

## TOLEDO CITY COUNCIL MINUTES

July 1, 2009

Mayor Rod Cross called an executive session of the Toledo City Council to order at 6:30 pm. Councilors present: Mark Camara, Nancy Lynne, Monica Lyons, Mary Young and Council President (CP) Bob Emmett.

Staff Present: City Manager (CM) Michelle Amberg.

### **Executive Session:**

Council and staff discussed the proposed property transaction for the former Public Safety Building with the Port of Toledo as well as a proposed contract for Attorney Services between the City of Toledo and Macpherson, Gintner and Dias.

Council recessed from executive session at 6:45pm and Mayor Cross called a regular meeting of the Toledo City Council to order at 7pm. All council members were present.

Staff present: City Manager (CM) Michelle Amberg, Library Director (LD) Peter Rayment, Toledo Police Chief (PC) Mark Fandrey, Fire Chief (FC) Will Ewing, Public Works Director (PWD) Adam Denlinger, and Assistant City Recorder Nancy Bryant.

Visitors present: Don Amberg, Teresa Denlinger, Teresa Methvin, Stu Strom, Terry Dillman, and Angelo Stephenson.

### **Visitor Comments:**

Stu Strom of the Toledo Fireworks Association said the fireworks during the Summer Festival is a great event that brings people into town. This year's show will be fired 90% electronically and shot from the usual area and begin at 10pm on July 25<sup>th</sup>. Because the Summer Festival and Fireworks display is such a large event he asked that the City of Toledo provide Police and Fire services during the event as well as a financial donation.

Mayor Cross noted that this event is a point of community pride. He said the City has provided the in-kind services in the past and sees no reason that it would not again this year. He suggested contacting the City Manager regarding the financial donation.

### **Proclamation- Oregon National Guard Month**

Mayor Cross proclaimed July 2009 Oregon National Guard Month. He encouraged all citizens of Toledo to join in this observation.

Mayor Cross noted as a former active duty army person he has great admiration for the people in the Oregon National Guard. He holds them in the highest esteem. He said consistently these folks have done an outstanding job nationally winning many honors.

### **Consent Calendar:**

**Motion**-It was moved and seconded (Camara/Young) to approve the consent calendar consisting of the invoice list dated June 26, 2009, surplus property declaration by the Police Department, Budget Committee minutes dated May 18, 2009 and Council minutes dated June 3, 2009, June 17, 2009, and June 24, 2009. **Motion passed 6-0**, noting the council vacancy.

### **Discussion and Information Items**

#### **All America City Presentation**

Mayor Rod Cross said a delegation from the City of Toledo went to Tampa, Florida June 16<sup>th</sup> through 20<sup>th</sup> to compete against 29 other cities for one in the All America City Awards. There were over 700 applications and Toledo citizens can be proud of their representation as an All America City finalist. He shared a plaque the City received from the National Civic League for being a finalist. He also played a video of the presentation presented in Tampa.

Councilor Camara said we are all proud of what the team accomplished and Celeste Mathews came back pumped up with a lot of new ideas and energy. Bringing home the prize would have been great but bringing home the ideas and the experience is the best benefit.

Mayor Cross stated that there were many workshops and Celeste attended the workshops on marketing. The City can benefit from national marketing from this.

Stu Strom said the presentation was awesome. Toledo was well represented.

### **Decision Items:**

#### **Proposed motion to approve fees for services provided by the City of Toledo for fiscal year 2009/2010**

CM Amberg explained that each year Department Heads are asked to evaluate the fees charged for services within their department. She provided a fee schedule that represents their requested fees for FY 2009/10.

Councilor Camara noted his concern for the difficulties in funding services like the pool. He said the proposed fees have not increased for the pool and questioned whether they should be increased.

Mayor Cross and Councilor Young stated those fees did increase last year.

CP Emmett said some of the proposed fees are appropriate and some may not be. He volunteered to compare the Toledo Pool fees to other pool fees throughout the State and report back to Council sometime in the next few months.

