

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**January 4, 2012**

Mayor Monica Lyons called the regular meeting of Toledo City Council to order at 7pm.  
Councilors present: Nancy Lynne, Mark Camara, Jill Lyon, Jack Dunaway, Franki Trujillo-Dalbey  
and Council President (CP) Ralph Grutzmacher.

Staff present: City Manager (CM) Michelle Amberg, Public Works Director (PWD) Adam  
Denlinger, and City Recorder (CR) Nancy Bryant.

Visitors present: Theresa Denlinger, Don Amberg, Brenda Searle, Alan Searle, Ed Johnston, and  
Stu Strom.

**Visitors/Public Comment**

Ed Johnston of Toledo addressed his opposition to how State lottery funds are expended. He  
proposed 25% of State lottery funds be returned to the citizens in each county proportionate to  
where the lottery money was generated. He also noted his opposition to paying fish and game  
license fees.

Stu Strom thanked whomever is responsible for removing the cargo trailer from Main Street. He  
stated it has been parked on Main Street for six weeks and he appreciates its removal.

**Consent Calendar**

Councilor Camara noted a correction needed in the December 7<sup>th</sup> council minutes. The word  
“decimal” should be changed to “decibels” in the discussion regarding the Toledo Industrial Lands  
Project.

**Motion-** It was moved and seconded (Grutzmacher/Lynne) to approve the consent calendar  
consisting of the invoice list dated December 30, 2011 and Council minutes dated December 7<sup>th</sup>,  
13<sup>th</sup>, and 21<sup>st</sup>, 2011, noting the changes by Councilor Camara. **Motion passed 7-0.**

**Discussion and Information Items**

**Committee Updates**

There were none.

**Decision Items**

**Planning Commission Appointment**

CM Amberg reported the two Planning Commission positions held by Terri Strom and Linda  
Brodeur expired on December 31<sup>st</sup>, 2011. Both Terri Strom and Linda Brodeur have indicated an  
interest in serving additional terms. Council rules indicate the City Manager shall inform the news  
media of the vacancies and invite all interested, qualified candidates to file an application form.

Councilor Lyon noted, although she has no opposition to either Strom and Brodeur, she is concerned about the impression of a lack of transparency by moving forward without a notification to the public regarding the vacancies.

Councilor Camara stated Strom and Brodeur have experience on the Planning Commission and he would not like to see them not be reappointed. He also noted there have been times when it was very difficult to find someone who would apply for the positions. He suggested a change in policy by providing a public notice of the vacancy before a committee position expires so that Council will be aware of any citizen interest before reappointments are requested.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Camara/Dunaway) to suspend Council rules and reappoint Terri Strom and Linda Brodeur to the Planning Commission for four year terms which will expire on December 31, 2015. **Motion passed 7-0.**

### **Public Utility Commission Vacancy**

CM Amberg reported the Toledo Public Utility Commission shall consist of the mayor, the city attorney and the city manager as ex officio members, and five other members to be appointed by the mayor. Bob Davis has served a five year term which expired on December 31, 2011. Staff has been unable to contact Mr. Davis regarding his term expiration.

Public Comment:  
There were none.

**Motion**-It was moved and seconded (Dunaway/Lyon) to open the Public Utility Commission vacancy as of January 1, 2012 and direct the City Manager to inform the news media of the vacancy. Applications are to remain open until February 29, 2012. **Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

PWD Denlinger reported the following:

- SE 7<sup>th</sup> Street Sanitary Sewer mainline failure: Public Works crew spent the better part of New Years Eve completing repairs to a section of sanitary sewer mainline located on SE 7<sup>th</sup>. They successfully replaced approximately 25-feet of mainline which included reconnecting one service lateral which feeds several apartments and one residential home. Operators determined that the cause of the failure was age/fatigue and some sections of pipe were completely deteriorated. As a result, a manhole will be installed to allow the department to evaluate further reaches of the line, provide for future maintenance, and possible trenchless improvements.
- December 29<sup>th</sup> storm event: this rain event pushed system flows in excess of 5-MGD at the wastewater treatment plant which triggered the plant to be placed into partial bypass at approximately 4:00am on Friday December 31<sup>st</sup>. All notifications to the regulative agencies and downstream users were made as required under the NPDES permit. Excessive pump runtimes, created by heavy flows due to the Inflow & Infiltration, creates significant issues at the station.

- Power professionals evaluating conditions at the Butler Bridge Pump Station indicate that the individual panels at the station are at risk for failure due to age and excessive runtimes, along with overheating. The panels will be evaluated by the manufacture to see if maintenance options are available. Both panels were installed with the station was improved in 1993. Due to antiquated conditions of the panels, replacement may be necessary to avoid bypass conditions due to failure of the panel. Replacing both panels could cost as much as \$40,000.

In answer to Council questions PWD Denlinger stated the following:

- Some of the improvements to the Butler Bridge Pump Station were made based on design standards from APPA. It is difficult to make improvements to this station because the design is quite old.
- There are potential legal liabilities to the City and it has the responsibility to meet compliance of regulatory standards. The City's NPDES permit does allow for controlled bypass when rain events reach certain conditions however the permit is currently in the renewal process. He anticipates the renewed permit will require the City to minimize or eliminate all future controlled bypass conditions.
- A recent DEQ inspection of the city's wastewater treatment system found it to be in compliance.

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

CM Amberg reported the following:

- The City has received a Wellness grant in the amount of \$846 from City County Insurance for the employee wellness program. She thanked Josephine Ward who applied for the grant on the City's behalf.
- The Crab Krack event sponsored by the Lincoln County Historical Maritime Center is scheduled for January 15<sup>th</sup>.
- Toledo's Valentine program is coming up and applications are available.
- A meeting of City Council and staff has been scheduled for January 23<sup>rd</sup> to set tasks for the new year.
- She thanked Jeff Gavin and Tyler Cornwall of Toledo Jr/Sr High School for video taping the meeting and she welcomed Peter Vince back from Australia.

### **Council Comments**

CP Grutzmacher announced the Flowerree Community Center is opening an afterschool program on Monday for elementary school-age children.

Councilor Lyon acknowledged this meeting marks her first year anniversary serving on City Council.

### **Mayor Comments**

Mayor Lyons reported the following:

- She has found it an honor to be the Mayor of the City of Toledo. Due to personal health issues and under advisement from her physician she resigns her duties as Mayor. She will continue to operate her business on Main Street and she believes she is leaving the City in very good

hands. She thanked the other Council members for their hard work and noted that a replacement decision will not be necessary at this meeting.

- She requested that Council and staff follow up with the Main Street Parking issue. She said it is still a problem and Main Street will be losing a business because of the parking issue.

**Adjournment:**

Mayor Lyons adjourned the meeting at 7:34pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION**

January 10, 2012

Council President (CP) Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm. Councilors present: Nancy Lynne, Jill Lyon, Jack Dunaway, and Mark Camara. Councilors Excused: Franki Trujillo-Dalbey.

Staff present: City Manager (CM) Michelle Amberg, Library Director (LD) Peter Rayment, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Police Chief (PC) Dave Enyeart, Finance Director (FD) Polly Chavarria, and City Recorder Nancy Bryant.

Visitors Present: Garrett Palo, Don Amberg, Teresa Denlinger, Sandy Blackman, Allen Stewart, Terri Strom, Alan Searle, Michele Johnson, Bill Dalbey and Megan Miller Morgan.

**Discussion and Information Items**

**Coastal Resource Sharing Network Update**

LD Rayment provided Council with an update on the demise of the Coastal Resource Sharing Network (CRSN). He explained the costs for belonging to CRSN have escalated which generated interest in looking at other options. Tillamook County, City of Lincoln City and Newport have decided to develop their own automated system. The Lincoln County Library District advertised an RFP for a sharing network. The Library Board made a decision to contract with ByWater Solutions which manages the open source Koha system. Staff will be recommending that the Toledo Library join the Lincoln County Library District in their effort to provide material sharing service through ByWater Solutions. The cost to the City will be approximately \$15,000 in the next fiscal year compared to the \$20,000 expended this fiscal year. After the initial set up during the first year with ByWater Solutions the City's cost should drop to approximately \$5,500 per year.

**Water Rate Study Update**

Garrett Palo of Civil West Engineering provided Council with an update on a draft water rate study prepared for the City of Toledo. The presentation provided the following:

- Description of the approach and method taken for the rate study- The rate study analysis considers the financial requirements of the City for operation and maintenance of the water system. It also considers the financial requirements that will occur when the City undertakes the planned CIP (Capital Improvement Plan) projects.
- Review of the current water budget and recent performance- A review of the budget/audit history for the past several years indicates a water system budget that is "just getting by" and inadequate for planned projects.
- Review of the CIP and the plan for funding the improvements- The City has been working on a funding alternative that would utilize a bond sale through a program provided via WedBush called LOCAP (Local Oregon Capital Assets Program).

- Discussion regarding the estimated revenues that will be required from both Seal Rock and Toledo- The total estimated share of the project costs for Toledo is around \$5.65-million dollars to complete phases 1 and 2 of the CIP. This loan amount necessitates a bond sale of around \$6.3-million dollars to cover debt service, fees, and other costs.
- Discussion regarding the rate structure alternatives and recommendations- The new rate must be a combination of a base rate and a consumption rate. The rate study includes a recommendation to increase rates approximately \$16 per EDU (Equivalent Dwelling Unit) per month.
- Discussion regarding how proposed rates will compare with other water systems in the area and/or across the state. A chart was presented with water rate comparisons of other local, coastal and general communities in Oregon.

Mr. Palo estimated the draft Water Rate Study to be in final form in time for the City's LOCAP loan application. He also noted that the Seal Rock Water District has committed support to phase 1 of the capital improvement plan; they recently passed a general obligation bond for their financial share of the project.

### **Potential Contract with the City of Newport for Dispatch Services**

PC Enyeart reported that the police department has determined what will be needed if it were to contract out dispatch services to Newport and or other agencies. The City has not received formal proposals or requests from outside agencies for these services to date. Councilor Dunaway questioned whether Toledo dispatch should be contracted through Willamette Valley Communication Center. PC Enyeart noted that idea has been an option the City has considered in the past but it was not cost effective for Toledo to make that change.

### **City Mayor Vacancy**

CP Grutzmacher noted that a citizen has requested public comment regarding the City mayor vacancy.

Sandy Blackman of Toledo stated that she would like to be a part of the discussion regarding the vacancy for Mayor. She asked that Council consider public comment when they discuss which process they will use for the replacement.

Bill Dalbey of Toledo said he advocates opening the vacancy up to citizen applications.

CP Grutzmacher noted that Councilor Trujillo-Dalbey made a request to defer the topic to the next regular Council session.

By consensus, council chose to add the mayor vacancy to the Jan 18<sup>th</sup> regular session as a discussion item.

### **Review Central Lincoln PUD Franchise Receipts**

CM Amberg reported that last year, as part of the budget cycle, the recommendation from the Budget Committee was to increase the electrical franchise fee to four and one-quarter percent (4.25%) effective July 1, 2011, and split the revenue 60% to General Fund and 40% to Street Fund. The Public Utility Commission (PUC) made the recommendation that if revenues exceed projections by \$50,000, the Public Utilities Commission be reconvened to take another look at the franchise fee. The FY 2011/12 projected revenue was \$867,000 (estimated) equal to \$72,250 per

month average. The City received from July through December 2011 an actual amount of \$413,139.36 equal to \$68,856.56 per month. The monthly average for 2011 equals \$64,359.39. There was no further discussion on this item.

### **Industrial Lands Project Update**

CM Amberg provided research completed by Allen Stewart and Stuart Cowie regarding the subject of performance-based code criteria as well as an example from the City of Portland planning and zoning Ordinance for off-site impacts.

Councilor Camara said he believes the Planning Commission has completed its portion of the process and it is now up to Council to make a final decision.

CP Grutzmacher stated the City of Portland example provided in the handout is another way to look at it. The performance-based criteria can apply, but it won't hold up the process in the industrial lands zoning.

Councilor Lyon said she would like to see something like this implemented so that it does apply as an enforcement measure even to outright uses. Her concern is, with an outright permitted use, there would be no review of standards. Without defined standards for noise, etc at the time of permitting, the City does not have any means of controlling adverse impacts.

CP Grutzmacher noted he would like to visit this issue again but the City should move forward with the industrial lands ordinance.

CA Chadwick noted a new section can be added within the zoning code to address adverse impacts.

By consensus Council determined it would like to move forward with the Industrial Land Zoning Ordinance.

### **Utility Billing Charges to Non-Profit Organizations**

CM Amberg reported that the Toledo Chamber of Commerce and the Toledo Active Group do not pay utility fees but all other non-profit entities in the community do pay utility fees. Staff recommends charging these organizations for utility services.

By consensus Council determined that all non-profit entities within the City should pay for utility services.

### **Additional Council Discussion Items:**

Councilor Dunaway said he wants to discuss what is happening with Lincom and the potential for Toledo providing dispatch services to Newport. He believes it would be appropriate for Toledo to look at contracting with Willamette Valley Communication Center (WVCC) for dispatch services. PC Enyeart stated, staff looked at that option a few years ago but it was not found to be cost-effective nor to the City's advantage. CP Grutzmacher stated he would like to know what it would cost to contract with WVCC and what the station costs would be if the City does away with local dispatch. Council and staff discussed the pros and cons of contracting for dispatch services.

Councilor Camara inquired about the status of the Municipal Judge contract review. Councilor Lyon said Councilor Trujillo-Dalbey is the chair of the committee handling that review. CP Grutzmacher said Council will need to discuss it with Councilor Trujillo-Dalbey before moving forward.

Councilor Lyon reminded Council that members are invited to a meeting with Senator Merkley at 4:30pm tomorrow at the Fire Station. She said this is a good opportunity for elected officials to ask questions regarding rural measures. She also congratulated Chief Enyeart on the receipt of his second star as an Army reserve officer.

### **City Manager Comments**

- There are two Toledo High School students that have been chosen to ask questions of Senator Merkley during his visit tomorrow.
- There has been a request to review the Senior Dispatch position salary.
- The Police Department will be bringing forward a request to purchase a command vehicle.
- The performance evaluation of the City Attorney is due in March.

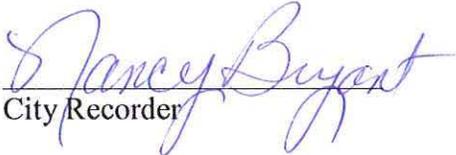
By consensus Council determined that it will review the previously used form for the City Attorney performance evaluation at the work session in February.

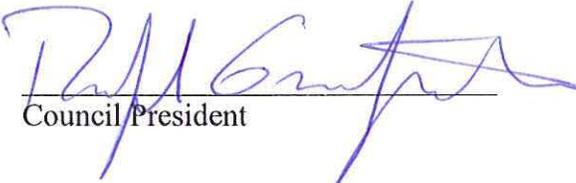
### **Adjournment:**

CP Grutzmacher adjourned the meeting at 8:05pm.

ATTEST:

APPROVE:

  
City Recorder

  
Council President

## Toledo City Council Goal Setting Session

January 23, 2012

Council President Ralph Grutzmacher called the meeting to order at 12:04 pm. Council present: Nancy Lynne, Jill Lyon, Mark Camara, Fanki Trujillo-Dalbey and Council President Ralph Grutzmacher.

Councilor Jack Dunaway arrived at 1pm.

Staff present: City Manager (CM) Michelle Amberg, City Recorder (CR) Nancy Bryant, Finance Director (FD) Polly Chavarria, Public Works Director (PWD) Adam Denlinger, Fire Chief (FC) Will Ewing, Library Director (LD) Peter Rayment, Aquatic/Recreation Manager (ARM) Joe Andrews, and Assistant City Recorder Josephine Ward.

City Attorney present: Wes Chadwick.

Police Chief (PC) David Enyeart, Events Coordinator and Business Relations Specialist (ECBRS) Celeste Matthews, and RARE Intern Allen Stuart arrived at 12:30pm.

Visitors present: Don Amberg and Dave Silwones.

CM Amberg was the facilitator for this goals setting session.

### **Visitors Comments**

Sandy Blackman submitted the following email to CM Amberg in regard to City Council goals:

*Hello Michelle,*

*We had our Main St. Design committee meeting today and we were wondering as a group about the large bushy trees in front of city hall. We were asked for our input a while back and our group unanimously recommended that the area be cleaned up and the trees removed. So we were wondering where we are at in the process of removing the trees? Has that been approved of yet? If so, when can we expect that to happen? If that plan hasn't been approved what needs to happen to get it approved? What other hoops need to be jumped to move this process forward?*

*Part of our discussion revolved around the aesthetics of the building. We believe as a group that the city hall building is architecturally very attractive. Much of it is hidden by the trees which is a shame. One of our members talked about highlighting the building at night by using LED spot lights on it. The cost for these types of lights are not very expensive, around \$10.00 a piece. We also discussed opening up the front so some type of small signage might be more visible to the public which would list times for city*

*council meetings, or other important notices from the city. Again this was just our group brainstorming about different concepts of design and function for the building.*

*Any update on the building front and the outcome of the trees would be appreciated. I would like to share any info with the committee at our next meeting on Friday, February 3<sup>rd</sup>. Thanks for your help with this matter.*

*Sandy Blackman*

Sandy Blackman also spoke with Councilor Camara prior to the meeting to offer more goal setting suggestions. Those suggestions were:

- Support the aging senior population and use the community center to host events for seniors.
- Diversity awareness.
- Support the recreation services that are in place like the community center, pool, and library.
- Improve communication and meeting notices.

Dave Silwones expressed that he was happy to see that council works on long-range planning. As a local business owner he is excited about what is coming to the City. The Port has been working on waterfront improvements and the City has a list of upcoming road improvement projects. Councilor Camara asked him, as a business owner, what he suggests might encourage investment into the dilapidated buildings in Toledo. Dave Silwones believes that falls under the focus of the Main Street Program. The Main Street Program has provided local businesses and building owners with access to a lot of helpful information. He believes if the Main Street Program can build with those who are willing to listen, then hopefully it will have an impact on overall beautification. CM Amberg asked Dave Silwones what he believes the role of the City in regard to the Main Street Program is. Dave responded by saying that although business owners enjoy the current support it should be a standalone program.

### **Facilitated/Prioritizing Goal Strategies**

CM Amberg provided a brief overview of the goal setting process and meeting objectives. She assisted the group in reviewing the current thirteen goals.

Councilor Trujillo-Dalbey had a number of suggestions for additional council goals.

- Expand goal 11 to add a review of City codes to ease the burden on homeless people in the community by possibly changing codes that make it more difficult to survive.
- Increase council's cultural sensitivity.
- Expand goal 6 to make a commitment to lessen the financial burden by making a conscious effort to keep increasing utility fees to a minimum.
- Work on a formal process for work session decorum regarding how council comes to consensus.

The group discussed changing goal 5, "Emergency Preparedness," to be more specific. The following list is what council agreed on as goals to carry forward for 2012:

### **City Council Goals**

1. Outreach to existing and potential partners and collaborators
2. Improve communication and technology availability
3. Maintain well-informed and effective City Staff
4. Assure and provide service that protects the citizens of Toledo
5. Develop and maintain preparedness for extraordinary public emergencies and work cooperatively with other agencies
6. Be fiscally responsible
7. Promote and support high-quality education
8. Meet the transportation needs of all facets of our community
9. Maintain and improve Public Infrastructure
10. Identify and eliminate barriers and obstacles to economic growth
11. Improve the quality and quantity of safe, decent and affordable housing and built environment within the City
12. Balance economic impact and quality of life issues
13. Develop relationships with legislators that will benefit the City of Toledo

The group took a lunch break at 12:30pm and resumed the goal setting session 1:05pm.

There was continued discussion on Councilor Trujillo-Dalbey's suggestions. The group decided to add a philosophy statement that addresses the consideration of economic impact of actions and decisions on citizens. The following is a list of the 2012 City of Toledo Philosophy Statements:

### **Philosophy Statements**

The following are the guiding principles for the City of Toledo. The city council will take action based on the principal of majority rule. When making decisions they will take into consideration:

- Economic impact of actions/decisions on citizens
- Maintenance of existing services and programs and manage the city budget so that the city services are maintained
- Maintenance of existing rolling stock; keeping vehicles serviced, updated and replaced according to a vehicle replacement plan
- Growth and development of a well-trained staff to aid in retention and to provide plentiful and smooth operations and providing city-wide training to all employees as required by state and federal regulations
- Continuing to collaborate with surrounding agencies in an effort to reduce costs for similar services through partnering and other creative efforts and explore and evaluate opportunities as they arise. Current examples include:
  - Planner

- Code Enforcement Officer
- IT Services
- Cooperative purchasing agreements
- Library District
- Fire District
- Siletz Policing Contract
- Sale of water to Special Districts
- Providing mutual aid
- Participation in multi-agency assistance
- Emergency Dispatch

Council and staff addressed the three remaining points of Councilor Trujillo-Dalbey. After much discussion the group decided to add three additional items to the 2012 Goal Strategies and Activities. Under City Council Work Session Topics the additional items address homelessness, cultural diversity training, and review of City Council Rules. The following is a list of the 2012 Goal Strategies and Activities:

### **City of Toledo Goal Strategies and Activities for 2012**

#### **City Council**

- |   |  |  |
|---|--|--|
| A | Implement new water rates based on completed Water Rate Study  | City Council   |
| B | Planning Commission: <ul style="list-style-type: none"> <li>• Industrial Lands/Comprehensive Plan Update</li> <li>• Off site Impact Ordinance</li> <li>• Partition Sturdevant Road Property</li> <li>• Island Annexations</li> <li>• Zoning issues for Mary Harrison Property</li> </ul> | Planning<br>Commission<br>Stuart Cowie<br>Arlene Inukai      |
| C | Municipal Court: <ul style="list-style-type: none"> <li>• Formalize agreement and annual review process</li> </ul>   | Franki Trujillo-Dalbey<br>Jill Lyon<br>Municipal Court Judge |
| D | Public Library Board: <ul style="list-style-type: none"> <li>• Provide City Council with an update and list of ideas</li> </ul>  | Library Board Chair  |
| E | Parks and Recreation Advisory Committee: <ul style="list-style-type: none"> <li>• Provide City Council with an update and list of ideas</li> </ul>   | Parks and Recreation<br>Advisory Committee<br>Chair          |
| F | Main Street Committee: <ul style="list-style-type: none"> <li>• Annual Report to City Council</li> </ul>   | Main Street Chair<br>Celeste Matthews<br>Allen Stewart       |

- |   |   |
|---|---|
| <p>G Work Session Topics:</p> <ul style="list-style-type: none"> <li>• Homelessness</li> <li>• Cultural Diversity</li> <li>• Review City Council Rules-possibly amend</li> <li>• Explore relationship with School District</li> <li>• City economic development toolkit</li> <li>• Substandard Housing</li> </ul> | <p>Mayor<br/>City Council<br/>City Manager</p>      |
| <p>H Host regional workshops:</p> <ul style="list-style-type: none"> <li>• Earthquake Drill</li> <li>• Community collaborations</li> </ul>  | <p>City Council<br/>City Manager<br/>City Staff</p> |

**Finance**

- |   |   |
|---|---|
| <p>A Make city collections more efficient through the use of a collection agency</p>            | <p>Polly Chavarria</p>                          |
| <p>B Explore various water rate implementation scenarios for assisting low income customers</p> | <p>Polly Chavarria</p>                          |
| <p>C Sell revenue bonds to cover the costs of Phase I and Phase II Water Plan improvements</p>  | <p>Mayor<br/>City Manager<br/>City Attorney</p> |

**Communications**

- |  |   |
|--|---|
| <p>A Maintain website that is resourceful to citizens, employees, and volunteers</p> | <p>Josephine Ward</p>                     |
| <p>B Add library catalog and access to “Library 2 Go” on City website</p>            | <p>Josephine Ward</p>                     |
| <p>C Link Toledo school’s website to City webstie</p>                                | <p>Josephine Ward</p>                     |
| <p>D Make sure ALL public meetings are listed on City website</p>                    | <p>Department Head<br/>Josephine Ward</p> |
| <p>E Place signage at outdoor entrance to City Council Chambers</p>                  | <p>Adam Denlinger</p>                     |
| <p>F Install reader board on police station property</p>                             | <p>Dave Enyeart</p>                       |
| <p>G Develop and implement public outreach plan for capital improvements</p>         | <p>City Staff</p>                         |

**Infrastructure, Equipment, Real Estate**

- |  |                                       |
|--|---------------------------------------|
| <p>A Develop recommendations for sale of city-owned property</p> | <p>City Manager<br/>City Attorney</p> |
| <p>B Phase I Water Master Plan improvements</p>                  | <p>Adam Denlinger</p>                 |

- Clear and grade tank site
  - Complete design in winter/spring and begin construction in summer/fall
- C Phase II Water Master Plan improvements Adam Denlinger
- Continue to move environmental reporting effort forward for Siletz intake
- D Complete Wastewater Facility Plan Adam Denlinger
- E 2012 Paving Projects: Adam Denlinger
- Butler Bridge Road
  - 2<sup>nd</sup> and Main Street ODOT Ped Grant improvements
- F Construct outbuilding at Police Department for oversize evidence storage and control Dave Enyeart
- G Install flag pole at Police Station Dave Enyeart
- H Develop vehicle maintenance program
- City Manager  
Polly Chavarria  
Adam Denlinger  
Chief Enyeart  
Chief Ewing
- I Install low maintenance landscape/hardscape (pavers) in front of City Hall Adam Denlinger
- J Complete City Facilities Management Plan Adam Denlinger
- K Complete Source Water Study (Regional Study) Adam Denlinger
- L Explore Mill Creek land exchange Adam Denlinger
- M Develop specifications for a new fire engine to be ordered in 2012 and delivered in 2013 Will Ewing

**Legal**

- A Negotiate new Policing Agreement between City and Confederated Tribes of Siletz Indians to begin January 1, 2013 City Attorney  
City Manager
- B AFSCME Negotiations/Public Safety Negotiations City Manager  
City Attorney
- C Appraisal of city-owned TIP property City Attorney
- D Complete agreement between City and GP for dog park City Attorney

- |   |   |   |
|---|---|---|
| E | Complete update of Municipal Parking ordinance                                | City Attorney   |
| F | Complete Water Agreement with Seal Rock Water District                        | City Council<br>City Attorney<br>City Manager<br>Adam Denlinger |
| G | Draft and adopt Nuisance ordinance into the Toledo Municipal Code             | City Attorney   |
| H | Complete Industrial Land Re-zone project                                      | City Attorney<br>Stuart Cowie                                   |
| I | Annex property  | City Attorney<br>Stuart Cowie                                   |
| J | Draft and adopt Recreational Vehicle ordinance into the Toledo Municipal Code | City Attorney   |
| K | Draft and adopt Park Exclusion ordinance into the Toledo Municipal Code       | City Attorney<br>Dave Enyeart                                   |
| L | Draft and adopt an Offsite Impact ordinance into the Toledo Municipal Code    | City Attorney<br>Stuart Cowie                                   |
| M | Review agreement with Rural Fire District                                     | City Attorney   |

**Emergency Preparedness**

- |   |  |  |
|---|--|--|
| A | Work with County emergency management to develop emergency management packets  | Will Ewing                                   |
| B | Complete Emergency Response Plan   | Will Ewing<br>Dave Enyeart<br>Adam Denlinger |
| C | County-wide recruitment and retention of volunteers  | Will Ewing                                   |
| D | Work with Oregon Emergency Management to hold earthquake workshop in Toledo  | Will Ewing                                   |
| E | Work with partners on CERT training <ul style="list-style-type: none"> <li>• Assist with training</li> <li>• Assist with purchase of CERT equipment through county grant</li> <li>• Work with Siletz and Toledo CERTs to create an East County CERT Coalition</li> </ul> | Will Ewing                                   |

F Complete City Continuity of Operations Plan (COOP)

Will Ewing  
Polly Chavarria  
Nancy Bryant  
Joe Andrews

**Economic Development**

A Address zoning issues for “Mary Harrison” property

City Attorney  
Stuart Cowie

B Encourage and support Main Street Program autonomy

Celeste Matthews  
Allen Stewart

C Continue to work cooperatively with the Port of Toledo

City Council  
City Manager  
City Staff

D Participate in Lincoln County Economic Development Alliance Board

Jill Lyon

E Site a Realtor in Toledo

Main Street Program  
Celeste Matthews  
Allen Stewart

F Certify TIP property with State as “shovel ready”

Allen Stewart

G Utilize the services of Business Oregon

Main Street Program  
City Manager  
Celeste Matthews  
Allen Stewart

H Encourage development of Siletz Tribal property

City Council  
City Attorney  
City Planning  
Commission  
City Manager

**Departmental**

A Continue to revise and update city policies and procedures

City Council  
City Manager  
Nancy Bryant

B Transition Library to new automated system

Peter Rayment

C Promote Library use and services to East County area

Peter Rayment

- |   |  |   |
|---|--|---|
| D | Complete update to Library 5-year operational plan   | Library Advisory Board<br>Peter Rayment                         |
| E | Address fire station safety issues   | Will Ewing  |
| F | Toledo Transportation System Plan  | City Manager<br>Adam Denlinger<br>Stuart Cowie<br>Allen Stewart |
| G | Study the cost of emergency dispatch services <ul style="list-style-type: none"> <li>• Offering services to other agencies</li> <li>• Contracting out (Willamette Valley proposal)</li> </ul>                          | Dave Enyeart<br>Polly Chavarria<br>Maria Waldrip                |
| H | Improve truck inspection process   | Dave Enyeart  |
| I | Continue to improve swimming pool operational efficiency   | Joe Andrews   |
| J | Partner with outside agencies to create more pool programs and increase use  | Joe Andrews   |
| K | Encourage youth to consider careers in local government <ul style="list-style-type: none"> <li>• Police Explorer Program</li> <li>• Fire Cadet Program</li> </ul>  | Dave Enyeart<br>Will Ewing<br>Department Heads                  |
| L | Explore opportunities to provide regional training to local governments<br>Examples: <ul style="list-style-type: none"> <li>• Confined space training</li> <li>• Pool operators</li> <li>• First Responders</li> </ul> | Department heads  |

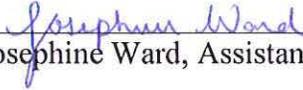
**Technology**

- |   |  |                  |
|---|--|------------------|
| A | Implement Main Street webcam   | Nancy Bryant     |
| B | Implement city intranet  | Polly Chavarria  |
| C | Purchase Springbrook upgrade to allow real time access to budget information by Department Heads | Polly Chavarria  |
| D | Update city phone system   | Polly Chavarria  |
| E | Research and implement web-based utility payment program   | Polly Chavarria  |
| F | Implement technology to improve city-wide efficiencies   | Department Heads |

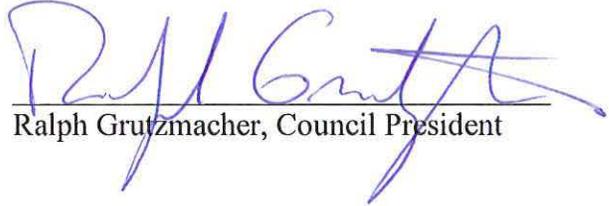
**Adjournment:**

The meeting adjourned at 5:08pm.

ATTEST:

  
\_\_\_\_\_  
Josephine Ward, Assistant City Recorder

APPROVE:

  
\_\_\_\_\_  
Ralph Grutzmacher, Council President

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**February 1, 2012**

Council President (CP) Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7pm. Councilors present: Nancy Lynne, Mark Camara, Jill Lyon, Jack Dunaway, and Franki Trujillo-Dalbey.

Staff present: City Manager (CM) Michelle Amberg, Public Works Director (PWD) Adam Denlinger, Finance Director (FD) Polly Chavarria, Police Chief (PC) Dave Enyeart, and City Recorder (CR) Nancy Bryant.

Visitors present: Theresa Denlinger, Don Amberg, Glen Kearns, Kori Sarrett, Allen Stewart, Sandy Blackman, Bill Dalbey, Ann Hendrickson, Lynn Mendenhall, Paul Johnson, Rose Marie Delfs, Larry A. Delfs, Linda Johnson, Michelle Johnson, Ginger Thompson, and Ray Burleigh.

**Visitors/Public Comment**

Sandy Blackman requested Council set a goal for themselves to engage more citizen involvement in city affairs. She would like to see the method of noticing meetings increased beyond the local media and online posting. She also addressed filling the vacancy of the City Mayor. She suggested if Council chooses to appoint someone from within the current Council members it should be one who holds their position as an elected official as opposed to those who were appointed to their council seat.

Councilor Camara stated it is the citizen's responsibility to take an active role if they want to be engaged in city affairs. He said the Council meetings are on a regular schedule and everyone knows that schedule.

Councilor Lyon noted the 2012 Council goals does address notice of public meetings.

**Consent Calendar**

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve the consent calendar consisting of the invoice lists dated January 13<sup>th</sup> and January 27<sup>th</sup> and City Council minutes of January 4<sup>th</sup> and 10<sup>th</sup>, 2012. **Motion passed 6-0.**

**Discussion and Information Items**

**City of Toledo Financial Audit Presentation**

Glen Kearns of Koontz & Perdue PC reported on the City's annual financial report. He stated there is an unqualified/clean opinion in the audit for the fiscal year ending June 30, 2011. He said the City's financial records are in great shape and in compliance with provisions of laws, regulations, procurements, and grant agreements. He credited the clean audit to the City's phenomenal staff.

In answer to Council questions Mr. Kearns noted one minor general control deficiency was in regards to journal entry documentation and was addressed and corrected. CM Amberg noted the fix included the City Manager review of all journal entries.

## **City Mayor Vacancy**

CM Amberg noted that the mayor vacancy is open and the procedure to fill that vacancy stands with the City Council. CA Chadwick noted Council's options include leaving the office open until the election in November of 2012, to appoint a Mayor from the members within the current Council, or appoint someone from the community through the application process. If Council chooses the later, they will set an application deadline and follow the established process.

Councilor Lynne stated her preference is to open the vacancy up to the public for application. She would like to see interested people step forward and apply for the office.

Councilor Dunaway stated he is open to ideas on how to fill it. His preference is to not fill the position leaving the Council President to continue as presiding officer until the November election. The Council President would have the benefit of serving on City Council through the goal setting session and would continue the continuity of Monica's term. Also, this wouldn't give someone the advantage of a short term incumbency during the election process this fall.

Councilor Lyon stated her concern that leaving the position open will not look good from the outside when dealing with other entities. If Council consensus is to open up to outside applications she will go with it. She is concerned that there are some significant issues coming up and no one from the public has been attending Council meetings enough to be following those issues well. Council and the community will need a leader who has experience with the issues.

Councilor Trujillo-Dalbey said her preference is to appoint someone from Council who is an elected official. In the absence of anyone coming forward to do that her next choice is to open it to public application.

Councilor Camara stated he would avoid filling the vacancy and let the people decide through the election process. He believes there are some very involved issues that will make it difficult for someone to step in and get their head around all of it at the top level. Also, if a Council member steps up and is appointed Mayor they would jeopardize their position on Council.

CA Chadwick noted not having a Mayor might look unattractive to the bond holders when the City is ready to sell bonds and that should be considered.

### **Public Comment:**

Lynne Mendenhall asked why Council has not discussed a special election. CP Grutzmacher noted that the City Charter does not provide for a special election in filling the Mayor vacancy.

## **Goal Strategies and Activities Update**

CM Amberg provided Council with an update of the City of Toledo Goal Strategies and Activities based on the goals for 2011.

Councilor Camara stated the quarterly update information provides a clear view of progress. He thanked staff for the impressive amount of work that was accomplished.

## **City Attorney Performance Evaluation**

CA Chadwick stated Council was provided a copy of the previously used City Attorney Performance Evaluation form. He noted there are six categories and a rating system from 1 to 5. Each Council member provides a rating and comments. In the past the completed evaluations have been collected by the Mayor who summarized the comments provided, and average out the

ratings. Once the information is compiled and provided to the remaining Council members a meeting is set up with the City Attorney to review the results. If the form is acceptable to Council they can then move ahead and set a deadline date for the completed forms to be returned to the presiding officer.

CP Grutzmacher deferred the topic to the February 14, 2012 work session with a tentative deadline of February 29th.

### **Committee Updates**

Councilor Dunaway reported on the recent Cascade West Area on Transportation meeting. Joe Squire will no longer be the project manager for the Highway 20 project and will be replaced by Gene Wilborn. The recent storm caused the Mary's River crossing in south Corvallis to reach an all time high and it overflowed the bridge for a period of time. It was announced that the Highway 20 project will take three construction seasons after the final plan is approved and they are in the process of designing the plan. Four bridges that were planned on the project will not be used.

Councilor Lyon reported the Council Advocacy Committee attended the pre-meeting with Senator Merkley and his staff before the town hall event. Because of that meeting, they now have contact with Senator Merkley and his staff. The Committee is moving forward on creating a promotional message post card.

Councilor Trujillo-Dalbey announced that she has been appointed to the CSC Community Action Advisory Board.

### **Decision Items**

#### **IT Services Contract Provided by Lincoln County School District**

CM Amberg reported the city does not have staffing dedicated to IT issues. There are several projects which require technical expertise which is not contained in the skill set of current city employees. The City Council has encouraged staff to look for opportunities to work cooperatively with other governmental agencies to share resources and keep operating costs to a minimum. The proposed agreement with Lincoln County School District would provide .25 FTE (10 hours per week) who will assist the city with network and computer consulting services, maintenance, and related activities for the city's technology systems.

In answer to questions posed by Council CM Amberg noted that the IT services provided by the LCSD cannot include the police department because the School District cannot provide 24 hour service.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/ Dunaway) to authorize the City Manager to execute an Intergovernmental Agreement with the Lincoln County School District to contract for technology services. **Motion passed 6-0.**

### **Purchase of a Patrol/Command Vehicle**

PC Enyeart reported the proposed vehicle purchase is within the vehicle replacement plan and would replace one of the city owned vehicles, a 2003 Ford Crown Victoria with over 104,000 miles. The proposed vehicle will be purchased from appropriate funds held in reserve for planned vehicle replacement. The vehicle replacement program calls for replacing one vehicle per year based on a six car fleet size and the department constantly reviews the best options between new or used purchase, commercial lease, or DAS lease on each replacement. The reserve fund's current balance is \$79,360. Many agencies are now purchasing the Chevy Tahoe model because it has one of the lowest life cycle costs of any vehicle in the law enforcement market.

#### **Public Comment:**

Michelle Johnson said she thinks the Chevy Tahoe is a good purchase.

