potential offers of purchase for this property.

Councilor Camara said council needs to know the cost for rebuilding the wall. He said if the property sells before the city can accomplish a reconstruction that is fine but something needs to be done before the next rainy season.

Council requested staff provide more research and an estimate of the cost of reconstruction of the wall.

PWD Denlinger noted that the building needs to either be sold or the administration portion of the building removed within this work season.

Council discussed the possibility of advertising the property on e-bay.

CM Amberg stated that she would like to wait until after the hire of a new City Attorney before moving forward with an electronic advertisement or sale of the property.

LD Rayment left the meeting at 7:19pm.

Toledo Head Start Facility:

Martha Lyon Executive Director of Community Services Consortium (CSC) introduced herself as a lawyer. She said that CSC has a contract with the City of Toledo with a longstanding understanding that there will be a Head Start program in Toledo. There is currently a Head Start program, it is popular and they have a lot of requests from people who are not financially qualified to be in the program. There are typically 40 Toledo children enrolled in the program and the building could accommodate 80 children. This year only 25 of the children enrolled in the Toledo facility are from Toledo. There is a large gap in the number of eligible children and those enrolled in the program within Lincoln County.

She noted that the Toledo facility building title has not been transferred from the City of Toledo to CSC even though the contract is predicated on the fact that the title will be turned over to CSC after 5 years. She believes that there is no debate that title of the building rests with the City of Toledo and there is a contract that says after 5 years the title and all liability will transfer to CSC. She said her reason for attending this council meeting was to have an unfiltered debate about the building. The building has some problems and is somewhat expensive to maintain in terms of utilities but it has a lot of things going for it.

Her concern is that the Head Start facility in Toledo is not fully utilized. CSC would like to see more community use of the building while helping them cover the cost to maintain the building. She said the building has a commercial kitchen as well as other features that could be used by the community during non-school hours. Some of her suggestions included child care, afterschool programs, and a community meeting place.

In response to Council questions Ms. Lyon responded as follows:

- CSC intends to keep the Head Start program in Toledo open. They want to hear from the community regarding whether or not they want a Head Start program in Toledo.
- If the program closed and Toledo children were to be bussed to Newport, Head Start would not be able to service all of the Toledo children.

- State funding will force them to cut about 6 to 10 slots. They have lost 40% of their funding from the State but they will get some Federal funds to help cover the loss in State revenue.
- CSC intends to staff both the Toledo and Newport Head Start facilities.
- CSC is going to have to look at some sort of tenancy to reduce the cost in maintaining the building which is now 10 years old.
- If the community tells her that the Toledo Head Start facility is important to them she will take some of the Community Services Block Grant money to cover some of the expenses to make that happen.

FC Ewing left the meeting at 7:35pm.

Treasurer Chavarria arrived at 7:36pm.

Councilor Emmett said Toledo wants a Head Start facility in Toledo. He said the need should be here and council would be willing to help market the program.

Council discussed different possible uses of the building by the community. Ms. Lyon noted that CSC would be happy to find additional uses for the building as long as it doesn't compromise their use.

Councilor Young ask Ms. Lyon why the city would want to transfer the title if the land has not been paid for.

Ms. Lyon stated that there is evidence to suggest that the City of Toledo has been paid for the land and that the \$27,000 came from someplace else. She said those things will be dealt with at a later date.

Council agreed to defer the Head Start legal issues until a new City Attorney is hired.

Ms. Lyon said she would be willing to return to council with a presentation on the services and programs provided by Community Services Consortium.

Mayor Cross called for a 5 minute recess at 7:55 pm.

PWD Denlinger left the meeting at 8pm.

Council returned to regular session at 8 pm.

City Council Committee Update:

CM Amberg provided the current City of Toledo Committee list ready for review by Council. The Committee list was revised as follows:

- Public Utility Commission ex-officio vacancy will be filled by the newly hired City Attorney and that person will attend the meetings as needed to meet quorum requirements.
- Contribution Committee requires a Budget Committee member. Council will approach the Budget Committee members in May to fill the vacancy.

