

TOLEDO CITY COUNCIL MINUTES

May 20, 2009

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

Staff present: City Manager (CM) Michelle Amberg, City Recorder Teresa Jenkins, Public Works Director (PWD) Adam Denlinger, Toledo Police Chief (PC) Mark Fandrey, and Assistant City Recorder Nancy Bryant.

Visitors present: Teresa Denlinger, Angelo Stephenson, Don Amberg, Terry Dillman, Scott Bond, Ron and Pat Klinkhammer, Garrett Pallo, and Bill Montgomery,

Visitor Comments:

Angelo Stephenson, representing the Citizens Code Review Committee, stated that the committee reviewing the City Municipal Code has met twice. They believe there are issues that need to be addressed before they can realistically recommend workable and enforceable code updates. Those issues include the condition of city owned property, namely the old fire station and the storage shed located at Memorial Field. The committee is aware that council has been informed about all the issues and costs associated with resolving the old fire station property and that there is no easy fix to all of its issues. Council has failed to act and move forward in a given direction that will rid the city of these two eyesores. During the passage of the bond measure authorizing the City to purchase land and build a new fire station residents were led to believe the old station would be demolished. The geotechnical study reports on the old fire station conclude the bedrock forms a sloping ridge beneath the building. Available evidence at that time revealed the slope movement is the primary cause of the building's distress. They also concluded the risk of further damage to the building is relatively high and damage may extend to include the apparatus bays. Even after tearing down the administrative portion of the building the ground movement will still cause damage to the bays. The property has become a health hazard with leaks, mold and asbestos issues. This Council has a moral obligation to abide by the same rules as the current Toledo Municipal Code Chapter 12.12 Abatement of Dangerous Buildings and 15.12.020 Nuisance. The committee proposes the council take action and use funds from the Grant Matching Fund for Memorial Field to hire a Building Inspector to inspect and report on the current condition of the building and as grant matching funds to secure grant dollars and move forward on doing something with the old fire station and storage shed. He said he does not believe HUD money should be used for building maintenance or grant matching funds. That money should be used as loan money to help businesses improve their buildings. HUD money should continue to draw interest and increase the size of the fund. He said we, as citizens, do not want to be looking at and addressing these same two issues a year from now.

Rod Cross as representative of the All America City Committee reported on two upcoming fundraising events. A Dinner and Dance at the Toledo Elks on Saturday May 23rd beginning at 5:30pm and on Monday May 25th will be the first annual Memorial Day Skateboard Tournament.

CM Amberg noted for the record that the skateboard tournament would require endorsement from the City Council so that the event is covered under the City's insurance coverage.

Motion-It was moved and seconded (Lyons/Lynne) to endorse the Memorial Day Skateboard Tournament event. **Motion passed-5-0**, noting a no vote by Councilor Young and Mayor Cross abstained.

Proclamations

Scott Bond Director of Senior and Disability Services for the Cascade West Council of Governments expressed his appreciation to Council for the endorsement of Older Americans Month. He noted that Senior and Disability Services are seeing an increase in request for a variety of services and with the current economic condition they expect that to last a few more years. The State acknowledges the need to offer preventative and intervention programs. One of those programs, Project Independence, has proven to cost a fraction of what it would cost a client to be admitted into a nursing home. The intent is to support people to remain in their own homes as opposed to going on Medicaid. Funding for these programs is at the whim of the legislature. Medicaid is an entitlement program which means that if you are eligible the state has to provide something for you in that program but the legislature can limit the number of State General Fund dollars expended for Medicaid programs. Because of the current State budget deficit, there is a proposed \$120,000,000 of state general fund dollars to be excised out of the Senior Services and People with Disabilities Division of the Department of Human Services.

Mayor Cross noted that the number of people served in Lincoln County is higher than those served in Benton County which is a larger populated county. He said Lincoln County is also a more rural community and the Senior and Disability Services Division has done a great job serving these areas.

In honor of Older Americans Month of May 2009, Mayor Cross proclaimed Jerry Pryor, Ron and Marilyn Manning, and Edna Abbott as exceptional elders in our community. He said they are an asset to us all.

Mayor Cross announced the All America City Committee has requested an additional decision item to be added to this agenda as a request for donation.

Consent Calendar:

Motion-It was moved and seconded (Lyons/Emmett) to approve the consent calendar consisting of the invoice list dated May 12, 2009 as well as council minutes dated April 29, 2009.

Motion passed 7-0.