**Motion**-It was moved and seconded (Camara/Lyon) to authorize the Toledo Police Department to purchase one 2 wheel drive 2012 Chevy Tahoe as a patrol/command vehicle. **Motion passed 6-0.**

### **IT Services Contract Provided by Ed Oswald**

PC Enyeart reported Digital Desktop Solutions is a one person company that the department has used for the past five years and has gained the police department's trust and confidence. Digital Desktop Solutions has agreed to be on call for routine services as well as emergency 24 hour service. The Lincoln County School District contract could not guarantee 24 hour service.

In answer to questions posed by Council, CA Chadwick noted that he has reviewed the proposed contract and made revisions. PC Enyeart noted the expenditure will fall under Contract Services budget line item.

#### **Public Comment:**

There was none.

**Motion**-It was moved and seconded (Dunaway/Trujillo-Dalbey) to authorize the City Manager to sign an Information Technology (IT) contract with Digital Desktop Solutions for the Toledo Police Department's use in maintenance and repairs of computer and communication systems. **Motion passed 6-0.**

### **Uncollectible Utility Bills**

FD Chavarria reported the proposed list of un-collectible final utility bills totaling \$4,133.87 is an amount representing less than one-tenth of one percent of the amount billed since the last write off of un-collectible bills in 2009 and reflects an incredible collection rate of better than 99.9%. The finance department has a very effective process for noticing owners of potential liens and of collecting on the utility bills. Although the department will never be able to collect 100% of charges billed, they anticipate that in the future the percentage of un-collectible billings may drop even farther. Council and staff discussed collection of checks returned for non-sufficient funds.

#### **Public Comment:**

There was none.

**Motion**-It was moved and seconded (Trujillo-Dalbey/Camara) to authorize the write-off of uncollectible final utility bills. **Motion passed 6-0.**

### **Adoption of the Council/Staff Goal Strategies for 2012**

CM Amberg noted the members of the Toledo City Council, City Department Heads, and select staff met on January 23, 2012 to review and develop the attached City Council Goals, Philosophy and matrix for strategies and assignments. Public members present included Dave Silwones and Don Amberg. The proposed City Council goals reflect Council comments from that meeting.

Councilor Dunaway asked that Council consider changing the goal on page 9 (E) "Site a Realtor in Toledo" to describe something more like getting a realtor presence; a kiosk or board maintained by realtors or the Chamber of Commerce that would advertise property for sale in Toledo. He said Council will not have a lot of leverage in getting Realtors to set up here. Council discussed the reason for the goal and whether there is a lack of realtor representation in Toledo.

#### **Public Comment:**

Michelle Johnson stated she approves of the reader board idea in a central area of town.

Paul Johnson owner of Main Street Mercantile noted there is a disconnect between residents and what is going on in town. A reader board may be a way to reach out to the community.

**Motion-**It was moved and seconded (Lyon/Camara) to adopt the Council/Staff Goal Strategies for 2012. **Motion passed 6-0.**

## **Reports and Comments**

### **Department Reports**

PWD Denlinger reported the following:

- The City encountered damage during January 16<sup>th</sup> storm event including the loss of a number of trees in City parks and significant debris in roadways. During that week the area received just less than 10 inches of rain which took the City's stormwater and wastewater systems over capacity. There was a period of about 12 hours when the department was unable to treat water because of the high turbidly levels. A public notice was broadcast through Lincoln County's reverse 911 system to restrict water use for a short period of time. Staff estimates an excess of \$50,000 worth of storm related damages in the area. The damage assessment has been filed with Lincoln County. The Public Works Department provided support to the Seal Rock Water District with issues with their system as well.
- There is a recent slide area along Business Highway 20 just east of JC Market. A Geological Technician has reviewed the area conditions and the initial assessment is that it is a depression that may not get worse quickly but will certainly need to be addressed in time.

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

CM Amberg reported the following:

- The City recently received a request to purchase a city owned pedestrian bridge for \$2,500. The bridge was originally purchased for a project near the Olalla Slough but the project never materialized. She noted the bridge has not been declared surplus. PWD Denlinger stated the construction of the bridge was approximately \$10,000. Also, there are some logistical issues regarding mitigation of the intended bridge placement site.

Council agreed to explore whether the City has a use for the bridge before it is declared surplus.

- There is a new and improved bus service in Toledo. It runs on Mondays, Wednesdays, Fridays, Saturdays and Sundays between Newport and Corvallis. The Toledo stops include the Toledo Park and Ride and a flag stop at the Dairy Queen. The bus fare is \$10.00 each way for ages 12 and older and \$7.00 for seniors.
- The “Rural Communities Explorer” website provides a great deal of data regarding Oregon Communities. She noted it may be of interest to City Council members.
- A Media Release was distributed from Jenny Demaris, Lincoln County Emergency Manager regarding the final damage assessment for Lincoln County from the severe weather conditions on January 17<sup>th</sup> - 21<sup>st</sup>.
- The League of Oregon Cities (LOC) will host a regional meeting for elected officials at the Newport City Hall on March 7<sup>th</sup>. Since this date/time conflicts with a regularly scheduled Toledo City Council meeting LOC has offered to hold a meeting in Toledo on March 8<sup>th</sup>.
- The Homeless Education & Literacy Project (HELP) will be holding an open house on Thursday night at the Arcadia School from 4pm to 6pm.
- She thanked staff for the responses to the latest events in the last few months. Kudos to the finance department for the work they do all year long.
- Brenda Brown, the Utility Billing Clerk retired and is replaced by Susan Thompson.
- She thanked Peter Vince and his team for video taping this meeting.

### **Council Comments**

Councilor Camara noted the emergency response to recent events went well because those involved were prepared.

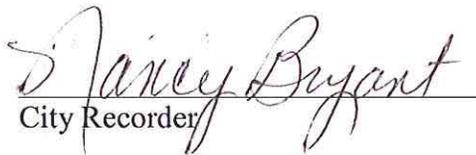
Councilor Lyon thanked those who put up the Valentine decorations around town. She also noted this weekend is the “First Weekend” and the local artists have scheduled special events. Also, the Director of the Portland Art Museum will be in Toledo next week specifically to see the Yaquina River Museum of Art.

CP Grutzmacher noted that he observed Brenda and Bill Brown yesterday afternoon and she appeared happy to be retired. He said “good for her”.

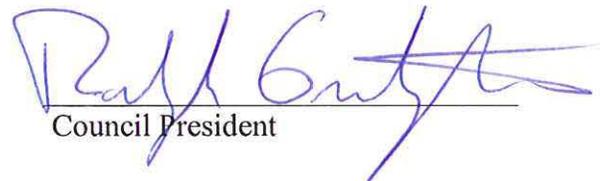
### **Adjournment:**

CP Grutzmacher adjourned the meeting at 8:45pm.

ATTEST:

  
City Recorder

APPROVE:

  
Council President

**TOLEDO CITY COUNCIL  
WORK SESSION**

February 14, 2012

Council President (CP) Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm. Councilors present: Nancy Lynne, Jill Lyon, Jack Dunaway, Mark Camara, and Franki Trujillo-Dalbey.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Finance Director (FD) Polly Chavarria, and City Recorder Nancy Bryant.

Visitors Present: Don Amberg, Teresa Denlinger, Bill Dalbey, Jerry Seth, Alan Searle and Terri Strom.

**Discussion and Information Items**

**Committee Updates**

Councilor Trujillo-Dalbey reported the Economic Restructuring Committee is working on a business of the month recognition program beginning the first of March.

CA Chadwick reported there will be a proposed LOCAP Ordinance presented to Council at tomorrow evenings regular session. The ordinance was prepared by Bond Counsel which authorizes the city to inter into revenue bonds.

**Water Rate for Low Income Consumers**

Council and staff discussed options for potential implementation of a low income user rate or assistance program for qualified users of the Toledo water system. FD Chavarria noted considerations for creating an assistance program are as follows:

- Where will the funds come from; donations, revenue?
- Will the assistance be a discount on a monthly bill or a one-time benefit?
- Who will qualify for the program; low income, families, seniors, disabled and what are the definitions of the terms?
- What is the application process; is it renewed annually. What evidence is required?
- Who will administer the program?
- How many customers will be eligible and how will it impact the city revenue?

FD Chavarria also noted that the water bill is only a portion of the city's utility bill. A customer who receives 50% assistance in water would not see a 50% reduction in their total bill. Also, targeting the intended water consumers may be complicated depending on the criteria and structure of the program. She suggested the easiest program to create would include setting aside a block of funds to then transfer to another agency for administration of the program.

Council and staff discussed existing community assistance programs and potential partnerships with other local agencies to administer a program for the City. Council also discussed how this type of program is administered in other agencies and communities as well as the option of reducing the proposed flat rate and increasing the rate per unit to help keep the overall rate lower for those who use less water.

Councilor Camara said he is interested in a one time benefit per customer to increase the number of recipients and he is in favor of the idea of partnering with another social service agency to administer the program.

CP Grutzmacher suggested Council consider how they are going to do this and how affordable it is to do.

Councilor Dunaway questioned if there is a way to provide assistance for improvements to household water systems and if there is any data regarding how much water use could be reduced by improving those systems. PWD Denlinger stated there is no data to indicate usage in a single area of a household but there are appliances designed to use less water. The City's municipal code does not regulate household water fixtures. He said the City can provide guidelines in the monthly newsletter regarding available measures for reducing water usage.

Council and staff discussed different ways to configure a water rate increase that will meet the required revenue to pay back bonds with some left over to fund an assistance program. When asked by Council for her opinion, FD Chavarria said it would be best to let a social service agency administer an assistance program with funds provided by the City. Council majority determined a water rate of \$27.00 base rate and a consumption rate of \$4.25 per 1000 gallons should be drafted into the water rate study for approval.

CP Grutzmacher called for a brief recess at 7:51pm. The meeting resumed at 7:56pm

### **FEMA Cost Recovery Update**

PWD Denlinger provided Council with information regarding the FEMA cost recovery effort as a result of the storm event on January 17-21, 2012. Areas of storm damage include the following:

- South Bay Road slide area-there was critical infrastructure damage affecting the supply line to both the Seal Rock Water District and the Wright Creek Water District. The proposed repair includes replacing approximately 250 feet of 12 inch water mainline at a cost of \$75,000.
- Area roadway failures-a historical slide area began settling along Business Hwy 20 adjacent to 3<sup>rd</sup> Street affecting the east bound lane.
- 10<sup>th</sup> Street storm drainage area-substantial settling has dropped the hillside an additional two feet as a result of last month's storm event.
- Siltez intake slide area- a large section of earth approximately 50 yards south and immediately west of the pump station is moving in the direction of the river. The toe of the hill at the rivers edge has been displaced into the river relieving some of the pressure and at the same time dropping the earth as much as 2-feet in some areas.
- Downed trees throughout town-the department responded to several downed trees including one that damaged fencing at Yaquina View Park. Crews also removed three trees from East Slope Park that were blown over due to high winds. Crews were active with plow equipment clearing away debris in area roadways.
- Localized street flooding-Public Works crews worked around the clock responding to localized street flooding conditions. Due to the high volume of precipitation, the system was not able to keep up with flows. High tides along with heavy storm water flows created some street flooding along the newly installed Olalla Slough dike. Immediate response effort to reduce flooding included the installation of an upper level tide gate.

PW Denlinger stated the department visited several locations in Toledo with FEMA representatives to evaluate damages. The initial damage assessment identified \$50,000 dollars in damages. Since that time, the department has identified other areas impacted by the storm event including the main supply line on South Bay Road feeding SRWD, the Siletz River intake slide area, and the 10<sup>th</sup> Street storm drain slide area. The department expects the need for geo-tech engineering to evaluate repair methods for areas affected by earth movement and is moving forward with repairs to the water system on South Bay Road. Staff will continue to work with FEMA cost recovery specialist in the near future to qualify as many projects as appropriate.

### **Review City Attorney Performance Evaluation Form**

CP Grutzmacher noted Council received the City Attorney evaluation form at the last meeting and asked if there were any suggested changes to the form. There were none. Council consensus determined the completed forms will be returned to CP Grutzmacher by March 7<sup>th</sup>. CP Grutzmacher and Councilor Dunaway will compile the information from the completed forms and an interview with CA Chadwick will be performed by Council members during an executive session dated March 21, 2012.

### **Review City Manager Compensation**

CM Amberg provided a City Manager salary study conducted in the spring of 2011. She noted the most recent salary adjustment for the City Manager was in 2010 in the form of a bonus of \$7,500 as well as a cost of living increase of 2.5% in 2011. She noted this topic needs to be addressed at this time if the Council wishes to include any changes in the upcoming budget. She also noted that she does not project a revenue increase for the city in the next fiscal year.

Councilor Trujillo-Dalbey said she would like to provide an incentive for the City Manager to stay by providing an increased compensation to above the average. Councilor Camara said it makes sense to increase the salary to a comparable rate. Councilor Lyon noted that adjustments were recently made for department heads and this position should be adjusted as well. Council majority determined the City Manager salary will be budgeted at \$6,900 per month in the next fiscal budget.

### **Mayor Appointment Process**

CP Grutzmacher stated Council needs to come to a tentative agreement regarding the process for filling the Mayor vacancy. Council discussed the three options provided in the City Charter as well as the need for continuity and stability within the City's government. CP Grutzmacher stated he would be interested in being appointed Mayor. Councilor Lyon noted that she would be interested but she doesn't think she is anyone's first choice. Councilors Dunaway and Camara noted they were not interested in appointment to the Mayor seat. Council Trujillo-Dalbey stated there was a time when she would have been interested.

Councilor Camara said appointing someone with experience is a good thing. Councilor Trujillo-Dalbey noted her concern that CP Grutzmacher is married to a current councilor and would therefore carry two votes. Councilor Lyon objected the concern and noted that she is a completely independent person and her marital status has no bearing on her decisions. Councilor Dunaway noted that CP Grutzmacher was voted as Council President in a vote of confidence, amongst Council members, to assume the duties of the Mayor. He believes the vacancy should be filled from within the Council.

#### Visitor Comment:

Terri Strom voiced her confidence in the appointment of CP Grutzmacher to the Mayor seat. She said her concern is filling the council position vacancies with someone who may have the experience to deal with the current issues facing the City. Councilor Dunaway expressed his opinion that it may be easier to step into an appointed seat rather than commit to a full 4 year term. Councilor Camara agreed that it is easier to come in serving a shorter term. CP Grutzmacher acknowledged that his term as Council member will expire at the end of this year.

Council majority determined the Mayor vacancy will be filled by appointment from within the current City Council members and the official appointment will be made during the next regular session.

#### **Additional Council Discussion Items:**

Councilor Camara stated his disappointment with the new bus scheduled stops in Toledo. He suggested Council adopt a resolution as a formal request to change the bus stop sites.

Council directed staff to prepare a resolution regarding the bus stop sites for review at the first meeting in March.

Councilor Dunaway inquired about the personnel adjustments in the Police Department as a result of the adjusted Siletz Tribal Policing contract. CM Amberg stated that an officer has left employment with the city and that vacant position will not be filled. This has relieved the department from having to lay off one patrol officer due to the adjusted contract revenue.

Councilor Dunaway also inquired on community aid efforts for the tenants of the recent apartment building fire. CM Amberg noted the City is not involved but the community is holding fundraising events to help with temporary housing for those who were displaced by the fire.

#### **City Manager Comments**

CM Amberg reported the following:

- One vacancy has occurred on the Planning Commission with the resignation of Stu Miller. Council chose to open the planning commission vacancy and directed staff to advertise without a formal closing date. Once two applications have been received Council will set a date for interviews.
- The city has received a request from Lincoln Community Land Trust seeking renewal of the three year membership support at \$1,197 per year. Council majority suggested the City Manager include it in the next fiscal budget and they make a decision at a later date.
- The State of Oregon has scheduled a basic local budget law training for March 9<sup>th</sup> at the Oregon Coast Community College. The training is free and no pre-registration is required. She will also notify the budget committee members of the training event.
- County Commissioner Terri Thompson has asked City Council for permission to receive information regarding certain Toledo Police Department policies. Council majority agreed the request should be fulfilled and suggested the information received by Mr. Thompson from other agencies be shared with this Council.
- She provided the recent draft of the Executive Summary for the City Building Facility Study. She noted that staff will discuss the draft at Thursday's staff meeting.
- She provided budget resource information published by the League of Oregon Cities.

- The local Back-Pack program has announced that the program is in need of aid. She has encouraged them to apply for the City Enhancement Program funding.
- She attended the League of Oregon Cities (LOC) Region 3 meeting where they discussed water rights. She and CP Grutzmacher attended an additional LOC meeting in Depoe Bay on Friday where they discussed economic development.

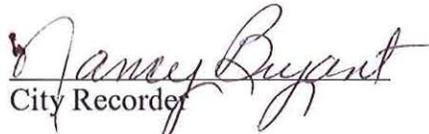
Due to the desire of Council members to attend an LOC meeting on March 7th the City Council regular session on March 7<sup>th</sup> will begin at 7:30pm.

Councilor Trujillo-Dalbey announced that she will be resigning her seat as Council member with an official statement at the regular session tomorrow night.

**Adjournment:**

CP Grutzmacher adjourned the meeting at 9:20pm.

ATTEST:

  
City Recorder

APPROVE:

  
Council President

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**February 15, 2012**

Council President (CP) Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7pm. Councilors present: Nancy Lynne, Mark Camara, Jill Lyon, Jack Dunaway, and Franki Trujillo-Dalbey.

Staff present: City Manager (CM) Michelle Amberg, Public Works Director (PWD) Adam Denlinger, Finance Director (FD) Polly Chavarria, Fire Chief (FC) Will Ewing, Aquatics/Recreation Manager Joe Andrews and City Recorder (CR) Nancy Bryant.

Visitors present: Theresa Denlinger, Don Amberg, Terri Strom, Garret Palo, Bill Dalbey, Julie Rockwell, Ginger Thompson, Stuart Cowie, Alan Searle, Will Summers, Deborah Trusty, Ann Hendrickson, Sandy Blackman, Scott Blackman, and Mysti Kahler.

**Visitors/Public Comment**

Mysti Kahler of 103 South Fir Street, Toledo stated her property is adjacent to City owned property above the wastewater treatment plant. In the past the City has allowed her to use the fenced grassy area for animal grazing. She owns small goats and a pony and would like to reinstate an agreement for the use of that property. Council President Grutzmacher referred the issue to the City Manager and City Attorney. Ms. Kahler said she will contact the City Manager.

Bill Dalbey of Toledo first stated he would like a way to address council without sitting at the visitor table with a microphone. He addressed his concerns regarding the proposed water rate increase. He said the increase is rushed with no time for discussion and deliberation of the issue. Council's response to low income issues is to raise the rate above what was recommended in the study to fund a low income assistance program in the future; even after being told that an assistance program is complicated and hard to administer. He is in favor of an assistance program but he would like Council to look at other options to save funds before passing the water rate increase onto the citizens of Toledo. He also stated that it is not appropriate for council to debate with citizens during comment periods but to listen to their comments and consider them while making a decision.

Ann Hendrickson of Toledo said she approves of the appointment of a council member to the Mayor vacancy to serve until the November election.

Councilor Franki Trujillo-Dalbey addressed Council and citizen, while sitting at the public comment table, stating her resignation from City Council effective immediately on February 15, 2012. Her full statement was submitted into record on this date. She then left the meeting at 7:15pm.

## **Consent Calendar**

**Motion-** It was moved and seconded (Camara/Dunaway) to approve the consent calendar consisting of the invoice lists dated February 10, 2012 and City Council minutes of January 23rd and February 1, 2012. **Motion passed 5-0.**

## **Discussion and Information Items**

### **Presentation-Eight Major Challenges Facing the Workforce in the Years Ahead**

William Summers, Workforce Analyst for the Oregon Employment Department provided information regarding Oregon's Key Workforce Challenges. Some of the challenges identified included; persistent unemployment, structural changes in the economy, slow employment growth, businesses struggling to find workers, connecting competitive training, aging workforce, and looming retirements. He noted Oregon's rural areas face special challenges. The number of workers is concentrated among older age groups in Oregon rural counties. 28% of the Lincoln County workforce is over the age of 55. Teenagers are at 30% of the Oregon workforce therefore they are not gaining the work experience or work ethics that was available in the past. Oregon metro areas added 344,000 of the 380,000 jobs created since 1990.

CP Grutzmacher voiced his opinion that Oregon's employment structure is one of the problems. State licensing requirements make it difficult to work part-time in a professional field and teacher certification requirements are cumbersome and expensive. He said we need to look at the system we have created and why it causes us to export our young people out of the area.

Terri Strom stated that young people are lacking good work ethics. She said it is a shame because she is willing to train someone in her business.

## **Committee Updates**

There were none.

## **Decision Items**

### **Proposed Motion-Purchase of Rescue Equipment**

FC Ewing reported the City of Toledo was awarded the Assistance to Firefighters Grant submitted in May 2010. The theme of the grant was rescue equipment. The proposed purchase of the rescue strut systems is an element of that grant and will be the final purchase from those funds. The strut systems will be utilized on motor vehicle crashes, confined space rescue, trench rescue and building collapse situations and will come with the appropriate training. Staff recommends the purchase of Paratech rescue strut systems from LN Curtis for an amount not to exceed \$16,100. LN Curtis is the only bid response received from the request for quotes.

Public Comment:

There was none.

**Motion-**It was moved and seconded (Dunaway/Lyon) to authorize the purchase of Paratech rescue strut systems from LN Curtis for an amount not to exceed \$16,100. **Motion passed 5-0.**

## **Proposed Resolution- Adoption of a City of Toledo Comprehensive Water Rate Study**

PWD Denlinger reported this discussion is generated from Council's desire to set water rates effective to provide sufficient revenue to pay back bond proceeds. Staff recommendation, through a resolution, is to adopt a comprehensive water rate study completed by Civil West Engineers.

Garret Palo of Civil West Engineering provided a summarized the report as follows: the recommended rate structure, endorsed by council, is a base rate of \$27.00 and a consumption rate of \$4.25. The consumer impact of that rate, based on the average water consumption of 5350 gallons, is approximately \$49.00 per month. This rate increase also includes a \$1.50 surcharge intended to provide funds for a hardship assistance program. The total surcharge is estimated to generate \$40,000 to \$45,000 annually for such program. Administration and details of an assistance program are to be determined outside of the proposed study. The pro-forma within the rate study assumed a 1.25% annual rate increase methodology that will allow the city to off-set some of the cost increases that will naturally result from inflation.

In answer to Council questions Palo responded as follows:

- The proposed rate study is related to funding Phases 1 and 2 of the Water Master Plan. Future phases of the project are not currently part of the study. The proposed rate structure will enhance the City's eligibility for grant funding for future identified improvements. Additional system maintenance costs, above what the city is currently expending, are also included in the study.
- He recommended moving forward with Phase 1 and 2 identified in the Water Master Plan and re-evaluate the financial condition of the water system by the year 2015. All assumptions within the study will be known facts and adjustments can be made accordingly. Cost estimates are only estimates to the year 2010. The work may not begin until 2013 and inflation alone may bring the project cost up.
- Mr. Palo is a professional engineer and has been in the public infrastructure for the past 17 years. He has a lot of experience in rate studies because a number of agencies are requiring them and a lot of communities are facing similar struggles.

Councilor Lyon acknowledged the idea that everyone is aware of the extreme variables including project costs and the cost of the bonds. The numbers will be wrong but the idea is to get close. She wants everyone to understand that this is a huge project and undertaking in terms of costs and the Council and staff are all very cognizant of that.

Councilor Camara stated this is the first two phases of a larger project. If the City gets ahead in revenue it will create a better foundation for the remaining phases of the project.

Councilor Dunaway said the thing that he has learned from this process is that the problems in Toledo's water system were identified in 1993 and have not been dealt with. He said these are problems that the City Council has struggled with for a long time to avoid the impact to the citizens.

CP Grutzmacher said he believes the study is well done, he is confident with the information provided and he would not substitute his judgment against Mr. Palo's expertise.

FD Chavarria noted that she reviewed the spreadsheet included in the study with Mr. Palo and she feels comfortable with the information.

**Public Comment:**

Ann Hendrickson asked for clarification regarding the rate proposed in the study. CP Grutzmacher explained that the study includes a recommendation to set the base water rate at \$27.00 and \$4.00 per 1000 gallons of usage. Council's previous discussion included raising the usage rate to \$4.25.

**Motion-**It was moved and seconded (Lyon/Camara) to adopt **Resolution No. 1315**, A Resolution Authorizing the City of Toledo to Adopt a Comprehensive Water Rate Study Dated January 2012, Completed by Civil West Engineering, Inc. to use as Guidance to Set Water Rates Effective to Provide Sufficient Revenue to Pay Back Bond Proceeds for Phase-1 and Phase-2 Infrastructure Improvements Identified in the Toledo Water Master Plan. **Motion passed 5-0.**

**Proposed Motion to Fill the Mayor Seat Vacancy**

**Public Comment:**

Deborah Trustee of Toledo stated she has confidence in the decisions Council is making and she is pleased to know that the Mayor will be appointed from someone within its members. She said this is a progressive, forward thinking Council that has our best interest in mind and she appreciates their willingness to serve.

**Motion-**It was moved and seconded (Camara/Lyon) to fill the Mayor vacancy from within the current Council members. **Motion passed 5-0.**

CP Grutzmacher acknowledged his interest in serving as Mayor.

**Motion-**It was moved and seconded (Dunaway/Lynne) to appoint Ralph Grutzmacher to the remaining term of Mayor. **Motion passed 5-0.**

**Oath of Office**

CR Bryant administered the oath of office to Mayor Ralph Grutzmacher.

Mayor Grutzmacher thanked his colleagues on City Council for this honor and said he hopes to do right by the City.

**Proposed Ordinance-An Ordinance of the City of Toledo, Oregon, Authorizing The Issuance of a Revenue Financing Agreement to Finance the Costs of Constructing, Repairing and Expanding the City's Water System.**

CA Chadwick explained passage of the proposed ordinance is the next step in the process toward the eventual issue of the revenue bonds. It authorizes entering into the revenue financing for the City. It also delegates the authority to the City Manager and Mayor to sign documents on behalf of the City and to carry out any other act necessary to move forward with the agreement.

Mayor Grutzmacher read the proposed ordinance in its entirety and then by title only.

**Public Comment:**

There was none.

**Motion**-It was moved and seconded (Lyon/Dunaway) to adopt **Ordinance No. 1343** An Ordinance of the City of Toledo, Oregon, Authorizing the Issuance of a Revenue Financing Agreement to Finance the Costs of Constructing, Repairing and Expanding the City's Water System. **Motion passed 5-0.**

## **Reports and Comments**

### **Department Reports**

Sergeant Helton congratulated Mayor Grutzmacher for the appointment.

CR Bryant reminded Council that the Council President appointment is now vacant. Council chose to refer appointment of Council President to a later undetermined date.

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

**CM Amberg reported the following:**

- Reminder to City Council members to complete the online FEMA training.
- The monthly department report was distributed.
- A graph reflecting 2012 low and moderate income limits in Lincoln County was distributed which indicates the median family income estimate for 2012 at \$56,000.
- The February edition of the Worksource Oregon Central Coast Labor Trends was distributed.
- There will be a spaghetti feed and silent auction fundraiser at the Toledo Elks Lodge February 16<sup>th</sup> from 5:30pm to 8pm. Proceeds from the event will aid those individuals who lost their homes due to the recent fire at the apartment building on A Street.
- City offices will be closed Monday February 20<sup>th</sup> in observance of Presidents Day.
- She thanked Peter Vince and Tyler Cornwall for video taping this meeting.

### **Council Comments**

Councilor Camara congratulated Mayor Grutzmacher. He said the actions taken by Council tonight are a big step in funding the water system improvements and he hopes the public knows that they do not do it lightly.

Councilor Lynne congratulated Mayor Grutzmacher.

Councilor Dunaway congratulated Mayor Grutzmacher and said he appreciates him for volunteering to the appointment. Councilor Dunaway suggested Council consider department head comments in the City Attorney performance evaluation process. Council agreed to direct the City Manager to collect comments from department heads and return to Council.

Councilor Lyon also congratulated Mayor Grutzmacher. She reported the Yaquina Museum of Art welcomed Portland Art Museum Executive Director Brian Ferriso who toured the facilities. She had the opportunity to discuss the issues facing Oregon Art Museums and how the Portland Museum sees its role in helping with the development of Oregon Art Museums. She is hoping to continue the collaboration and discussion with them. Also, the Yaquina Museum of Art (YRMA) is moving into a period of strategic planning and discussions about the direction of the Museum in

future years. YRMA is the only art museum in Lincoln County and has the potential of being a significant asset to education, tourism, and economic development. Anyone interested in participating in the process can attend a meeting scheduled for March 12<sup>th</sup>, 7pm at the Museum located on Alder Street.

Mayor Comments

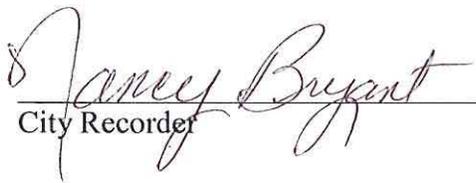
- Mayor Grutzmacher thanked everyone for his appointment to the Mayor seat and stated he looks forward to doing interesting things for the City.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 9.06pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**March 7, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:30pm. Councilors present: Nancy Lynne, Mark Camara, Jill Lyon, and Jack Dunaway.

Staff present: City Manager (CM) Michelle Amberg, Police Sergeant (PS) Mike Helton, and City Recorder (CR) Nancy Bryant.

Visitors present: Don Amberg, Jim Franklin, Dave Morgan, Alan Searle and Leonard Hall.

**Visitors/Public Comment**

There were none.

**Consent Calendar**

**Motion-** It was moved and seconded (Camara/Lynne) to approve the consent calendar consisting of the invoice lists dated March 2, 2012 and City Council minutes of February 14<sup>th</sup> and 15<sup>th</sup>, 2012.

**Motion passed 5-0.**

**Discussion and Information Items**

**Oregon Workforce Presentation**

Erik Knoder, Regional Economist, Oregon Employment Department provided information in relation to Lincoln County's economy. The information included; population, review of recent Oregon and Lincoln County employment trends, review of recent Lincoln County industry trends and forecasts and challenges for the future.

Councilor Camara suggested a special report regarding how many jobs could be added if timber were made into products locally instead of the raw material being sent overseas. Mr. Knoder stated that he will refer the suggestion to his supervisor.

**Committee Updates**

CM Amberg reported that two applications have been received for the Budget Committee vacancy and two applications have been received for the Public Utility Commission vacancy. There is one application received for the Planning Commission vacancy, which is set to close after two applications have been received. By consensus, Council chose to conduct applicant interviews at 6pm on March 21<sup>st</sup>, with appointment of successful applicants to be made at the regular City Council meeting of April 4<sup>th</sup>.

**Decision Items**

**City Council Member Vacancy**

CM Amberg reported that there are two City Council member vacancies as a result of the resignation of Councilor Franki Trujillo-Dalbey and the appointment of Council President Ralph Grutzmacher to the Mayor seat. The position previously held by Ralph Grutzmacher will expire on December 31, 2012. The position previously held by Franki Trujillo-Dalbey will expire on December 31, 2014. As stated in the Council rules, the City Council shall establish a date when all applications must be filed with the City Recorder. By consensus, Council chose to add a question

to the applicant interviews regarding whether the applicant would be willing to serve either vacant term.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Dunaway/Camara) to authorize the City Manager to accept City Council vacancy applications until 5pm on March 28<sup>th</sup> and to schedule interviews for April 4, 2012. **Motion passed 5-0.**

### **Proposed Resolution Declaring A Designated Transit Stop Site in the City of Toledo**

CM Amberg explained that the Lincoln County Transit and Benton County Dial-a-Bus have recently teamed to provide a commuter bus connection between Newport and Corvallis. On the eastbound trip the Toledo bus stop is at the west junction of State Highway 20 and Business Highway 20. On the westbound trip, the Toledo bus stop is the designated Park and Ride located at the corner of Business Highway 20 and "A" Street in Toledo. These two locations are approximately one mile apart. A person being picked up by the bus at one location would have to walk to his or her car at the other location after being dropped off on the return trip. There is no provision for pedestrian traffic between the two locations. At Council request, the proposed resolution declares the Toledo Park and Ride located at Business Highway 20 and "A" Street to be the official recognized commuter stop and requests that all public transit agencies schedule stops appropriately.

Councilor Camara noted his frustration caused by the inconvenience of the current scheduled stops. He is in favor of adopting the proposed resolution.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Camara/Lynne) to adopt **Resolution No. 1316**, A Resolution Declaring that the Park And Ride Located At Business Highway 20 And "A" Street To Be The Official Recognized Commuter Stop and Requesting That All Public Transit Agencies Schedule Stops Appropriately. **Motion passed 5-0.**

### **Oregon Liquor License Application for Valerie Carkhuff, Trade Name "Smoke'n Shop"**

CR Bryant reported that Valerie Carkhuff has applied to the Oregon Liquor Control Commission for a liquor license under the trade name of "Smoke'n Shop", located at 213 S. Main Street, Toledo. As part of the application review process, the Toledo Police Department performed a criminal history check. Toledo Police Sergeant Mike Helton has reviewed the said criminal history and recommends approval of the application. The required license fee has been paid to the City.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Dunaway) to approve the application for an Oregon Liquor Control Commission Liquor License made by Valerie Carkhuff, trade name "Smoke'n Shop". **Motion passed 5-0.**

## **Reports and Comments**

### **Department Reports**

There was none.

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

CM Amberg reported the following:

- A chart for 2012 low and moderate income limits set by the U.S. Department of Housing and Urban Development was distributed.
- Staff attended a telephone conference with a representative of Moody Investors Service. The city is expecting to receive Toledo's bond rating on March 16<sup>th</sup>.
- Staff is working on the 2012/13 budget document. She suggested Council members contact her if there is anything that they believe should be included.
- There will be a book sale at the Toledo Library Saturday at 10am.
- There was a recent retirement of a long term employee: Pene Coll's retirement party will be held on March 24<sup>th</sup> from 1pm to 4pm at the Fire Station. Council members are invited.
- There will be a Tree City U.S.A. designation presentation in April. The city will receive its 18<sup>th</sup> Tree City designation from the Arbor Day Foundation for the maintenance of its urban forest in 2011. (Councilor Camara suggested the Mill Creek Forest be included in the festivities).
- The LCSD HELP program is seeking donations to sponsor a graduate. For \$40, those interested can sponsor a homeless student in Toledo with a cap, gown and ten invitations for graduation.
- The "Money Matters" workshop sponsored by Community Housing Services will be held on March 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup> and 15<sup>th</sup> from 1pm to 3:30pm at 120 N. Avery St. in Newport.
- There will be a "Home Buyer" workshop on April 17<sup>th</sup>, 19<sup>th</sup>, 24<sup>th</sup>, and 26<sup>th</sup> from 6pm to 8pm at the Beacon Crest Apartments Family Center in Lincoln City.
- Oregon Coast Therapy Animals are seeking volunteers who would like to visit hospitals, nursing homes, libraries, the District Attorney's office, etc. The organization will provide orientation on March 17<sup>th</sup>.
- The Regional Connections newsletter from Oregon Cascade West Council of Governments was distributed.
- The City of Toledo Cash Summary for February was distributed.
- She thanked Peter Vince and Toledo Jr. /Sr. High students for videotaping the meeting.

### **Council Comments**

- Councilor Lyon reported that this meeting began later than normal because some Council members attended the League of Oregon Cities (LOC) regional meeting in Newport. The LOC provided updates and a discussion regarding finance issues because all Oregon Cities are facing a long-term financial crisis due to generated revenue not meeting needs. There was also a discussion regarding land use issues, urban growth boundaries and the difficulty in changing those boundaries. Some cities have spent 14 to 15 years and millions of dollars trying to get changes to their urban growth boundaries. Also, the Oregon Land Conservation and Development Commission will hold a meeting in Newport next week to talk about land use issues.

Councilor Dunaway encouraged people to apply for the City Council vacancies. Also, he has received comments from people outside the community regarding the nice flower baskets. He encouraged people in the community to help support that program.

**Mayor Comment:**

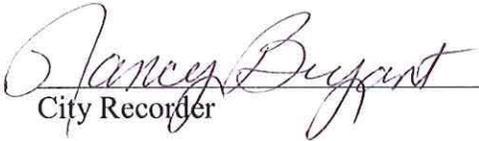
- Mayor Grutzmacher noted that Council received an email including files for the bond offering statement and cover letter. He encouraged Council members to review the documents and bring forward any questions before the closing deadline.
- He will be participating in the annual "If I Were Mayor" contest sponsored by the League of Oregon Cities. Entrees generated from elementary through high school students. This year's theme is "If I Were Mayor...After School". There will be a local-level winner prize as well as a State-level winner prize of a lap top computer and a trip to Florence. He would like to see at least three applications from each school. The contest submission deadline will be April 20, 2012.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:46 pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION**

March 13, 2012

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Nancy Lynne, Jill Lyon, Jack Dunaway, and Mark Camara.

Staff present: City Manager (CM) Michelle Amberg, Events Coordinator (EC) Celeste Mathews, RARE participant Allen Stewart, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Finance Director (FD) Polly Chavarria, and City Recorder Nancy Bryant.

Visitors Present: Don Amberg, Dave Morgan, Bud Shoemake, Gregg Harrison, Teresa Denlinger, Terri Strom, Monica Lyons, Alan Searle, Deborah Trusty, and Lynn Mendenhall.

**Discussion and Information Items**

**Committee Updates**

There were none.

**Bond Update**

CM Amberg provided Council with information provided by Katie Schwab, of Wedbush Securities, regarding what has been done as well as future tasks to complete the bond process. Highlights were as follows:

- The City Council approved its Ordinance No. 1342 on November 15, 2012 that authorized the city to issue up to \$6.7 million of bonds with a maximum True Interest Cost (TIC) of 5.0%. Assuming current market rates, principal of \$6.5 million and a 25-year maturity, the TIC would be 4.582%. By way of contrast, using the interest rate scale presented to the city in July and applying it to the same \$6.5 million principal and 25-year maturity, the TIC would be 5.479%. This change in TIC provides an overall savings in interest expense to the city of \$1,032,680 (\$996,901 on a net present value basis). These numbers assume current market rates and may change materially when rates are set on the April 10<sup>th</sup> pricing date.
- On March 16<sup>th</sup> the non-emergency ordinance waiting period ends; Moody's releases rating to the city.
- On April 9<sup>th</sup>, the Wedbush team will have a conference call with the City Mayor and City Manager to discuss current market conditions, review other bond issues that have recently been in the market and get the city's approval of an interest rate scale to present to potential investors. This scale is used during the "order period" which lasts until 10 o'clock on the morning of April 10<sup>th</sup> when the City Manager signs and submits the Official Statement.
- Following the order period, Wedbush will make an offer to the city to purchase the bonds. This is when rates are "locked", similar to the process for a home mortgage. One week later, the bonds are closed and the city may begin requisitioning money from the Trustee, The Bank of New York Mellon Trust Company, and N A Requisitions may be made in a lump sum or taken as needed over the construction period.
- On April 17<sup>th</sup>, Mayor Grutzmacher and CM Amberg will travel to Portland for final signatures on the bond sale documents.