- Toledo Transportation System Working Group vacancy was filled by Mary Young. Mayor Cross will approach Jim Chambers to fill the Lincoln County Representative vacancy.
- Police Academy Standards Committee was declared a committee no longer needed.
- Housing Rehabilitation Loan Committee- Council will contact Oregon Coast Bank to possibly fill the vacancy with someone from the new branch to open in Toledo.
- Railroad Historical Committee was declared a committee no longer needed.
- Park/Wetland Permit Committee was declared a committee no longer needed.
- County Law Enforcement Committee was declared a committee no longer needed.
- Economic Development Committee- additional members appointed were City Manager and representatives from the banking community, Port of Toledo and the Toledo Development Association. The City Attorney was removed.
- Memorial Field Committee was declared a committee no longer needed.
- Audit Committee- Council declared this committee no longer needed and requested staff prepare a repeal of resolution No.1227, a resolution establishing an audit committee.
- Intergovernmental Water Consortium was declared a committee no longer needed.
- Fire Station Building Committee was declared a committee no longer needed.
- Centennial Celebration Committee was declared a committee no longer needed.
- Rail Study Committee was declared a committee no longer needed.
- Central Coast Water Council was declared a committee no longer needed.
- City Manager Screening Committee was declared a committee no longer needed.

New Committees were established as follows:

- Oregon Main Street Program Committee as a sub-committee of the Economic Development Committee. Members were not determined.
- Program Viability Committee to evaluate city services and funding recourses. This committee will be comprised of three council members who will hold public hearings to determine community priorities. The members were not determined at this meeting.
- Contingency Committee comprised of three council members.

CM Amberg will draft a mission statement for the new committees for council review.

Council discussed their livability goals and how they are or are not addressed in the current committee list.

Council discussed volunteer liability and the possible need for a coordinated volunteer program run by a volunteer coordinator. CM Amberg reported that the City's risk management insurer is wanting a standardized program for volunteers including an orientation and safety training.

Treasurer Chavarria left the meeting at 9:15pm.

Parade/Public Park Application Requirements Update:

CM Amberg noted that staff recommends changes to the parade and park application requirements to aid staff to efficiently enforce the requirements in their entirety. She suggested that any changes made be effective next year.

Council discussed the following changes to the Toledo Municipal Code:

- 8.12.020 Permit Application- Within the third sentence strike "provided, however, that no", "has been convicted of a felony or a crime involving moral turpitude, or who" and

“and in this regard every application shall be accompanied by the fingerprints and a two inch by five inch photograph of each and every person having any proprietary interest in said licensed activity.” from that sentence.

- 8.12.030 Fee-add at the end of the first sentence “or set by resolution by the Toledo City Council.” and strike the second sentence “No permit shall be granted for a period of more than three days expiring at midnight of the third day.”
- 12.16.020 Parade Permit-within the first sentence replace the word “manager” with “recorder”, replace “ten (10)” with “forty (40)” and strike “unless the time is waived by him.” .

Other Discussion

Councilor Chadwick noted his concern for low income families paying the proposed Transportation Utility fee. He suggested using proof of Department of Human Services (DHS) program aid to determine qualification of exemption. He questioned this as a possibility given the constraints on staff time.

Council discussed possible ways to implement a low income hardship provision in the Transportation Utility Fee. They will continue the discussion regarding fee exemptions before making a decision.

CM Amberg announced the Mid-Coast and Willamette Valley Economic Revitalization Team will be at Toledo City Hall on April 29th from 9:15 am to noon.

CM Amberg reported that on Monday she will participate in the interview panel to for the Newport City Manager candidates.

Councilor Lyons reported beginning June 18th the Toledo Main Street businesses will sponsor a Thursday evening Main Street Stroll. Participating merchants will stay open until 8 pm. Their plan is to highlight a different block each week with a Main Street party atmosphere.

Mayor Cross reported that Lincoln County Food Share has announced that they are in need of toiletries and pet food.

Councilor Chadwick left the meeting at 10:12 pm.

City Attorney Recruitment Update:

Council discussed a timeline for establishing interview questions and interviews of applicants. Council will meet during an executive session on May 6th at 6:30 to establish the City Attorney interview questions. They will conduct the City Attorney interviews on May 13th during an executive session at a location to be determined. Council will schedule May 20th to direct staff to begin contract negotiation with the chosen applicant.

Adjournment

The meeting adjourned at 10:26 pm.

ATTEST:

APPROVE:

Assistant City Recorder

Mayor