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TOLEDO CITY COUNCIL MINUTES

March 5, 2008

Mayor Jim Chambers called a regular meeting of the Toledo City Council to order at 7pm. Councilors present: Mark Camara, Bob Emmett, Ron Beckham, Wes Chadwick, Sarah Cole and Council President Rod Cross.

Staff present: City Manager (CM) Pete Wall, City Treasurer (CT) Polly Chavarria, City Attorney (CA) Jim Ruggeri, Police Chief (PC) Mark Fandrey, Public Works Director (PWD) Adam Denlinger and Utility/Recording Clerk Nancy Bryant.

Visitors present: Signe Grimstad, Teresa Denlinger, Teresa Methvin, Katherine Pederson, Reuben Johnson, Cindy George, Brandon Manning and Terry Dillman.

Visitor Comments:

Cindy George and Brandon Manning spoke to Council regarding an accident that happened at the skate park last weekend. The accident involved a youth who sustained head injuries and was not wearing a helmet. They are working with the local youth who use the park to raise funds to purchase helmets that would be distributed freely to park users as needed. They have received pledges from community members and are looking for corporate sponsorship. Brandon Manning provided Council with copies of the group's flyers promoting the helmet drive. They said the users of the park would like to see a law established that would require all users to wear helmets as well as area lighting for additional safety.

Several Councilors offered donations and Mayor Chambers thanked Ms. George and Mr. Manning for their presentation and their efforts to promote safety at the skate park.

Consent Calendar:

Motion-It was moved and seconded (Emmett/Camara) to approve the Consent Calendar consisting of the invoice list dated February 29, 2008, Council minutes dated January 26th and February 20, 2008. **Motion passed 7-0**

Discussion and Information Items:

2006-07 Audit Presentation

Signe Grimstad of Grimstad & Associates presented the City of Toledo 2006-07 Audit Report. She stated that the City received a clean opinion. Ms. Grimstad stated that she would be happy to meet with the Audit Committee to discuss the financial statements and the up coming audit changes.

Presentation by Regional Aquatic Center

Katherine Pederson and Reuben Johnson of Friends of the Aquatic Center provided Council with information regarding a petition proposing the formation of an aquatic district covering certain parts of Lincoln County. If approved by voters the proposed district revenue would provide for

operation, and maintenance of a recreational aquatic facility to serve the public. The group asked that Council approve a proposed resolution in support of the district creation and the inclusion of the City of Toledo within the district's boundary.

In answer to Council questions Ms. Pederson provided the following information:

- Approximately 800 registered voters in Lincoln County were polled and the result showed favor for the creation of an aquatic district to replace the Newport swim pool. The number of Toledo residents included in the poll was unavailable.
- The facility will require on-site rental facilities, retail stores, user fees and out-of-district patron fees for operation.
- The group will be looking for grant funding for the construction of the aquatic facility.
- The group has four sites in the Newport/South Beach area for consideration of the facility location.

Council voiced concern that if the resolution is approved the registered voters of Toledo could be included in the district by a majority of voters within the district boundaries even if the majority of voters in Toledo voted against it. If Council does not approve the proposed resolution Toledo will not be included in the aquatic district boundaries.

(CP) Cross stated that he would like to give Toledo voters a chance to vote on the district formation but he would want them to have all of the information before making that decision.

Councilor Cole stated that she would like to see the survey that included Toledo residents.

(CM) Wall said if Council wants to move forward, the proposed resolution will be included on the next Council meeting agenda. To his knowledge there has been no discussion in Toledo regarding this new district and how Toledo will fit into it. There is no provision in the ballot petition to include the Toledo swim pool.

Ms. Pederson stated that the group would need a decision from Council by the next regular Council meeting.

Council Camara stated that he is concerned because he does not know how the Toledo citizens feel about this. There is no guarantee that our pool will be funded in any way.

Mayor Chambers stated that Toledo voters would be asked to support two facilities and it would seem fair for the district to maintain both.

Ms. Pederson stated that this group couldn't make that decision. The district's governing board would make those decisions.

Ms. Pederson said she would provide additional information to council before the next meeting.

Mayor Chambers thanked Ms. Pederson and Mr. Johnson for their presentation and wished them luck.

Decision Items:

Proposed Resolution authorizing the Mayor and City Recorder to sign a building inspection services agreement with Lincoln County.

(PC) Fandrey stated that in accordance with the 2008 Council goal implementation plan he has completed his research regarding how the city should proceed with enforcement of the Toledo Municipal Code No. 1512 regarding dangerous buildings. Since the city does not have a building inspector, in 1997 the City entered into a building inspector services agreement with Lincoln County under Resolution No. 1016 for basic services related to building permit certification, compliance with building codes and other related services. The proposed resolution amends the 1997 agreement establishing the ability to utilize the County Building Inspector to inspect and make recommendations for repairs of existing buildings deemed dangerous under Toledo City Municipal Code 15.12. The city will be charged a fee of \$60.00 per hour for the services provided by the County, which can be funded under the city Abatement line item 030-300-607-000.

Staff recommends Council repeal Resolution no. 1016 and approve the resolution authorizing the Mayor and City Recorder to sign the amended building inspection services agreement to include "Special Inspection Services" with Lincoln County.

Mayor Chambers expressed the need for a professional opinion to declare a building hazardous. This is an important step forward in code enforcement and meeting the Council's goals.

(CP) Cross thanked (PC) Fandrey for being on top of this issue.

Councilor Camara stated that this is good and fits into the goals.

Public Comment

There was none.