Mayor Grutzmacher reminded Council members to review the Official Statement before March 16<sup>th</sup>.

### **Port of Toledo/Waterfront Park**

Gregg Harrison, Port Commissioner of the Port of Toledo, said the Port will request a waiver of fees for water, sewer, street lighting and road maintenance provided to the Waterfront Park. Port Commissioners believe that most people will think of this as a city park and the Port doesn't think that it is right for the city to use it as a revenue source. The Port is expending a million dollars into the park and the transient dock, not including the property which is valued at over \$200,000. The project was intended to be a joint venture with the city but the Port of Toledo has paid for everything. The city has provided some in-kind services through the public works department in equipment use. The Port will continue to have maintenance costs, but does not anticipate requesting aid from the city with the exception of the request to waive utility costs.

Bud Shoemake, Port Manager of the Port of Toledo, stated that the current utility fees are at about \$50.00 per month. There will be additional water usage when the restrooms are flushing and sprinklers running. The transient dock also has a sanitary pump which is connected to the same system and on the same meter. The transient dock will not be used for long term moorage. He said the Waterfront Park will be a real asset to the city and down town area.

Councilor Camara noted that the public restrooms located at the park are a real asset to the city and he believes providing utility services is not a great cost to the city. Mayor Grutzmacher asked if it makes sense to go through the festival season to see what the water usage amount will be. Councilor Lyon said she recognized the valuable asset that the park brings to the city; but the local events that draw visitors do not provide revenue to the City's government. The city actually loses money by providing in-kind services from many of the city departments. CM Amberg noted that the public facility restrooms will be open seven days a week, which is a real advantage to the city. There are many events that happen during the weekends when City Hall is not open or available for use of public restrooms.

Councilor Dunaway asked if there is a precedent for agencies making this type of request. CA Chadwick noted there were two non-profit groups in Toledo who do not pay for water service, although the City currently is looking into this situation.

By consensus, council directed staff to prepare a resolution for the March 21<sup>st</sup> Council meeting, to waive the utility fees at the Waterfront Park for an open-ended term, with Council review every five years.

### **Toledo Main Street Program Update**

EC Mathews announced that the Toledo Main Street Program will soon have a non-profit status and cease to be a City program as of July 1, 2012. The organization is requesting partial funding from the City, in the amount of \$7,500 for the next fiscal year.

Terri Strom, Main Street Board Chairperson, said she is excited about the program and the accomplishments made during the last few years. She said the program is geared toward Main Street but the ultimate goal is to include the entire community, making Toledo a place where people will want to visit.

EC Mathews and Allen Stewart provided a brief account of the committee accomplishments and future plans as follows:

- The Promotion Committee's event promotion projects included Quilt Quest, Summer block parties, Midnight Madness, and Hometown Holiday. A total of 1,400 people attended these events. The Promotional Committee accomplishments also include a Toledo promotional DVD, outreach to Main Street businesses, administration of the Street Market, coordination of cooperative advertising, and consistent advertising in *News Times & Oregon Coast Today*. The Promotion Committee will continue to promote the Quilt Quest, Farmer's Market and general advertising in the next year.
- The Design Committee has organized the Annual Sharon Branstiter Memorial Clean-up Day, assisted in storefront design training, made promotional decorations, placed three new way-finding signs, assisted with the Toledo Flower Basket program, distributed cigarette butlers on Main Street, and maintained the tile mural on Main Street. In 2012, the Design Committee will continue with the April Clean-Up, historic preservation code review, street decorations, vacant window displays, improve street plantings, install a digital sign, and act as liaison among community organizations.
- The Economic Restructuring Committee provided business education programming, developed and distributed business toolkits, created a downtown property database, assisted businesses in Google Places and social media tools, provided scholarships to a John Schallert presentation in McMinnville, and performed retail market analysis.
- Organization Committee has been working on fundraising, developed the 2011 work plans and goals, obtained grants and city support, conducted several successful fundraisers and aided the board in beginning the process of becoming a 501(c) (3) organization. The committee will develop a model for operating independently, as well as continue organization fundraising, publishing organization newsletter, and organizing the volunteer dinner.

EC Mathews noted that the 2012 established budget for the Main Street Program is \$20,000 and it are asking that the city contribute \$7,500 in support of that budget amount. EC Mathews also noted that as of July 1<sup>st</sup>, she will no longer be a City employee.

### **Review Bridge Use Proposal**

PWD Denlinger provided information regarding the Olalla Slough Bike Pedestrian Bridge Project. He explained that in 1998, the city received funding through the Petroleum Antitrust Settlement Grant Program in the amount of \$64, 831 for the development of a pedestrian bicycle path through the Olalla Slough area. The city worked with engineers and contractors to design specifications for a pedestrian and bicycle bridge as part of that project. Engineer cost estimates to complete the project in 1999 totaled \$52,000. Bridge abutments were installed on city-owned property, connecting property across Olalla Slough. A 60-foot span bridge constructed of corrosion-resistant steel with ironwood decking was purchased but never installed. This bridge is designed for a load capacity of 6,000 lbs and the purchase price was \$15,373. The total project cost to date is \$30,595 and the remaining funding available is \$36,638. He also noted that the Parks and Recreation Committee has reviewed the project and expressed its support.

PWD Denlinger stated that the bridge was not installed at the proposed location because of issues with private property as well as issues regarding how to police that long stretch of area with no lighting. The project did not factor in lighting and other risk factors. There were also issues with the privately owned property across Olalla Slough that have not been resolved. CM Amberg noted that the remaining fund balance is in the budget, listed as the Petroleum Trust Fund. They are unrestricted funds carried forward from year to year. PWD Denlinger noted that this project could

provide opportunities to enhance the saltwater mitigation site so that the public can enjoy the area more intimately and from a safe distance. CM Amberg noted that the Audubon society has requested a bird viewing station along the same site.

Council and staff discussed potential funding for the project, mitigation site credit values, regulatory permitting requirements and the potential to enhance wetland use on the fresh water side. PWD Denlinger said there are funding sources within our area that may be looking for projects just like this. Councilor Lyon suggested this seems like a good use for the bridge, to both promote the mitigation project and provide bird watching.

Mayor Grutzmacher suggested attending the State Lands Committee meeting tomorrow to inquire about preliminary support from that agency.

By consensus, Council determined that it does not want to declare the bridge as surplus. It is interested in pursuing a bike pedestrian bridge or bird viewing platform project.

### **Audit Service Contract**

CM Amberg explained that the auditors who have been providing the city's financial audit are splitting from the firm of Koontz & Perdue. If the city wants to remain with the same auditors, staff will need to send a letter to the firm regarding the city's desire to discontinue service. She noted that the new firm name is Accuity. FD Chavarria stated that the audit team that staff has been working with the past few years is easy to work with and very efficient. CM Amberg also noted that Koontz & Perdue are in agreement with its employees splitting from the firm and taking their clients with them. This item will come before Council at the regular scheduled meeting of March 21<sup>st</sup>.

### **Charter Franchise Audit**

CM Amberg provided information regarding a proposal from John Howell to audit Toledo's franchise agreement with Charter Communications. Mr. Howell's proposal is to review and identify terms and conditions in the franchise agreement that are not in the City's favor. The audit scope of work will be billed at 50% of any funds that are recovered by the City as a result of the audit performed by The Howell Group LLC.

Councilor Lyon reminded Council that the City of Toledo has agreed to participate with the City of Nehalem and other cities in the negotiation of a new cable franchise agreement. She wouldn't want the contact by Mr. Howell to Charter Communications on the City's behalf to jeopardize the consortium's negotiations. She noted that the existing franchise agreement is out of date and she doesn't have a problem with the contract with Mr. Howell.

Councilor Camara noted that there are a number of cities that Mr. Howell has provided this service to so he has paid a lot of attention to it. Councilor Dunaway asked if there has been a reference or background check on Mr. Howell's work. CM Amberg stated that no one from Toledo has performed a background check nor spoken with Mr. Howell's listed references, but that she will before the item comes before City Council for approval.

CM Amberg stated Mr. Howell has requested a letter from the city identifying him as a person representing the City of Toledo for the current Charter Communications franchise agreement. She also noted that the City Attorney and Councilor Lyon have both participated in the group that is reviewing the Charter franchise agreement.

By consensus, Council directed the City Manager to present the contract to Council at the next regular session on March 21<sup>st</sup>.

### **Review Committee Vacancy Interview Questions**

CM Amberg distributed the interview questions for the City Council vacancy.

Council discussed the questions previously used in council vacancy interviews. Councilor Lyon stated she would like council to review question #6 and determine whether it is an appropriate question. Council discussed questions #5 and #6 and decided to leave them on the list, noting the objection of Councilors Lynne and Lyon.

By consensus, Council directed staff to provide the interview questions to the applicants before the scheduled interviews. Staff agreed to provide the interview questions to the applicants when the interview appointments are made.

CM Amberg noted there is nothing in the city's procedures that limits the number of committees on which a person can serve.

### **Water Rate Assistance Program**

CM Amberg said: during the bond process the City was advised to pass a water rate by March 21<sup>st</sup>. She noted staff is not ready to make a recommendation for a low-income water rate or assistance program so the water rate adjustment will be brought forward without such a proposal. She said the water rate can be adjusted with the understanding that staff will continue to explore assistance program options.

Council and staff discussed the potential for assistance to all water users in the form of household water conservation kits. They also discussed the need for more time to review all options. CM Amberg noted any revenues received in excess to repaying the bond may be set aside in the Water Reserve Fund and used for matching potential grant funds.

Council agreed that it would like to discuss an assistance program in the future.

### **City Contribution Program**

CM Amberg explained that each year, the city sets aside funds from the State cigarette and alcohol tax revenue for contributions to nonprofit organizations. The funds are paid out at a projected amount before the actual revenue is received. She suggested Council review the funding distribution process to ease temporary strain on the City's cash flow.

By consensus, Council chose to base the July 1, 2012 distribution of the contribution funds on a projection of this year's revenue received; next year's award distributed after July 1, 2013 will be based on the actual revenue received in the 2012/13 fiscal year.

### **Additional Council Discussion Items:**

Councilor Camara inquired regarding the Municipal Judge contract review. Councilor Lyon stated that with only one person on the committee she will wait until after the council vacancies are filled to appoint a new committee member.

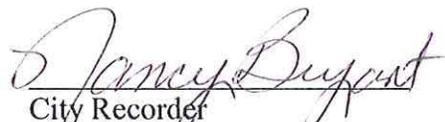
**City Manager Comments**

CM Amberg had no further comment.

**Adjournment:**

CP Grutzmacher adjourned the meeting at 8:43pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**March 21, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 6:00pm. Councilors present: Nancy Lynne, Mark Camara, Jill Lyon, and Jack Dunaway.

Staff present: City Manager (CM) Michelle Amberg, Police Chief Dave Enyeart, Public Works Director (PWD) Adam Denlinger, City Attorney (CA) Wes Chadwick, City Recorder (CR) Nancy Bryant and Finance Director (FD) Polly Chavarria, and Aquatics Manager Joe Andrews.

Visitors present: Don Amberg, Terri Strom, Dave Morgan, Allen Searle, Terry Dillman, Bud Shoemake, Bill Dalbey, Rod Cross, Theresa Denlinger, and Stuart Strom.

**Committee Interviews**

**Budget Committee Vacancy Interviews**

Council interviewed Bill Dalbey and Rod Cross for the current budget committee vacancy with Mayor Grutzmacher asking identical predetermined questions of each applicant.

Mayor Grutzmacher called for a brief recess at 6:16pm. The meeting resumed at 6:40pm.

**Public Utility Commission Vacancy Interview**

Council interviewed Stuart Strom for the current public utility commission vacancy with Mayor Grutzmacher asking predetermined questions of the applicant.

**Visitors/Public Comment**

There was none.

**Consent Calendar**

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve the consent calendar consisting of the invoice list dated March 16, 2012 and City Council minutes of February 29, 2012.

Councilor Camara noted that the city expenditure for street light costs are about one-half of the electric bill which is why the City requires fees to cover that expenditure.

**Motion passed 5-0.**

**Discussion and Information Items**

**Animal Service District Formation**

Wayne Belmont of Lincoln County Legal Counsel explained that the Lincoln County Board of Commissioners is requesting the approval of Council for Toledo to be included in a proposed Lincoln County Animal Services District. The Board of County Commissioners plans to submit a measure or measures to the voters in the November 6, 2012 general election. The measure would establish the district under ORS Chapter 451. It would also cancel the remainder of the current five-year animal services levy of 11 cents per thousand dollars of assessed valuation and replace it with a permanent rate limit tax (commonly referred to before as a tax base) of no more than 11 cents per thousand dollars of assessed valuation. This rate is likely to be reduced before the final

measure is placed before the voters. He stated that in order to include the City of Toledo in the district territory the County needs approval from the City Council. Council and Mr. Belmont discussed tax rate compression, the formation of the proposed district's board of directors, operation of the proposed district, dog patrol officer training, and Animal Shelter policies.

Council thanked Mr. Belmont for his presentation.

### **Committee Updates**

CM Amberg noted that one application has been received for the current Planning Commission vacancy. She suggested Council create a deadline to close the application process. Councilor Camara stated he has been talking with people who may be interested in applying and suggested not closing the vacancy right away.

By majority Council chose March 30<sup>th</sup> as the application deadline for the Planning Commission vacancy. Council will interview all applicants before the regular session on April 18th.

### **Mayor's Appointment to Public Utility Commission Vacancy**

Finding no objections from Council, Mayor Grutzmacher appointed Stuart Strom to the Public Utility Commission vacancy for a term to expire December 31, 2015.

### **Decision Items**

#### **Appointment to Fill Budget Committee Vacancy**

Ballots were cast by Council voting for Bill Dalbey and Rod Cross as follows:

Councilor Lyon voted Rod Cross

Councilor Camara voted Rod Cross

Councilor Lynne voted Rod Cross

Councilor Dunaway voted Rod Cross

Mayor Grutzmacher voted Rod Cross

By unanimous vote of City Council, Rod Cross was chosen to fill the Budget Committee vacancy for a term ending December 31, 2014. The Council thanked both applicants for their interest and participation.

Public Comment:

There was none

#### **Proposed Resolution to Waive Utility Fees for the Port of Toledo Waterfront Park**

CA Chadwick reported that pursuant to the Port of Toledo's Waterfront Development Strategic Plan, the Port is in the process of developing its waterfront property into a park and pavilion. On March 13, 2012 the Port approached the City with a request for financial assistance through waiver of the monthly fees the Port is required to pay the City for water, wastewater and street maintenance services. The proposed resolution grants the Port a monthly credit in the amount of \$85 towards these fees. Staff then suggested a cap be charged, which may be easier to maintain because the actual fees cannot be determined at this time. Staff also suggested rather than applying a waiver, the City could issue a check to the Port in the amount of the charges to be paid. Although the charges are undetermined staff estimates the charge might be \$150 per month, however, that amount would fluctuate depending on the season.

Councilor Camara stated he sees no reason to put a dollar amount on it. He said, as Port Commissioner Harrison pointed out, it is a great asset to the downtown area and if we had the resources to build the park it would have cost the City much more than the utility bills. Councilor Lyon stated, with all due respect to the Port, she doesn't think it has made its case. The fact that it looks like a city park doesn't make it a city park and the City government will receive no economic benefit to justify losing fee revenue. Mayor Grutzmacher noted there needs to be some disincentive to excessive use of water. Bud Shoemake stated it is more than the park. There are flush restrooms that they will maintain seven days per week as well as a transient dock. The downtown businesses in this community will benefit from this Park. This park, with access to water and the amphitheater, is unlike any other in the County. It is not revenue-driven and there is over a million dollars put into the facility. It was built based on community input in a five-year plan. The Port is a public entity and not a private business and it is appropriate for the City to aid in the utilities. Councilor Camara iterated that the economic benefit isn't direct for the city government but more direct for local businesses. Councilor Dunaway stated he is in support of waiving all or a portion of the Port's utility bills. Mayor Grutzmacher stated he supports waiving the Port's utility fees Rod Cross questioned whether the street light utility fee is waived as well. CA Chadwick noted that the Port did not request a waiver for the street light utility fees. Mayor Grutzmacher noted that the Port is installing lighting and they have paid the system development charges.

Councilor Lyon asked for staff recommendation and that previous discussion included a finite term. CA Chadwick noted some staff mentioned there would be no incentive to conserve water, but that this is a Council policy. CM Amberg noted it is easier if Council decides to make it a grant and allows staff members to write a check so that they don't have to adjust the account manually each month.

Councilor Camara asked Mr. Shoemake if the Port will be charging for Park use. He suggested letting the City use the Park for a certain period of time without charge for the waiver of utility fees. Bud Shoemake stated a committee has been formed that will be setting policy for park use and it will recommend a minimal fee for the use of the park.

**Motion-** It was moved and seconded (Camara/Lynne) to adopt **Resolution No. 1317**, a resolution granting a monthly waiver of the city water, wastewater, street light and street maintenance fees generated for the Port of Toledo Waterfront Park and Transient Dock. (The resolution is to include: Now Therefore, Be It Resolved 1. The City Council of Toledo hereby declares that the City shall waive the Port of Toledo's monthly water, wastewater, street light and street maintenance fees paid to the City for services provided to the Port's Waterfront Park and Transient Dock). **Motion Passed 5-0.**

**Public Comment:**

Rod Cross expressed support for the resolution.

CA Chadwick requested clarification regarding the utility billing method for the waiver. Mayor Grutzmacher stated that the Port should receive an informational bill only.

Mayor Grutzmacher called for a brief recess at 7:43pm. The meeting resumed at 7:53pm.

**Proposed Resolution Adopting Water Rates**

CM Amberg reported that Toledo water rates were last adjusted in May 2011. The proposed rate in this resolution is based upon the rate recommendation contained in the water rate study completed by Civil West Engineering, and accepted by the City Council in February. The current proposed rate is sufficient to meet the needs of the department for the coming year and to pay the debt service on the upcoming water revenue bonds. There is also an automatic escalator of the rate by 1.25% each fiscal year as recommended in the study. She also noted that a proposed resolution adopting the City sewer rates is on the agenda. Council has not discussed the proposed sewer rates and may want to table this item to a work session before making a decision. If so, she suggested applying the same effective date to both the water and sewer rate resolutions.

Councilor Camara suggested moving forward with each item at this meeting. He believes Council is obligated to raise the rate to meet compliance of the bond obligations. Councilor Lyon stated there has been a lot of discussion regarding water rates but not sewer rates.

CM Amberg noted there is a requirement in the sewer bond that the City maintain a one-year reserve. There have been so many recent repairs to the system that the reserve has been reduced to below the compliance level. If the city continues with the low reserves, it will receive an audit report. She noted that the proposed resolution has an effective date of March 21, 2012. She suggested an effective date of April 21, 2012 to allow Council time to review and discuss the sewer rates.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Dunaway) to adopt **Resolution No. 1318, A Resolution Fixing the Rates and Charges to be Paid by the Users of the Water System of the City of Toledo with the revised effective date of April 21, 2012. Motion passed 5-0**

#### **Proposed Resolution Adopting Sewer Rates**

By consensus, the proposed resolution adopting sewer rates was tabled to April 10th for Council discussion.

#### **Proposed Resolution Amending Resolution No. 1297, Authorizing a Capital Loan of \$132,000 from the Retirement Fund (Now Stabilization Fund) to the Water Reserve Fund**

CM Amberg explained that the proposed resolution is amending Resolution No. 1297 making the Water Reserve Fund subordinate to bonds sold to finance Phase I & II of the water system. She noted Council received new information on the bonds through email. Unfortunately; the City's rating is not what she would have liked to see, which brings up the question of whether Council wants to proceed with the bonds or look at more conventional means of financing Phase One and Two of the water master plan. The proposed resolution will continue to be pertinent to any lender because it prioritizes the use of the revenues from water sales.

Public Comment:  
There was none

**Motion**-It was moved and seconded (Camara/Lyon) to adopt **Resolution No. 1319, A Resolution Amending Resolution No. 1297 Authorizing a Capital Loan of \$132,000 From the Retirement Reserve Fund (Now Stabilization Fund) to the Water Reserve Fund. Motion passed 5-0.**

**Proposed Resolution Creating the Water Construction Fund and the Water Bond Rebate Fund**

CM Amberg explained that the terms of the city's potential bond financing require that the City create two new funds to account for monies associated with the bond sale. She noted again: this proposed resolution still will be pertinent if it is determined that a revenue bond is not the appropriate financing for the City. However, the word "Bond" can be removed from the title of the Water Rebate Bond Fund.

Public comment:  
There was none.

**Motion**-It was moved and seconded (Dunaway/Lynne) to adopt **Resolution No. 1320, A** Resolution Establishing the Water Construction Fund and the Water Rebate Fund.

**Motion passed 5-0**

**Authorize the City Manager to Terminate a Contract with Koontz & Perdue P.C. and Enter Into a Contract Agreement with Accuity for Financial Auditing Services.**

CM Amberg reported that the City currently has a contract with Koontz & Perdue, P.C. to provide audit services through June 30, 2012. She said the City recently received a letter from the firm informing us that the auditor who has been assigned to our account (Glen Kearns) is leaving to open a new auditing firm, Accuity, LLC. Although Koontz & Perdue will still provide audit services and is willing to perform the City's audit for the final year of the contract, it is willing to release the City if we wish to move our business to the new firm. Accuity is offering a three year contract at the current rate we are paying for service. The field staff that our finance department has been working with will remain the same. Staff recommends terminating the contract with Koontz & Perdue and entering into a contract with Accuity for audit services.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Camara) to authorize the City Manager to terminate the contract with Koontz & Perdue P.C. and enter into a contract with Accuity for financial auditing services. **Motion passed 5-0.**

**Authorize the City Manager to Sign a Toledo Franchise Audit Contract**

CM Amberg reported that she was approached by Mr. John Howell, Telecommunications Consulting Associates, to review the City's Franchise Agreement with Charter Communications. Comments from other cities that have contracted with Mr. Howell have been favorable. If Mr. Howell discovers any revenues due to the City, he will assist the City in collecting said revenue for a fee of one half of the total amount received the first year.

Public Comment  
There was none

**Motion**-It was moved and seconded (Dunaway/Lyon) to authorize the City Manager to enter into an agreement with John Howell, Telecommunications Consulting Associates, to review the City's Franchise Agreement with Charter Communications. **Motion passed 5-0.**

**Authorize the City Manager to Enter Into an Agreement with Red Cross for Toledo Pool Services**

CM Amberg explained that the City of Toledo Pool offers Red Cross training courses. The Red Cross requires that any agency using its programs have a current authorized agreement. The Red Cross recently re-organized and has sent the proposed agreement to Toledo’s Aquatic/Recreation Manager.

**Motion**-It was moved and seconded (Lynne/Dunaway) to authorize the City Manager to enter into an agreement with the Red Cross for Toledo Pool Services. **Motion passed 5-0.**

**Reports and Comments**

**Department Reports**

PC Enyeart reported the following:

- The department continues the process of hiring two new dispatchers. One position was filled today and he hopes to have the second position filled by mid-April.
- One dispatcher has retired after over 27 years of service to Toledo. There will be a small function from 1pm to 4pm at the Toledo Fire Station on March 24<sup>th</sup> to recognize her retirement.
- The department has purchased a Chevy Tahoe and it is available for Council to see after the meeting.

**City Manager’s Report**

CM Amberg reported the following:

- She will not be in attendance at the April 4<sup>th</sup> City Council meeting. She will be attending the annual North West City Manager conference.
- She thanked Mr. Vince and the crew from Toledo Jr. /Sr. High School for video taping this meeting.

**Council Comments**

Councilor Camara said he is sorry that the water rates had to be raised tonight but it has to be done to keep the system functioning.

Councilor Lyon stated it is not fun to raise the water rate and it is not fun to pay the higher rate. She is pleased to see that there are other options for financing water system upgrades if the bond interest rate is too high. She then welcomed the return of Chief Enyeart.

Councilor Dunaway reminded all that there are two vacancies on the City Council and he hopes that interested people will apply.

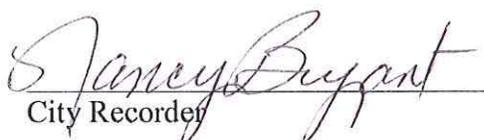
**Executive Session**

Mayor Grutzmacher announced that the executive session is tabled to April 18, 2012.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:29 pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**April 4, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 6:30 pm. Councilors present: Nancy Lynne, Mark Camara, Jill Lyon, and Jack Dunaway.

Staff present: Library Director (LD) Peter Rayment, Police Chief (PC) Dave Enyeart, Public Works Director (PWD) Adam Denlinger, City Attorney (CA) Wes Chadwick, and City Recorder (CR) Nancy Bryant.

Visitors present: April Bamburg, Dave Morgan, Deborah Trusty, Teresa Denlinger, Terri Strom, Stuart Strom, Larry Davis, Anne Hendrickson, Kyle Cameron, Chelsea Smith, Hailey Reid, Kelly Reineccius, and Ariel Wisniewski.

**Council Vacancy Interviews**

Council interviewed Terri Strom and Larry Davis for the two vacant Council positions with Mayor Grutzmacher asking each a set of pre-determined questions.

Mayor Grutzmacher called for a brief recess at 6:48pm. The meeting resumed at 7:00pm.

**Visitors/Public Comment**

Edward Johnston of Toledo expressed his frustration of the Newport and Toledo communities, his being falsely arrested, a lack of legal rights education to youth, and his inability to receive requested public information.

Mayor Grutzmacher asked CA Chadwick to look into any city public records requests by Mr. Johnston that have not been processed.

Kyle Cameron, Chelsea Smith, Hailey Reid, Kelly Reineccius, and Ariel Wisniewski of the Toledo Jr/Sr High School Leadership Class invited Mayor Grutzmacher, City Manager Michelle Amberg and Public Works Director Adam Denlinger to meet with their class the week of April 16<sup>th</sup> for a discussion on how the City operates. The students hope to improve the connection between themselves and their local government.

Mayor Grutzmacher stated he will check with the City Manager and Public Works Director's schedules to see if a time can be arranged. He told the students they are always welcome to attend City Council meetings to participate and observe how the City government works. He also noted that he would like the students to enter the "If I Were Mayor" contest.

Councilor Camara noted the students always have an opportunity to comment on Council's decision items before a vote is taken.

**Consent Calendar**

**Motion-** It was moved and seconded (Camara/Lyon) to approve the consent calendar consisting of the invoice list dated March 29, 2012, City Council minutes of March 7<sup>th</sup>, 13<sup>th</sup> and 21<sup>st</sup>, 2012 and the Records Destruction List dated March 29, 2012. **Motion passed 5-0.**

## **Discussion and Information Items**

### **Committee Updates**

Councilor Dunaway reported the Cascades West Area Commission on Transportation Advisory Board will be making a recommendation of priority for a list of requested grant projects. The two projects for this area were a request by the City of Newport for improvements at the Airport runway and the Port of Newport for rehabilitation of the Port's International Terminal.

### **Decision Items**

#### **Appointment to Fill City Council Vacancy**

Ballots were cast to fill the City Council vacancy seat which expires December 31, 2014:

Councilor Lyon voted for Terri Strom

Councilor Dunaway voted for Larry Davis

Councilor Lynne voted for Terri Strom

Councilor Camara voted for Terri Strom

Mayor Grutzmacher voted for Terri Strom

The candidate who carried the majority vote for the seat which expires December 31, 2014 was Terri Strom.

Ballots were cast to fill the City Council vacancy seat which expires December 31, 2012:

Councilor Lyon voted for Larry Davis

Councilor Dunaway voted for Larry Davis

Councilor Lynne voted for Larry Davis

Councilor Camara voted for Larry Davis

Mayor Grutzmacher voted for Larry Davis

The candidate who carried the majority vote for the seat which expires December 31, 2012 was Larry Davis.

CR Bryant executed the oath of office to the appointed Councilors Terri Strom and Larry Davis.

#### **Proposed Motion to Authorize an Intergovernmental Agreement with Lincoln County Library District**

LD Rayment informed Council that the Coastal Resource Sharing Network (CRSN) is ending on June 30, 2012. Tillamook County, Newport, and Lincoln City have formed a consortium. The Lincoln County Library District (LCLD) has offered the remaining CRSN members participation in a consortium. Over a 3-year period, the cost of joining with LCLD will be approximately \$26,230. Joining Tillamook County would cost approximately \$30,387 and Toledo would have to purchase its own interlibrary lending code which would add an additional \$4,000 to the annual cost. Staff recommends that the City of Toledo sign a Memorandum of Understanding with the Lincoln County Library District that permits the Toledo Public Library to join the Automated System Consortium for the fiscal year 2012/2013.

In answer to Council questions LD Rayment responded as follows:

- Joining the Lincoln County Library District Automated System Consortium is the least costly because it is a hosted program and the only requirement is a connection to the internet.
- The Tillamook County, Newport, and Lincoln City consortium will have more libraries and a larger number of resource materials.

- The LCLD consortium costs are based on the total number of staff workstations. If the city should lose staffing it would reduce costs but if another entity of the consortium loses staffing the cost could go up for Toledo.
- The Tillamook County, Newport, and Lincoln City consortium will be saving costs compared to the cost of CRSN. If they had chosen to join the LCLD they would have saved even more.
- The current courier service is provided by the Lincoln County Library District and will remain intact.

Mayor Grutzmacher asked the City Attorney whether he has reviewed the proposed Memorandum of Understanding. CA Chadwick confirmed his review of the document.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Dunaway/Lynne) to authorize the City Manager to sign a Memorandum of Understanding with the Lincoln County Library District that permits the Toledo Public Library to join the Automated System Consortium for fiscal year 2012/2013.

**Motion Passed 7-0.**

### **Proposed Motion for Approval of a Pedestrian Grant Project Award**

PWD Denlinger congratulated the newly appointed Council members. He then reported that the Public Works Department is working with two contractors in conjunction with projects scheduled for this summer: the Oregon Department of Transportation (ODOT) Pedestrian Grant Project and an ODOT Pavement Preservation project through the ODOT Special City Allotment Grant program.

Staff is seeking authorization to undertake bicycle and pedestrian improvements identified in the Toledo Waterfront Connectivity Plan that provide safe continuous connection from the downtown area to the Waterfront. The plan includes realignment of the south end of Main Street and Second Street and improvements to the pedestrian rail crossing that will provide access that complies with ADA regulations.

In answer to Council questions, PWD Denlinger stated the following:

- The City has required the contractors providing services to its roadway system to use Oregon Department of Transportation specification asphalt.
- Given the current base of Butler Bridge Road, an estimated lifespan for the proposed improvements is 20 to 25 years. The entire stretch of road is effected by tidal influence.
- The proposed pedestrian rail crossing has been positioned so that it crosses one set of tracks.
- There are no road closures anticipated during the project, but some delays will occur.
- The pedestrian project is anticipated to begin in May and be near completion by the end of June. The funding for the pavement preservation project will not be available until July 1, 2012.

Councilor Camara stated, improving the pedestrian crossing is a good piece of the integrated project with the Port of Toledo and will be good for access to the park.

Public Comment:

Deborah Trusty stated that these projects will make a difference for those who live in the community as well as visitors and she appreciates the hard work that has gone into the projects.

Anne Hendrickson said she hopes the three-month delay in starting the pavement project won't make it more expensive to do.

**Motion**-It was moved and seconded (Camara/Dunaway) to authorize the Public Works Director to negotiate a contract with the most responsible bidder for bicycle and pedestrian improvements at the south end of Main Street, and authorize the City Manager to execute all contract documents.

**Motion passed 7-0.**

**Proposed Motion for Approval of the 2012 Pavement Preservation Project**

Staff is seeking authorization to undertake resurfacing and road repair improvements during the summer of 2012. The street section being considered for resurfacing is Butler Bridge Road. The Department hopes to use a combination of funding sources to complete these improvements, to include Road Maintenance Fees. These funds are set aside to be used for maintenance for roadways including resurfacing or overlay. In addition, funding for this project will likely come from Street Reserve Funds. This project also will be supported by a \$50,000 grant from the Oregon Department of Transportation's Special City Allotment Grant Program.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Lyon/Lynne) to authorize the Public Works Director to negotiate a contract with the most responsible bidder for asphalt resurfacing improvements, and authorize the City Manager to execute all contract documents. **Motion passed 7-0.**

**Proposed Ordinance to Amend and Restate Ordinance No. 1343-An Ordinance of the City of Toledo, Oregon, Authorizing the Issuance of a Revenue Financing Agreement to Finance the Costs of Constructing, Repairing and Expanding the City's Water System**

CA Chadwick recounted that the City Council passed Ordinance No. 1343 on February 15, 2012 which authorized the City to enter into a finance agreement for the issuance of revenue bonds. Section Two of that Ordinance set a maximum interest rate of 5.00% for the bonds. Since that time, changes have occurred such that the anticipated interest rate will be over 5.00% but under 6.00%. Staff recommends approval of the proposed non-emergency Ordinance amending Ordinance No. 1343 to note that the true interest cost of the Revenue Financing shall not exceed 6.00%.

Public comment:

There was none.

**Motion**-It was moved and seconded (Camara/Lyon) to adopt **Ordinance No. 1344**, by reading the title only twice, to Amend and Restate Ordinance No. 1343-An Ordinance of the City of Toledo, Oregon, Authorizing the Issuance of a Revenue Financing Agreement to Finance the Costs of Constructing, Repairing and Expanding the City's Water System. **Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

PC Enyeart congratulated the newly appointed Council members. He reported that the Police Department has hired Teresa Scott to fill one of the two open dispatcher positions. The Department is in the process of hiring an additional person to bring the staffing to 100%.

PWD Denlinger noted the Public Works appreciation of the hard work and dedication of Councilor Camara. He said Councilor Camara has been instrumental in providing the department with support and development on key issues. Most notably, Councilor Camara was involved in committees that helped to establish updates to the city's system development charges, the Mill Creek Forest stewardship planning, Seal Rock Water District advisory committee and a whole host of others. PWD Denlinger then presented a public works safety vest in appreciation of Mark Camara's support to public works and the community.

CA Chadwick congratulated the new councilors Terri Strom and Larry Davis. He then stated that it has been a pleasure serving with Councilor Camara and he wished him well in his future endeavors.

CR Bryant reported three applications were received for the vacant Planning Commission position by the deadline of March 30<sup>th</sup>. Interviews of the three applicants will be set for the regular City Council meeting of April 18<sup>th</sup>. She then reminded Council members that the completed Oregon Government Ethics annual Statement of Economic Interest forms are due by April 16<sup>th</sup>.

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

There was no City Manager report.

### **Council Comments**

Councilor Lyon congratulated Terri Strom and Larry Davis to their appointment to Council and said she looks forward to working with them.

Councilor Dunaway thanked Terri Strom and Larry Davis for agreeing to in serve on Council. He also thanked Mark Camara for his service and admirable skills.

Councilor Lynne welcomed the new council members and wished Mark Camara good luck.

Councilor Davis thanked the Council for the opportunity to serve.

Councilor Strom said she is looking forward to working with this council.

Mayor Grutzmacher thanked Larry Davis and Terri Strom for stepping forward to serve on Council and expressed his best wishes for Mark Camara.

Councilor Camara announced this is his last meeting. He has been given an opportunity to live and work in New Zealand. He said serving on City Council has been enjoyable most of the time. He thanked the community for its trust and said it was amazing that people allowed him to step into

this position as quickly as they did. He appreciates that and he hopes that his being here has been helpful.

Mayor Grutzmacher invited all in attendance to stay after the adjournment for refreshments in appreciation for Councilor Camara's service.

**Adjournment:**

CP Grutzmacher adjourned the meeting at 8:22 pm.

ATTEST:

APPROVE:

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City Recorder

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Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION**

April 10, 2012

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Nancy Lynne, Jill Lyon, Jack Dunaway, Terri Strom and Larry Davis.

Staff present: City Manager (CM) Michelle Amberg, Finance Director (FD) Polly Chavarria, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Fire Chief (FC) Will Ewing, City Recorder Nancy Bryant, Head Dispatcher (HD) Maria Waldrip, Contract Planner (CP) Stuart Cowie.

Visitors Present: Dave Morgan, Don Amberg, and Alan Searle.

**Discussion and Information Items**  
**Committee Updates**

Councilor Lyon reported that she attended the Lincoln County Economic Alliance Committee meeting where Port Manager Bud Shoemake provided a presentation on the Port's public improvements project.

Mayor Grutzmacher reported there will be a meeting at City Hall on April 12<sup>th</sup> at 7pm to discuss ideas and programs for the Flowerree Center. He invited the public to attend.

**Light Industrial Zone Update**

CDC Cowie explained that staff has been working to revise the off-site impact criteria to best fit the needs of the industrial zones within the City of Toledo. Because of the complexity of impact criteria and enforcement, staff proposes that the existing industrial code and map amendments made by the Planning Commission continue to move forward absent an accompanying off-site impacts ordinance. Staff will continue researching the best off-site impact criteria for the City and provide Council with that information at a later date.

Council and staff discussed adverse use impacts and how enforcement could be addressed. CP Cowie stated in order to implement an affective off-site impact ordinance, a study of each off-site impact criteria (i.e. noise, vibration, glare) should be performed inside city limits around prominent industrial uses. Parameters regarding these studies should be indicated by the professionals hired.

Council and staff also discussed the number of properties affected by the proposed zone ordinance. CP Cowie stated there are approximately eight properties that will change from a zoning of industrial to light industrial. He would like to make contact with the owners of those eight properties before further action of the proposed ordinance.

By consensus Council agreed that the industrial zone code and map amendment project should move forward and contact will be made with property owners whose zoning would change.

### **Incident Command Presentation**

FC Ewing provided Council with information regarding the National Incident Management System (NIMS) and National Response Plan and how it is used locally. He noted that NIMS established standard incident management processes, protocols and procedures. One of the most fundamental NIMS requirements is that local jurisdictions and States adopt the direct use of Incident Command System (ICS) policy. He said this has been done locally and Toledo has found it appropriate for all types of incidents. He stated the ICS policy will eliminate the potential of having over 13 different commanders during a county-wide event. Each city will continue to respond to local emergencies but there will be one command center to oversee or organize the entire event.

Mayor Grutzmacher noted to new Council members that the ICS-100 and ICS-200 course trainings are mandatory for City officials and available online. The trainings are required to qualify for FEMA funding.