Mayor Cross noted that on page 5 of the fee schedule Personnel Cost should be listed as charged per hour.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Emmett/Lyons) to approve the established fees for services provided by the City of Toledo for the fiscal year 2009/10. **Motion passed 6-0.**

### **Proposed motion to establish the Water Master Plan Growth component**

PWD Denlinger thanked the all those who gave up their time to represent Toledo in the All America City finalist program. He said they did a phenomenal job. He stated that staff is recommending setting the growth rate for the Water Master Plan at 1%. It was previously discussed to set the growth rate at a moderate rate of 0.7% but in considering the Seal Rock Water usage component as well as information from the Comprehensive Plan, 1% seems to fit that model more appropriately. The consultant looks at several factors when developing the growth rate. The Comprehensive Plan, census data and past plans are reviewed for historical population data.

Mayor Cross thanked PWD Denlinger for answering all of the questions posed by Council at the last meeting.

Public comment:

There was none

**Motion**-It was moved and seconded (Camara/Young) to authorize consultants working on the Water Master Plan to set the population growth rate at 1.0%. **Motion passed 6-0.**

### **Proposed motion to authorize the Toledo Fire Association to build a storage facility to be maintained by the Toledo Fire Association and owned by the city of Toledo to store Christmas decorations**

CM Amberg noted that with the proposal to remove the shed at Memorial Field staff has been seeking a solution as to where to store the decorations that are in that building. The Fire Chief has recommended purchasing a storage container from disaster preparedness funds, placing it at the Police Station, for temporary storage of the decorations and the Toledo Fire Association has volunteered to build a permanent storage building at the Fire Station using voluntary labor and donated funds. Staff recommends authorizing the Toledo Fire Association to build a storage facility to be maintained by the Toledo Fire Association and owned by the City of Toledo as well as the purchase of a container from disaster preparedness funds for temporary storage.

FC Ewing explained that the storage container could be used at the Police Department on an interim basis after the permanent storage building has been built at the Fire Station. In answer to questions posed by Mayor Cross and Councilor Camara he said they will address flood plane issues by not putting items in the container that would be in danger while there. The container is built by Conex and is a sealed container.

Councilor Camara asked if staff will be requesting funds for the permanent storage building.

FC Ewing said he does not plan to ask council for funds for the storage building.

Public Comment:  
There were none.

**Motion**-It was moved and seconded (Lynne/ Lyons) to authorize the Toledo Fire Association to build a storage shed on City owned property located at 285 NE Burgess Road Toledo, Oregon and transfer ownership of downtown Christmas decorations to the Toledo Volunteer Firefighter Association. Also approve the purchase of a container from disaster preparedness funds for temporary storage of the decorations. **Motion passed 6-0.**

### **Proposed motion to open the vacancy on the Toledo City Council and develop the timeline for filling the vacancy**

CM Amberg noted, with the resignation of Wes Chadwick, the City now has an open council vacancy to expire December 31, 2010. Staff recommends leaving the vacancy open until filled so as to ensure there is time to receive an adequate number of applicants to interview.

Councilor Young stated she is in favor of leaving the position open until filled.

Mayor Cross noted that historically summer and December/January are more difficult months to get applicants for council vacancies.

Councilor Emmett said he is in favor of leaving the vacancy open until at least 3 candidates have applied.

CM Amberg noted a proposal brought to her was to have someone inexperienced in government given exposure. Possibly, a student could be given a certain period of time to sit on council for the experience.

Council discussed the appropriateness of an underage person filling a council vacancy. Some concerns included the nature of business that the City Council provides, Oregon public official requirements and liability issues. They agreed that it is an interesting idea but they would like to look into the details before implementing it.

Councilor Young said she would like to see youth involved in the Council Committee delegations.

Public Comment:  
Stu Strom suggested finding a retired person who may be interested.

CM Amberg noted another idea proposed to her was that the City send a letter from the city council and the mayor asking citizens to consider serving on the City Council. The letter could be asserted in the next water billing.

Mayor Cross noted that after the City receives two applications a notice can then be publicly posted stating the vacancy will close within 30 days.