Discussion and Information Items

Water Master Plan Update

Garrett Pallo, Principle Partner of Civil West Engineering provided Council with a progress report of the current projects for Toledo including the following:

Water Master Planning issues-In the early stages of Water Master Planning they have:

- Identified existing population values for the customer base.
- Evaluated the population and customer base in Seal Rock.
- Determined what types of customers make up the customer base (i.e. commercial, residential, industrial, etc).
- Projected growth of the customer base into the future.
- Determined how much water is currently being used and how much will be needed.

All subsequent planning will rely on this preliminary information.

Olalla Reservoir Planning Update-Mr. Pallo stated they have not completed a great deal of planning on Olalla as the foundational work of the Master Plan needs to be established first. He did report on the following:

- The firm had a productive and optimistic meeting with representatives of Georgia Pacific.
- Georgia Pacific (GP) is open to a dialogue about a cooperative relationship between the City and GP through the Olalla reservoir.
- GP needs to see that a partnership with the City doesn't cost them anything or interrupt their own water supply.
- They are optimistic that a cost effective solution can be presented to GP to allow the City to store water in the reservoir, potentially, utilize Olalla Creek for transmission to town, eliminate some major costs at the City's intake, and more.
- The Olalla alternative has true potential to significantly reduce capital improvement costs.

He said there are a lot of regulatory issues to use this system as well. The use it or lose it water rights policy is a significant risk if Toledo chose to stop maintaining the Mill Creek reservoir.

System Development Charge (SDC) Planning Preview

- SDC methodologies should remain current and be updated often
- The City is in the process of completing water master planning. Therefore, this is a good time to be updating the City's SDC methodology
- A methodology update should be completed for all infrastructure sectors.
- SDC administration is governed by ORS 223.297-314 sometimes referred to as the SDC Act.
- The City has some autonomy in how their SDC methodology is structured, but should develop a "solid", fair, and defensible method.

The steps required to establish SDC's are planning, (they will look at the old plan to see if any of it is still viable), list of projects and cost estimates, methodology including a description of how SDC was calculated and established, public comment, followed by adoption of the plan. The current City of Toledo SDC rate is extremely low compared to the state average.

Public Infrastructure Design Standards Manual- The standards manual is to be used by developers and design professionals when preparing plans for development in Toledo. The goals include 1) inherit high quality improvements, 2) consistent quality, 3) fair and equal standards, and 4) the burden of development administration borne by the developers and not by the current rate payers. Also, the city remains in control of the development process beginning with the design phase and developers and designers will know what is expected of them from the beginning, saving them money and time.

In answer to Council questions Mr. Palo responded as follows:

- SDC's can not be used for administrative or maintenance costs. SDC's are for increasing the capacity of an infrastructure.
- The manual is nearly complete. There are a few issues to address but it is nearly ready to start the adoption process.
- The plan will require any developer to be on a plan holder list. If something changes during the process staff can issue an amendment that goes to all the developers on the list with instructions to add it to the plan. That way everyone is working with the same information.
- The water master plan should be done late this year. That information can then be put into the water methodology and then to the adoption process. Generally it is a 9 to 12 month process.

The design standards manual will come forward with the water master plan.

Mayor Cross called for a 3 min recess at 8:23. The meeting resumed at 8:30pm.

Decision Items:

All America City Committee request for donation

Rod Cross, representative of the All America City Committee explained that the committee fundraising efforts includes a request for support from council in a donation of \$1000. He has discussed the request with the City Manager and believes there are discretionary funds available within the city budget.

CM Amberg noted a cost savings in the general services portion of the general fund that can be used for this donation. The 2009/10 budget request does account for the estimated carry forward.

Public Comment:

There were none.

Motion It was moved and seconded (Young/Lyons) to donate \$1000 from the general services fund to the All America City Committee. **Motion passed- 6-0**, noting the abstention of Mayor Cross.

Proposed Motion to recommend renewal to the Oregon Liquor Control Commission (OLCC) of the liquor licenses within the City of Toledo

Assistant City Recorder Nancy Bryant noted the list of OLCC liquor licenses are up for renewal. In order to qualify for renewal all licensees must pay the City of Toledo beverage license fee of \$25.00 and receive endorsement from the Toledo Police Chief Mark Fandrey. All licensees have been given an endorsement from the Police Chief and the required fees have been paid.