### **Sewer Rate Adjustment**

CM Amberg and FC Chavarria explained that there is a need to review the current sewer rate. The city sewer rate was increased 10% last year but the City recognized only 4% of the calculated revenue due to conservation. Also, the city's sewer revenue bond agreement requires the city to maintain a debt service reserve fund in the amount of \$150,000 and due to emergency system repairs and the unrecognized revenue from the sewer increase last year the debt service reserve amount is low. Staff proposes a base sewer usage rate at \$11.05 and the flat rate will increase from \$11.95 to \$14.65 per thousand gallons.

Council and staff discussed the need for public awareness regarding the aging sewer and water systems and the needed improvements. FD Chavarria provided a table showing an amount of usage and the comparison between current and proposed rates. CM Amberg noted the information will be placed on the city website for public review. Other efforts to alert the general public of the rate increases in both water and sewer include the City Newsletter, City meetings, a brochure, and staff presentations to local organizations.

### **Street Light Utility Fees**

CM Amberg noted that she will recommend no increase in the Street Light Utility Fee for the fiscal year 2012/13.

### **Building Facility Plan Review**

PWD Denlinger presented information regarding the draft Building Facilities Plan for city owned buildings. He noted that each facility was evaluated to identify deficiencies and maintenance issues that should be addressed during the planning period. Cost estimates were prepared and descriptions of the recommended improvements were developed. The prioritized list of recommended improvements constitutes the City's Building Capital Improvement Plan (CIP). He said City Hall is in the most need of improvement but other facilities have significant issues as well. Alternative replacement and maintenance options for city facilities were presented as well as a 20 year funding plan. Council and staff discussed the information presented. Mayor Grutzmacher suggested the city needs to set aside funds for replacing buildings that have met their life span.

### **Planning Service Contract**

CM Amberg reported that she will be recommending authorization to renew the contract with Lincoln County for planning services.

Mayor Grutzmacher called for a break at 8:37pm. The meeting resumed at 8:43pm.

### **Communication Tower Repair**

HD Waldrip and FC Ewing provided information regarding needed repairs for the communication tower located near Toledo's water treatment plant. They explained the areas in need of repair include: guy wires that are slack and no longer stable, batteries located at the tower site and dispatch center that have reached their life cycle and additional batteries are needed for the dispatch control room, and a PVC pipe connection outside the police station that is old and brittle and in need of replacement. The total cost of repair is \$5,423. FC Ewing stated that staff will be requesting SILKE as a sole source provider because Toledo has had a 10 year relationship with this provider, they know the system and they have responded many times during emergencies, their technicians are certified linemen to climb towers, and their expertise with radio towers in the county and state is essential. Mayor Grutzmacher suggested correcting a line that runs from the new tower to the old to a more appropriate connection. FC Ewing stated that can be done for an additional cost. HD Waldrip noted that 911 funds can be expended for one-half of the cost of this project.

### **Tri Star Communication Agreement**

CM Amberg reported that she has received notice of interest from two separate companies that would like to manage the lease of the city's tower sites. Either company would collect the lease payments and split the revenue with 40% to the City. Council directed the City Manager to keep management of the communication agreements in house.

### **Funding-Bonds vs. Bank**

CM Amberg explained that Umpqua Bank has expressed an interest in providing a loan for the water improvement project however they have not provided written information regarding their full terms. She noted that they did state the longest term they could provide is 10 years which may cause a burden on the City's funding. Council and staff discussed the potential of financing through Umpqua Bank or continue with the bond process. CM Amberg noted the bond process is still moving forward.

### **Proposed Siletz River Site**

PWD Denlinger provided council with an update on the Siletz River water intake site and the land slide on the adjacent property. He stated that there is adjacent vacant property that would be appropriate for the Siletz intake site. A Geotech engineer has drilled on the property and the report finds it suitable for the City's purpose. CA Chadwick noted that the property owner has been contacted and is interested in selling the property and would also like to sell their two additional adjacent lots.

### **Additional Council Discussion Items:**

Councilor Dunaway stated that he would like to continue discussions with representatives from the Lincoln County School District. He suggested inviting them as well as local Realtors to a future Council work session. Councilor Lyon noted that she has had a brief discussion with a local realtor and she explained that Toledo would like to have a Real Estate office located in the city.

Mayor Grutzmacher noted that Council will need to set a timeline for filling the Council vacancy caused by the resignation of Mark Camara. By consensus Council agreed to declare the vacancy and set a timeline for applications at the Council regular session on April 18th.

Mayor Grutzmacher announced that on the afternoon of May 9<sup>th</sup>, Ann Flowerree will be in town for a dedication of the Flowerree Community Center sign at the former Mary Harrison School. He said this will be a good opportunity for the community to come together and say thank you.

### **City Manager Comments**

CM Amberg commented on the following:

- She attended the Western Oregon Forest Protection Association meeting today. She recommends that the City join as an associate member which is free. By consensus Council agreed that the City Manager should submit a request for membership.
- She and Mayor Grutzmacher attended the recent Yaquina Bay Economic Foundation meeting. They have three white papers due on the topics of the Main Street Program, Yaquina Bay Economic Tourism and the Electric Highway.
- She provided a handout announcing a film screening titled “America’s Invisible Children”.
- The Lincoln County Land Trust showcase will be on April 19<sup>th</sup> in Lincoln City.
- There will be classes offered by the Toledo Main Street Program.
- The public budget training is scheduled for April 23rd, at 7pm at City Hall.
- The first Budget hearing is scheduled for April 30<sup>th</sup>, at 5:30pm at City Hall.
- She asked Council if they would like staff to provide the Planning Commission interview questions to the applicants. Council agreed that they would like the questions provided to the applicants prior to the interviews.

### **Adjournment:**

CP Grutzmacher adjourned the meeting at 9:45pm.

ATTEST:

APPROVE:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Council President

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
April 18, 2012

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 6:40pm. Councilors present: Nancy Lynne, Jill Lyon, Jack Dunaway, Larry Davis, and Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, Police Chief Dave Enyeart, Public Works Director (PWD) Adam Denlinger, City Attorney (CA) Wes Chadwick, City Recorder (CR) Nancy Bryant and Finance Director (FD) Polly Chavarria.

Visitors present: Don Amberg, Bill Mahr, Perry Adams, Dave Morgan, and Alan Searle.

**Planning Commission Interviews**

**Budget Committee Vacancy Interviews**

Council interviewed Perry Adams for the Planning Commission vacancy. Mayor Grutzmacher announced that two additional applicants were unable to attend this evening. By consensus Council chose to continue the interview process at a later date.

**Proclamation**

Mayor Grutzmacher proclaimed April 28, 2012 as Toledo Arbor Day, in observance of Oregon Arbor Week and National Arbor Day.

**Tree City USA Designation**

Bill Mahr of Oregon Department of Forestry presented Council with a flag to signify the City of Toledo's 18<sup>th</sup> Tree City USA award. He explained that the program is sponsored by the National Arbor Day Foundation and the Oregon Department of Forestry. It is designed to recognize cities that put forth a plan to plant and maintain trees in the community. He noted Toledo is one of 54 communities in Oregon and one of 3,500 nation wide communities that receive the award each year. Since its first award in 1993, Toledo has adopted a Tree Ordinance, spent \$2.00 per capita on tree plantings and maintenance, conducted an Arbor Day event each year, conducted dangerous tree removal, and this year anticipates the planting of 16 ornamental trees, donated by Georgia Pacific Toledo. He noted the largest accomplishment: the adoption of the Mill Creek Forest Stewardship plan. Mayor Grutzmacher received the flag and thanked Mr. Maher for the recognition.

**Visitors/Public Comment**

There was none.

**Consent Calendar**

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve the consent calendar consisting of the invoice list dated April 13, 2012 and City Council minutes of April 4, 2012.

**Motion passed 6-0.**

## **Discussion and Information Items**

### **Committee Updates**

Councilor Dunaway reported that he attended a meeting of the Lincom Executive Committee. The board voted to dissolve Lincom and contract with Willamette Valley Communications for dispatch services.

Councilor Lynne reported that the Parks and Recreation Committee met recently and members were given a tour of the municipal pool facility.

### **Appointment to Fill Planning Commission Vacancy**

Council chose to table the appointment for the Planning Commission vacancy and re-schedule interviews with the two additional applicants.

### **City Manager Performance Evaluation**

CM Amberg reported that her annual performance evaluation will be due in June 2012. The evaluation forms were distributed to Council. Finding no recommended changes to the form, Mayor Grutzmacher set May 16<sup>th</sup> for the date of submission of the completed evaluation forms. He directed department heads to complete applicable sections and return by May 16<sup>th</sup>.

### **Quarterly City Tasks List Update**

CM Amberg provided Council with a quarterly update on the tasks derived from the 2012 City Council Goals.

## **Decision Items**

### **Proposed Resolution Setting Sewer Rates**

CM Amberg reported that sewer rates were last adjusted in 2011. The proposed rate adjustment balances the budget and allows a \$231,758 estimated transfer to the Sewer Reserve Fund. Passage of the proposed rates will ensure that the City has sufficient funds for operations and maintenance of the City sewer system.

Councilor Lyon stated that the sewer rate increase will put the City back to where it needs to be to meet obligations as well as provide for maintenance and other fund purposes. CM Amberg confirmed Councilor Lyon's statement and explained the rate increase of 10% last year only recognized a 4% increase in revenue and it did not create sufficient funding to meet all of the needs.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Dunaway/Davis) to adopt **Resolution No. 1321**, A Resolution Fixing the Rates and Charges to be paid by the users of the Sewerage System of the City of Toledo, Oregon. **Motion Passed 6-0.**

### **Proposed Resolution Setting Street Light Utility Fee**

CM Amberg reported that on June 2, 2004 the City Council passed Ordinance No. 1303 which adopted a Street Light Utility Fee and established the requirement that the monthly fee be set by resolution before July each year. Currently the fee is \$7.00 per month. Toledo's Finance Director estimates that the cost for electricity for street lights will be \$112,000 for fiscal year 2012-2013. A

fee of \$7.00 will raise an estimated \$106,275 in revenue and offset 95% of the cost. She did not recommend an increase in the Street Light Utility Fee.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Lyon/Lynne) to adopt **Resolution No. 1322**, A Resolution Setting the Street Light Utility Fee for the 2012-13 Fiscal Year. **Motion Passed 5-1**, noting Councilor Davis voting opposed.

### **Approval of the Contribution Committee Recommendation**

CM Amberg reported the Toledo Contribution Committee met on March 19, 2012 to review various funding requests from non-profit organizations. The Contribution Committee respectfully recommends the City County approve the following for funding during FY 2012/2013 of the Contribution Fund: Senior Meals/Meals on Wheels \$2,000, My Sisters' Place \$445, Toledo History Center \$250, Lincoln County Child Advocacy Center \$400, Shangri-La \$500, Samaritan Senior Companion \$500, East County Backpack Program \$1000, The Floweree Community Center \$500, Samaritan House, Inc. \$250, RSVP \$250, Central Coast CDC \$500, Oregon Coast Community College \$500, CASA of Lincoln County \$250.

Public Comment:  
There was none.

**Motion-**It was moved and seconded (Strom/Davis) to approve the Contribution Committee's recommendations and direct staff to budget \$7,345 for FY 2012/2013. **Motion passed 5-0**; Mayor Grutzmacher abstained from voting because he has an indirect interest in the Floweree Center's award.

### **Authorize the City Manager to Sign an Intergovernmental Agreement between Lincoln County and the City of Toledo for Planning Services**

CM Amberg reported the current agreement between Lincoln County and the City for contract planner service will expire July 1, 2012. Stuart Cowie, a Lincoln County Planner, has provided essential service to the city and staff recommends renewal of the agreement.

In answer to questions posed by Councilor Davis, CM Amberg noted that Mr. Cowie works eight hours per week as well as evening planning meetings and trainings. He is currently working on the Comprehensive Plan amendment regarding light industrial zoning, an off-site impact ordinance, annexation issues, as well as typical daily tasks of the planning department. Councilor Lyon noted that the City had a full-time planner in the past and this is a way to provide that service. Councilor Dunaway noted his appreciation for the services that Mr. Cowie has provided and he said this method is superior to prior contract services. He also stated he likes the idea of sharing resources with other entities.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Davis/Dunaway) to authorize the City Manager to sign an intergovernmental agreement between Lincoln County and the City of Toledo for Planning Services. **Motion passed 6-0.**

### **Public Safety Radio Tower Maintenance and Repairs**

PC Enyeart and FC Ewing reported that Toledo Public Safety departments have provided dispatch services in Toledo since 1971; during that time, call volume has grown to almost 12,000 calls per year. The basic radio tower and systems that Toledo has today were placed into service in 2007. This system no longer covers the needs of the service provided. Deficiencies and needed repairs became evident during an inspection performed by SILKE Communications as described at the April 10<sup>th</sup> Council work session. The repair cost of \$5,423.00 will be split between the General Reserve Fund and the 911 System Reserve Fund. Councilor Dunaway questioned why the repair to the tower wasn't done immediately. CM Amberg explained that the recommendation includes a request for using a sole source provider and must be approved by the city's contract board which is the City Council. Councilor Davis questioned the need to go from two hour to four hour back up batteries at the dispatch center. PC Enyeart noted problems they have had in the past when the back up generator wasn't working.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Lynne) to authorize the City Manager to enter into an agreement with SILKE Communications to conduct repairs and maintenance on the Public Safety radio system and tower. **Motion passed 6-0.**

### **City Council Vacancy**

CM Amberg reported a vacancy has occurred on City Council as a result of Mark Camara's recent resignation. The term of this vacancy will expire December 31, 2014. Staff recommends declaring one City Council vacancy and setting an application filing deadline of May 21<sup>st</sup> with interviews to be scheduled for June 6, 2012.

Public comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Strom) to declare one vacancy on City Council and set the application filing deadline at 5pm on May 21<sup>st</sup> with interviews and appointment to be scheduled for June 6, 2012. **Motion passed 6-0.**

### **Planning Commission Vacancy**

CM Amberg stated a vacancy has occurred on the Planning Commission as a result of Terri Strom's recent appointment to City Council. The term of this vacancy will expire December 31, 2015. Staff recommends declaring one Planning Commission vacancy and setting an application filing deadline of May 21<sup>st</sup> with interviews to be scheduled for June 6, 2012.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Strom/Dunaway) to declare one vacancy on the Planning Commission and set the application filing deadline at 5pm on May 21<sup>st</sup> with interviews and appointment to be scheduled for June 6, 2012. **Motion passed 6-0.**

## **Reports and Comments**

### **Department Reports**

PWD Denlinger provided an update on the FEMA cost recovery effort following the January 2012 storm event. Intergovernmental agreements have been signed for some temporary slope stability repair at the Siletz River intake, as well as pump repair at two wastewater lift stations and installation of the tide gate near Sturdevant Road. Also, staff continues to seek State funding for two projects: the Business Loop 20 subsidence area and a drainage swale issue at the Siletz River intake site.

PC Enyeart reported that he also attended the Lincom meeting. He noted that the group is in the planning process of a phased operation for closing the dispatch center and transferring the service to Willamette Valley Communications. He anticipates Lincom will continue operation to the end of the year. This change will have an effect on the 911 funds distributed by the State. The Police Department will look at what the cost will be to operate the city's dispatch through Willamette Valley Communications.

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

CM Amberg reported the following:

- The monthly Department Report was distributed. She thanked Josie Ward for her work in putting the report together.
- She will contact Katie Schwab regarding moving forward with the bond process for funding the Water Master Plan improvements Phases One and Two. She will sign the "deemed final" letter and answer the due diligence questionnaire in order to release the preliminary official statement this week. If this is done this week, the City can go to pre-pricing on May 7<sup>th</sup>, the pricing offer will be May 8<sup>th</sup>, and travel to Portland for closing can be planned for May 15<sup>th</sup>. There was no objection from Council.
- She and PC Enyeart met with representatives of the Siletz Confederated Tribe regarding the police service contract renewal. The Tribe is interested in a three-year contract with renewal for five years, at \$200,000 for the first year and a 7.5% decrease each year after. Staff will continue to discuss the proposed terms and what that means to the Police service level in Siletz.
- She attended the Port of Toledo meeting. Port Commissioner Chuck Gerttula asked her to forward Commissioners' appreciation to Council for waiving the utility fees at the Waterfront Park.
- There will be a Chamber luncheon on April 19<sup>th</sup> at the Fire Station, at 11:30am.
- Lincoln Council Land Trust will hold a showcase in Lincoln City on April 19<sup>th</sup>.
- She will be attending the Cascades West Council of Governments meeting in Albany on April 20<sup>th</sup>.
- There will be general municipal budget training at City Hall on April 23<sup>rd</sup> at 7pm, open to the public.
- She, along with Mayor Grutzmacher and PWD Denlinger, will meet with Peter Vince's Leadership Class at the High School on April 24<sup>th</sup>.
- PC Enyeart will be leaving for Korea for a three-week period starting next week.

- She will attend social media training on April 25<sup>th</sup> in Florence and Oregon Local Leadership Institute training on media relations on April 26<sup>th</sup>.
- She encouraged Council to attend the Oregon Local Leadership Institute training for local officials in Newport on April 27<sup>th</sup>.
- There will be Social Media Basics training beginning on May 7<sup>th</sup> at 6pm at the Toledo Fire Station, sponsored by the Main Street Program.
- She provided Council with a list of upcoming public events in Toledo.
- She thanked Peter Vince and the video crew for videotaping this Council meeting.

### **Council Comments**

Councilor Lyon reported that she and CA Chadwick attended municipal court on April 12<sup>th</sup> and met with Judge Parsons afterward.

Councilor Dunaway noted one of the reasons that Lincom decided to contract service with Willamette Valley Communications is that there are 49 PSAPs (911 answering centers) in the state and a consultant has advised that the state should be able to get by with nine centers. There is a related concern that funding for 911 centers could be diminished.

Councilor Davis noted his appreciation for the City's website update with the sewer and water information. He suggested placing the department report on the website as well.

Councilor Strom said she viewed the "Liquid Assets" DVD and recommended that it be shown at any future town hall meetings regarding Toledo's water infrastructure.

### **Mayor Comments**

Mayor Grutzmacher reported that he attended a Port of Newport Commission meeting at which exporting logs from the Newport International Terminal was discussed. He noted that, even though he is opposed to exporting timber, he was informed that there may be opportunities for employment for local people. He also stated that he and Councilor Dunaway will be attending a dinner with the Department of Forestry and the Department of Environmental Quality tomorrow evening. He will report back regarding what the two agencies have in store for the community.

Mayor Grutzmacher called for a brief recess at 8:08pm and announced an executive session will follow according to ORS 192.660(2), concerning: (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

### **Executive Session**

Council provided City Attorney Wes Chadwick an annual performance evaluation.

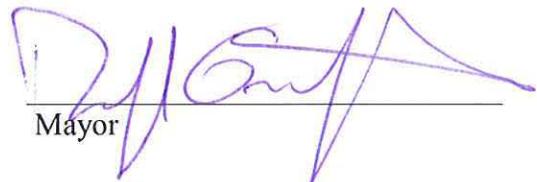
### **Adjournment:**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 8:36pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

## TOLEDO BUDGET COMMITTEE April 30, 2011

Budget Committee (BC) members present: Ralph Grutzmacher, Jerry Seth, Nancy Lynne, Terri Strom, Julie Rockwell, Bob Deming, Jill Lyon, Jack Dunaway, Rod Cross, Larry Davis, Billy Joe Smith, Chuck Gerttula and Stuart Miller.

Staff Present: Budget Officer/City Manager (BO/CM) Michelle Amberg, Finance Director (FD) Polly Chavarria, City Recorder (CR) Nancy Bryant, Public Works Director (PWD) Adam Denlinger, Fire Chief (FC) Will Ewing, Library Director (LD) Peter Rayment, and Aquatics/Recreation Manager Joe Andrews.

Visitors: Don Amberg, J. Zinn, and April Bamberg.

### **PUBLIC HEARING 2012/13, TOLEDO MUNICIPAL BUDGET, INCLUDING STATE REVENUE SHARING**

Mayor Grutzmacher opened the public hearing for the 2012/2013 Toledo Municipal Budget, including State Revenue Sharing at 5:31pm and the proposed FY 2012-2013 budget document was distributed to the Budget Committee members.

### **Budget Message:**

BO/CM Amberg presented the budget message. Highlights were as follows:

- All of the City's funds are balanced as required by Oregon Budget Law.
- The FY 2012-13 budget proposed is conservative in light of the current economic conditions in our local area.
- The General Fund is anticipated to increase 8.68% over the current fiscal year.
- Transfers to the General Fund will increase due to an inter-fund loan of \$200,000 which will be used to pay off the outstanding loan on the Council of Governments building as well as implementation of Phase I and II of the Water Master Plan and Waste Water fee increases.
- Franchise fees are projected to rise 16.61% due to small increases in all franchise fee revenue except for the telephone franchise fee which is expected to decrease 16.67%.
- Fees, Licenses and Permits are expected to continue to decrease in FY 2012-2013 as building and development within Toledo is not occurring at historical levels.
- State Shared Revenues are anticipated to increase 7.85% according to state projections.
- Contract revenue is expected to decrease 23% due to reduction in revenue from the Toledo Rural Fire District, changes in the contract between the City and the Confederated Tribes of Siletz Indians, and decreasing revenue from the Lincoln County Library District.
- Capital expenditures are proposed to decrease due to reduced equipment purchases in the coming year.
- Transfers out of the General Fund are expected to increase as the municipal pool and general services begin to build up reserves to address long term maintenance issues.

- Departmental, General Fund, changes in excess of 5% include: Planning; 36.32% decrease in expenditures, Recreation; 17.53% increase in expenditures, and Library; 7.22% increase in personnel costs.
- The Streets Fund is proposed to increase 18.86% due to the Butler Bridge Road Pavement Preservation Project this summer.
- The Water Fund is proposed to increase 100.3% due primarily to debt payments on \$6,500,000 in bonds issued to implement Phase I and II of the Toledo Water Master Plan.
- The Sewer Fund is proposed to increase 29.61% to re-establish required levels in reserves.
- Capital purchases anticipated in FY 2012-2013 include:
  - Police- an evidence storage building, and a patrol vehicle.
  - Fire and Rescue- radios and pagers, fire fighting turnouts, a rescue manikin, storage shed, fire engine, facility improvements, and vehicle seats/breathing apparatus.
  - Public Works- an excavator, and an equipment trailer.
  - Streets- Butler Bridge paving.
  - Library- sidewalk and building entry repair.
  - Grants- Pedestrian Grant, Drinking Water Source Protection Study, and Transportation Growth Management Plan.
  - City Hall- phone system replacement and computer technology.
  - Parks- Playground equipment and fencing.
  - Water Construction- Phase I and II of the Water Master Plan.
- The largest change in the FY 2012-13 proposed budget is the addition of the Water Construction Fund which includes \$2,000,000 revenue for the construction of Phase I and II of the Toledo Water Master Plan.
- The total for all budgeted funds for FY 2012-2013 is \$17,375,746 which is \$4,422,427 (34.14%) more than was adopted for the current fiscal year.
- The City's authorized property tax rate for the general fund operations is \$5.18 per \$1,000 assessed value. The amount to levy for bonded debt is \$156,500.

BO/CM Amberg thanked the Budget Committee for its service to the City of Toledo. She also recognized the City Council for developing the city-wide goals that were used in putting the document together and she thanked department directors who worked very hard to provide rational and reasonable proposals during these difficult economic times. As a final note, she expressed her gratitude for the hard work and extra effort from the City Treasurer Polly Chavarria, City Recorder Nancy Bryant, and Assistant to the City Recorder Josephine Ward, who researched, compared and compiled information, and produced the binders presented to the committee.

**Public Comment:**

Don Lee thanked the budget committee for the donation to Meals on Wheels from the Contribution Fund as proposed in the FY 2012-2013 budget.

J. Zinn asked what the committee is making decisions on. Mayor Grutzmacher explained that the budget is proposed to the Budget Committee by the City Manager. The Budget

Committee will review and discuss the document and make a recommendation to City Council.

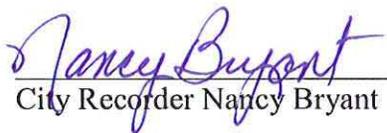
BO/CM Amberg noted that any questions regarding the proposed budget should be provided to the City Manager before the continued public hearing date of May 7<sup>th</sup> so that the questions and answers will be discussed in open session and by the entire Budget Committee.

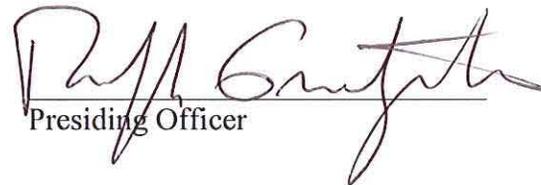
BC Davis inquired on benchmark studies with like size cities for personnel costs. BO/CM Amberg stated that she recently performed a wage comparison of cities of like size in Oregon for management staff. She also researched staffing levels and will provide that information at the continued meeting.

Mayor Grutzmacher called for a recess at 5:59pm, the meeting will resume on May 7, 2012 at 5:30pm at the City Hall Council Chambers.

ATTEST:

APPROVED:

  
\_\_\_\_\_  
City Recorder Nancy Bryant

  
\_\_\_\_\_  
Presiding Officer

**TOLEDO CITY COUNCIL MINUTES**  
**Work Session**  
**May 2, 2012**

CA Chadwick called the meeting to order at 6:00pm. Councilors present: Nancy Lynne, Terri Strom, Jill Lyon, and Larry Davis. Mayor Ralph Grutzmacher arrived at 6:38pm and Councilor Jack Dunaway arrived at 6:46pm.

In absence of the Mayor; a motion was made as follows:

**Motion-** It was moved and seconded (Strom/Davis) to appoint Jill Lyon as temporary presiding officer for this work session. **Motion Passed 4-0.**

Staff present: City Manager (CM) Michelle Amberg, Public Works Director (PWD) Adam Denlinger, City Attorney (CA) Wes Chadwick, Aquatics/Recreation Manager (AM) Joe Andrews and City Recorder (CR) Nancy Bryant.

Visitors present: Tom Rinearson, Deborah Trusty, April Bamburg, Teresa Denlinger, Don Amberg and Alan Searle.

**Work Session discussion with Tom Rinearson of Lincoln County School District**

City Council, staff and Tom Rinearson of the Lincoln County School District (LCSD) met for a general discussion regarding potential collaboration efforts between the School District and the City.

The following topics were discussed:

- Arcadia School building-Mr. Rinearson said the School District will maintain the Arcadia School property until it is determined that it is no longer of use to the District. He would like to discuss potential uses for the property with the City next year.
- School enrollment forecast- Mr. Rinearson stated the enrollment forecast indicates that the two existing schools in Toledo will be adequate.
- Collaboration of IT contract services- CM Amberg noted the contract IT service is working out nicely.
- Potential partnership regarding additional youth swim programs for students. AM Andrews stated the school swim lesson program ties into the Pool's philosophy of teaching every child in Toledo to learn to swim. Toledo Pool staff would like to extend that program beyond the elementary level to include Jr. /Sr. High School programs. Mr. Rinearson stated that he would support those efforts.
- School visits-The City Manager, Mayor, and Public Works Director met with the leadership class at Toledo Jr. /Sr. High and provided information on local government.
- Community reader board- CM Amberg provided an update on the reader board and she is looking for partnerships in that effort. Mr. Rinearson stated the district contributed to funding the reader board in Newport and it is open to helping with those types of projects.
- FEMA meeting regarding earth movement at LCSD bus maintenance property-PWD Denlinger explained that the City has been dealing with substantial erosion at this site and has been monitoring the condition for several years. Due to earth movement, the storm line which drains the parking lot for the Toledo Fire Station and the LCSD bus maintenance facility separated. In 2009, the City rerouted the lower end of the line; in 2011 it secured and armored

the toe of the hillside with large anchoring rock and smaller aggregate up the slope. The repairs to the storm drain pipe line were covered under FEMA cost recovery and the City funded the construction of a sediment basin at the lower end of the drainage area. In 2012, after the January storm, the City rerouted the upper end of the storm drain line. Continued earth movement has caused significant erosion and loss of pavement near the LCSD building which the City cannot claim in FEMA cost recovery because it is not city owned property.

- Trade School education at Toledo Jr. /Sr. High- Mr. Rinearson stated that LCSD has invested in a facility at the High School to accommodate trade school education. The group discussed the potential for returning educational programs as well as connecting businesses with students for job experience and or apprenticeships.

Mayor Grutzmacher arrived at 6:38 and Councilor Lyon conceded the meeting to him.

- Combining Newport and Toledo High Schools- Mr. Rinearson noted that Toledo qualifies for small city funding and it would go away if the two schools were combined.
- Mayor Grutzmacher noted his disappointment that there were no Toledo students who entered the "If I were Mayor" contest but he was happy to see the Jr./Sr. High leadership class students attend a recent City Council meeting.

Mr. Rinearson agreed to meet with Council on a quarterly basis to provide updates on local school improvements and district activities.

Mayor Grutzmacher called for a recess at 6:52pm.

## **Regular Session May 2, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order and return from recess at 7:00pm. Councilors present: Nancy Lynne, Terri Strom, Larry Davis, Jill Lyon, and Jack Dunaway.

Staff present: City Manager (CM) Michelle Amberg, Public Works Director (PWD) Adam Denlinger, City Attorney (CA) Wes Chadwick, Aquatics/Recreation Manager (AM) Joe Andrews Public Works Superintendent Dave Inman, Public Works Lead Worker Theresa Methvin and City Recorder (CR) Nancy Bryant.

Visitors present: Visitors present: Deborah Trusty, April Bamburg, Teresa Denlinger, Don Amberg and Alan Searle.

### **Visitors/Public Comment**

There were none.

### **Proclamations**

Mayor Grutzmacher proclaimed the month of **May 2012 as National Water Safety Month.**

AM Andrews noted ways in which the Toledo Municipal Pool is participating in the water safety month. Pool staff is providing first and second grade student swim lessons and water safety skills. Staff is also working on educational components including water quality and facility safety.

Mayor Grutzmacher proclaimed **May 2012 Older Americans Month** and urged every citizen to take time this month to engage with older citizens through enjoyable social interactions such as sports, games, contests, and other forms of play.

Mayor Grutzmacher proclaimed the week of **May 20, 2012 as National Public Works Week** and called upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

PWD Denlinger announced the motto for this year's celebration is "Creating a Lasting Impression". He noted the essential services provided by the Toledo Public Works department include: providing safe drinking water, treatment of over 2.5 million gallons of wastewater daily, service and maintenance of 35 miles of the water distribution system, service and maintenance of 27 miles of the wastewater collection system, maintenance of eight pumping facilities and a storm water system, maintenance of 23 miles of road systems, nine parks with one regional use facility, and maintenance of eight City buildings. In recognition of this public works celebration he invited all those in attendance to stay for cake and coffee after the meeting.

### **Consent Calendar**

**Motion-** It was moved and seconded (Lyon/Dunaway) to approve the consent calendar consisting of the invoice list dated April 27, 2012, City Council minutes of April 10<sup>th</sup> and 18th, 2012 and the Records Destruction List dated April 24, 2012. **Motion passed 6-0.**

Councilor Strom declared a conflict of interest in voting on an additional invoice list dated April 24, 2012 because she is the owner of Ace Hardware which is a vendor listed on the invoice. She said she will abstain from voting on this item.

**Motion-**It was moved and seconded (Lynne/Lyon) to approve the consent calendar dated April 24, 2012. **Motion passed 5-0**, noting that Councilor Strom abstained from voting.

### **Discussion and Information Items**

#### **Committee Updates**

Councilor Lyon announced the Council Advocacy Committee has acquired new post cards thanks to a cooperative effort with Central Lincoln PUD.

### **Decision Items**

There were none.

### **Reports and Comments**

#### **Department Reports**

There were none.

## City Manager's Report

### CM Amberg reported the following:

- She will be in Millersburg on Friday meeting with Katie Schwab of Wedbush Securities as well as attending a Small Cities Region III meeting.
- The continued Budget Committee meeting will be May 7<sup>th</sup> at 5:30pm at the City Hall Council Chambers.
- The next City Council work session is scheduled for May 8<sup>th</sup> at 6:15pm.
- The Flowerree Center will hold an open house on May 9<sup>th</sup>.
- She will be attending the LOC Small Cities meeting in Garibaldi on May 11<sup>th</sup>.
- The Quilt Quest, Glastonbury Faire and National Train Day will be on May 12<sup>th</sup>.
- The Lincoln County District Attorney's office has extended an invitation to attend the law enforcement recognition banquet on May 18<sup>th</sup>.
- A blogging and twitter workshop, sponsored by the Main Street Program, has been scheduled for May 14<sup>th</sup>.
- She thanked Peter Vince and students for video-taping this meeting.

### Council Comments

Councilor Dunaway reported that he attended a public forum of the Department of Environmental Quality and the Department of Forestry. He also noted that he once attended a meeting in Toledo where local retired loggers told stories of what it was like for them in days gone by. He found that to be one of the most interesting meetings he has ever attended in Toledo.

### Mayor Comments:

Mayor Grutzmacher reported the following:

- He attended the state agency public forum with Councilor Dunaway. It was interesting to see the dynamics between the two groups.
- His tardiness tonight was due to his attendance at a reception for Edward Ray, Oregon State University President.
- The Flowerree Center is open for business and he is hopeful for a good turnout for the open house event on May 9<sup>th</sup>. He noted that it is the Olalla Center who provides the structure but it is the Floweree Trust that has funded the Community Center.

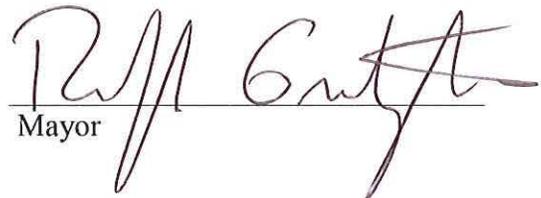
### Adjournment:

Mayor Grutzmacher adjourned the meeting at 7:46pm.

ATTEST:

  
\_\_\_\_\_  
City Recorder

APPROVE:

  
\_\_\_\_\_  
Mayor

TOLEDO BUDGET COMMITTEE  
May 7, 2011

Budget Committee (BC) present: Ralph Grutzmacher, Jerry Seth, Nancy Lynne, Stephen Wilson, Julie Rockwell, Bob Deming, Jill Lyon, Jack Dunaway, Larry Davis.  
Absent: Billy Joe Smith, Chuck Gerttula and Stuart Miller.

Staff Present: Budget Officer/City Manager (BO/CM) Michelle Amberg, Finance Director (FD) Polly Chavarria, City Recorder Nancy Bryant, Public Works Director (PWD) Adam Denlinger, Fire Chief (FC) Will Ewing, Library Director (LD) Peter Rayment, Aquatics/Recreation Manager Joe Andrews, City Attorney Wes Chadwick, and Acting Sergeant Robert Rourke.

Visitors: Donald Lee Sr., Allen Stewart, and Don Amberg.

**PUBLIC HEARING 2012/2013, TOLEDO MUNICIPAL BUDGET, INCLUDING STATE REVENUE SHARING CONTINUED FROM APRIL 30, 2012**

Mayor Grutzmacher resumed the public hearing of April 30, 2012, for the 2012/2013 Toledo Municipal Budget including State Revenue Sharing at 5:31 pm.

**Election of Presiding Officer:**

**Motion-** It was moved and seconded (Rockwell/Lyon) to nominate Rod Cross as presiding officer. **Motion passed** by a unanimous vote.

**Public Comment:**

There was none.

PO Cross called for a dinner recess at 5:35pm. The meeting resumed at 5:52 pm.

**Budget Document:**

BO/CM Amberg responded to questions that were asked since the meeting of April 30<sup>th</sup> by providing the following handouts: a list of police vehicle assignments, a non-represented employee salary study, a small city staffing comparison, the summary recommendation from the draft Building Facilities Maintenance Plan, and a revised five year revenue projection spreadsheet. The group discussed some of the building maintenance issues facing the City.

BO/CM Amberg provided a review of the budget document as follows:

**General Fund**

In review of the general fund revenues, BO/CM Amberg stated the general fund revenues are proposed as follows: a beginning fund balance of \$1,109,534, taxes in the amount of \$1,555,000, transfers in the amount of \$686,250, franchise fees in the amount of \$650,000, state shared revenues in the amount of \$85,140, district payments in the amount of \$238,075, licenses, permits and fees in the amount of \$416,535 and

miscellaneous revenue in the amount of \$154,600. The total proposed fiscal year 2012-2013 General Fund revenue is \$4,895,124. General Fund distributions include 17% to General Services, 12% to Administrative, 2% to Planning, 35% to Police, 14% to Fire, 8% to Recreation, 5% to Property Maintenance, and 7% to Library. She noted the City will start the next fiscal year with a significant fund balance of over 12% of the current adopted budget.

### **Administration**

There are no significant changes in the Administration. The proposed budget reflects a 2.84% increase from the adopted budget for FY 2011-12 and there are no capital purchases proposed.

### **Planning**

The proposed budget for Planning reflects a 36.32% decrease from the adopted budget for FY 2011-12. This is due to the elimination of the half-time Community Relations and Special Events Coordinator position and the discontinuation of participation in the RARE program. There are no capital purchases proposed for the Planning department.

### **Police**

A significant change noted in the Police department is minus one FTE. The proposed budget reflects a 1.66% increase from the adopted budget for FY 2011-12. This moderate increase reflects the loss of one full-time police officer. Capital purchases proposed for FY 2012-13 include a secure evidence storage shed/building. The Police Department is supported by anticipated revenue from the Siletz Dispatch/Policing Service Contract in the amount of \$240,000.

The group discussed dispatch services, reasons why the City has not chosen to contract that service through Willamette Valley Communications and the City's patrol vehicle fleet. It was noted that there is a proposed increase in Contract & Other Services due to the cost of IT services.

### **Fire**

The proposed budget for the Fire Department reflects a 4.46% increase from the adopted budget for FY 2011-12. Capital purchases proposed for FY 2012-13 include radios & pagers, turnouts, manikin, and a storage shed. The Fire Department is supported by anticipated revenue from the Toledo Rural Fire Protection District in the amount of \$145,500.

The group discussed the duties of a Fire Marshal. FC Ewing stated that he would like to provide a more proactive program but additional personnel will be needed to make that possible. CM Amberg noted that the proposed budget for the Fire Department includes an increase in Contract & Other Services to accommodate temporary service contract to help with the shortfall of personnel in this department.

### **Recreation**

The proposed budget for the Recreation Department reflects a 17.53% increase over the adopted budget for FY 2011-12. This is due primarily to a \$66,000 transfer to the General Reserve Fund for facility maintenance. There are no capital purchases proposed for this department.

### **Property Maintenance**

The proposed budget for Property Maintenance reflects a 1.96% increase over the adopted budget for FY 20-11-12. There are no capital purchases proposed.