**Motion-** It was moved and seconded (Young/Lyons) to open and recruit for the vacancy on the Toledo City Council leaving the vacancy open until filled. **Motion passed 6-0**

### **Former Public Safety Building Agreement with the Port of Toledo**

CM Amberg presented a proposal from the Port of Toledo for the purchase of the former Public Safety building. She said they are proposing that the City transfer ownership to the Port of Toledo, the Port will do the demolition that needs to be done to make the building stable, remove the debris, reconstruct the wall, and divide the bays up in a way that will create additional space for businesses in our community. They will also demolish the storage building at Memorial Field and remove debris. This creates a long term relationship and the City will have first right of refusal for the first five years in which time if they decide to sell the property the City can purchase the property back for the Port's costs invested into the property. She believes this is a step in the right direction and recommends approval.

Councilor Camara noted the buy back agreement is good for the City for a short period at their costs and it is a generous offer on the Port's part.

#### **Public Comment:**

Stu Strom encouraged Council to approve this purchase. He said the Port has really looked at this and the building has a huge mold problem and has been vacant for a long time. He said the focus at the Port has been to accommodate cottage industries and they could apply this building to that use as well.

PWD Denlinger encouraged Council to take the City Managers recommendation for the proposed purchase agreement. He has worked closely with the Port of Toledo and they hope to have this project completed this month.

Mayor Cross thanked Angelo Stephenson for keeping Council on task with this property issue.

**Motion-** It was moved and seconded (Lyons/Lynne) to authorize the City Manager to execute an agreement regarding the transfer of the former public safety building to the Port of Toledo.

**Motion passed 6-0**

Mayor Cross thanked personnel and all of those involved for getting this done. He is happy to have this problem gone.

### **Proposed City Attorney Agreement**

CM Amberg noted that with the retirement of the City Attorney in March of this year Council and staff has been recruiting for a new City Attorney. Three different Law firms responded to the request for proposal. Council conducted interviews, a selection was made and staff began negotiations. The proposed contract is a result of those negotiations. Staff recommends approval of the proposed contract with Macpherson, Gintner & Diaz.

#### **Public Comment**

Angelo Stephenson asked if the contract is with a firm or a person.

CM Amberg noted that the contract is with a firm and they will appoint an Attorney for providing services.

**Motion-** It was moved and seconded (Young/Lyons) to authorize the City Manager to sign a contract for City Services with the law firm of Macpherson, Ginter & Diaz. **Motion passed 6-0**

## **Reports and Comments:**

### **Department Reports**

PWD Denlinger reported that tomorrow morning Benton Council will begin striping on Business Hwy 20 and the truck route. The City is contracting with Benton County for this service at the cost of \$6,500. They will be finished by the end of the day.

### **City Manager's Report**

CM Amberg reported the following:

- The City received confirmation that it will be receiving the Façade Grant funds in the amount of \$7,143. A contract will be executed with a local business who wishes to match the fund at least one to one.
- The Toledo Library set a circulation record for fiscal year 2008-09.
- She will be in Bend next week at the Oregon City Manager Association Summer Conference.

### **Council Comments**

Councilor Lyons reminded all of the first Main Street Stroll tomorrow evening starting off with a party including the Wanna Bees who have been hired to provide music. Different restaurants will do barbeques and there will be vendors with locally made products. It should be a lot of fun and will continue every Thursday from 4pm to 8pm through the summer.

Councilor Emmett thanked Mayor Cross and all of those who were involved in the All America City finalist competition.

Councilor Young said she is pleased with all those who have taken care of the issues that the City and Council have been facing.

Councilor Lynne announced that the Chef's Place Restaurant will reopen for breakfast and lunch starting next Wednesday.

Councilor Camara congratulated those who worked on the All America City Committee. He is looking forward to seeing the former public safety building renovated and becoming an asset as opposed to a liability.

### **Mayor Comments**

Mayor Cross commented on the following;

- One prevalent theme at the All American City Awards was the agency cooperation aspect. Our City is worth all the money and every hour we put into the finalist process. We stack up very well against the rest of the nation because we have citizens who step up and work when needed. The youth who traveled to Tampa conducted themselves wonderfully and were a great representation for our town.
- A live presentation will show on July 23rd at the Toledo Summer Festival.
- The City now has more access to recourses just because we were finalist and one day there will be a sign out on the highway noting that we are an All American City.

**Adjournment:**

The meeting adjourned at 8:42 pm.

ATTEST:

APPROVE:

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Assistant City Recorder

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Mayor