Public Comment:

There was none

Motion- It was moved and seconded (Camara/Young) to recommend renewal to the Oregon Liquor Control Commission of the attached list of Toledo businesses requesting liquor license

renewals based on Police Chief Fandrey's recommendation, and subject to payment of City renewal fees. **Motion passed 7-0.**

Liquor License Application

Assistant City Recorder Nancy Bryant explained that Rick & Laura Myers and Tina & Larry Little have applied to the Oregon State Liquor Control Commission (OLCC) to serve alcoholic beverages at the Cobblestone Pizza Restaurant located at 1127 NE Hwy 20 in Toledo. Police Chief Mark Fandrey has recommended endorsement to the OLCC for granting this license subject to payment of City renewal fees.

Councilor Young expressed her concern of alcoholic beverages served at this establishment because it is small and minors are often patrons.

PC Fandrey noted it is a common concern at any pizza restaurant. The owners should know the liquor laws and that minors cannot be served alcoholic beverages.

Public comment:
There was none

Motion- It was moved and seconded (Emmett/Lynne) to recommend approval of the Oregon Liquor License Application for Cobblestone Pizza LLC based on Police Chief Fandrey's recommendation and subject to payment of City liquor license fees. **Motion passed-7-0**

A Resolution extending City of Toledo's Workers' Compensation coverage to Volunteers of the City of Toledo

CM Amberg explained that the City of Toledo has volunteer staff working in many of its departments and on special projects through the City. Volunteers add support for city departments, expand services to the public and enhance the look and feel of the community. ORS 656.031 (2) requires the City to adopt the proposed resolution declaring its intent to cover volunteer personnel, identify work duties performed by volunteers and maintain a roster of active volunteers. All City of Toledo volunteers except Police Reserves and Volunteer Firefighters are covered under Toledo's SAIF Workers' Compensation plan at an assumed wage of \$5.85 per hour. The Police Reserves are covered at an assumed wage of \$2,400 per quarter and Volunteer Firefighters are covered at an assumed wage of \$7,800 per quarter. The fiscal impact will depend on the magnitude and type of event.

In answer to Council questions CM Amberg stated the following:

- Volunteer training is a separate issue. It is not mandatory but important to provide appropriate training to volunteers.
- Toledo has many spontaneous volunteers who may not be aware of the procedure. The volunteers need to be sure to get their names on the list during a sign-in process at each event to assure coverage.

Councilor Camara expressed his concern of fraudulent injury reporting.

Angelo Stephenson noted that he has worked for SAIF Corp. and they have developed a policy with employers that required volunteers who had an injury while working to report it at the end of that working shift or forfeit coverage.

CM Amberg noted there isn't a cost to the City for this coverage unless there is an incident.

Public Comment:
There was none.

Motion-It was moved and seconded (Chadwick/Camara) to adopt Resolution No. 1253 extending City of Toledo's Worker's Compensation coverage to Volunteers of the City of Toledo.

Motion passed 7-0.

Proposed motion to repeal Resolution No. 1243 that directs the City Manager to sell the Public Safety Building.

CM Amberg explained that the City Council passed Resolution No. 1243 on September 17th, 2008. In the interim several ideas have been brought forward as to how to proceed; however, no actual plan has been developed. She asked for council's desire in dealing with this building. Also, there is an individual who would like to speak to council in closed session regarding this issue.

CM Amberg recommended an Executive Session regarding this issue as well as the AFSCME contract and a potential personnel matter.

Mayor Cross called for a brief recess at 8:56 and announced an executive session will follow.

The Council meeting resumed at 8:58 pm and Mayor Cross called for an executive session according to ORS 192.660(2) concerning (a) to consider the employment of a public officer, employee, staff member or individual agent and (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations and (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Executive Session:

Council discussed the proposed union agreement with AFSCME and a personnel issue.

Council resumed the regular session at 9: 30pm. Mayor Cross clarified that because the public posting of the executive session did not include real estate they did not discuss the public safety building during executive session.

Proposed motion to repeal Resolution No. 1243 that directs the City Manager to sell the Public Safety Building

Pat Klinkhammer addressed Council with a request to table the repeal of Resolution No. 1243 for 10 days to provide time for a proposal to purchase the public safety building property.

Public Comment:
There was none.

Councilor Camara suggested this issue placed on the next work session agenda.

CM Amberg suggested notifying an additional party who may like to make a proposal that one could be made within the 10 day time frame. Their proposal can be presented to council at the same time as the Klinkhammer's.