PO Cross noted that the Property Maintenance Personnel need gold stars for the way the City's parks are maintained. BC Deming questioned whether the property maintenance budget is adequately funded due to the needed building improvements identified in the draft Facility Maintenance Plan. CM Amberg noted that it would be ideal to budget for a full time building maintenance position and she will be working on this in the future.

### **Library**

The proposed budget for the Library includes a 7.22% increase due to the anticipated 12% increase in personnel costs associated with the retirement of the Library Director. There are no capital purchases proposed for this department. Anticipated support revenue in this department includes Library Receipts in the amount of \$650 and Library Service District Contributions in the amount of \$92,575.

### **Municipal Court**

The proposed budget for Municipal Court reflects a 2.2% increase from the adopted budget for FY 2011-12. There are no capital purchases proposed for this department. Municipal Court fine revenues are anticipated to be \$45,000 for FY 2012-13.

PO Cross called for a brief recess at 8:02pm. The meeting resumed at 8:18pm.

### **General Services**

The proposed budget for General Services reflects a 66.6% increase over the adopted budget for FY 2011-12. This is primarily due to a 106% increase in transfers to the General Reserve for maintenance of the City Hall building, a new phone system for City Hall and the legal settlement for property located in the Toledo Industrial Park totaling \$55,411 as well as repayment of debt outstanding on the Council of Governments building in the amount of \$277,400. There are no capital purchases proposed for General Services.

### **Public Works**

The Public Works Department has proposed a 2.09 increase for the FY 2012-13 over the adopted budget of 2011-12. Revenues and expenditures are balanced. Revenues are derived from transfers from the General Fund, Water Fund, Sewer Fund and Streets Fund. Most of the City's staff who are directed to repair and maintenance of City-owned and operated infrastructure and related personnel costs are included in this fund. Capital

expenditures proposed for the 2012-13 fiscal year include an excavator and an equipment trailer.

### **Streets**

The Streets Fund has a proposed increase of 18.86% over the adopted budget of FY 2011-12. Revenues and expenditures are balanced. Revenues include Franchise fees, Truck Permit fees, Oregon State Highway Tax, Road Maintenance fees, and grants. The significant increase in this fund is a 53% increase in capital outlay for the Butler Bridge Road pavement preservation project.

### **Water**

The Water Fund has a proposed 100.03% increase when compared to the adopted budget for FY 2011-12. The Water Fund is an enterprise fund financed through water utility charges to customers and sales of water to the Seal Rock Water District. It funds the operation of the distribution system and the water treatment plant which is included in the overall fund but are separated into different accounts within the fund so that total costs of each function can be easily tracked. A 97% increase is attributed to the Water Plant due to a 49% increase in transfers to General Fund and debt service payments of \$443,938. A 101.6% increase in distribution is due to a 49.1% increase in transfers to the General Fund, a 92.9% increase in contingency, and debt service payments of \$586,081. Capital purchases proposed for FY 2012-13 include MIOX treatment equipment, twenty four inch drain valve and actuator, and SCADA improvements.

### **Sewer**

The Sewer Fund has a proposed increase of 29.67% for the FY 2012-13 over the adopted budget of FY 2011-12. The Sewer Fund is financed through utility charges. It funds the operation of the collection system and the wastewater treatment plant which are both included in the overall fund, but are in separate accounts within the fund so that the total costs of each function can be easily tracked. The 29.6% increase is due to: Wastewater Treatment Plant -15.6% increase in transfer to Sewer Reserve to meet bond requirements, 5.2% increase in personnel costs, and 7.8% increase in materials and services, Collections-15.6% increase in transfer to General Fund, 7.6% increase in transfer to Public Works, 126.7% increase in transfer to Sewer Reserve to meet bond requirements, and 21.4% increase in contingency. Capital purchases proposed for FY 2012-13 include slip pipe for sections of the sewer mainline, SCADA improvements, improvements to "A" Street & Lincoln Way lift station, and replacement of the spiral grit assembly at the Wastewater Treatment Plant.

### **Special & Reserve Funds**

BO/CM Amberg explained the Special and Reserve Funds include reserves to accumulate resources over time to allow the city to complete larger projects and make major equipment purchases without having to obtain outside financing. The special funds include the projects fund, bond funds and special purpose funds that are restricted such as the 9-1-1 or grant funds. The special and reserve funds are as follows:

### **City Council Strategic**

The City Council Strategic Reserve Fund houses money that is available to be used at the City Council's discretion. Seventy five percent of any federally allowable revenue from HUD loan repayments will be placed in this fund for future expenditures as directed by the Council. Proposed expenditure for FY 2012-13 is \$1,197 to the Lincoln Community Land Trust.

### **Debt Service**

The Debt Service Fund accounts for the payment of principal and interest on all general obligation long-term debt. Proposed expenditures for FY 2012-13 include, 2005 General Obligation Principal in the amount of \$85,000 and 2005 General Obligation Interest in the amount of \$75,415.

### **Forfeiture Revenue**

The Forfeiture Revenue Fund is a special revenue fund used to track the proceeds from police related forfeitures and seizures.

### **Revolving Loan Fund**

Twenty five percent of any revenue from federally allowable HUD loan repayments will be placed in this fund to be used for workforce housing loans as the City Council directs.

### **Solid Waste Fund**

The purpose of the Solid Waste Fund is to pay the City's share of the costs associated with closing the Agate Beach Landfill. Revenue comes from waste disposal tipping fees. Expenditures are made to the Lincoln County Solid Waste Consortium as needed to cover closure expenses.

The **911 System Fund** is a special revenue fund used to support the City's 911 system. Revenue comes from 911 tax receipts. Expenditures are limited to those uses allowed by state law for 911 tax funds.

The **General Reserve Fund** is a special fund used to save money for future, capital expenses for departments of the General Fund. Proposed capital expenditures include; the City Hall phone system, City Hall computer technology equipment, Police patrol vehicle, Fire engine, emergency eye wash station/air conditioning for IT room, breathing apparatus-seats for the 2001 Ford rescue vehicle, Branstiter Park playground equipment, and fencing at various park locations.

### **Public Works Reserve Fund**

The Public Works Reserve Fund is used to save money toward the purchase of major pieces of equipment and vehicles for the Public Works Department. It is also used for major repairs/replacement of the Public Works Shop. Proposed expenditures include an excavator and fork lift.

### **Water Reserve Fund**

The Water Reserve Fund is used to set money aside for future major expenses pertaining to the water system. It is also used as contingency funds for unforeseeable system repairs. Proposed FY 2012-13 expenditures include: Loan payment to the Stabilization Fund, MIOX treatment process equipment, twenty four foot drain valve and actuator, and SCADA improvements.

**Sewer Reserve Fund** is used to set money aside for future major expenses pertaining to the sewer system. It is also used as contingency funds for unforeseeable system repairs. Proposed FY 2012-13 expenditures for the Sewer Reserve Fund include: USRD Debt Service reserve, DEQ loan repayment, USRD loan repayment, slip-line sections of sewer mainline, SCADA improvements, repair "A" Street & Lincoln Way Lift Station buildings, and replace spiral assembly for grit removal system.

### **Street Reserve**

The Street Reserve is used to set money aside for future major expenses pertaining to the street system. Proposed expenditures for FY 2012-13 include Highway 20 Maintenance as needed and reserved funds for future expenses.

### **Library Reserve**

The Library Reserve Fund holds general gifts, donations, and bequests given to the City that are intended specifically for the Library. The proposed expenditure for FY 2012-13 is to replace concrete sidewalk and building entry area to the Library.

**Footpaths & Bicycle Trail Fund**-The City dedicates one percent (1%) of Highway Tax money received from the State for construction of footpaths and bicycle trails. The money is held in this fund over a period of years until enough is accumulated for a project. The proposed capital expenditure for FY 2012-13 is a grant match for an Oregon Department of Transportation Pedestrian Grant.

The **Systems Development Fund (SDC)** is used to hold funds for expansion of the City's infrastructure segments due to increased burden from new development. Revenue into this fund is generated from fees paid by new users connecting to service, as their "buy-in" to the system. These funds can only be used for projects outlined in the rate setting methodology.

### **Sewer System Development Fund**

All SDC funds have been consolidated into one fund as of fiscal year 2011-12. This fund is non longer active.

### **Transportation Systems Development Fund**

All SDC funds have been consolidated into one fund as of fiscal year 2011-12. This fund is non longer active.

### **Grant Fund**

The purpose of the Grant Fund is to track proceeds and expenditures from any grants the City may receive. Proposed expenditures for FY 2012-13 include; Main Street Program Expenses, ODOT Pedestrian Grant, Siletz River Source Water Protection Study, ODOT Transportation Growth Management Grant Program.

### **Insurance Reserve**

The Insurance Reserve Fund was rolled into the Stabilization Fund by supplemental budget during fiscal year 2010-2011. This fund is no longer active.

### **Stabilization Fund**

The Stabilization Fund holds money set aside for future expenses in three areas. It provides stability for future insurance rate expenses including premium increases and deductibles. It provides stability to retirement expenses when the PERS rate is over 6.3%. It also functions as a “rainy day” fund to stabilize revenue fluctuations in the General Fund. The proposed FY 2012-13 expenditures include a loan to the General Fund in the amount of \$200,000 to pay for the loan on the Council of Governments building and insurance deductibles as needed.

### **Water Projects Fund**

The Water Projects Fund was created to hold the bond proceeds from the 2012 Revenue Bond Sale and to track the corresponding expenditures for water improvements.

CM Amberg noted the FY 2011-12 adopted budget amount was \$12,953,319 and the proposed FY 2012-13 budget total is \$17,375,746. She then thanked everyone for their attendance at this meeting and continuing through the budget process.

Councilor Lyon congratulated the City Manager on how legible the proposed budget document is. She also stated the funds have been very judiciously appropriated.

### **Budget Committee Motions:**

**Motion-** It was moved and seconded (Lyon/Strom) to add an additional motion to the agenda to approve the recommendation for State shared revenues. **Motion passed** unanimously.

**Motion-** It was moved and seconded (Rockwell/Grutzmacher) to accept the proposed budget and recommend its adoption to the City Council. **Motion passed** unanimously.

**Motion-** It was moved and seconded (Rockwell/Lynne) to approve a rate of \$5.18/1000 of total ad valorem property taxes to be certified for collection and to include \$156,500 for debt service. **Motion passed** unanimously.

**Motion-** It was moved and seconded (Grutzmacher/Lyon) to approve the budget recommendation for use of State shared revenues for fiscal year 2012-2013. **Motion passed** unanimously.

**Adjournment:**

The meeting adjourned at 10:08pm.

ATTEST:

APPROVED:

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City Recorder Nancy Bryant

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Presiding Officer Rod Cross

**TOLEDO CITY COUNCIL  
WORK SESSION**

May 8, 2012

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Nancy Lynne, Jill Lyon, Jack Dunaway, Terri Strom and Larry Davis.

Staff present: City Manager (CM) Michelle Amberg, RARE participant Allen Stewart, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Fire Chief (FC) Will Ewing, Finance Director (FD) Polly Chavarria, City Recorder (CR) Nancy Bryant, and Events Coordinator (EC) Celeste Mathews.

Visitors present: Kuri Gill, Sandy Blackman, Don Amberg, Dave Morgan, Allen Stewart and Lynn Mendenhall.

**Discussion and Information Items**

**Committee Updates**

There were none.

**Main Street Design Committee Presentation**

Sandy Blackman of the Main Street Design Committee provided Council with photos of historic buildings within the City and explained that the Main Street Program would like the City of Toledo to apply for a Certified Local Government (CLG) designation to retain the history and authenticity of the community. The CLG program requirements include establishing a Historic Preservation Commission, adoption of a preservation ordinance, participation in updating and or expanding the State Historic Building Inventory, review and comment on any National Register of Historic Property nominations with the CLG, and enforce existing State preservation laws. Kuri Gill of the Oregon State Historical Preservation Office explained that the CLG program is designed to promote historic preservation at the local level. It is a federal program (National Park Service) that is administered by the Oregon State Historical Preservation Office (SHPO). Local governments must meet certain qualifications to become "certified" and thereby qualify to receive matching grants from SHPO. She stated Toledo is an area with specific designs and tall buildings which leaves opening for infill designs with an overlay zone or district.

In answer to Council questions Ms. Kuri stated the following:

- Property owners could receive benefits in the form of tax credits for preservation projects.
- CLG requires that the City has a code that creates the Commission; a way to have a local designation and a process by which property owners can be locally designated. The district can be set up where a district is designated locally or individually or both.
- A building must be 50 years or older to qualify for the National Historic Register.
- Toledo currently has buildings that are listed on the National Register.
- The program is set up in the City's municipal code.
- The last funding cycle provided \$15,000 per community in grant funding. The funding requires a match which can be either in-kind or monetary. The grant funds can also be used for sending members of the community to State and National trainings.

- The State Historic Building designation remains on the building as long as it exists. Any registered building that the commission proposes for demolition would go under review with a waiting period.
- The next step is to create an ordinance creating the commission. The Mayor then signs an agreement which is sent to Kuri who forwards it to the National Forest Service.

EC Mathews stated the Main Street Design Committee is interested in this program because most Main Street programs have funding resources through programs like this to provide an incentive for property owners who are interested in historic preservation of their buildings.

CM Amberg noted that this is a program that would take significant staff time to administer. She would need to evaluate whether the City could accommodate the program.

### **Fire Equipment Update**

FC Ewing provided Council with an update on the Fire Department Equipment Replacement Plan. He said the department has developed an equipment replacement plan that provides for both apparatus and equipment and funds have been appropriated throughout the years to support the plan. The proposed budget for fiscal year 2012/13 includes funding for the replacement of the 1984 Pierce fire engine which is almost 30 years old. The department is currently working on design and specifications and will advertise a Request for Proposal by September 2012. FC Ewing will provide a list of specifications and additional information at a later date.

Council and staff discussed the relationship between the Toledo Rural Fire Protection District and the City.

### **Dissolved Oxygen Analyzer System**

PWD Denlinger provided Council with information regarding the installation of a dissolved oxygen analyzer system at the Wastewater Treatment Plant. He said staff will be recommending a motion to approve purchase and installation of the dissolved oxygen (DO) analyzing equipment at the May 16<sup>th</sup> Council meeting. This expenditure was approved in the FY 2011/12 budget.

### **Potential Utility Bill Assistance Program**

CM Amberg explained that staff continues to research this issue. She suggested an option could be to ask a local grocery market to do a "round-up program" with the proceeds to go to Community Services Consortium who could administer an assistance program. City Council agreed that they are interested in this approach. Mayor Grutzmacher suggested staff also research the cost to provide flow restriction devices to water customers.

### **Reader Board Signage at the Police Station**

CM Amberg reported that she recently received a quote for the cost of a reader board in the amount of \$27,500. She noted that the cost to publish the City Newsletter is approximately \$163.75 per month and is a more cost effective way to communicate with the public. Council agreed that staff should look at other mediums for social networking in lieu of investing in a reader board. Councilor Davis suggested attaching the City newsletter to the email that is sent out for minutes and agenda postings.

### **Dissolution of Lincoln County Communications**

CM Amberg reported that current partners in LinCom will be contracting with Willamette Valley Communications. She stated staff will be providing Council with an in-depth description of the break down of costs for providing dispatch and 911 services in Toledo. Staff will also provide the

contract estimates for contracting those services through Willamette Valley Communications. Councilor Dunaway suggested inviting a representative of Willamette Valley Communications for a discussion regarding the service they provide. CM Amberg noted that the State Public Safety Answering Point (PSAP) funds received by the City of Siletz may be available to Toledo because Toledo provides police service for that area.

### **County-Wide Special District for Animal Control**

CM Amberg noted that Wayne Belmont, Lincoln County Counsel, presented information on a proposed special animal district on March 21, 2012. He has not made contact regarding this matter since that date. She asked if Council would like to take action on this item at the next regular session. Mayor Grutzmacher said he is disinclined to move forward and he does not believe that Council is ready to take action at the next regular session. FD Chavarria noted that the residents of the City of Toledo already pay the same County tax as those who reside outside the incorporated areas of the County and should receive the same service.

### **Additional Council Discussion Items:**

Councilor Lyon asked that staff provide a monthly meeting calendar with the agenda emails.

Councilor Lynne asked that all significant public meetings be included.

Councilor Davis asked if Toledo has a weekly police report regarding current activity. Councilor Lynne noted that there is a police report included in the monthly department report provided to Council.

### **City Manager Comments**

CM Amberg commented on the following:

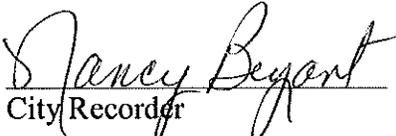
- The City has been notified by Oregon Employment Relations Board that the AFSCME union group will be having an election to determine their representation. She noted that this may have an impact on negotiations with this group because their contract ends June 30, 2012 and the ballots won't be tallied until June 7th.
- Anyone interested in attending the Law Enforcement Recognition Banquet on Friday, May 18, 2012 will need to purchase their tickets.
- She has agreed to host the Small Cities Region III meeting in July or August in Toledo.

Mayor Grutzmacher reported that he attended the Mayors meeting last Friday and the animal control issue came up. The next Mayor meeting will be in Toledo on July 6<sup>th</sup>. He suggested if Council members have topics that they would like discussed to let him know.

### **Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:39 pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL MINUTES  
May 16, 2012**

Mayor Ralph Grutzmacher called the meeting to order at 6:40pm. Councilors present: Nancy Lynne, Terri Strom, Jill Lyon, Larry Davis, and Jack Dunaway.

Staff present: City Manager (CM) Michelle Amberg, Police Chief (PC) Dave Enyeart, Public Works Director (PWD) Adam Denlinger, City Attorney (CA) Wes Chadwick, and City Recorder (CR) Nancy Bryant.

Visitors present: April Bamburg, Paul Johnson, Jake Postlewait, Teresa Denlinger, Don Amberg, Ken Dennis, and Dave Morgan.

**Planning Commission Applicant Interviews**

City Council members interviewed Jake Postlewait and Paul Johnson for the vacant Planning Commission position. Perry Adams was interviewed by Council on April 18, 2012.

Mayor Grutzmacher called for a brief recess at 6:51pm. The meeting resumed at 7:00pm.

**Visitors/Public Comment**

Ken Dennis, Chairman of the Lincoln County Bicycle and Pedestrian Advisory Committee, explained that the Committee has continued its interest in locating funding for construction of a bicycle trail along the Yaquina Bay Road between Toledo and Newport. The State recently announced a due date for the "Notice of Intent" to apply for the Joint-TE Bike/Pedestrian grants. He stated that the County cannot finance the matching grant fund requirement for this project and asked that the City of Toledo consider applying as a co-applicant to help with the funding. The deadline for the notice of intent is June 6, 2012.

After a brief discussion Council determined that, in general, it is a good idea but the City does not have a way of funding the project.

**Consent Calendar**

CM Amberg noted that the invoice list dated May 11, 2012 should be amended to remove a payment to Oregon Department of Forestry in the amount of \$382.86.

**Motion-** It was moved and seconded (Lyon/Dunaway) to approve the consent calendar consisting of the invoice list dated May 11, 2012 as amended, Budget Committee minutes of April 30, 2012 and City Council minutes of May 2, 2012. **Motion passed 6-0.**

**Discussion and Information Items**

**Committee Updates**

There were none.

**Appointment to fill Planning Commission Vacancy**

Paul Johnson noted that he is sometimes out of the area for his job and could miss some of the scheduled meetings.

Seeing no objections from Council, Mayor Grutzmacher appointed Paul Johnson to the Planning Commission vacancy.

### **Decision Items**

#### **Authorize the Public Works Department to Purchase and Install Dissolved Oxygen Analyzing Equipment**

PWD Denlinger explained the department is seeking authorization to undertake the installation of a dissolved oxygen analyzer capable of automatically controlling the flow of air during the breakdown of the solids process portion of treatment at the wastewater treatment plant. At present, air flow throughout the treatment process is controlled by the operator during the initial feeding of solids into the treatment process. Due to critical balance of the anaerobic system operators are not able to reintroduce solids without highly sophisticated monitoring equipment necessary to control the amount of dissolved oxygen in the system. The proposed equipment will increase efficiency in the process.

Public Comment:

There was none.

**Motion-**It was moved and seconded (Davis/Lynne) to authorize the Public Works Department to purchase and install Dissolved Oxygen (DO) Analyzing Equipment at the Toledo Wastewater Treatment Facility. **Motion passed 6-0.**

#### **Recommendation to OLCC for Liquor License Renewals**

Mayor Grutzmacher noted that staff proposes a motion to recommend renewal to the Oregon Liquor Control Commission for the annual list of Toledo businesses requesting liquor license renewals.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Strom/Lynne) to recommend renewal to the Oregon Liquor Control Commission of the list of Toledo businesses requesting liquor license renewals.

**Motion passed 6-0.**

#### **Recommendation to OLCC for Temporary Use Application**

Mayor Grutzmacher noted that staff proposes a motion for recommending approval or denial to the Oregon Liquor Control Commission for an application for temporary use of an annual license made by Erik Zakariassen for a bear garden event on the sidewalk outside of Holy Toledo.

Public comment:

There was none.

**Motion-** It was moved and seconded (Lynne/Lyon) to recommend approval to the Oregon Liquor Control Commission for an application for temporary use of an annual license made by Erik Zakariassen of Holy Toledo. **Motion passed 6-0.**

## **Reports and Comments**

### **Department Reports**

PC Enyeart reported that Police Sergeant Mike Helton has resigned to accept a position with Chevron Corporation in California. He said the City will lose a great asset.

PWD Denlinger reported that the five week project at the end of Main Street began on Monday morning. The contractors will be pouring concrete on the NW corner tomorrow and then transition across the street to work on the NE corner.

CM Amberg noted that this week is nationally recognized as Law Enforcement Week. The Mayor has been provided with a proclamation and she asked that City Council take a vote to add it to this agenda.

**Motion-** it was moved and seconded (Dunaway/Lynne) to add the proposed proclamation to the agenda. **Motion passed 6-0.**

### **Proclamation**

#### **National Police Week**

Mayor Grutzmacher proclaimed the month of May 13-19, 2012 as Police Week in the City of Toledo and he publicly saluted the service of law enforcement officers in our community and in communities across the nation.

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

CM Amberg reported the following:

- The application deadline for the vacant City Council position is May 21<sup>st</sup>.
- The monthly department report was distributed and she acknowledged Josephine Wards work creating the new look for the City's webpage.
- There will be a Social Media class on May 21<sup>st</sup>, 6pm at the Toledo Fire Station.
- The Toledo Street Market will begin on June 21<sup>st</sup>.
- She will attend the COG City Managers meeting in Albany on Friday.
- The Law Enforcement Recognition Banquet is the evening of May 18<sup>th</sup>.
- May 24<sup>th</sup> she and Mayor Grutzmacher will be in Portland to sign paperwork associated with the bond. She provided hand-out information regarding the bond closing summary.
- The Barrel to Keg Relay Race is coming in July.
- The next wave energy stakeholder meeting is scheduled for June 14<sup>th</sup> in Port Orford.
- The Oregon Coastal Caucus will hold an economic summit on May 24<sup>th</sup> and 25<sup>th</sup>.
- City Hall will be closed on May 28<sup>th</sup> for the Memorial Day holiday.
- She will be in Southern Oregon May 29<sup>th</sup> through June 1<sup>st</sup> for training.
- Information was distributed regarding Charter Communications and changes in their rates.
- She thanked Peter Vince and the video crew for video-taping this meeting.

### **Council Comments**

Councilor Strom congratulated Paul Johnson for his appointment to the Planning Commission.

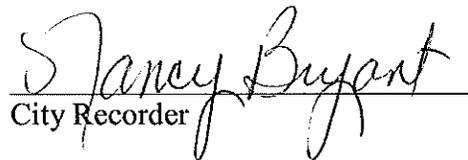
Councilor Dunaway announced that he will miss the June 6<sup>th</sup> and June 12<sup>th</sup> City Council meetings.

Mayor Grutzmacher clarified that a statement that he made recently at a public meeting with State officials was regarding the warming of streams based on tree cover and not related to the City's wastewater discharge permit.

**Adjournment:**

CP Grutzmacher adjourned the meeting at 7:49pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**June 6, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 6:47pm.  
Councilors present: Terri Strom, Larry Davis, and Jill Lyon.  
Councilors excused: Nancy Lynne and Jack Dunaway.

Staff present: City Manager (CM) Michelle Amberg, Public Works Director (PWD) Adam Denlinger, City Attorney (CA) Wes Chadwick, Fire Chief (FC) Will Ewing, Police Chief (PC) Dave Enyeart, Finance Director (FD) Polly Chavarria, and City Recorder (CR) Nancy Bryant.

Visitors present: Visitors present: Michele Johnson, Christine Gary, Alan Searle, April Bamburg, Theresa Denlinger, Don Amberg, and Catherine Enyeart.

**City Council Vacancy Interview**

City Council members interviewed Michele R. Johnson, nominee for the Council seat vacated by Mark Camara.

**Visitors/Public Comment**

There was none.

**City Manager's Local Government Management Certification Award**

Mayor Grutzmacher presented CM Amberg with the League of Oregon Cities award for successful completion of the Local Government Management Certificate program.

**Consent Calendar**

**Motion-** It was moved and seconded (Lyon/Davis) to approve the consent calendar consisting of the invoice list dated June 1, 2012, City Council minutes of May 8, 2012, and Budget Committee minutes of May 7, 2012. **Motion passed 4-0**, noting the absence of Councilors Dunaway and Lynne.

**Discussion and Information Items**

**Committee Updates**

There was none.

**Water Master Plan Improvement Updates**

PWD Denlinger reported that the City has received a finalized geo-tech report which indicates that the proposed Siletz River intake relocation site is suitable for construction for the pump station building and screen system. Staff is working on attaining a permit for the upstream transfer of the city's water rights as well as the joint permit with the Department of State Lands and the Corp of Engineers to work in the waterway. The intake engineering design portion of the project will begin soon. Also a surveyor has been working at the proposed relocation site as well as various areas where the City will be replacing water lines. CA Chadwick noted that he is working on the process of appraisals and negotiations for the purchase of the proposed relocation site.

### **Appointment to Transportation System Project Advisory Committee**

PWD Denlinger reported that a key element of the grant that the City received from Oregon Department of Transportation (ODOT)/Transportation Growth Management Program is to develop a Community Advisory Committee to work closely with the consulting engineer. The committee is to include stakeholders who are affected by the completion of the Transportation System Plan which will be developed in this process. He asked that a representative of Council be appointed to this committee.

Mayor Grutzmacher appointed Councilor Dunaway to the Transportation System Project Advisory Committee and Councilor Lyon as the alternate.

### **Decision Items**

#### **Appointment to City Council Vacancy**

CR Bryant reported the single nominee for the Council vacant seat has been interviewed and Council may now vote by written ballot on whether or not to appoint Michele R. Johnson to the un-expired vacant City Council term ending December 31, 2014.

Mayor Grutzmacher declared the vacated Council seat nomination closed and each Councilor present voted by written ballot on the question to appoint Michelle R. Johnson to fill the vacancy.

By unanimous vote Michelle R. Johnson was appointed to fill the vacant Council seat which term will end December 31, 2014. CR Bryant administered the Oath of Office to Michelle R. Johnson.

CM Amberg asked for Council interest in inviting a representative of the Oregon Ethics Commission to provide free training to Toledo public officials. By consensus Council agreed to devote the July work session to ethics training.

#### **Appointment of Council President**

Council discussed member interest in the appointment to the Council President position which will expire December 31, 2012. Councilor Lyon nominated Councilor Dunaway and noted that he will not be surprised by the nomination.

**Motion**-It was moved and seconded (Lyon/Davis) to appoint Jack Dunaway to serve as Council President to serve the duties of Council President until December 31, 2012.

**Motion passed 5-0**, noting the absence of Councilors Dunaway and Lynne.

#### **Approval of Invoice List Dated May 30, 2012**

CM Amberg reported Oregon ethics law requires that any public official that would receive a direct benefit from an action taken by City Council declare the conflict of interest and remove themselves from voting. Separating this invoice list from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on this invoice list because of her actual conflict of interest as owner of Ace Hardware.

Councilor Strom declared a conflict of interest because she owns Ace Hardware, which is the recipient of expenditures on the invoice list dated May 30, 2012.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Davis/Lyon) to approve the invoice list dated May 30, 2012.  
**Motion passed 4-0**, noting that Councilor Strom declared a conflict of interest and abstained from the vote and the absence of Councilors Dunaway and Lynne.

## **PUBLIC HEARING**

Mayor Grutzmacher opened the public hearing for the 2012-13 City of Toledo budget. No conflicts of interest, biases, ex parte communication, objections to jurisdiction were noted.

### **Staff Report:**

CM Amberg reported that the City went through the public process for creating and reviewing the proposed budget. The Proposed resolutions adopt the recommended budget approved by the Budget Committee at its meeting on May 7, 2012. It also establishes a tax rate of \$5.18/\$1,000 assessed value for operations and \$156,500 for bonds. The total proposed budget for FY 2012-13 is \$17,375,746.

### **Public Testimony:**

There was none.

### **Council Questions:**

Councilor Davis expressed his appreciation for the transparency of the proposed budget document and said he would like future discussions regarding options for improving the process for the next year. CM Amberg suggested that it might be worthwhile to have a round table community meeting to view the budget proposals from each department. Councilor Lyon stated an improvement to the process this year was providing the Budget Committee with the document early so that they had a chance to read it before the budget committee meeting.

Mayor Grutzmacher closed the public hearing at 7:24pm.

Councilor Strom declared a potential conflict of interest because she is the owner of Ace Hardware which business could be the recipient of expenditures from the FY 2012-13 budget.

### **Proposed Budget Resolutions:**

**Motion**-It was moved and seconded (Lyon/Strom) to adopt **Resolution No.1323**, A Resolution Adopting the Budget, Appropriating Funds, and Levying Taxes for the Fiscal Year 2012-13.

**Motion passed 5-0**, noting the absence of Councilors Dunaway and Lynne.

**Motion**-It was moved and seconded (Davis/Lyon) to adopt **Resolution No.1324**, A Resolution Declaring the City's Election to Receive State Revenues.

**Motion passed 5-0**, noting the absence of Councilors Dunaway and Lynne.

**Motion**-It was moved and seconded (Strom/Johnson) to adopt **Resolution No.1325**, A Resolution Renaming a General Fund Department from the Community Development Fund to Planning.

**Motion passed 5-0**, noting the absence of Councilors Dunaway and Lynne.

## **Proposed Resolution Appropriating Funds**

FD Chavarria reported the City will incur expenses in the current fiscal year associated with the recent revenue bond sale. Approximately \$178,000 will be expended for fees associated with the issuance of the bonds. The City may also incur expenditures in this fiscal year for a property purchase and consulting services by appropriating \$400,000 of the bond proceeds for expense this year. She said we should cover any costs that could be incurred by June 30, 2012. Budget law allows this appropriation be made by resolution.

Public Comment:  
There was none.

**Motion**-it was moved and seconded (Strom/Johnson) to adopt **Resolution No. 1326, A** Resolution Appropriating Funds. **Motion passed 5-0**, noting the absence of Councilors Dunaway and Lynne.

### **Building Facilities Plan Adoption**

PWD Denlinger reported the purpose of this planning effort is to provide a comprehensive evaluation of each of the City's critical buildings, identify deficiencies and needed improvements, and provide the city with recommendations in a capital improvement plan for each building. The plan also provides a component of asset management which allows department heads to effectively plan for annual and ongoing preventative maintenance. He also said that having an adopted Building Facilities Plan will be helpful when seeking funding for building maintenance or improvements. CM Amberg explained that adoption of the proposed plan does not bind Council to any action nor does it authorize any expenditure. Councilor Lyon noted that Council has had a comprehensive presentation on the plan summary but Councilors have not received a complete copy of the plan. She is hesitant to vote on a plan that she has not read. Mayor Grutzmacher noted his desire to set up capital projects in a capital budget. He said this will allow a way to compare and put a value on proposed projects.

By consensus, Council agreed to table adoption of the proposed Building Facilities Plan and discuss it further at the August City Council work session.

### **Adoption of 2012-13 Toledo Fee Schedule**

CM Amberg reported that each year, department heads are asked to evaluate the fees charged for services within their departments. The only changes on the proposed fee schedule are to the requested public swimming pool use fees.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Davis) to adopt the 2012-13 City of Toledo Fee Schedule effective June 18, 2012. **Motion passed 5-0**, noting the absence of Councilors Dunaway and Lynne.

## **Reports and Comments**

### **Department Reports**

PC Enyeart reported the police department has been very busy the past month. It is down three officers due to injuries and Sergeant Helton's resignation. The department is in the process of replacing the sergeant through promotion from within the department. In the past month, Toledo police responded to 90 crimes and 70 citations were written.

PWD Denlinger reported on the developments regarding the road repair efforts for Business Highway 20 (between Port Station 1 and JC Market). Staff is working with ODOT to develop a contract with OBEC Consulting Engineers to engineer the project. The Federal Transportation Administration's program will pay 90% of the project cost and the City will be responsible for the remaining 10%. ODOT is working on this project on behalf of the City and there will be an intergovernmental agreement to be signed by the City in the near future. He said ODOT has placed this project to be completed by the end of this summer.

PWD Denlinger also reported the Pedestrian Grant project continues with the pouring of concrete for the walkways. The intersection of Second Street and Main will be closed Sunday June 10<sup>th</sup> through Tuesday June 12<sup>th</sup> for asphalt work in that area. The roadway will be open to emergency traffic only.

CA Chadwick welcomed Councilor Johnson. He reported that he is hoping to get an earnest money agreement by June for the Siletz River intake relocation site.

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

#### **CM Amberg reported the following:**

- She welcomed Councilor Johnson.
- Toledo resident Doug Hunt was selected to fill the vacant County Commissioner seat and will be sworn in on Wednesday next week.
- The AFSCME group representation election ballots were due today.
- Open enrollment for employee medical benefits will begin this month and there will be a second open enrollment process in October to transfer to a calendar year enrollment period.
- Utility bills have been mailed and the finance department staff have been working very hard and have been doing an excellent job talking with customers. A public town hall meeting to discuss the water rates is scheduled for Monday June 11<sup>th</sup> at 6:30pm at the City Hall Council Chambers. She noted that it will be important for Council to attend.
- There will be a fire engine demonstration on June 8<sup>th</sup> at 4:30 at the Fire Station.
- The next City Council work session is scheduled for June 12<sup>th</sup> at 6:15pm, the next Planning Commission meeting will be June 13<sup>th</sup> at 7pm and the next Council regular session is scheduled for June 20<sup>th</sup> at 7pm.
- She will attend the Council of Governments meeting in Albany on June 15<sup>th</sup>.
- The Port of Toledo Commission will meet on June 19<sup>th</sup>.
- The Toledo Street Market will begin June 21<sup>st</sup>.
- She will be on jury duty for the month of July.
- She may be traveling to Salem on June 12<sup>th</sup> for a workers compensation hearing.
- The Community Development Corporation of Lincoln County has invited Council and others to an informal gathering of stakeholders on June 27<sup>th</sup> to discuss future plans, partnerships, and potential opportunities for housing in Lincoln County.
- She provided Council with the 2011 Annual Monitoring Report from Lincoln County Solid Waste Consortium to Oregon Department of Environmental Quality.
- She thanked the video crew for taping the meeting for the City's website video.

### **Council Comments**

Councilors Lyon, Strom and Davis welcomed Councilor Johnson. Councilor Johnson said she is glad to be part of the process and she is excited to be a member of City Council.

**Mayor Comments:**

Mayor Grutzmacher reported the following:

- He thanked Councilor Johnson for applying to the Council vacancy.
- The Newport Celtic Festival on will begin on Friday. He will be judging the kilted kilometer fun run contest. There are a lot of fun events and he encouraged all to attend.

Mayor Grutzmacher called for a recess at 8:07pm and announced an executive session will follow according to ORS 192.660(2), concerning: (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

**Executive Session:**

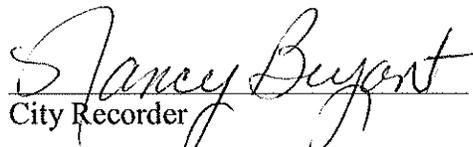
Council provided the City Manager with an annual performance evaluation.

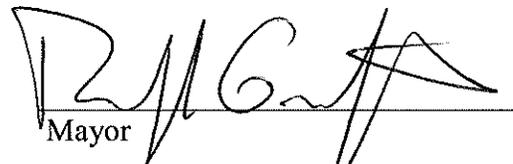
**Adjournment:**

Council returned to regular session and no actions were taken. Mayor Grutzmacher adjourned the meeting at 9:20pm.

ATTEST:

APPROVE:

  
\_\_\_\_\_  
City Recorder

  
\_\_\_\_\_  
Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION**

June 12, 2012

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Nancy Lynne, Jill Lyon, Michele Johnson, Terri Strom and Larry Davis.  
Councilors Absent: Jack Dunaway.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Fire Chief (FC) Will Ewing, Police Chief (PC) Dave Enyeart, and City Recorder (CR) Nancy Bryant.

Visitors present: Theresa Denlinger, Don Amberg, Chuck Willer, Dave Morgan, Allen Searle, Bill Hall, Deanna Dunlap, Nick Dahl, and Zachary Dahl.

**Discussion and Information Items**

**Potential Toledo Mill Creek and Oregon Coast Community Forest Association Enterprise**

Chuck Willer, board member of Oregon Coast Community Forest Association (OCCFA) provided Council with a brief overview of the organizations history. He said OCCFA is interested in working with the City of Toledo in the stewardship of the Mill Creek Forest. They would engage contract milling for appropriate wood products as well as aid in marketing and sales. Their goal is to provide more revenue to the City of Toledo for Mill Creek wood products. He also stated that he is working with the Siletz Tribe for the potential use of a wood drying kiln at the Tribes Old Toledo Mill site. He said that OCCFA will inform Council of their progress. City Council thanked Mr. Willer for his presentation and expressed their interest in working with OCCFA.

**Dahl Disposal Rates**

Nick Dahl of Dahl Disposal Service reported to Council that they will not be requesting increased fees for disposal service this year. He noted that they received positive public feedback regarding the yard debris program which is subsidized by Dahl Disposal and Georgia Pacific Toledo. Council thanked Mr. Dahl and noted their appreciation that the rates will not increase this year.

**Proposed Animal Service District**

Bill Hall Lincoln County Commissioner and Kristin Yuille, Assistant County Counsel presented Council with information regarding the value of having the Animal Services Deputies' expertise in responding to animal related incidents within the City of Toledo. The County is proposing an Animal Service District to provide permanent funding for shelter operations and animal services. PC Enyeart noted that the Police Academy does not train officers in animal control services and the Toledo officers have not received special training in this field. Mayor Grutzmacher noted that he would like to see a provision for municipalities to have a seat on the governing board of the district. Commissioner Hall said currently the County Commissioners and County Sheriff have the final call but he believes that it is reasonable to have one or two seats on the advisory committee reserved for municipalities. Mayor Grutzmacher also noted that he would like the City to have the option to bill the district for animal control services provided by the City. Commissioner Hall

noted that these are not mandated services but are desired by the public. Council has the option to provide Toledo residents with the opportunity to vote on the district.