Motion-It was moved and seconded (Cross/Cole) to adopt Resolution No. 1228 Authorizing the Mayor and City Recorder to sign a building inspection services agreement with Lincoln County.

Motion passed 7-0.

Request for City Funding

Councilor Camara conveyed a request from the Toledo Development Association (TDA) for funding assistance for the Downtown Grant Program. He stated the Downtown Grant Program requirement includes a match of \$1,500. TDA has collected \$1,000 through fundraising and additional donations of \$200 to \$300 are expected. He requested Council approval of a City contribution of up to \$500 to complete the required amount.

(CM) Wall stated that the funds could come out of the city contribution fund or the community development fund.

Mayor Chambers noted that TDA has made great strides towards downtown revitalization, it is a worthy cause and it is admirable that many community businesses have stepped forward with contributions.

(CP) Cross and Councilor Emmett agreed that this is a worthy project to contribute to.

Public Comment

There was none.

Motion-It was moved and seconded (Cross/Chadwick) to approve the request for city funding of up to \$500 to the Toledo Downtown Association for assistant on the downtown grant program.

Motion passed 7-0.

Reports and Comments:

Department Reports

Public Works

(PWD) Denlinger provided Council with information regarding the Mill Creek raw water line River Road emergency repair project. He stated that Public Works (PW) staff has responded to several leaks on the Mill Creek raw water line north of River Road adjacent to Olalla Slough. PW crews have made four repairs at this location in the last three weeks. Due to deflection and liquefied soils, connections are not holding under pressure and historical repair methods will no longer support a permanent fix.

Staff is recommending above ground installation of fusible plastic pipe (PVC) to span the entire affected wetlands area. The project can be completed in two days. PW Denlinger stated that this section of property is owned by the City of Toledo. Staff received emergency authorization from Department of State Lands (DSL) on February 22, 2008. DLS has ruled that placing the pipe above ground does not require a joint permit. Any permanent repair work underground located below the high water mark will require a US Army Corps of Engineers, DSL joint permit application.

The emergency project funded through the water reserves account to install 450 lineal feet of 12-inch PVC pipe has a construction estimate cost of \$25,000. This estimate includes necessary pipe and fittings, costs to fuse the pipe, construction costs to install the pipe and complete the connections. To reduce costs staff will assist with installation and tie-in of the new pipe. Seal Rock Water District has been briefed on this project and is in full support.

In answer to Council questions PW Denlinger explained the following:

- The pipe will be weighted down with water inside the pipe and will include heavy anchors at each end.
- The old pipe will not be removed. The standard is to leave it in place in the ground.
- This will be a permanent repair for this line.
- The last four repairs for this location have cost approximately \$4,000 for outside contracting. That does not include the cost for the fittings or staff time.
- This is becoming a safety issue. Staff has been working in mud up to the waist.
- Staff would like to start the project as soon as March 12th.

Mayor Chambers noted that both Seal Rock and the City are fortunate to have an alternate water system to pull from while making repairs on either water line. He believes the existing Mill Creek line has already met its expected life span.

PWD Denlinger stated that the Siletz line has leaked twice in the last two weeks.

Council agreed by consensus that the expenditure is warranted.

Mayor Chambers thanked Alex Rampley of Seal Rock Water District for working with the public works crew to get this line fixed.

(CM) Wall reported a phone call from a woman who lives near where the Siletz line repair took place. She expressed how pleased she was with the crew; they were hard working, polite and accommodating. She said it takes a good leader to have a crew work so well.

(CP) Cross thanked the Public Works Crew for the uninterrupted service during the line repair.

City Manager's Report

- (CM) Wall and Executive Secretary/ City Recorder Teresa Jenkins attended the annual City County Insurance Services meeting. Health and dental insurance premiums will increase about 10%; property, liability and vehicle insurance will stay flat or have a decrease. Liability is expected to go down 6%.
- Budget meetings with department heads have started and they are going well.
- The City Manager recruitment applications closed last Friday. Twenty-six applications have been received and a meeting with the screening committee has been scheduled for next Wednesday.
- There has been no budget committee applications received to date.

Council Comments

(CP) Cross stated that over the last several months he has been approached by many citizens encouraging him to run for mayor. He is honored in the trust placed in him with regards to this endeavor. He has discussed this election with his family and others and with all things in mind he has decided to run for Mayor of this wonderful city.

Councilor Camara thanked Council on behalf of the Toledo Development Association for the donation toward the Downtown Grant Program required funding.

Mayor Comments

- Mayor Chambers stated that he is not running for Mayor.
- The City of Toledo received a donation of \$1,500 from Max Damon for the Park and Ride plaza at the corner of A Street and Business Hwy 20. That project will kick off in April with the ceramic tile followed by the brick-laying project.
- He received a letter from Lincoln County Commissioner Terry Thompson regarding a historic state flag. On February 6, 2008 the County was presented with the last state flag that flew at the courthouse before the County seat was moved from Toledo to Newport, circa 1953. They are looking for comments or suggestions as to where to display or store the flag.

Council agreed to draft a letter of request that it be loaned or housed at the Toledo History Center.

Mayor Chambers called a brief recess at 8:30pm and announced an Executive Session will follow.

The Council meeting resumed at 8:45 and Mayor Chambers 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 and (i) To review and evaluate the employment-related performance or staff executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

Executive Session

Council reviewed three different city owned properties to consider potential sale and lease possibilities. Additional information was requested.

The Council then reviewed the City Attorney performance evaluation form and discussed comments from Councilors with the City Attorney.

Adjournment:

The Council returned to regular session and the meeting adjourned at 10:12pm.

ATTEST:

APPROVE:

Utility/Recording Clerk

Mayor