Motion- It was moved and seconded (Young/ Chadwick) to table the repeal of Resolution No. 1243 to the June 3rd, 2009 meeting of City Council. **Motion passed 7-0.**

Authorize the City Manager to sign the Agreement between the City of Toledo and AFSCME General Unit.

CM Amberg noted as discussed in the executive session the current AFSCME labor contract will expire June 30, 2009. Representatives from City Management and a negotiator from Local Government Personnel Institute (LGPI) met with AFSCME negotiator Eileen O'Connell and staff representatives and negotiated the proposed contract which will start July 1, 2009, and be in place until June 30, 2012.

Public Comment:
There was none.

Motion- It was moved and seconded (Lyons/Lynne) to authorize the City Manager to sign the agreement between the City of Toledo and AFSCME General Unit. **Motion passed 7-0.**

Mayor Cross announced that during the previous decision item of the All America City Committee request for donation he forgot to declare a conflict of interest. Because of his involvement with that committee he declares a direct conflict of interest as he will be a direct beneficiary of a portion of the funds donated.

Councilor Lynne also declared a conflict of interest because she is on the All America City Committee and will be a direct beneficiary of a portion of the funds donated.

All America City Committee request for a donation

After the declaration of direct conflict of interest by both Mayor Cross and Councilor Lynne, Council repeated the motion and vote on this agenda item.

Motion- It was moved and seconded (Lyons/Young) to donate \$1000 from the general services fund of the City budget to the All America City Committee. **Motion passed 5-0** noting the abstention of Mayor Cross and Councilor Lynne.

Reports and Comments:

Department Reports

PWD Denlinger provided council with an update on construction at city hall. Staff had originally budgeted \$30,000 to rehab two bathrooms, replace four entryways and repair the south facing wall. The proposals came in well under budget; However, the new siding on the south exterior

wall was not included and was the only solution to the problem of water entering from that side of the building. The contractor recommended applying the same siding to the west portion of the building as well to avoid any additional water issues. Water was getting between the brick veneer and the brick structure then leaking into the building. The project is now over budget by approximately \$6,000 and it could be a little more. The bathrooms should be complete within a week.

Mayor Cross inquired from Chief Fandrey about how the Police Department's efforts in the pedestrian cross walk awareness are doing since last summer's campaign.

Chief Fandrey said that it seems to be better. There have been no complaints from the community and his observations have been good.

City Manager's Report

CM Amberg reported the following:

- The Council meeting of June 17th will require a quorum as the 2009/10 fiscal budget approval will be on that agenda and there will be at least two council members excused. She noted that the item could be delayed one week and placed on the agenda of the June 24th work session.
- She asked that the members of the Promotional Committee stay after this meeting to review a recommendation from Celeste Mathews.

Mayor Cross asked that the public notice of budget hearing be placed in the local news paper in more than just the legal notice section, with the exception of a paid advertisement, to assure public notification.

Council agreed to place the budget hearing on the June 24th, 2009 work session agenda.

Council Comments

Councilor Lyons reported that the quilt for the All America City Committee is coming along and she hopes to have it done by the work session.

CP Emmett noted his appreciation of everyone's efforts on the All America City Finalist project and he is looking forward to the dinner and dance on Saturday.

Councilor Young reminded everyone that High School graduation is coming up and there are a lot of activities scheduled for that week.

Councilor Camara referred to the budget committee meeting and noted the actual amount of the sewer rate increase is 12% not 21% as stated at that meeting.

Mayor Comments

Mayor Cross reported the following:

- He thanked Celeste Mathews for all the work she is doing around the city. Her involvement in all the projects and committees warrants a lot of recognition.

- The City Clean Up project had 34 volunteers. A lot of work was done around town especially on Business Hwy 20/Branstiter Memorial Drive.
- The All America City Committee Bingo fund raiser went well. Citizens donated over \$250 to the cause and everyone had a good time.
- Next Saturday is a pancake feed in the morning at the City Hall parking lot, sponsored by the Chamber of Commerce, followed by the All America City Challenge coordinated by the City Manager. The cost for teams of two to enter is \$15.00 and the grand prize is a foosball table.
- There will be a golf tournament on Sunday morning.
- Don Amberg has coordinated a Bowl-A-Thon for Monday June 1st.
- The Committee's presentation is coming together. They are hoping to give a preview at the June 3rd council meeting.

Adjournment:

The meeting adjourned at 9:55 pm.

ATTEST:

APPROVE:

Assistant City Recorder

Mayor