By consensus Council agreed to place the issue on the June 20th City Council agenda.

### **County Wide Communication Enhancement Grant**

FC Ewing reported this issue was previously tabled by Council to provide staff with more time to research additional information for Council. The Fire Department is requesting authorization to participate in a regional Lincoln County Fire Service grant request through the Assistance to Firefighters Grant program. The grant was submitted by North Lincoln Fire District and has been authorized as a project by the federal evaluation committee. The City of Toledo will be requesting participation in the purchase of a simulcast repeater system. The purchase price submitted for the repeater system was \$355,800 and Toledo's portion of the required match of the grant, if approved by Council will be \$4,802. The purpose of the project is to simulcast the five repeater sites in the County. This will provide for information to be dispatched county wide in real time and allow more efficient communication with PAC radios. It will also enhance the Toledo dispatch as a resource if other dispatching services fail. FC Ewing stated the request to participate in this grant will come before Council on June 20<sup>th</sup>.

### **Fire Department Rehab Trailer Grant**

FC Ewing reported the Fire Department is interested in applying to the FEMA Assistance to Firefighters Grant Program for a grant to purchase a rehabilitation trailer. The trailer will provide essential services to personnel and volunteer Fire Fighters at an incident site. He noted the trailer can also be used by other city departments. The prospective design is to include restroom and medical facilities, a hot water heater, air conditioner, and other rehab related equipment. The estimated cost of the trailer is \$60,000 with a 5% match by the City. Staff will bring the request before Council at the regular session of June 20<sup>th</sup>.

### **Free Swim Lesson Program**

This item was tabled to the July 10<sup>th</sup> work session.

### **Water Master Plan Improvements**

PWD Denlinger reported the City Manager, City Attorney and Public Works Director are reviewing permit applications for the upstream transfer of portions of the city's water rights system. They will be meeting on Thursday with the consultant as they prepare to submit the applications to the state.

### **Committee Updates**

Council reviewed the current city committee list and noted all current vacancies. Councilor Lyon noted her interest in serving on the Council of Governments Board, Councilor Johnson noted her interest in serving on the Housing Rehabilitation Loan Committee, and Councilor Strom noted her interest in filling the vacancy on the Contribution Committee. Council agreed that they would like to include someone from the "teen" age group to serve on the Parks and Recreation Committee. Council will make formal appointments and declare vacancies at their June 20<sup>th</sup> regular session.

CM Amberg noted that staff is working on the procedure for separating the Main Street Program from the City as they become a stand alone non-profit organization.

### **Additional Council Discussion Items:**

Councilor Davis announced he will absent at the June 20<sup>th</sup> regular session.

**City Manager Comments**

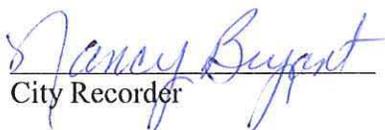
CM Amberg commented on the following:

- The League of Oregon Cities is requesting input on top priorities for their 2013 legislative agenda. Council will be asked to vote on four topics at the June 20<sup>th</sup> Council meeting.
- Celeste Mathews will be leaving city employment at end of the month. Staff is organizing a gathering on June 28<sup>th</sup> 1pm with cake served in the City Council Chambers.
- She reminded Council that any notes taken at council meetings should be kept by the note taker or provided to the City Recorder for proper retention.

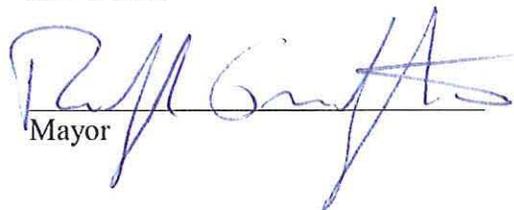
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:09pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**June 20, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:05pm. Councilors present: Terri Strom, Nancy Lynne, Jack Dunaway, Jill Lyon, Larry Davis, and Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Fire Chief (FC) Will Ewing, Police Chief (PC) Dave Enyeart, Library Director (LD) Peter Rayment, Aquatics/Recreation Manager Joe Andrews and City Recorder (CR) Nancy Bryant.

Visitors present: Alan Searle, Stuart Strom, April Bamburg, Don Amberg and Dave Morgan.

**Visitors/Public Comment**

Stuart Strom represented the Toledo Summer Festival Committee and requested the use of City Police and Fire services during the Summer Festival event in July. He also noted that this will be the last year that the fire works display will be launched from the Georgia Pacific Toledo mill site. They will be looking for an alternate site. PC Enyeart noted the Toledo Police department has made a request for multi-agency aid and is prepared to provide traffic control and monitor of the parade traffic during the weekend event. He noted the aid from other police agencies is part of a mutual aid program. FC Ewing stated the Fire Department will activate incident command to organize their activity; they will be stationed near Memorial Field for first aid response and they will have fire equipment on standby during the fire works display. Councilor Davis noted his appreciation for the fireworks. He said it is a good opportunity to bring people into Toledo.

**Statement of Support for the Guard and Reserve**

Mayor Grutzmacher read a statement recognizing the National Guard and Reserve as essential to the strength of our nation and the well being of our communities.

**Consent Calendar**

CM Amberg noted a correction on the invoice list dated June 15, 2012. The payment listed on page 5 for Communication Services is to Century Link and not Central Lincoln PUD.

**Motion-** It was moved and seconded (Lyon/Lynne) to approve the consent calendar consisting of the invoice list dated June 15, 2012 as corrected, City Council minutes of May16, 2012, and June 6, 2012, Destruction of Records-City Recorder, and Surplus Property and Computer Donation to the Main Street Program. **Motion passed 7-0.**

**Discussion and Information Items**

**Committee Updates**

There were none.

**Water Master Plan Improvement Updates**

CM Amberg noted that she, the City Attorney, and the Public Works Superintendent recently walked through the proposed Siletz River intake relocation site with the appraiser. They anticipate the appraisal to come back soon and negotiations for the purchase of the property to begin.

### **Decision Items**

#### **Approval of Invoice List Dated June 14, 2012 for Ace Hardware**

Councilor Strom declared a conflict of interest because she owns Ace Hardware, which is the recipient of expenditures on the invoice list dated June 14, 2012.

Public Comment:

**Motion**-It was moved and seconded (Dunaway/Davis) to approve the invoice list dated June 14, 2012. **Motion passed 6-0**, noting that Councilor Strom declared a conflict of interest and abstained from the vote.

#### **Appointment to the Toledo Library Board**

LD Rayment reported that Renee Ballinger has served on the Toledo Public Library Advisory Board for 4 years and is interested in serving an additional term. In that time she has not only attended the board meetings but has also volunteered in the Library.

Public Comment:

There was none.

Hearing no objections from Council, Mayor Grutzmacher appointed Renee Ballinger to the Toledo Library Advisory Board for a term ending June 30, 2016.

#### **Approval of Toledo's Participation in a County Wide Communications Enhancement Grant**

FC Ewing reported this proposal was presented to Council on June 12<sup>th</sup>. Staff is recommending Council authorize the City Manager to execute all documents of the Assistance to Firefighters Grant for enhancement of the regional emergency dispatch communications. The project cost for Toledo is a match in the amount of \$4,802 of the total \$384,132 project cost.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Lyon/Johnson) to authorize the City Manager to execute all documents for the Assistance to Firefighters Grant for enhancement of the regional emergency dispatch communications. **Motion Passed 7-0**.

#### **Approval of Application for a Firefighters Rehab Trailer Grant**

FC Ewing reported the Fire Department is requesting approval to apply for a grant from the Assistance to Firefighters Grant Fund for a firefighting "Rehab" trailer. He said firefighter rehab is a serious part of the emergency training and response. The Rehab trailer will provide a facility for essential services to firefighters who respond to an incident.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Strom/Dunaway) to authorize the City Manager to apply for Assistance to Firefighters Grant funds for a firefighter rehab trailer and to execute all documents associated with the grant. **Motion passed 7-0.**

**Resolution to Approve an Order of the Lincoln County Board of Commissioners Initiating the Formation of a Lincoln County Animal Service District**

CM Amberg reported that, as discussed at the June 12<sup>th</sup> City Council meeting, the County Commissioners have requested the City Council adopt a resolution approving the order of the Lincoln County Board of Commissioners initiating the formation of a Lincoln County Animal Services District and seeking a permanent rate limit tax not to exceed \$0.11 per thousand dollars of assessed value. Adoption of the proposed resolution will allow the residents of the City of Toledo to vote on the creation of an animal service district. Council discussed the proposed tax rate in comparison to the current county levy for animal control services.

**Public Comment:**

Stuart Strom noted his opinion that this was supposed to be temporary tax but now the County wants to make it permanent. He questions if the City will truly get the amount of service equal to the amount that will be collected from the residents in taxation.

PC Enyeart noted that the animal control service that Toledo currently receives is good and continuing the service will allow the Toledo officers more time to respond to criminal calls. The City will be required to pay for services rendered by animal control or the animal shelter if they are not part of the district.

**Motion**-It was moved and seconded (Dunaway/Johnson) to adopt **Resolution No. 1327**, a resolution to approve of an order of the Lincoln County Commissioners initiating the formation of a Lincoln County Animal Service District. **Motion passed 6-1**, noting that Mayor Grutzmacher voted no.

Mayor Grutzmacher stated his reason for voting no is more appropriate for how he will vote than whether the city should be a part of this.

**League of Oregon Cities (LOC) Legislative Priorities**

Mayor Grutzmacher stated that the League is asking the City to submit a form that reflects the consensus opinion of its city council on the top four legislative priorities for 2013. Council discussed their disappointment that the League is not taking on the bigger issues; the proposed list was seen as inconsequential and safe rather than addressing key elements upon which a big bold legislative plan can be built. Council directed the City Manager to address their disappointment in the list of topics and express their desire for the League to take a lead in changing the relationship between cities and state agencies and lobby for simplifications that would make it easier for small cities to get their needs met. Additionally Councilors believe that city residents are being taxed twice for services they receive from the County and would like to see the League address the creation of a municipal tax differential to address this inequity. Council also noted that they would like to see the League address legislature that would allow billing for first responders who provide emergency medical services outside jurisdictional boundaries to help cities offset associated costs as well as funding for animal control services addressed at a state-wide level.

By consensus, Council chose the following four legislative priorities from the list provided by LOC:

- D. Restore equity in our property tax system by resetting assessed value to real market value when a property is sold or constructed.
- K. Pass legislation renewing the 9-1-1 tax.
- L. Defeat legislation mandating the consolidation of Public Safety Answering Points (PSAPS).
- Q. Recapitalize the Special Public Works Fund, Water Wastewater Fund, Water Conservation, Reuse and Storage Grant Program, and the Clean Water State Revolving Fund.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Strom) to respond to the League of Oregon Cities concerning its legislative priorities, promoting items D, K, L, and Q accompanied by a cover letter addressing the items discussed by Council this evening. **Motion passed 7-0.**

#### **Approval of the City of Toledo Committee List**

CM Amberg reported that Council discussed the City of Toledo Committee list at its last work session where, Councilor Lyon noted that she is willing to serve on the Council of Governments Board, Councilor Johnson stated she was interested in serving on the Housing Rehabilitation Loan Committee, and Councilor Strom stated her interest in filling the vacancy on the Contribution Committee. Those changes have been noted on the Committee list presented to Council.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Johnson/Lynne) to declare one vacancy on the Planning Commission and Public Utility Commission and two vacancies on the Parks and Recreation Advisory Committee; directing staff to advertise for volunteers to fill said vacancies.

**Motion passed 7-0.**

**Motion**-It was moved and seconded (Johnson/Lynne) to approve the membership of the Contribution Committee, Council of Governments Board, and Housing Rehabilitation Loan Committee. **Motion passed 7-0.**

#### **Resolution Setting the 2012/13 Employee Salary Schedule**

CM Amberg noted the salary schedule was prepared as part of the budget process. At Council's request, this was to be provided at the end of the fiscal year for adoption by Council.

In answer to Council questions CM Amberg responded as follows:

- Employees are typically hired at a classification step of one or two depending on qualifications. Additional steps are reached when an employee receives a positive performance evaluation after a probationary period or at their hire anniversary date.
- She is not planning to hire a new Library Director at the current salary level after the retirement of the Library Director next year.
- The cost of living increase for the employees in the Public Safety Association is based on the current bargaining agreement. The cost of living for the non-represented employees is based on the Local Government Personnel Institute (LGPI) consumer price index. The Toledo

Employee Association, previously known as the AFSCME union group will remain at status quo until a new contract is negotiated.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Dunaway) to adopt **Resolution No. 1328**, a resolution approving City of Toledo salary schedule for fiscal year 2012-2013. **Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

PC Enyeart reported on the following:

- The department has scheduled oral interviews for the Sergeant position on July 9<sup>th</sup>. He has requested a sergeant from the Lincoln County Sheriff's office and Newport Police department as well as the Toledo Fire Chief and the Assistant General Manager from the Siletz Tribe to sit on the interview board. There are two candidates from within the department to be interviewed.
- He and the City Manager met with the Confederated Tribe of Siletz Indians (CTSI) General Manager, Assistant General Manager and their Attorney to discuss renewal of contract for police services in Siletz. He anticipates having an agreement to bring before Council in the near future.
- The patrol officers have had radio problems in Siletz while they were on a phone line system. They have switched to using a repeater on the newly installed cell tower in that area and are hopeful that the issue has been resolved.

FC Ewing reported the following:

- A regional fire service study was recently completed and there will be an official review of the findings on June 26<sup>th</sup> at the Newport Performing Arts Center. He encouraged anyone who has questions regarding fire protection within the County to attend the meeting. The City of Toledo did not participate in the study.
- The contract with the NSA starting in July has been extended for one year. The contract will be up for review in six months and they will decide if they go out for competitive bid or re-grant the provider for an extended period of time. There are other regional fire service agencies that want to look at providing that service.
- The Fire Department is planning for their involvement to provide services during the Summer Festival.

Aquatics/Recreation Manager Andrews reported the pool is in full swing with summer programs. They have implemented the 50/50 swim program; residents who are age 50 or older can get into the pool from noon to 1pm two days a week for .50 cents. There are two newly hired life guards who recently completed the life guard training. The pool staff is focusing on customer service at the pool facility.

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

CM Amberg reported the following:

- She attended the Port of Toledo Commission meeting. The Port Commission extended an invitation to Council for their ribbon cutting ceremony at the newly completed pavilion on

July 28th from 3 to 4pm. Commissioners Graff and Ryerson were appointed to the Transportation System Project Advisory Committee (PAC).

- The Toledo Planning Commission approved the delineation of the city owned property on Sturdevant Road.
- A City Council orientation is scheduled for July 12th at 6:30pm at the City Hall Council Chambers.
- The Main Street Market begins tomorrow and will run every Thursday from 10am to 2pm.
- She will be meeting with the Oregon Community Foundation on Friday.
- Staff is working on a dispatch plan and will be meeting on Monday to finalize the report for Council on July 10th. A representative from Willamette Valley Communications as well as the Lincoln County Sheriff's office have been invited to attend that meeting.
- Chief Enyeart will be away in Korea from June 26<sup>th</sup> to the 30<sup>th</sup>.
- There will be a housing discussion hosted by the Community Development Corporation at Oregon Coast Aquarium on June 27<sup>th</sup> at 5:30pm.
- Staff will be serving cake on June 28<sup>th</sup> at 1pm on the deck across from City Hall in honor of Celeste Mathews' retirement. Also the Chamber of Commerce has scheduled a gathering in Celeste's honor on 29<sup>th</sup> at Pig Feathers.
- Tentative dates are being considered for the Toledo Employee Association, formerly the AFSCME union group, bargaining contract negotiations.
- She will be on jury duty the month of July.
- She will be away from the office on July 2<sup>nd</sup> and 3<sup>rd</sup>. City Hall will be closed on July 4<sup>th</sup>.
- The next City Council work session is scheduled for July 10<sup>th</sup>.

### **Council Comments**

There were none.

### **Mayor Comments:**

Mayor Grutzmacher had no comment.

Mayor Grutzmacher called for a recess at 8:43pm and announced an executive session will follow according to ORS 192.660(2), concerning: (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

### **Executive Session:**

Council continued the City Manager annual performance evaluation.

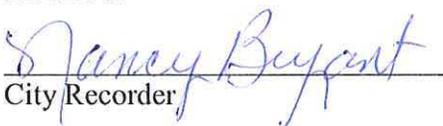
### **Adjournment:**

Council returned to regular session at 10:16pm.

**Motion**-It was moved and seconded (Lyon/Johnson) to direct the Mayor, in concert with the City Attorney, to complete the City Manager employment contract. **Motion passed 7-0.**

Mayor Grutzmacher adjourned the meeting at 10:17pm.

ATTEST:

  
City Recorder

APPROVE:  
  
Mayor

TOLEDO CITY COUNCIL

NO REGULAR SESSION

JULY 4, 2012

BECAUSE OF HOLIDAY

**TOLEDO CITY COUNCIL  
SPECIAL MEETING / WORK SESSION**

July 10, 2012

Mayor Ralph Grutzmacher called the Toledo City Council special meeting to order at 6:15pm.  
Councilors present: Jill Lyon, Jack Dunaway, Terri Strom, Larry Davis, and Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Fire Chief (FC) Will Ewing, Finance Director (FD) Polly Chavarria, Police Chief (PC) Dave Enyeart, Dispatch Supervisor (DS) Maria Waldrip, Aquatics/Recreation Manager (ARM) Joe Andrews, and Assistant City Recorder (ACR) Josephine Ward.

Visitors present: Alan Searle, Brenda Searle, April Bamburg, Dave Morgan, Mark Buckholtz, Susan Hurley, and Lieutenant Curtis Landers.

**SPECIAL MEETING**

**Decision Items:**

**OLCC Temporary Use Application**

The Toledo Eagles applied to the Oregon Liquor Control Commission for temporary use of an annual liquor license to serve alcoholic beverages at the Toledo Summer Festival July 27-29, 2012. CM Amberg explained that this item needed to be brought to council quickly because of time constraints for submitting the application to OLCC prior to the event.

**Proposed Motion** – It was moved and seconded (Dunaway/Lyon) to accept the recommendation to approve the Oregon Liquor Control Commission Temporary Use Application made by the Toledo Eagles – **Motion passed 6-0**, noting the absence of Councilor Lynne.

**WORK SESSION**

Mayor Grutzmacher moved council out of special session and into work session at 6:18pm.

**Discussion and Information Items:**

**Committee Updates:**

There were none.

**Dispatch Analysis:**

PC Enyeart introduced Mark Buckholtz, Director, and Susan Hurley, Operations Manager of Willamette Valley Communications Center (WVCC), who attended to answer questions regarding potential outsourcing of the city's dispatch services. Council was provided an overview of information staff compiled which compares and contrasts dispatch services provided by WVCC and in-house services provided by the Toledo Police Department. The group discussed a number of concerns with outsourcing dispatch through WVCC including:

- The infrastructure needed to support remote dispatch

- The likelihood of WVCC having a permanent satellite office in Lincoln County and where it would be located
- What would happen to displaced dispatch personnel who now work for the City of Toledo
- The level of redundancy in communication and the potential for failure and outages due to severe weather or in the event of a disaster
- The City of Salem's role in cost sharing
- 911 tax revenue
- Lincoln City's position on contracting with WVCC for dispatch services
- How to ensure that contracting dispatch services will fulfill the city's mission to be efficient and economical; i.e., each city's role in the advisory board and budget committee
- What to expect regarding budget increases

PC Enyeart believes that WVCC is a good dispatch service but it would be better to see how well this option works for the other cities in our region that are already committed to contracting their services. There may be unforeseen issues that cannot be accounted for in the planning phases. He also noted the impact of the loss of personnel and 911 tax revenue. FC Ewing expressed his concerns about outsourcing dispatch services because of the lack of regional knowledge among remote dispatchers and the loss of extra personnel in the event of a disaster. FD Chavarria explained that the financial information submitted in the staff report was a very rough estimate and does not reflect the full cost or potential savings of contracting dispatch services. She also noted that there are a number of services that the dispatchers provide outside of their general scope of work. DS Waldrip, who has worked as a dispatcher for the City of Toledo for nearly 26 years, described to Council the changes in technology and the recent grant-funded upgrades to the dispatch center. The center is constantly looking at ways to stay progressive and work more efficiently. She believes that being a dispatcher is a good career and would hate to see these jobs taken out of the city.

The majority of Council felt that moving to a consolidated remote dispatch service was not a good option for the City of Toledo at this time. Councilor Davis was interested in the idea of contracting with WVCC because of the potential cost savings. Councilor Dunaway expressed interest in contracting with WVCC to ensure that technology is up-to-date and progressive.

Mayor Grutzmacher encouraged Councilors Davis and Dunaway to meet with the City Manager to look further into contracting dispatch services. They will report to Council at the first meeting in August with their findings.

### **Free Swim Program**

ARM Andrews presented a slideshow highlighting drowning demographics by age, race, and type. He believes it is important to teach children how to swim to avoid unintentional drownings. Historically, there has not been much of an interest in scholarships for swimming lessons. Of the 4,663 swimming lessons the Toledo Pool held last fiscal year, the majority were through the school district. He said that the key to teaching children how to swim is through the schools. ARM Andrews noted that the costs associated with swimming lessons are limited to personnel. He believes that there may be grants available to help fund a free lesson program. The group discussed methods of advertising, funding, promoting, and coordinating free swimming lessons for children.

### **Additional Council Discussion Items:**

Councilor Dunaway would like an update on the status of the City's Mill Creek forest plan so that Council may provide more direction. He noted that the City must work toward obtaining easements as a first step.

Mayor Grutzmacher expressed his interest in improving the efficiency of billing for the water and sewer system, such as online bill payment and billing every two months.

CM Amberg reported the following:

- Wave Energy Test Project comments will be accepted until July 18<sup>th</sup>.
- The LGPI Conference early bird reduced rates deadline is July 13<sup>th</sup>.
- The Chamber luncheon will be taking place at the Toledo Fire Station, Thursday, July 19<sup>th</sup>.
- On Friday, July 13<sup>th</sup>, she will be taking a tour with the Western Oregon Fire Protection Association.

CA Chadwick addressed the Boosters Sports Camps and degree of city support. It could be perceived that the City sponsors these sports camps. The City has been doing a lot of the leg work for the camps as far as providing the fields, handling registration, and covering insurance costs. This year camps will go on as planned, but the City will not be helping to the extent that it has before. There has never been a formal agreement between the Boosters and the City. The City would like to be less involved and is pushing toward defining this relationship better. CA Chadwick said that he has encouraged the Boosters to apply to the City's Contribution Committee next year.

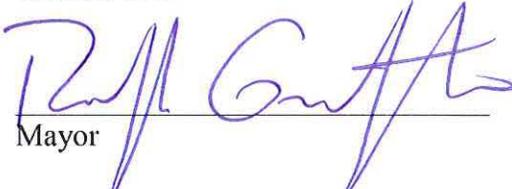
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:54 pm.

ATTEST:

  
Assistant City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**July 18, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Terri Strom, Nancy Lynne, Jack Dunaway, Jill Lyon, and Michele Johnson. Councilors excused: Larry Davis.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Finance Director (FD) Polly Chavarria, Public Works Director (PWD) Adam Denlinger, City Recorder (CR) Nancy Bryant and Allen Stewart.

Visitors present: Alan Searle, April Bamburg, Don Amberg, Celeste Mathews, Teresa Denlinger, Deborah Trusty, and Dave Morgan.

**Proclamation**

Mayor Grutzmacher proclaimed Allen Stewart to be an honorary permanent resident of the City of Toledo, recognizing his contributions to Toledo as a RARE intern. He then called for a brief recess at 7:03pm for celebrating with cake. The meeting resumed at 7:10pm.

Mayor Grutzmacher read a thank-you letter from the organizers of the Barrel to Keg Run event.

**Visitors/Public Comment**

There were none.

**Consent Calendar**

**Motion-** It was moved and seconded (Lyon/Strom) to approve the consent calendar consisting of the invoice list dated June 29, 2012 and July 12, 2012, City Council minutes of June 12, 2012, and June 20, 2012. **Motion passed 6-0**, noting the absence of Councilor Davis.

**Discussion and Information Items**

**Committee Updates**

CM Amberg reported that there continue to be vacancies on the Planning Commission as well as the Parks and Recreation Committee. Staff has received one application for the vacancy on the Public Utility Commission. All positions are open until filled.

Councilor Dunaway reported that he attended the Toledo Transportation Plan Project Advisory Committee. He noted that Toledo has never had an approved transportation plan and he encouraged all to follow the progress by going to the website "[gettingaroundtoledooregon.org](http://gettingaroundtoledooregon.org)".

Councilor Lyon reported that she will be attending her first Cascades West Council of Governments board meeting tomorrow by conference call.

**Water Master Plan Improvement Updates**

PWD Denlinger reported that staff is applying for a conditional use permit with Lincoln County Planning Department. His department is ready to present the water rights transfer permit application to the State Water Resources Board and have begun the biological assessment of the proposed Siletz River intake site.

### **State Surplus Real Property**

CM Amberg reported that the city received a notice from Oregon Department of Administrative Services of state-owned surplus property that is for sale. The property is described as 81 acres of five year old timber known as Buttermilk. Council directed staff to inform the State Department of Administrative Services of the City's interest in receiving more information regarding the property.

### **Goal Strategies and Activities Update**

CM Amberg provided an update of the City goal strategies and activities through June of 2012. Councilor Lyon asked if another Councilor member would join her in completing the goal of formalizing an agreement and annual review process of the municipal judge. No councilor volunteered.

### **Decision Items**

#### **Consider Authorizing the City Manager to Execute an Intergovernmental Agreement with ODOT to Complete Emergency Repairs to Business Highway 20**

PWD Denlinger reminded Council that a portion of Business Highway 20 experienced notable settling as a result of the January, 2012 storms and qualifies for funding through the Federal Highway Administration. This section of roadway is just east of 3<sup>rd</sup> Street NE, affecting a large portion of the eastbound lane of Business Highway 20. The Department places the repair estimate at \$115,000; this will only cover the cost of grinding and resurfacing, which may not be the recommended repair option. Completely rebuilding the subsurface may be necessary to support a permanent repair which could cost as high as \$300,000 to \$500,000 depending on the recommendation from the engineer. The City is required to match 10.27% of the cost. The department is currently working with ODOT engineers to evaluate conditions to provide a recommended repair. Council and staff discussed the historic land movement issues in that area of Business Highway 20. PWD Denlinger reported that the affected area is approximately 240 feet of roadway. Mayor Grutzmacher noted his concern that the cost of the project could be more than the estimated \$115,000. PWD Denlinger noted that the proposed agreement requires an amendment to make any changes, including the estimated costs.

Public Comment:

There was none

**Motion**-It was moved and seconded (Dunaway/Lyon) to authorize the City Manager to execute an intergovernmental agreement with Oregon Department of Transportation to complete emergency repairs to Business Highway 20 on the condition that the cost of the project will not exceed \$115,000 without subsequent Council approval. **Motion passed 6-0**, noting the absence of Councilor Davis.

#### **Consider Adopting a Resolution Approving a Loan from the Stabilization Fund to the General Fund**

FD Chavarria reported that in 2001, the City borrowed \$710,000 at 4.4% from Umpqua Bank to construct the Council of Governments (COG) building on Main Street. The balance owing is \$196,000 plus interest to date. Interest rates on City investments through the Local Government Investment Pool are currently earning .6%. By borrowing money from ourselves and paying off the higher interest rate loan, the city benefits by \$11,225 in interest savings. The City will continue to receive payments from COG for approximately 18 months after the City's loan is paid off. Mayor Grutzmacher stated his appreciation that staff is looking forward and saving costs.

Public Comment:  
There was none

**Motion**-It was moved and seconded (Lyon/Dunaway) to adopt **Resolution No. 1329**, a resolution authorizing a capital loan of \$200,000 from the Stabilization Fund to the General Fund.

**Motion passed 6-0**, noting the absence of Councilor Davis.

**Consider a Resolution Supporting the Incorporation of the Toledo Downtown Association as an Oregon Nonprofit Corporation Independent of the City of Toledo**

CA Chadwick reported that the City joined the Oregon Main Street Program in 2008. Since that date, the City has encourage the autonomy of the Main Street Program. On June 12, 2012, the Main Street Program filed articles of incorporation with the Oregon Secretary of State incorporating a non-profit named the Toledo Downtown Association. The Toledo Downtown Association will operate independent of the City, and assume from the City the duties, responsibilities and obligations of the Main Street Program and its four steering committees.

Public Comment:

Deborah Trusty thanked the City for giving the Main Street Program its start.

Councilor Strom, as Chair of the Downtown Association, thanked Allen Stewart for his work with the Main Street Program and stated that she is confident in the program and its abilities.

**Motion**-It was moved and seconded (Strom/Johnson) to adopt **Resolution No. 1330**, a resolution supporting the incorporation of the Toledo Downtown Association as an Oregon nonprofit corporation independent of the City of Toledo. **Motion passed 6-0**, noting the absence of Councilor Davis.

**Consider Approval of an Outdoor Event Permit Request to Close a Portion of Main Street for a Main Street Block Party**

CM Amberg explained that Main Street businesses have planned a special evening block party on August 2<sup>nd</sup> and they have requested closure of Main Street from Graham Street to SE 2<sup>nd</sup> Street. Deborah Trusty stated that they are now requesting a one-block closure of Main Street from Graham Street to NE 1<sup>st</sup> Street from 4 pm to 8pm on August 2<sup>nd</sup>.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Strom/Johnson) to authorize the closure of a portion of Main Street between Graham Street and NE 1<sup>st</sup> Street from 4pm to 8pm on August 2, 2012 for a Main Street Program sponsored Block Party. **Motion passed 6-0**, noting the absence of Councilor Davis.

**Consider Outdoor Event Permit Request to Close a Portion of Main Street for the Street Fair and Car Show**

CM Amberg noted that the Toledo Chamber of Commerce has submitted an application for the closure of Main Street for the 20<sup>th</sup> annual Street Fair and Car Show on August 5, 2012. It has

requested that Main Street be closed from the Business Highway-20 intersection to SE 2<sup>nd</sup> Street from 7pm August 4 to 4pm on August 5. Councilor Johnson suggested extending the closure ending time to 7pm on August 5<sup>th</sup>.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Johnson/Strom) to approve closure of a portion of Main Street from the Highway-20 intersection to SE 2<sup>nd</sup> Street from 7pm on August 4 to 7pm on August 5, 2012, for the Chamber sponsored Street Fair and Car Show.

**Motion passed 6-0**, noting the absence of Councilor Davis.

### **Consider Approval of an Outdoor Event Permit Request to Close Industrial Park Way for the Toledo Summer Festival**

CM Amberg explained that the Summer Festival Committee initially requested control of Industrial Park Way for its use during the festival event. It has extended their request to include blocking parking, other than handicapped parking, along "A" Street adjacent to Memorial Field and would like permission to use City-owned property in the industrial park for Committee staff parking. PWD Denlinger suggested prohibiting parking of unoccupied vehicles at the entrance of Industrial Park Way during the event to ensure that public works vehicles can get in and out of the city's shop facility. CR Bryant noted that the Summer Festival Committee has not provided the required certification of insurance for this event.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Dunaway) to approve the closure of Industrial Park Way from Thursday, July 26<sup>th</sup> at 7pm to Sunday, July 29<sup>th</sup> at 5pm for the Toledo Summer Festival setup, equipment storage, and staff parking, along with blocking parking on "A" Street along Memorial Field for parking other than handicapped access; also allowing use of city-owned industrial property for parking; and directing the Summer Festival organizers to work with Public Works to assure access to its facilities; all conditioned on the Festival Committee providing a Certificate of Insurance. **Motion passed 6-0**, noting the absence of Councilor Davis.

### **Consider Approval of an OLCC Application for Temporary Use of an Annual License Made by Holy Toledo**

CR Bryant reported that Erik Zakariassen has applied to the Oregon Liquor Control Commission for a temporary use of an annual liquor license for a beer garden event outside the Holy Toledo establishment on August 5, 2012. Mr. Zakariassen has proposed a fenced area of the sidewalk located at 163 N Main Street.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Johnson/Strom) to recommend approval to the Oregon Liquor Control Commission for an application of temporary use of an annual license made by Erik Zakariassen as proposed to fence off the sidewalk at 163 N Main Street for the same event.

**Motion passed 6-0**, noting the absence of Councilor Davis.

### **Consider City Manager Employment Contract**

Mayor Grutzmacher stated that the annual performance evaluation of the City Manager is complete. A proposed new four-year employment contract has been reviewed by the City Attorney, the Mayor and the City Manager and is ready for approval of Council. Mayor Grutzmacher also noted that the City Council fully supports the retention of Michelle Amberg as City Manager and the extension of the contract for her employment.

**Public Comment:**

Dave Morgan noted that it is refreshing to witness a City Council that handles policy, and a City Manager who manages, in a healthy relationship.

Celeste Mathews stated that she enjoyed working for Michelle Amberg as City Manager.

**Motion**-It was moved and seconded (Lynne/Lyon) to approve the employment contract for Michelle Amberg as the City Manager. **Motion passed 6-0**, noting the absence of Councilor Davis.

## **Reports and Comments**

### **Department Reports**

PWD Denlinger reported that the roadway improvements at the end of Main Street are progressing, but because of excess asphalt on the roadway the project's end date may be delayed beyond the initial timeline. Concrete panels will begin installation on July 19<sup>th</sup>. He is not certain that the paving will be completed before the Summer Festival event. He also reported there have been public complaints regarding the lack of handicap accessibility to the sidewalks on the north end of Main Street. The contractor who is currently working on the Butler Bridge Road project has agreed to work with the City by providing ADA improvements at the intersection of Business Highway 20 and North Main Street. By using the current contractor, the cost savings will be approximately \$2,500. Staff asked for Council direction on how the City should proceed. The project would be funded from Public Works Department budgeted monies.

**Motion**-It was moved and seconded (Dunaway/Lyon) to amend this agenda to include a proposal to provide the installation of ADA access improvements at the intersection of Business Highway 20 and North Main Street. **Motion passed 6-0**, noting the absence of Councilor Davis.

**Motion**-It was moved and seconded (Dunaway/Johnson) to authorize the expenditure of approximately \$13,000 for construction of ADA access at the intersection of Business Hwy 20 and Main Street. **Motion passed 6-0**, noting the absence of Councilor Davis.

### **City Attorney**

CA Chadwick reminded Council that there will be a short executive session following this meeting.

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

CM Amberg reported the following:

- She distributed the following reports and correspondence: Monthly Department report, Agate Beach Landfill annual report, Lincoln County Land Trust update, Central Coast Labor Trends July 2012 report, the May 31, 2012 City of Toledo Cash Summary report, a letter from the League of Oregon Cities (LOC) in response to the City's letter regarding legislative priorities, a letter from LOC regarding interest in supporting the scholarship

program, the Regional Connections July newsletter, and a letter from NW Natural Gas regarding natural gas public safety.

- She will be attending the North West Economic Development Course on August 20<sup>th</sup> through August 24<sup>th</sup>.
- There will be a Chamber of Commerce luncheon on July 19<sup>th</sup> at the Toledo Fire Hall.
- The Yaquina Bay Economic Foundation meeting is scheduled for July 25<sup>th</sup>.
- There will be a farewell gathering at Holy Toledo on July 26<sup>th</sup> at 6pm for Allen Stewart.
- There will be a Port of Toledo pavilion ribbon cutting ceremony on July 28<sup>th</sup>.
- Employment negotiations with the Toledo Employee Association will begin on July 30<sup>th</sup>.
- The next City Council meeting will be August 1<sup>st</sup>.
- She attended the Port of Toledo commission meeting on July 17<sup>th</sup>. The meeting focus was on the Port Business Strategic Plan.
- The Wooden Boat Show will be August 18<sup>th</sup> and 19<sup>th</sup>. The Newport City Council has challenged the Toledo City Council to construct a floatable cardboard boat.
- The Ford Foundation is sponsoring a workshop at Ocean Spray Family Center on July 31<sup>st</sup>.
- There are four openings on the Board of Directors of the League of Oregon Cities.
- She thanked Peter Vince and crew for taping tonight's meeting.

### **Council Comments**

Councilor Lynne noted that the City webpage is looking great.

Councilor Strom announced that the Thursday Street Market is alive and doing well.

Councilor Lyon noted that she is glad that Council has finished the process for the City Manager's renewal contract and she is happy to have Michelle Amberg here to guide Council. Councilor Lyon also stated, for the record, her disappointment in the response from the League of Oregon Cities regarding legislative priorities.

### **Mayor Comments**

Mayor Grutzmacher encouraged all to support the Summer Festival by wearing a festival button.

Mayor Grutzmacher called for a recess at 8:50pm and announced an executive session will follow according to ORS 192.660(2), concerning: (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

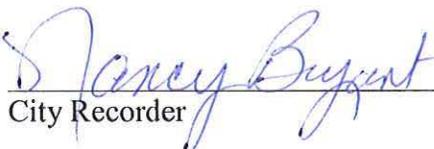
### **Executive Session:**

Council resumed in executive session at 9:04pm and reviewed the appraisal for the potential purchase of property for the Siletz River Intake.

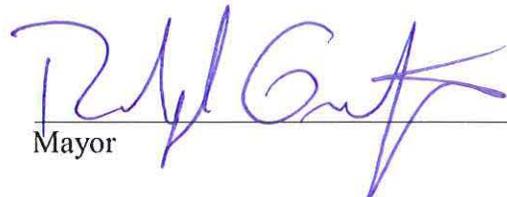
### **Adjournment:**

Council closed the executive session at 9:11 and returned to regular session. No decisions were made and the meeting adjourned at 9:11pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**August 1, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Terri Strom, Larry Davis, Jill Lyon, Jack Dunaway, Nancy Lynne and Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Fire Chief (FC) Will Ewing, Police Sergeant (PS) Robert Ruark, and City Recorder (CR) Nancy Bryant.

Visitors present: Alan Searle, Stuart Strom, April Bamburg, and Don Amberg.

**Visitors/Public Comment**

Stuart Strom of 361 Graham Street, Toledo thanked City Council and City staff for their participation in the Toledo Summer Festival last weekend. He said it was a great event that attracted many visitors.

**Consent Calendar**

**Motion-** It was moved and seconded (Dunaway/Davis) to approve the consent calendar consisting of the invoice list dated July 26, 2012, and City Council minutes of July 10<sup>th</sup> and 18<sup>th</sup>, 2012.

**Motion passed 7-0.**

**Discussion and Information Items**

**Committee Updates**

CM Amberg reported that the City has received one application for the open position on the Public Utility Commission and Council received a copy of the application, for their review, on July 18, 2012. **Mayor Grutzmacher, seeing no objections from Council, appointed Bob Deming to the Public Utility Commission for an unexpired term ending December 31, 2013.**

Mayor Grutzmacher reported that he attended the Lincoln County Transit Service meeting. The group was receptive to the recommended changes submitted by the City of Toledo as well as additional changes identified at that meeting to improve the transportation between the Toledo and the coast and Toledo to the valley. The ticket price for the Toledo to Newport trip is \$1.00 and the schedule will include four round-trips running each day.

**Water Master Plan Improvement Updates**

There was no update.

**Industrial Lands Update**

CM Amberg reported that the industrial lands project involves two different procedures; a text amendment to Title 17 of the Toledo Municipal Code which involves changes to the industrial land, light industrial land and water dependent zones, and secondly, a zone change and comprehensive plan amendment. The Comprehensive Plan amendment will allow the city to have a uniform zone designation of light industrial inside the Toledo Industrial Park area. Each of the key property owners in the effected zone change areas have been personally notified as well as

attempts to contact Georgia Pacific to discuss how the changes will affect the area surrounding the mill site. Two ordinances have been drafted and will be sent to the City Attorney by next week. It is anticipated that the ordinances will be presented to Council for review by August 14, 2012.

### **Decision Items**

#### **Approval of an Invoice List for Toledo Ace Hardware**

CM Amberg explained that separating this invoice list from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on this invoice list because of her actual conflict of interest as owner of Ace Hardware.

Councilor Strom declared an actual conflict of interest because she owns the business, Ace Hardware, which is the recipient of expenditures on the invoice list dated July 23, 2012.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Lyon/Lynne) to approve the invoice list dated July 23, 2012.

**Motion passed 6-0**, noting that Councilor Strom declared an actual conflict of interest and abstained from the vote.

#### **Resolution Authorizing the City Manager to Apply for the 2012-2013 State of Oregon Coastal Zone Management Grant**

CM Amberg reported that the City applies for the Oregon Department of Land Conservation and Development (DLCD) Coastal Zone Management Grant Program annually. The available funding is \$3,600, a 10% decrease over previous years, with a City of Toledo grant match of \$3,600. These grant funds provide assistance to the Planning Department's day-to-day services. The application process requires the submittal of a City Council Resolution requesting the grant funds.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Strom/Davis) to adopt **Resolution No. 1331**, A Resolution authorizing the City of Toledo to apply for the 2012-2013 Coastal Zone Management Grant and authorizing the City Manager to execute all documents. **Motion passed 7-0**.

#### **Motion Authorizing the Fire Department to Apply for a Staffing For Adequate Fire & Emergency Rescue (SAFER) Grant from the Federal Emergency Management Agency (FEMA)**

FC Ewing reported that the SAFER grant program was established by FEMA shortly after the events of September 11, 2001. The proposed grant funds would allow the department to hire a Captain who would manage either training or maintenance which would then allow one of the department's Division Chiefs to assume additional duties to enhance the Fire Marshall position. The grant will fully fund a new employment position for a term of two years. The City's obligation will be to refrain from reducing staffing during the term of the grant. He estimated the total amount requested in the grant application will be \$140,000. Council and staff discussed the functions of the Toledo Fire Marshall. FC Ewing noted that he will remain the official Fire Marshall.

**Public Comment:**

Stuart Strom asked if the new position would be available to the Rural Fire Protection District. FC Ewing stated that all Fire Department personnel will work with the fire district.

**Motion-**It was moved and seconded (Lynne/Johnson) to authorize the Toledo Fire Department to apply for a Staffing for Fire & Emergency Rescue (SAFER) Grant from the Federal Emergency Management Agency and authorize the City Manager to execute all documents.

**Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

CR Bryant provided each Councilor with a compact disk containing an electronic copy of the Toledo Municipal Code.

Sergeant Bob Ruark reported that the Toledo Fire Department and Toledo Police Department will host the "National Night Out" campaign event on August 7<sup>th</sup> from 5:00pm to 7:00pm at the Toledo Skate Park. The Partnership Against Alcohol and Drug Abuse (PAADA) organization has sponsored the event as part of their community educational program. He encouraged everyone in the community to attend and help increase awareness of crime prevention. Mayor Grutzmacher also encouraged all to attend this event. He said it is an important event and he is glad that the City is participating.

FC Ewing reported that there will be a Hazardous Materials Drill on August 18<sup>th</sup> and a Table Top Assumption meeting on Friday August 17<sup>th</sup>. There will be many emergency service agencies involved and he encouraged anyone interested contact the department regarding attending the event.

CA Chadwick reported that an executive session has been scheduled following this regular session.

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

CM Amberg reported the following:

- She congratulated Robert Ruark for his promotion to Police Sergeant.
- She will attend a Region III Small Cities meeting in Harrisburg on Friday.
- A Ford Family Leadership meeting is scheduled for Friday evening.
- The annual Antique Street Fair and Car Show is scheduled for August 5<sup>th</sup> and Main Street will be blocked to all traffic.
- The sidewalk improvements at N. Main St. and Business Hwy-20 are in progress.
- The next Toledo City Planning Commission meeting will be August 8<sup>th</sup>.
- A Small Cities meeting is scheduled for Friday August 10<sup>th</sup> in Waldport.
- She will meet with the Toledo Employee Association on August 13<sup>th</sup> for the second labor agreement negotiation meeting.
- The next Council work session is scheduled for August 14<sup>th</sup> and the next regular session will be August 15<sup>th</sup>.
- She thanked Peter Vince and crew for filming the meeting for viewing on the City's website.

### **Council Comments**

Councilor Johnson noted that she has received public comment regarding the improvements to the sidewalk at N. Main and Business Hwy-20.

Councilor Strom reminded all to attend the Thursday Market and Block Party on Thursday.

Councilor Lyon thanked Stuart Strom and all those involved in the Fireworks. She stated that the new Port of Toledo's Pavilion, the improvements at the end of Main Street and Butler Bridge Road and the pedestrian crossing on the rail road tracks has created a nice gathering place for City events. She also announced that the Portland Art Museum is hosting an "Oregon Invitational Plein Air Paint Out" on Saturday and Sunday with at least two local artists attending.

Councilor Dunaway reported that he and Councilor Davis met with the City Manager to discuss Dispatch Services. The City Manager will research additional information and the group will meet again in a few months.

### **Mayor Comments:**

Mayor Grutzmacher reported that the Floweree Community Center will host a lecture by Matt Love "An Evening with Sometimes a Great Notion" on Thursday at 7:00 pm. The event is free of charge with refreshments and a special surprise provided by author Love.

Mayor Grutzmacher called for a recess at 7:50 pm; he announced that an executive session will follow and made the following statement: "Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations of the executive session except to state the general subject session as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room."

The meeting resumed at 8:00pm in executive session according to ORS 192.660(2), concerning: (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:**

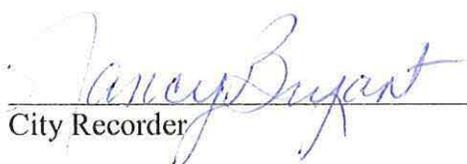
Council and staff discussed moving forward with the purchase of real property as well as the negotiation for a labor agreement with the Toledo Employee Association.

### **Adjournment:**

Council returned to regular session and discussed the Wooden Boat Show cardboard boat building event. Mayor Grutzmacher adjourned the meeting at 10:06pm.

ATTEST:

APPROVE:

  
\_\_\_\_\_  
City Recorder

  
\_\_\_\_\_  
Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION**

August 14, 2012

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Nancy Lynne, Jill Lyon, Jack Dunaway, Terri Strom and Larry Davis.  
Councilors excused: Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Library Director (LD) Peter Rayment, Aquatics/Recreation Manager (AD) Joe Andrews, Police Communications Supervisor, (CS) Maria Waldrip, City Recorder (CR) Nancy Bryant.

Visitors present: Alan Searle and Don Amberg.

**Discussion and Information Items**

**Committee Updates**

Councilor Dunaway reported that he is on the Cascades West Area Commission on Transportation Committee but has been unable to attend the last two meetings. Councilor Lyon noted that she is willing to serve as the alternate committee member and will attend the meetings that Councilor Dunaway cannot attend.

**Water Master Plan Improvement Updates**

PWD Denlinger reported the current progress in phases I and II of the Water Master Plan include ongoing survey work for the site development of the new water tank, the water line under Olalla Reservoir and sections of the distribution system that connect the tank through the lower parts of the system on Skyline Drive and out to Sturdevant Road. A geo tech report has confirmed that the new tank site is suitable for the placement of a 1.6 million gallon tank. Also, the City has submitted the permits for the water rights update and the transfer of the City's certified water rights to the new point of diversion on the Siletz River as well as the site plan survey for the position of the intake.

**Walter & Margaret Gordon Memorial Art Purchase**

RD Rayment explained that Walter Gordon, who served as dean of the University of Oregon's School of Architecture, designed the extension to the Toledo Public Library building that was completed in 1993. His wife Margaret made a bequest from her estate in the amount of \$81,246.73 in 2004. The funds from the bequest have been used to maintain the Library building. To date, no funds have been used to memorialize the Gordons' for their generosity. He proposed that, because the Gordons were both interested in art and the Library has been a part of Toledo Art Walk since its inception, a small collection of original paintings by the three founders of the Toledo Art Walk (one painting from each) would be a fitting memorial to Walter and Margaret. Rayment stated that he previously donated original oil by Ivan Kelly and plans to donate original oil by Douglas Haga. He proposed purchasing oil by Michael Gibbons not to exceed \$5,000 for the memorial art collection. The purchase is to be expended from the memorial fund. He said that the collection will be placed in the Toledo Library. The Toledo Public Library Advisory Board endorsed the concept

at its June 27, 2012 meeting. This item will be on the August 15, 2012 City Council agenda for consideration.

### **City of Toledo Building Facilities Plan**

PWD Denlinger provided the final draft of the City of Toledo Building Facilities Plan completed by Civil West Engineering Services. He stated that the purpose of the plan is to provide a comprehensive evaluation of all city-owned buildings that are used to provide various services to the citizens of Toledo. The plan also provides a component of asset management which will be helpful for facility maintenance and budget preparation. He also explained that the plan proposes funding to be set aside for future capital expenditures and it can be altered annually as priorities change. CM Amberg explained that adoption of the plan does not obligate Council to any expenditure identified in the plan.

Councilor Dunaway stated that strategically, this is an excellent way to approach facility issues. Councilor Lyon noted that not only does the document provide a lot of the thought and planning, it adds transparency for Council actions.

Council and staff agreed to place the item on an agenda in October for action.

### **Public Swimming Pool Facility Update**

AM Andrews reported, in light of the proposed Building Facility Plan, it is a good time to discuss the future of the public swimming pool. The City and community have shown, in the past, that it supports the facility and has found ways to keep it operational. The problem manifesting is, without continuing to push for the necessary facility improvements it has fallen behind modern standards for accessibility, mechanical standards, safety designs and useful features. He noted that in the last two years, the City has used available funds in the operational budget to try to address minor facility and equipment needs, skewing the appearance of operational improvements.

AM Andrews made the following recommendation regarding the future of the public swimming pool:

- Indicate that the swimming pool is a valued city asset that will be preserved by a non-binding commitment to fund the facility operations and critical building preservation needs for the planning period.
- Adopt a Swimming Pool Facility Improvement Plan that would expand the Building Facility Plan to include highlighted items from this memo when we have more accurate costs for these projects.
- Continue to educate the public about the infrastructure needs of all City facilities.
- Continue to educate the public about the great services provided by the City of Toledo.

Councilor Dunaway said that the pool is the sort of a facility that requires a well-supported plan and broad community support to move forward. He said it is very easy to see that the pool is an old facility, may be very near past its useful life and is going to require major expenditures. We need to find a way to ask the right questions of the public. CA Chadwick noted that taking the issue to the voters by proposing a funding levy or special district would gauge public support of the pool. CM Amberg suggested the city should think about whether it wants to invest in a system or facility that we haven't decided what its future is. Councilor Dunaway stated that he would like to see this discussion at the next council goal setting session. Mayor Grutzmacher and Councilor Davis both expressed interest in looking into the formation of a special district which would include more of East County than just Toledo. CM Amberg agreed to research information regarding the creation of a special district for council review at the next goal setting session.

Mayor Grutzmacher also suggested that the Port of Toledo has a broad economic development mission and may be interested in the public swimming pool.

### **US Forest Service After Hours-24-7 Dispatch Services Request For Proposal**

CS Waldrip reported that the US Forest Service has issued a Request for Proposals (RFP) for dispatch services which are currently contracted through LinCom for approximately \$90,000 per year. The proposal is for 24 hours per day/365 days per year law enforcement police dispatch services for 15 law enforcement personnel. The coverage area for the Forest Service western Oregon dispatch and law enforcement zone encompasses nine western Oregon counties: Tillamook, Yamhill, Lincoln, Benton, Lane, Douglas, Coos, Linn, and Marion. Within the Siuslaw National Forest's 640,000 acres of land, offices include: the Supervisor's office located in Springfield, Oregon; the Detroit Ranger District located in Detroit, Oregon, the Sweet Home Ranger District in Sweet Home, Oregon; the McKenzie River RD located in McKenzie Bridge, Oregon; and the Middle Ford RD located in Westfir, Oregon. Current enforcement police radio calls per year total approximately 3,000, with approximately 1,500 more after-hours calls. The anticipated period of performance is base plus four years. The base year contract has an effective date of the notice to process; the estimated start work date is July 1, 2012. CS Waldrip stated that with the addition of one dispatcher position and the purchase of a small amount of hardware equipment, the Toledo Police Dispatch can handle this extra workload. She recommended the City submit a response to the RFP which is due August 20, 2012.

Council agreed to bring this item forward for action at the August 15, 2012 regular session.

### **Lincoln County-Everbridge Agreement**

Jenny Demaris the Lincoln County Emergency Services Coordinator, explained that Lincoln County purchased the Aware Program from Everbridge, Inc. The program provides mass phone and email notification for emergency response agencies and the public in emergency and non-emergency situations. Lincoln County desires to share the program with participating subscribers who agree to help offset the cost of the program. The base program is currently used and paid for by Lincoln County for all fire, police, ambulance, and dispatch personnel. The proposed agreement extends the services to other qualifying subscribers who pay a fee per person. The City has the option to subscribe additional employees as well as elected officials at a rate of \$2.25 per year per addition for its own group notification. She also encouraged Council to promote Lincoln County residents with cell phones to sign up for emergency notifications, at no cost, by visiting the County's website.

Demaris then invited Council members to the Lincoln County 2012 Hazardous Materials Exercise/Training in Toledo on August 17, 2012. She noted her appreciation to the City of Toledo for hosting this event.

### **Nuisance Ordinance**

CA Chadwick provided Council with a draft of recommended changes to the Toledo Municipal Code regarding nuisances. He explained that most of the recommended changes came from Toledo's contract Code Enforcement Officer. He suggested Council review the changes and discuss this again during a future work session. Council and staff briefly discussed some of the proposed amendments and how violations are enforced. CA Chadwick noted that most violation issues are complaint-driven.

Council agreed to bring the item forward to the Council work session on September 11, 2012.

### **Industrial Lands Update**

CA Chadwick provided Council with a detailed schedule for the 2012 Industrial Lands zoning update as follows:

- August 20<sup>th</sup>, -The City will make two applications; the amendment to the 2000 Toledo Comprehensive Land Use Plan and the amendment to the Toledo Municipal Code Section 17.04.020(B).
- August 31<sup>st</sup>, -Notices will be sent to Oregon Department of Land Conservation Development for each of the applications.
- September 20<sup>th</sup>, -Notice of the public hearing will be mailed to various land owners.
- October 4<sup>th</sup>, -Staff reports regarding each application will be completed.
- October 10<sup>th</sup>, -Planning Commission will review the proposed ordinances.
- November 7<sup>th</sup>, -The proposed ordinances will be presented to City Council for consideration.

Council and staff discussed proposed changes in the industrial and light industrial zones through the proposed ordinances. CA Chadwick reminded Council that the performance standards are not included in the proposed ordinances and will come at a later time.

### **Municipal Judge Pro-Tem**

CM Amberg reported that recently both the Municipal Judge and Judge pro-tem were unavailable for a court date and it was suggested to appoint an alternate Judge pro-tem. The situation has changed and it does not appear necessary to appoint an alternate Judge pro-tem at this time.

### **Additional Council Discussion Items:**

Councilor Dunaway inquired about placing “no smoking” signs within bus shelters in Toledo. He also inquired about the progress on the City-owned property located on Sturdevant Road. CA Chadwick reported that the property has been partitioned and a plat map and easement need to be recorded before the matter is brought to Council to consider disposition of the developable parcel.

Councilor Davis noted that Georgia Pacific received a report that someone saw a watery liquid on the street in an area that is adjacent to the wastewater facility and the mill’s site for D watering. He questioned if it could be sludge. He also asked that Council consider starting meetings earlier when an executive session is anticipated to extend beyond 9:30pm.

Councilor Lynne asked if Council will be participating in the cardboard boat race during the Wooden Boat Show. Council agreed to consider participating next year.

Mayor Grutzmacher announced that the Yaquina Pacific Railroad Museum will be running motor cars during the Wooden Boat Show this coming weekend.

### **City Manager Comments**

CM Amberg commented on the following:

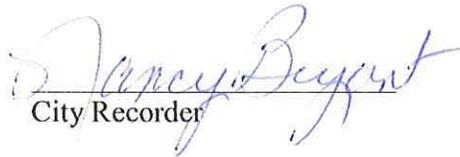
- Staff is moving forward with the Water Bill Assistance program. City utility customers will have the option to provide a donation to the program through their utility bill. Community Services Consortium will administer the program charging the City 15%. The program will be advertised in the City newsletter.

- She will attend the Economic Development Conference beginning August 20<sup>th</sup> through 24<sup>th</sup> and the City Attorney will be out the same week at an LGPI Conference. She is appointing Nancy Bryant, City Recorder as acting city manager in her absence.
- There is a heat advisory through Thursday for this area as well as a fire hazard warning.

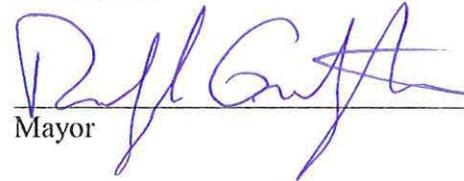
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:39pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**August 15, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Michele Johnson, Terri Strom, Larry Davis, Jill Lyon, Jack Dunaway, and Nancy Lynne.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Library Director (LD) Peter Rayment, Public Works Director (PWD) Adam Denlinger, Police Sergeant (PS) Robert Ruark, Police Communication Supervisor (CS) Maria Waldrip and City Recorder (CR) Nancy Bryant.

Visitors present: Alan Searle and Don Amberg, April Bamburg, Heather LaMonte, Shannon Monroe, Kimberlee Monroe, Kaitlyn Schovanec, Kayleen Lichau, Bonnie Branson, Rosemary Conrad, and James M. Conrad.

**Visitors/Public Comment**

Kimberlee Monroe of Toledo stated that she speaks on behalf of her husband, Shannon Monroe, who lost his employment with the City of Toledo earlier today. She provided Council with copies of his past performance evaluations as well as letters of support. She explained that her husband was in a life altering auto accident on May 5, 2012 and has been on family medical leave until July 31, 2012. She stated that he has reported every two weeks to his supervisor. His doctor has not released him to return to work but he would like to come back to work on light duty. She said Shannon is a longtime resident of Toledo and is involved in the community. She stated that she wants to know if this is a City Council decision and she would like Council to review this decision.

Kaitlyn Schovanec of Toledo expressed her disappointed in the decision to terminate her step-father Shannon Monroe, who was in an auto accident and continues to recover. She stated that before the accident, Shannon was one of the employees in public works who responded to water line breaks and callouts at 4am during bad weather to make sure the roads were safe for kids to get to school. She said if this is a matter of saving the City money or making sure that the city runs efficiently, to look at the difference in salary between Shannon and the City Manager as well as a decision of wrongful termination that could cost the city a law suit. She encouraged Council to look into the decision and whether it can be reversed.

John Craft stated that he is a friend of Shannon Monroe. Shannon was there for him during an illness. He said he has a rental property in Toledo so he is a part of the community. The City could save money by getting rid of Shannon's boss and let the City Manager be the boss. He thinks it is rotten what the city has done and he is selling his rental and leaving Toledo.

Mayor Grutzmacher informed the visitors that all personnel matters are handled by the City Manager and City Council is explicitly required to stay out of personnel decisions.

## **Consent Calendar**

**Motion-** It was moved and seconded (Dunaway/Davis) to approve the consent calendar consisting of the invoice list dated August 10, 2012, and City Council minutes of August 1, 2012.

**Motion passed 7-0.**

## **Discussion and Information Items**

### **Committee Updates**

There were none.

### **Water Master Plan Improvement Updates**

There were none.

## **Decision Items**

**Motion-** It was moved and seconded (Lynne/Lyon) to add two decision items as follows:

- Recommendation to authorize the police department to submit a Request for Proposal for dispatch services to the US Forest Service and;
- Recommendation to approve a request for temporary closure of Main Street from 5pm to 9pm on September 1, 2012 for badminton and a recommendation to the Oregon Liquor Control Commission for an application for a temporary use of an annual liquor license made by Erik Zakariassen.

**Motion passed 7-0.**

### **Proposed Motion to Consider Approval for the Purchase of the Walter and Margaret Gordon Memorial Art Collection at the Toledo Public Library**

LD Rayment explained that he is requesting permission from City Council to establish an art collection in memory of Walter and Margaret Gordon to be placed at the Toledo Public Library. LD Rayment stated that he has donated oil paintings by both Douglas Haga and Ivan Kelly and he proposes purchasing an oil by Michael Gibbons for an amount not to exceed \$5,000. Funding for this purchase will come from the donation to the Toledo Public Library from the Margaret Gordon estate. The Toledo Library Advisory Board supports the proposal.

Councilor Dunaway stated that he believes this is a wonderful idea. Councilor Davis expressed his appreciation for Peter's active part in setting this up and generously donating from his personal collection.

Public Comment:

There was none.

**Motion-**It was moved and seconded (Lyon/Davis) to establish the Walter and Margaret Gordon Memorial art collection and to authorize the purchase of a Michael Gibbons oil painting to complete the collection; the purchase not to exceed \$5,000 and to be paid for from the Gordon's bequest funds in the Library Reserve Account. **Motion passed 6-1**, noting the no vote by Councilor Johnson.

### **Proposed Motion to Consider Authorizing the City of Toledo to Subscribe to the Lincoln County "Everbridge" Emergency Notification Program**

CM Amberg noted that information regarding Everbridge was presented to Council at the August 14<sup>th</sup> Council work session. The proposed agreement will cost the City \$2.25 per year for each non-

emergency City employee and City Council member for its own notification group. The total cost per year is \$90.00.

Public Comment:  
There were none.

**Motion-**It was moved and seconded (Davis/Johnson) to authorize the City Manager to subscribe to Lincoln County's Everbridge e-mail and phone notification system for city employees and City Councilors. **Motion passed 7-0.**

**Motion to Authorize the Toledo Police Department to Pursue the Request for Proposal for Dispatch Services to the US Forest Service**

CS Waldrip recommended Council approval for the City to submit a response to the Request for Proposal by the US Department of Forest Service to provide 24/7 dispatch services for both law enforcement and unsworn Forest Service employees. She noted that currently, the US Department dispatch service is provided by LinCom for approximately \$90,000 per year. The Toledo Police Department would be required to hire one additional dispatch personnel as well as purchase a small amount of hardware to provide this service. She is confident that the Toledo Police department can handle this contract and she believes this will be good for the City of Toledo.

Council and staff discussed the cost to the City for a dispatch employee, the dispatch area of service to be provided, and the amount of additional workload to the department. Councilor Lyon stated that providing the service would add credibility to our dispatch services and would allow us to work more efficiently. Councilor Dunaway noted his concern that this request is done while the Police Chief is off on assignment and questioned the City's ability to meet the contract terms. In response, CM Amberg noted that this request is only to submit the RFP response. If the City is offered the contract it can then negotiate the terms. She has been in contact with Police Chief Enyeart and she is confident that the City can submit the proposal based on CS Waldrip's input.

**Motion-** It was moved and seconded (Strom/Lyon) to authorize the Toledo Police Department to pursue the Request for Proposal for dispatch services to the US Forest Service.  
**Motion passed 7-0.**

**Motion to Consider a Request for a Temporary Closure of Main Street and a Recommendation to the Oregon Liquor Control Commission for an Application for Temporary Use of an Annual Liquor License for Holy Toledo**

CM Amberg noted that a request has been made by Erik Zakariassen and Heather LaMonte of Holy Toledo to close off a one-block section of Main Street (Graham Street to SE 1<sup>st</sup> Street) from 5pm-9pm, September 1, 2012 for badminton. Erik Zakariassen has also applied to the Oregon Liquor Control Commission for temporary use of an annual liquor license to serve wine, cider, malt beverages, and distilled spirits for drinking outside their establishment during this event. The requests have been reviewed by the Public Works Director, Police Sergeant, Fire Chief and City Manager. However, the Police Sergeant has not signed off on the temporary use of an annual liquor license.

Heather LaMonte of Holy Toledo Tavern explained that Saturday September 1<sup>st</sup> is the one-year anniversary of their ownership of the business. Art Walk ends at 5pm on that day and the badminton game will be from 5pm-9pm.

**Motion**-It was moved and seconded (Dunaway/Lynne) to approve the closure of a portion of Main Street from 5pm-9pm on September 1, 2012 and recommend approval to the Oregon Liquor Control Commission for an application for temporary use of an annual liquor license made by Erik Zakariassen, subject to the approval by the Toledo Police Department. **Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

CR Bryant reported that August 28<sup>th</sup> is the deadline for candidacy filing for City Council or Mayor in the November 6<sup>th</sup> General Election.

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

CM Amberg reported the following:

- The monthly department report was distributed to Council.
- The League of Oregon Cities and the City of Florence have invited Toledo officials to participate in City Hall Week on September 19<sup>th</sup> from noon – 2pm in Florence.
- The City received a thank you letter from the Oregon Coast Community College for the support from the City's contribution fund.
- The next Port of Toledo meeting will be August 21, 2012.
- The Cascades West Council of Governments asked that she distribute information regarding its small business loan program.
- The Port of Toledo's Wooden Boat Show event is this Saturday and Sunday.
- There will be a table-top drill Friday afternoon at the Toledo Fire Station as part of the Emergency Response drill. It will be a good opportunity to see what goes on during an event like this.
- She will be a guest on a KCUP radio station program on Friday morning.
- She will be meeting with the City of Siletz on August 17<sup>th</sup> regarding the police contract.
- She thanked Mr. Vince and his students for taping this meeting for video cast.

### **Council Comments**

Councilor Strom announced that the Chamber of Commerce will be serving breakfast at the Wooden Boat Show and Toledo Downtown Association will be serving Fish Tacos in the afternoons.

Councilor Lyon said she hopes that people who are interested in participating in City government will think about running for office.

Councilor Dunaway stated that the City Council positions are very important. Having a diversity of ideas and interest makes a strong council. He encouraged anyone interested to file their candidacy.

### **Mayor Comments:**

Mayor Grutzmacher reported that the Yaquina Pacific Railroad has received permission to run motor car demonstrations during the Wooden Boat Show weekend.

Mayor Grutzmacher then called for a recess at 7:51 pm; he announced that an executive session will follow and he made the following statement: "Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed

not to report on any of the deliberations of the executive session except to state the general subject session as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room.”

The meeting resumed at 8:05pm in executive session according to ORS 192.660(2), concerning: (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:**

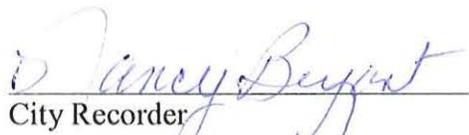
Council and staff discussed moving forward with the purchase of real property as well as the negotiation for a labor agreement with the Toledo Employee Association.

**Adjournment:**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 8:30pm.

ATTEST:

APPROVE:

  
\_\_\_\_\_  
City Recorder

  
\_\_\_\_\_  
Mayor

**LINCOLN COUNTY BOARD OF COMMISSIONERS/  
TOLEDO CITY COUNCIL JOINT-WORK SESSION  
AGENDA  
September 5, 2012**

Lincoln County Commissioner, Board Chair Bill Hall called the meeting to order at 6:00pm with a round of introductions. Commissioners Present: Terry Thompson and Doug Hunt.

Councilors present: Michele Johnson, Terri Strom, Larry Davis, Jill Lyon, Jack Dunaway, Nancy Lynne and Mayor Ralph Grutzmacher.

County staff present: Casey Miller, Cynda Bruce, Caroline Bauman and Kimberly Herring.

City staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Fire Chief (FC) Will Ewing, and City Recorder (CR) Nancy Bryant.

Visitors present: Alan Searle, Larry Coonrod, Dave Morgan, and Don Amberg,

**Open Agenda Items**

The Lincoln County Commissioners and the Toledo City Council members discussed the following:

- The Port of Toledo's increased production and the impact on the City- Mayor Grutzmacher noted that the spill-over for the city includes the need for temporary housing and the use of local restaurants. Councilor Lyon noted that the collaboration between the City and the Port of Toledo in the development of the new Waterfront Park and pedestrian access is an excellent addition to the City.
- Georgia Pacific- Councilor Davis noted that the public relations position at the mill remains vacant. Commissioner Hall stated that the County is interested in being a good partner with GP and would be interested in participating in the community relations group when they start again. Councilor Dunaway suggested the County Commissioners develop a relationship with Plum Creek as it is also a large employer in the community.
- Lincoln County Fairgrounds- Commissioner Hall stated the Fairgrounds continues in a holding pattern. The Town and Country group, a 501(c)(3) organization, manage the fair event while the County maintains the grounds and buildings. The next project is to develop a master plan for the fairgrounds.
- Future of Toledo Fireworks display- Councilor Strom explained that the two people who have been doing it for years are in the process of passing it on to younger people. Georgia Pacific is no longer allowing the fireworks to be discharged from its property so an alternative site will need to be located.

- Economic Development- Caroline Bauman of Economic Development Alliance of Lincoln County provided the group with a general update on Lincoln County economic development. She noted that Lincoln County's unemployment rate has remained at 9.4% for several months. The state is at 8.5%; overall it has seen five straight months of job growth but it has not benefitted the rural areas. Although Toledo has lost two seafood companies, a boat builder, and Odin Foam it is considered the industrial hub of the county and is also known for its artist community. Its strengths are the people who promote it, i.e. Celeste Mathews and Bud Shoemake, who are both well-known and important to the City. Councilor Dunaway noted that Council has made a substantial effort to visit with local partners but contact with the Railroad company has been difficult to achieve. He said it is important to understand each other and discuss what the City can do to make the railroad more profitable in this community.
- Lincoln County Transit programs and rider incentives-Cynda Bruce provided an update on the transportation services currently available. She noted that the program has expanded the East County run which travels to Siletz, Toledo and Newport from four round trips daily to six round trips daily. One of the runs into Newport allows for a connection with the express run to Lincoln City and at the end of the day, residents can ride the bus from the Community College evening classes to East County. They continue to work on the Coast to Valley Express which will help those wanting to commute from Lincoln County to Benton County and back. The new schedule will begin on October 1<sup>st</sup> operating seven days per week.
- Highway 20 update-Commissioner Hunt reported that the new plan for the Hwy 20 project is to realign the road and do away with the bridge pillars that were installed but found unstable. The expected completed date is 2015. The cost of the project began at an estimated \$60 million dollars but is now expected to cost \$300 million dollars.

Commissioner Hall adjourned the joint work session at 6:45pm.

**TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
September 5, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00 pm. Councilors present: Michele Johnson, Terri Strom, Larry Davis, Jill Lyon, Jack Dunaway, and Nancy Lynne.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Fire Chief (FC) Will Ewing, Fire Captain Larry Robeson, and City Recorder (CR) Nancy Bryant.

Visitors present: Alan Searle, Don Amberg, and Ryan Evans.

**Visitors/Public Comment**

Ryan Evans petitioned City Council to extend the city's insurance to cover the 2<sup>nd</sup> annual Summer Skate Jam scheduled for September 16<sup>th</sup> at the Toledo Skate Park.

Councilors Davis and Dunaway expressed concern that only those above age 16 are required to wear safety helmets and the liability of injury. CA Chadwick noted that if the event is insured by

the city there should be no charges related to participation in the event. Council agreed to discuss the issue further as a decision item during this meeting.

### **Consent Calendar**

Councilor Lynne noted that Councilor Dunaway's attendance at the August 14<sup>th</sup> Council work session should be added to the minutes of that meeting.

**Motion-** It was moved and seconded (Lynne/Davis) to approve the consent calendar consisting of the invoice list dated August 31, 2012, and City Council minutes of August 14 & 15, 2012, noting the correction to the August 14<sup>th</sup> minutes as stated. **Motion passed 7-0.**

**Motion-**It was moved and seconded (Dunaway/Lyon) to add the request for insurance coverage for the annual Summer Skate Jam to this agenda. **Motion passed 7-0.**

### **Discussion and Information Items**

#### **Committee Updates**

Councilor Lyon noted that the scheduled Transportation Committee meeting was cancelled.

Councilor Dunaway reported that he attended a meeting with US Forest Service representatives and PWD Denlinger regarding access issues on US Forest lands. City Council will need to take important action to gain access through Forest Service lands for management of the Mill Creek Forest.

Mayor Grutzmacher reported that he attended the Marine Energy Selection Site community forum. The Newport area is one of four geographic areas considered for putting the project in the water off shore and serving as a test bed for wave energy devices. He also reported that he received a letter from "Healthy Eating Active Living" regarding a city campaign to support small and large policy changes to promote healthy diets. He will participate in a telephone conference scheduled for September 25<sup>th</sup> and encouraged others who are interested to participate.

#### **Water Master Plan Improvement Updates**

There was none.

#### **Live Streaming of City Council Meetings**

CM Amberg noted that the Toledo Jr. /Sr. High School Video Production team has reported that it now has the ability to provide live streaming of City Council meetings. Toledo Jr./Sr. High School teacher Peter Vince stated that tonight's meeting is streaming live and can be viewed by clicking a link on the City's website. He said it is another way for the city to share its message. He also stated that the meeting videos will continue to be available on the City's website but the cable broadcast of Council meetings has been postponed because of the construction at the School. He hopes to have it scheduled again on Channel 4 in the near future.

### **Decision Items**

#### **Consider Approval of the Invoice List for Purchases from Ace Hardware**

CM Amberg noted that this is a routine action item to provide Councilor Strom the opportunity to vote on the Consent Calendar without declaring a conflict of interest.

Councilor Strom declared a conflict of interest because she owns Ace Hardware, which is the recipient of expenditures on the invoice list dated August 28, 2012.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Davis) to approve the invoice list for Toledo Ace Hardware **Motion passed 6-0** noting that Councilor Strom abstained from voting.

### **Consider Authorizing the Fire Department to Submit a Request for Proposal for the Purchase of a Fire Engine**

FC Ewing reported that the Fire Department is requesting to issue a Request for Proposals (RFP) for a new 1500 gpm Type I Engine with a 1000 gallon water tank and associated items. The proposed engine will replace a fire engine that has been in use for approximately twenty years. This purchase has been anticipated for some time; it is included in the department's equipment replacement plan and funds have been placed in reserve for this purpose. He anticipates the RFP will close in November and staff will then come before Council for a decision item in December.

Council and staff discussed the proposed specifications and availability of vendors who may be able to respond to the RFP as well as how the ISO rating is achieved for this area.

Public Comment:  
There were none.

**Motion**-It was moved and seconded (Strom/Davis) to authorize the Fire Chief to issue a Request for Proposal for a new 1500 gpm Type I engine with a 1000 gallon water tank and associated items. **Motion passed 7-0.**

### **Consider Authorizing the September 16, 2012 Summer Skate Jam Event to be Insured by the City of Toledo**

Council discussed the liability for participants who may not use safety helmets. Evans noted that the participants are required to sign a waiver of liability. CM Amberg noted that the participants will also be required to abide by the rules that are posted at the Skate Park throughout the year.

Public Comment:  
There was none.

**Motion**- It was moved and seconded (Strom/Lynne) to allow the Summer Skate Jam event to be insured by the City's insurance. **Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

FC Ewing briefed Council on the Hazardous Material drill that was held in Toledo on August 18<sup>th</sup>. He noted that it was a great learning experience for all of the agencies that participated.

PWD Denlinger provided Council with an update regarding the ODOT analysis of possible land destabilization along Business Hwy 20 between the Port of Toledo's Port Station One building and JC Market. He also reported that ODOT will be replacing the traffic signal lights on Business

Highway 20 on September 15<sup>th</sup>. The Public Works department will provide flaggers to direct traffic.

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

CM Amberg reported the following:

- A meeting with the Toledo Employee Association is scheduled for September 10<sup>th</sup>.
- The next Council work session is scheduled for September 11<sup>th</sup>.
- The next Planning Commission meeting is scheduled for September 12<sup>th</sup>.
- The Toledo Farmers Market is open tomorrow on Thursday September 6<sup>th</sup>.
- The Toledo Municipal Swimming Pool will be closed from September 14<sup>th</sup> through the 23<sup>rd</sup> for annual maintenance.
- The next Port of Toledo meeting is scheduled for September 18<sup>th</sup>.
- The next City Council regular session is scheduled for September 19<sup>th</sup>.
- There will be a Chamber luncheon on September 20<sup>th</sup> at the Toledo Fire Station.
- She will attend the Council of Governments meeting in Albany on September 21<sup>st</sup>.
- She thanked Peter Vince and the filming crew for providing live streaming of the Council meetings.

### **Council Comments**

Councilor Davis stated that he chose not to run for an additional term of office because it is not the right time for him to continue serving. He noted his appreciation of all the Council member's efforts.

Councilor Strom reported that the Toledo Downtown Association is sponsoring a kick-off to the annual Quilt Quest on September 8<sup>th</sup> at the Yaquina Pacific Railroad Museum from 4 pm to 6 pm. This event will begin a year-long quest to find the "Holy Quilt" with the secret stitch for the next Quilt Quest event, scheduled for May 12, 2013.

Councilor Lyon noted that she will be attending "City Hall Day" in Florence on September 19<sup>th</sup>.

Councilor Dunaway stated that Central Lincoln PUD is giving away two free water-saving showerheads per household and encouraged all to sign up to receive them. He also reported that he will not be attending the September 11<sup>th</sup> and 19<sup>th</sup> City Council meetings.

### **Mayor Comments:**

Mayor Grutzmacher stated that he will be attending "City Hall Day" in Florence on September 19<sup>th</sup>.

Mayor Grutzmacher then called for a recess at 7:58 pm; he announced that an executive session will follow and he made the following statement: "Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations of the executive session except to state the general subject session as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room."

The meeting resumed at 8:10 pm in executive session according to ORS 192.660(2), concerning: (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:**

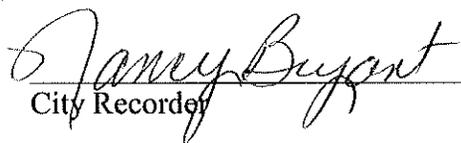
Council and staff discussed moving forward with the purchase of real property as well as the negotiation for a labor agreement with the Toledo Employee Association.

**Adjournment:**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 8:25 pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION**  
September 11, 2012

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Nancy Lynne, Jill Lyon, Michele Johnson, Terri Strom and Larry Davis.  
Councilors excused: Jack Dunaway.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Finance Director (FD) Polly Chavarria, Police Chief Dave Enyeart, and City Recorder (CR) Nancy Bryant.

Visitors present: Alan Searle, Dave Morgan, and Don Amberg.

## **Discussion and Information Items**

### **Committee Updates**

There were none.

### **Water Master Plan Improvement Updates**

PWD Denlinger stated that he will have a progress update at the next council meeting.

### **Police Evidence Room Building**

PC Enyeart presented the Mayor and City Council members with a unique Toledo Police Chief issued coin in honor of their valuable service to the City.

PC Enyeart reported that the department currently uses the old bank vault inside the station building to store evidence. Larger evidence items will not fit inside the vault and are placed in an outdoor fenced area that is not adequately secured. The Police Department proposes construction of a 10' x 24' x 10' tall cement block building to be used as an evidence room in place of the outdoor fenced area. PC Enyeart has received one construction estimate from C.J. Johnson's Construction in the amount of \$16,500 and he is seeking two additional bids. Council agreed that a new evidence building is needed and PC Enyeart should move forward with collecting additional bids.

### **Utility Bill "Help to Others" H2O Program**

FD Chavarria provided an update on the low income donation assistance program for utility bills. The following has been accomplished to date:

- Utility billing statements have been modified to include a space for customers to write in a donation amount.
- Community Services Consortium (CSC) has agreed to administer the program at a cost of 15% of the collected amount. CSC will accept the applications, verify income and distribute the funds to the City on behalf of the approved applicant. The City Attorney will draft a contract for City Council and CSC review.
- A rough draft of eligibility guidelines has been established; customers will be limited to \$200.00 in assistance per year on a first come first serve basis and the program will only be available to customers who are making an effort to pay their bill.

- This program is a modification to the City's billing software at a cost to the City.

FD Chavarria noted that the anticipated revenue from this program will be small. Staff continues to work with customers who are behind on their payments through a payment plan program. Councilor Johnson suggested that the advertisements for this program include a suggestion that customers who want to donate can "round-up" when paying their bill. FD Chavarria noted that information about the program will be included in the City's newsletter.

CM Amberg asked for consensus to apply to the Three River Foundation for a \$1,000 grant as seed money for this program. Mayor Grutzmacher suggested if the funds are granted, \$100.00 could be used to purchase low-flow water devices to provide to customers. Council agreed that the City Manager should seek funding through the Three River Foundation grant process.

Council and staff discussed how the public works department aids customers in detecting water leaks. PWD Denlinger noted that the department will check the meter for any customer who suspects that they may have a leak.

### **Meter Reading & Water Billing**

FD Chavarria provided a review of the City's utility billing process. She noted that the City currently bills 1350 customers; 1,225 residential, 105 commercial, 13 industrial, 2 districts, and 5 fire meters. The City bills approximately \$207,000 per month for water, sewer, road maintenance, and street lighting services combined. The average residential customer billing amount for all four services is \$135.00 per month. Customers have had the option to pay by credit/debit card since 2006. Over time, the number of customers utilizing this service has grown to 180 per month (13%). Of the customers who pay by card, half phone in the transaction. Staff has evaluated other billing options such as online bill pay, auto pay, paperless billing, mailing services and credit card service terms. Mayor Grutzmacher suggested staff contact Dahl Disposal regarding the billing service they use. Councilor Davis said that while it would be nice to provide more efficient services the costs may be too great if only 15% of the customer base use those services.

Council and staff discussed the pros and cons of billing every other month. Staff noted that when the meter reader visits each meter they are also providing an inspection of the meter area while detecting the need for repair or maintenance. PWD Denlinger noted that the current meter reading system is a touch read system that can upgrade to a radio system. The cost to fully engage a system like that is approximately \$200,000 to \$225,000. He suggested that if there are savings in the Water Master Plan improvement expenses then upgrading may be feasible. Mayor Grutzmacher noted that it is not unreasonable to expect that those funds will be available.

### **Public Works Equipment Purchase**

PWD Denlinger reported that the Public Works Department needs to replace a 1955 forklift, a rubber tire backhoe and a grit removal system. The items are included in the current fiscal year budget and there are reserve funds available for the purchases. He noted that the forklift is very near the end of its useful life and it is more cost effective to replace it. The proposed replacement backhoe has tracks instead of tires and will replace a rubber tire backhoe that does not meet the department's needs. Currently the department relies on outside services to excavate areas of the system that are not accessible to excavators equipped with rubber tires. Both vehicles have been identified in the department's vehicle/equipment replacement program for replacement in 2012/2013. The current grit removal system is a 30-year old unit that has been modified in the past to extend its useful life. Because this unit is customized it may be necessary and cost effective to

replace it by sole sourcing with the same vendor. Council agreed that PWD Denlinger should bring the items forward at the September 19<sup>th</sup> City Council meeting for action.

### **Nuisance Ordinance**

CA Chadwick provided Council with a review of the proposed additions to the Toledo Municipal Code Section 8.04 Nuisances. Council and CA Chadwick discussed sections regarding fences, livestock and poultry, inoperable vehicles, additional, buildings and structures, debris on private property, abandoned iceboxes, attractive nuisances, vegetation, and junk, garbage and rubbish. Council and CA Chadwick will continue reviewing the proposed nuisance ordinance during the October work session.

### **Sale of County Owned Property**

CM Amberg reported that there will be a Lincoln County foreclosure auction of property located in Toledo on September 27<sup>th</sup>. The old Masonic Lodge building and a landlocked property located behind it are both included in the listing. Council agreed that there is no interest in acquiring the property for the City.

### **Additional Council Discussion Items:**

Councilor Davis reported that he met with CM Amberg, PWD Denlinger and the City's engineer of record Garrett Palo. They discussed the water line replacement for the Toledo Jr. /Sr. High School which will cost the City \$800,000 to complete. He believes that the Lincoln County School District paid for a new water line for the newly constructed Waldport School and should also contribute to the cost of the Toledo School's water line. He also stated that he would like an additional fire professional to review the need for a larger water line to the school.

Council agreed that the Lincoln County School District should be contacted to discuss the matter. CM Amberg noted that she will contact the School District Superintendent and invite him to meet with Council.

### **City Manager Comments**

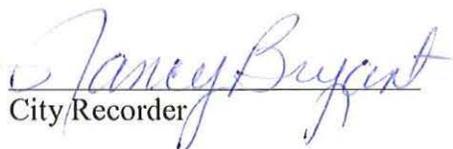
CM Amberg commented on the following:

- Cascades West Council of Governments (COG) has made eight business loans in Toledo ranging in amounts from \$2,500 to \$25,000. There was no job creation requirement for the loans. COG confirmed that they contacted these businesses to see if they would like to take advantage of re-financing with lower interest rates.
- There will be a Brown Bag Seminar presented by the Oregon Department of Forestry regarding Tree Risk Assessment and Management.
- The Oregon Forest Resource Institute will hold an open house and tour of Lane County on October 18<sup>th</sup>.

### **Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:46 pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**September 19, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Michele Johnson, Terri Strom, Larry Davis, Jill Lyon, and Nancy Lynne. Councilors excused: Councilor Jack Dunaway.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Fire Chief (FC) Will Ewing, Police Chief (PC) Dave Enyeart, and City Recorder (CR) Nancy Bryant.

Visitors present: Allen Searle, Don Amberg, Debra Trusty, Edward Johnson.

**Visitor**

Tom Rinearson, Superintendent of Lincoln County School District (LCS D); Clint Raever, Principal of Toledo Jr./Sr. High School; and Bob Shindelman, Principal of Toledo Elementary School provided Council with an update regarding the start of a new year for the two Toledo public schools. The elementary school enrollment has remained strong with 375 students, 63 of whom are kindergarteners. Shindelman reported that all K-6 grade students are now located at the Sturdevant campus and the school has six new teachers who have replaced retirees from last year. Raever reported that the Jr./Sr. High School got off to a great start with sophomores visiting Linn-Benton Community College; freshmen attended an all-day Success Academy; and there was an all-day orientation for juniors and seniors to prepare them for life after high school. The seventh-grade and eighth-grade students will participate in the Oregon Stewardship School research education program using natural resources as a tool for education. Rich Belloni, LCS D Director of Support Services, said construction at the High School is expected to continue for another year and a half.

Rinearson reported that the district's student enrollment is up by 157 students from last year and four schools within the district had to adjust space to accommodate the additional students. Mayor Grutzmacher complemented the District on using a large number of local contractors for the bond-supported improvements. Belloni stated that the local contractors have shown a lot of pride in the work they are doing.

Councilor Davis stated that the Toledo Water Master Plan (WMP) includes the installation of a new water line to the Toledo Jr. /Sr. High School because it was felt that the existing line is too small. There has been some conversation regarding who is responsible to provide that line. He asked for clarification regarding the installation of a water line to the new Waldport High School and how it was funded. Rinearson stated that the Toledo Fire Marshall signed off on the High School improvements because he knew the new line was included in the WMP. The retired Fire Marshall in Waldport gave the District a nod to proceed but when it came time to do the paperwork a new Fire Marshall had been hired and he did not agree. The new Fire Marshall required a higher-flow line which had to be installed to gain a building permit for the new school. Belloni stated the cost for that line is approximately \$350,000 and was not budgeted in the bond process. The district will make up the difference by reducing construction cost of the Waldport High School. Councilor Davis noted his concern that Toledo residents want to be treated consistently with other areas of the district. Mayor Grutzmacher noted that the district is asking a

population base of approximately 3500 to pay for a line that services a school serving students outside the taxable area of the city. He believes there is a shared cost that needs to be recognized and suggested a discussion between the City's administrative staff and LCSD administrative staff. Rinearson stated that the district will put the issue on its radar.

Mayor Grutzmacher thanked the LCSD personnel for attending the meeting. Councilor Davis then complimented the improvements to the Toledo schools.

### **Visitors/Public Comment**

There were none.

### **Employee Recognition-Safety Slogan Award**

Josephine Ward; Assistant to the City Recorder, appeared on behalf of the City of Toledo Safety and Wellness Committee to present the winner of the annual Safety Slogan Contest. She presented the award to Caleb Stokes of the Public Works Department. Stokes' winning slogan is "When you are in a rush; safety is still a must". She also thanked all of the employees who participated in the contest.

### **Consent Calendar**

CM Amberg noted an amendment to the invoice list. The last expenditure on page 14 for the Fire Department vehicle repair in the amount of \$1,561.98 should be removed from the list.

**Motion-** It was moved and seconded (Lyon/ Davis) to approve the consent calendar consisting of the invoice list dated September 14, 2012, as amended, and City Council minutes of September 5, 2012. **Motion passed 6-0**, noting the absence of Councilor Dunaway.

### **Discussion and Information Items**

#### **Committee Updates**

CM Amberg requested the appointment of Jake Postlewait to the Housing Rehabilitation Loan Committee. She noted that there is a vacancy and Mr. Postlewait has agreed to the appointment.

Mayor Grutzmacher, seeing no objection from Council, appointed Jake Postlewait to the Housing Rehabilitation Loan Committee.

CA Chadwick reported that the Seal Rock water agreement is close to completion.

#### **Water Master Plan Improvement Updates**

PWD Denlinger provided Council with an update on the Skyline reservoir and the Siletz intake projects. Staff is working on the preliminary profile of the viability of the proposed intake site placement and the connected pipe line in the Siletz River. The Oregon State Historical Preservation Office has notified the City that it will not require the City to undergo a cultural survey of the site. Staff is hoping to receive the biological assessment, which is necessary for submitting the Department of State Lands permits, in the near future. He said these progress elements are moving parallel with the water rights discussion with the Water Resources Department to relocate the City's point of diversion from its current location to 386 feet up-stream. The Skyline reservoir tank site survey is complete and the access road has been developed. The tank will be constructed of glass-fused steel, which has a very long life span. This project is scheduled for completion within the next two years. He also reported that survey work is being done in the locations that are planned for water distribution improvements.

### **Code Enforcement Presentation**

Dustin Kittel, Toledo's contract Code Enforcement Officer, provided Council with an update of code enforcement efforts for the city. He noted that the goal of code enforcement is to improve livability and reduce crime in the city; the code should reflect the desires of the community. He said last year there were 170 cases and approximately 1/3 of those were for abandoned junk on the street. This year there are 86 cases to date, mostly regarding abandoned vehicles and structural issues. He encouraged Council to review amendments to the Municipal Code to address the types of compliance issues that are important to the City. Mayor Grutzmacher noted that Council has been reviewing a revision of the City's nuisance ordinance and there is a general consensus among Council members to strengthen the code. Councilor Davis noted the code should provide consideration for the diverse locations and land uses within the city. Kittel agreed to attend the October 9<sup>th</sup> City Council work session to discuss the issue further.

#### **Public Comment:**

Edward Johnson stated the code only applies to commercial businesses and not residential. He said if a car gets stolen by the City it is called grand theft auto. He requested the City Manager email the ordinance which is under review because he would like to add some legal comments.

### **Decision Items**

#### **Purchase of Real Property for the Siletz Water Intake Site**

CA Chadwick requested the City Council approve a motion to authorize the City Manager to sign a sale agreement between Shannon Newton and the City and all other documents necessary for the purchase of property located along the Siletz River to be used as the City's new intake and water pump station site. The proposed property is identified as Lincoln County Assessors map No. 10-10-09-00, Tax Lots 105, 106 and 107. The new intake site will be located on Tax Lot 106. The proposed sale agreement has been signed by the owner for the purchase amount of \$25,000. Councilor Lyon noted Section 5 of the agreement states that the buyer has until September 20, 2012 to complete its inspections of the property. She asked CA Chadwick if that will be a problem. CA Chadwick stated that it will not be a problem since the City has completed a walk-through of the site and attained a geotechnical report.

#### **Public Comment:**

Edward Johnson stated whatever is in the City's hands can never be sold and would be separated from taxing and under sovereignty.

**Motion**-It was moved and seconded (Strom/Lyon) to authorize the City Manager to sign the sale agreement between Shannon Newton and the City of Toledo and all other documents necessary for the purchase of property located along the Siletz River to be used as the City's new intake and water pump station site. **Motion passed 6-0**, noting the absence of Councilor Dunaway.

#### **Purchase a Forklift and Track Mounted Excavator for the Public Works Department**

PWD Denlinger reported that the Public Works Department is requesting the purchase of pre-owned equipment including a forklift and a track mounted excavator. The proposed purchases are consistent with the department's equipment replace program.

#### **Public Comment:**

Edward Johnson asked if the City has checked with State Surplus for purchasing the equipment. PWD Denlinger said that he has checked with State Surplus. Johnson then stated that he believes a portion of the funds collected through water bills is to be put aside for maintenance of the system so that the City would not have to borrow money and go into dept for purchases. CM Amberg stated that the City will not be borrowing funds for the proposed purchases; they will be expended from a reserve fund.

**Motion**-It was moved and seconded (Lynne/Johnson) to authorize the purchase of a forklift and a track mounted excavator to be used by the Public Works Department and declare a 1955 Hyster forklift Serial No. A3D6676J and a John Deere backhoe, identification #T041DG799530, as surplus and authorizing sale of the surplus items.

**Motion passed 6-0**, noting the absence of councilor Dunaway.

### **Approval of Sole-Source Purchase of a New Grit Removal System**

PW Denlinger reported that this purchase is included in the 2012/13 budget. The proposed equipment will help process wastewater more efficiently during heavy rains. This item is also identified in the wastewater facility plan. He stated the department is asking for sole source purchase because the vendor can provide a unit that will mount in the current location and connect with very little re-tooling of the piping system.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Johnson/Strom) to authorize the sole-source purchase of a spiral grit removal unit located at the Wastewater Treatment Facility.

**Motion passed 6-0**, noting the absence of councilor Dunaway.

## **Reports and Comments**

### **Department Reports**

PWD Denlinger reported that the traffic light fixtures at the intersection of "A" Street and Business Highway 20 have been replaced with new LED light fixtures. He stated the intersection should now run more efficiently and with less maintenance. It is anticipated that the cost to run the traffic light system will be 90% less because of the energy-efficient light fixtures.

PC Enyeart reported that the Police Department is in the hiring process for one officer; they received 57 applications and are now down to 22 potential applicants. They will conduct an oral board review Friday and Saturday and then choose up to five of the applicants before running background checks.

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

CM Amberg reported the following:

- The Port of Toledo Commissioners have requested a joint meeting with City Council on October 17th at 5:30pm, with the City hosting and providing dinner.
- State Accident Insurance Group (SAIF) has notified the City that it will be receiving a 39% dividend on this year's premium.
- A Chamber luncheon is scheduled for September 20<sup>th</sup> at the Toledo Fire Station.
- She will be meeting with Siletz Tribal representatives on September 25<sup>th</sup> regarding the Siletz police contract.

- There will be a “Chamber After-Hours” on October 4<sup>th</sup> from 5:30pm to 7:30pm at the Flowerree Community Center.
- There will be a workshop on Sea Level Hazards on October 24<sup>th</sup> in Coos Bay and October 29<sup>th</sup> in Tillamook.
- The monthly department report was distributed.
- She thanked Peter Vince and the film crew for making the City Council meetings visible to people who cannot attend.

### **Council Comments**

There were none.

### **Mayor Comments:**

Mayor Grutzmacher reported the following:

- He thanked the Toledo Fire Department for responding to his home when he fell off of a ladder. He said he appreciates their efforts and noted that they are very well trained.
- He will be attending a Healthy Eating Active Living (HEAL) telephone conference on September 25<sup>th</sup> from noon to 3pm.

Mayor Grutzmacher then called for a recess at 7:52pm; he announced that an executive session will follow and he made the following statement: “Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations of the executive session except to state the general subject session as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room.”

The meeting resumed at 8:00pm in executive session according to ORS 192.660(2), concerning: (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 and staff discussed negotiation for a labor agreement with the Toledo Employee Association.

### **Adjournment:**

Council returned to regular session and no actions were taken. Mayor Grutzmacher adjourned the meeting at 8:45pm.

ATTEST:

  
\_\_\_\_\_  
City Recorder

APPROVE:

  
\_\_\_\_\_  
Mayor

**TOLEDO CITY COUNCIL MINUTES**  
**Regular Session**  
**October 3, 2012**

Mayor Ralph Grutzmacher called the regular session of the Toledo City Council to order at 7:01pm. Councilors present: Jack Dunaway, Nancy Lynne, Jill Lyon, Terri Strom, Larry Davis, and Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Police Chief (PC) Dave Enyeart, Aquatics/Recreation Manager (ARM) Joe Andrews, and Assistance City Recorder (ACR) Josephine Ward.

Guests: Linda Brodeur and Evelyn Brookhyser of Samaritan House.

Visitors: Rick Beasley, Don Amberg, and Jackie Kauffman.

**Samaritan House Presentation**

Linda Brodeur addressed council on behalf of the board of directors for Samaritan House, Inc. This year the City of Toledo Contribution Committee donated \$7,345 to local non-profits. She thanked the City of Toledo for their \$250 donation to Samaritan House and presented council with a certificate of appreciation.

**Visitors/Public Comment**

There were none.

**Consent Calendar**

Councilor Lyon noted that the \$27,000 expenditure for street paving due to a damaged water line break is evidence that the water system improvements are much needed.

**Motion-** It was moved and seconded (Dunaway/Davis) to approve the consent calendar consisting of the invoice list dated September 28, 2012. **Motion passed 7-0.**

**Committee Updates**

There were none.

**Water Master Plan Improvement Updates**

There were none.

**Decision Items**

**Consider Approval of the Invoice List for Purchases from Ace Hardware**

CM Amberg noted that this is a routine action item to provide Councilor Strom the opportunity to vote on the Consent Calendar without declaring a conflict of interest.

Councilor Strom declared a conflict of interest because she owns Ace Hardware, which is the recipient of expenditures on the invoice list dated September 25, 2012.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Lyon/Dunaway) to approve the invoice list for Toledo Ace Hardware. **Motion passed 6-0** noting that Councilor Strom abstained from voting.

### **Consider Adoption of the City of Toledo Building Facilities Plan**

PWD Denlinger addressed council regarding the adoption of the building facilities plan which was completed by Civil West Engineering. He explained that the purpose of this planning effort was to provide a comprehensive evaluation of each of the City's buildings, identify deficiencies that need improvement, and provide the city with recommendations for capital improvement plans. City staff, department heads, building code professionals, building contractors, and civil, mechanical, electrical, and structural engineers were all key participants in completing this study. The building facilities plan has recommendations for capital and maintenance improvements necessary for all eight city buildings. A component of the plan provides an element of asset management, which will aid the department heads that are responsible for the ongoing maintenance of the facilities they manage. This plan also provides information that could be used as supporting evidence when applying for building improvement grants.

Councilor Dunaway expressed that he thinks this is an excellent plan and it's great to have a document with so much detailed information. He understands that there are some alternative capital improvements for the pool, in the amount of \$500,000, and wanted to know what length of time those improvements would extend the life of the pool. ARM Andrews explained that the report does not indicate a length of time the proposed improvements would preserve the existing structure. CM Amberg added that this is not a plan to fix the pool but to draw attention to things that have been lacking proper maintenance. Councilor Dunaway noted that in goal setting for the next year it will give council and staff a good opportunity to decide to what level the pool should continue to be maintained.

Councilor Davis wanted to know what approving the building facilities plan does for the City. CM Amberg clarified that the approval of the plan allows council and city staff to use the study as a guideline for future improvements.

Councilor Lyon stated that when you first start looking at capital improvements you have to start with an umbrella of overall needs and this study provides justification regardless of direction.

Councilor Dunaway stated that each department head operates their own budget regarding improvements within their own department facilities and he would like to see it go through some other filter to make sure that the needs are analyzed on a bottom line overall picture. CM Amberg added that it is her role to work with the department heads during the budget process and that the City will need to consult with experts regarding capital improvements.

Councilor Dunaway inquired about the cost of the plan. PWD Denlinger reported that the building facilities plan cost \$50,580. He explained that the consultant did go over budget and that was partially due to City staffs dissatisfaction with the initial document. There were multiple revisions to the plan.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Lyon/Strom) to adopt the comprehensive building facilities plan completed by Civil West Engineering. **Motion approved 7-0.**

### **Consider Approval to Authorize the City Manager to Apply for Lincoln County Emergency Preparedness Grant**

CM Amberg explained that the emergency preparedness grant is a 50/50 match between the City and the County. She spoke with Fire Chief Will Ewing to find out if there was anything he could use the grant for. He expressed that the Fire Department could use this grant to fund equipment for the CERT program.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Davis/Lynne) to authorize the City Manager to apply for the Lincoln County Emergency Preparedness Grant. **Motion approved 7-0.**

### **Department Reports:**

PC Enyeart reported that the hiring process for the new patrol officer is moving along. The department has narrowed the selection from 23 candidates to 3. The City is in the process of contract negotiations with Siletz Tribe and it does not look favorable. Discussion of the Siletz policing contract will be on the next work session agenda so that council and staff can discuss the details. He also reported that we lost out on the Forest Service bid for dispatch services. The Toledo Police Department recently received a call from Denis Bosque, former City employee, Chief of Police in Siletz and Detective for Lincoln County, who was interested in volunteering his time to help with detective work four days a month. PC Enyeart was proud that Mr. Bosque chose Toledo as a place to volunteer and expressed that he is a great guy with a wealth of information.

ARM Andrews provided council with articles regarding pool facility maintenance. He also expressed his interest in applying for a Lincoln County Community Development Grant which would be ideal to fund a feasibility study or technical development plan. He reported that the dog swim went well with about 35 dogs visiting the pool. Immediately after the dog swim crews were in for the pool's annual maintenance. After working with the City's IT consultant the Toledo Pool is now connected to the City's fiber network. ARM Andrews has recently updated the Fall pool program and is holding a lifeguarding and an instructor training class in November.

CM Amberg reported:

- Lincoln County Economic Development Grant cycle has opened
- Planning Commission is having a public hearing regarding the Industrial Lands Proposal at its October meeting
- October 11<sup>th</sup> there will be a Safety Fair at the Toledo Fire Station

- October 15<sup>th</sup> she and the CA Chadwick will be involved in labor negotiations with the Toledo Employee Association
- October 17<sup>th</sup> Council will be hosting a Joint Meeting with the Port of Toledo that begins at 5:30pm, all proposed agenda items are due by Wednesday, October 10<sup>th</sup>
- Lincoln Community Land Trust is getting ready to sell a home
- Oregon Forestry Institute has invited council to a lunch
- She will be taking Monday off

CM Amberg thanked Peter Vince and the video crew for their excellent work filming the council meetings.

Councilor Davis reported that health and fitness is a growing concern for Americans. He has seen a change in Toledo because he's noticed a lot more people walking around.

Councilor Lyon announced that October 6<sup>th</sup> and 7<sup>th</sup> is the first weekend for art studios and galleries in Toledo. She encourages everyone to come and visit to support the local arts community.

**Mayor Comments:**

Mayor Grutzmacher expressed interest in applying for the Heritage Community Designation which, if awarded, would provide Toledo with a sign on Hwy 20 pointing people in the direction of the City. He will bring additional information to the next council work session.

Mayor Grutzmacher called for a recess at 7:54pm; he announced that an executive session will follow and he made the following statement: "Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations of the executive sessions except to state the general subject as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room." The meeting resumed at 8:08pm in executive session according to ORS 192.660(2), concerning: (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

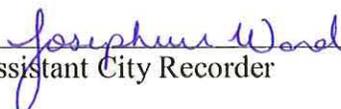
**Executive Session:**

Council and staff discussed negotiation for the labor agreement between the City and the Toledo Employee Association.

**Adjournment:**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 8:24pm.

ATTEST:

  
 Assistant City Recorder

APPROVE:

  
 Mayor

**TOLEDO CITY COUNCIL**  
**Work Session**  
October 9, 2012

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 6:15 pm. Councilors present: Michele Johnson, Terri Strom, Larry Davis, Jill Lyon, Jack Dunaway, and Nancy Lynne.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Police Chief (PC) Dave Enyeart, Aquatics/Recreation Manager (AM) Joe Andrews, Contract Code Enforcement Officer Dustin Kittle, and City Recorder (CR) Nancy Bryant.

Visitors present: Don Amberg, Alan Searle, and Dave Morgan.

**Visitors/Public Comment**

There were none.

Mayor Grutzmacher added two additional discussions items to this agenda; an economic development grant application and wave energy project discussion.

**Discussion and Information Items**

**Committee Updates**

Councilor Dunaway reported that there will be a Transportation System Planning meeting on October 11<sup>th</sup> from 1pm to 3pm at City Hall.

Councilor Lyon reported that the Economic Development Alliance Board met October 4<sup>th</sup> for its bi-monthly meeting. The Economic Development grant program deadline is October 26<sup>th</sup> with the usual maximum award of \$15,000. The Board will review the grant applications and make award recommendations to the Lincoln County Board of Commissioners at its December meeting. She also noted that the Alliance Board has decided to write letters of recommendation to both the Newport City Council and the Port of Newport endorsing the Wave Energy Test project.

**Water Master Plan Improvement Updates**

PWD Denlinger reported that the planned system improvements for the 12 inch water line that will feed the Sturdevant road area will make a connection at the Toledo Jr. /Sr. High School. The plan includes running a new water line from the water storage tank site on Skyline Drive down the hillside to Business Hwy 20, tunneling under the wetlands and connecting at Sturdevant Road. These improvements will improve water distribution to the Sturdevant Road area as well as the 18<sup>th</sup> street basin. These improvements were recommended by the engineer, not solely to provide water to the high school but to serve the Sturdevant Road area and any potential development.

Council and staff discussed the School District's issues with the new water line for the construction of the Waldport High School as well as the 3500gpm improvement goal to serve the Toledo Jr. /Sr. High School. Councilor Lyon suggested that the Fire Chief may have been looking at a line to serve not only the High School and surrounding forest area but also the potential growth along Sturdevant Road to improve fire hydrant deficiencies. Councilor Davis noted that

this is a large sum to spend for potential development that may not happen. Councilor Johnson stated that the new waterline needs to be installed regardless so the expense to increase the pipe size may not be that significant in cost. Councilor Davis noted that the Water Master Plan identifies the 3500gpm improvement as a goal for the Toledo Schools but there is no mention of potential growth along Sturdevant Road. CM Amberg agreed to discuss the 3500gpm justification with the Toledo Fire Chief.

### **Public Dog Park Agreement**

CA Chadwick reported the proposed property for a public dog park is adjacent to East Slope Park and owned by Georgia Pacific (GP). He has had discussions with GP attorneys regarding an agreement to use the property. He asked that council provide some direction regarding the design of the dog park. Councilor Davis indicated that there is a potential that GP will want to use the property in the future. CA Chadwick stated the property size is approximately 15 acres and the City would only need a portion of that for the dog park. He also noted that the area will need to be cleared of brush for park use. Councilor Lynne suggested a small amount of dog agility equipment and a fenced area for dogs to run free. Councilor Lyon noted that funds have been set aside for a dog park and could be used for these improvements. Councilor Davis suggested an alternate area which is above the proposed property and behind an existing baseball diamond. He stated this area is already partially fenced and there is parking close by. Councilor Dunaway noted that previous discussions regarding creating a dog park brought comments that were not all positive. CM Amberg suggested developing a trail around the water front area and if people want to develop the interior that could be looked at in the future. CA Chadwick agreed to contact Georgia Pacific attorneys regarding a property use agreement and will report back to Council.

### **E-Civis Electronic Grant Tracking Software**

CM Amberg reported there has been an interest for the City to explore more grant opportunities. E-Civis is supported software that allows the user to research available grants. It is expensive but the City could do grant searches for other entities like the Main Street Program, Arts community, the Flowerree Center and the Chamber. The total price for the program is \$5880.00 annually with a three year commitment. The company claims that the City will receive enough grants to cover the cost of the program. She said it is a data base that will help find grants and produce reports to satisfy audit reporting requirements. The software will be particularly useful in finding and applying for foundation grants. She noted that the Public Works Director is already well informed regarding potential grants that would effect his department. PWD Denlinger stated that he finds grants through networking and continued subscription to state funding agencies. He stated the average Public Works grant income has been a little more than ½ million dollars for the last three years. CM Amberg noted that this software would also help the Finance Director manage the grants that the City receives. She said she sees it as helping the non-profits in town. Mayor Grutzmacher suggested that other entities could pay for the grant searches. Council agreed to discuss the issue further during the next budget process. Councilor Dunaway stated that the discussion should not be about this software specifically but about grant writing in general. Mayor Grutzmacher elaborated on Councilor Dunaway's statement saying that it could be a ..... comprehensive proposal about how to enhance grant writing capabilities.

### **Nuisance Ordinance Review**

CA Chadwick and Council continued the review of the proposed nuisance ordinance revision. Dustin Kittel the City contract Code Enforcement Officer joined the discussion. The group discussed the definition of fences and fence requirements, and nonpublic storm water facilities. CA Chadwick stated that concludes the proposed changes and asked if Council had any other revisions. There were none.

The group then discussed parking issues. Councilor Strom noted there is a parking issue in a section of Alder Street and Graham Street. Currently parking is allowed on both sides of the street but when that happens two vehicles cannot get passed each other. It was suggested that parking should not be allowed on both sides of the street. The group then discussed prohibited vehicle parking and how parked vehicles are tagged.

### **Pedestrian Grant Update**

PWD Denlinger provided an update on the following:

- Oregon Department of Transportation (ODOT) Pedestrian Grant-the key objective of this grant was to complete pedestrian and bicycle improvements identified in the Toledo Waterfront Connectivity Plan that provide safe continuous connection from the downtown area to the waterfront. The City was awarded \$180K towards pedestrian improvements at the south end of Main Street. Engineers project cost at \$200K. Council authorized a 5% (\$10,000) grant match and the Port of Toledo also supported the project with a grant match of 5% (\$10,000). City staff worked with engineers, ODOT and ADA specialists to design the project that would meet ODOT's specification for transportation, bicycle and pedestrian access at the Main Street/Butler Bridge Road intersection. The project elements included realignment of curb/gutters and sidewalk, updating signs and walkway crossings, eight foot wide concrete railroad crossing panel, installation of directional signage to moorage entrance opposite Main Street intersection, install warning signage for crosswalks, and asphalt overlay of entire intersections. The actual cost of the project is anticipated to leave a total available balance of \$9000 in funding. He suggested the remaining funding could be used to improve the pedestrian settling area that is currently filled with sand. He noted that this portion of the project should be done at a reasonable cost and should require little or no maintenance.

There was much discussion regarding possible design elements to complete the intersection portion of the project. Suggestions included benches, signage, vegetation, concrete benches and paving, and placement of large rock. PWD Denlinger reminded the group that there is no water available at the site for vegetation. Council agreed that they would prefer to see some type of low maintenance vegetation in that area. Councilor Dunaway said that North Bend has a very attractive hardscape at key intersections that can be visualized as the bow of boat. Something like that would fit within that part of town. Councilor Davis noted that the theme should fit the surrounding industrial area. Council recommended staff work with the Port of Toledo's park designer and bring a concept presentation back at the November 13<sup>th</sup> Council work session.

- ODOT Small City Allotment Grant-The pavement preservation project to Butler Bridge Road is complete. The road surface was elevated by two inches at the crown of the roadway to accommodate for water runoff. This project was funded by Road Maintenance Fees, the Streets Reserve funds and a \$50,000 grant from the ODOT's Small City Allotment Grant program. Actual construction cost for this project was \$215,000.

PWD Denlinger noted that the two projects provided an opportunity to establish a relationship with the Portland Western Rail Road Company. A future rail project for this area includes replacing a seam that crosses Butler Bridge Road to improve the condition of the roadway.

### **Silte Policing Contract**

PC Enyeart reported that the City entered into a five year contract with the Confederated Tribes of Siletz Indians (CTSI), for police services, which will expire December 31, 2012. The original contract amount was \$295,766 for 120 hours of service with an 8% increase for salaries and 5% increase annually for other expenses. The contract maturity was \$367,000. CTSI reduced the contract amount in December 2011 to \$252,000 for 80 hours of service. CTSI has indicated that they will again reduce the contract to \$162,000 for 40 hours of service. The services provided through this contract include officer patrol, a detective, dispatch, record keeping, evidence storage, operating costs, and administrative costs. The 2011 call volume for police service to Siletz were 1787 calls, this year there have been 1303 calls so far. The department cannot provide service to the Siletz area only certain hours of the day because the calls come in at all ours of day and night. The Toledo Police Department has lost two positions this year as a result of the reduction in the contract; CM Amberg noted that because those two positions have not been filled it may alleviate the need to lay off any additional officers this year if the contract is not renewed. She stated that a flexible contract is very difficult because each time the contract is reduced people's jobs are at stake. PC Enyeart stated that the City will need to decide if it wants to continue the contract and at what level of service. Staff recommended that the Police Department cannot safely provide service at the rate proposed by CTSI.

Council and staff discussed the issue. Councilor Lyon said if Toledo doesn't provide service to the Siletz area it will affect Toledo in a negative way. Enyeart noted that if the County Sheriff is called out to Siletz and needs backup Toledo will respond. Mayor Grutzmacher noted that the City accepted the reduced contract in 2011 to forgo any catastrophic impact to the Toledo Police department. He noted that having police service is expensive and is the cost for order and safety in the community. Councilor Dunaway stated that this seems to be a situation that has a potential to have a win/win outcome but it doesn't seem that CTSI can support what they want and the City of Toledo shouldn't support it either.

By consensus council directed staff to offer police services to CTSI at 80 hours per week for \$252,000 plus inflation per year.

### **Aquatic Facility Evaluation\Request for Proposal**

AM Andrews reported that there is an opportunity for the City to apply to the Lincoln County Economic Development grant program to fund an evaluation of the Toledo Swimming Pool facility. The evaluation will include the life expectancy of current equipment, with or without improvements, and prioritize what needs to be done to sustain the facility. This information can be used in conjunction with the recently adopted Buildings Facility Plan. Councilor Lyon stated that, although she has no financial gain, she serves on the Economic Development Alliance Board that makes the grant award recommendations. Mayor Grutzmacher stated this will help to determine weather the city should go on doing what it is doing or something more dramatic. Councilor Davis noted that he would like the evaluation to provide direction on whether the building is in imminent danger of falling apart or can the City continue to work with it. AM Andrews said the estimated cost for the evaluation is between \$5,000 and \$10,000 and will take approximately five months to complete. Council agreed that staff should bring this item forward for action at the next regular session.

### **Wave Energy**

Councilor Lyon noted that the Economic Development Alliance Board passed a resolution last week to support Newport as the site for the wave energy test project. The City of Newport and Port of Newport have not decided whether they like the idea. There is some public misunderstanding regarding environmental impacts but the purpose of the test project is to find out

what the potential impacts are and answer the questions that haven't been answered. One of the positive factors for Newport's bid is Toledo; Toledo's rail hub and port as a back up. She asked if Council is interested in sending a letter to the City of Newport and Port of Newport in favor of the test project. She noted that the Port of Toledo may also be interested in sending a support letter to the City of Newport. Council agreed in favor of a joint support letter with the Port of Toledo to the City of Newport and Port of Newport. A draft letter will be prepared before the joint meeting with the Port of Toledo on October 17<sup>th</sup>.

**Additional Council Discussion Items**

Councilor Grutzmacher announced a community radio supported forum on local ballot measures will be on October 10<sup>th</sup>, 7pm at PUD in Newport and October 11<sup>th</sup> at the Floweree Center in Toledo.

**City Manager's Comments**

CM Amberg commented on the following:

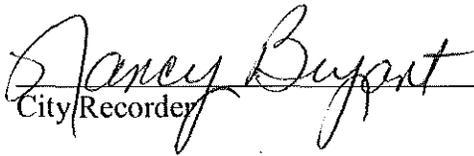
- The Buttermilk property on US Highway 20 near Burnt Woods will be auctioned by the Department of State Lands on November 10<sup>th</sup>. The minimum bid is \$110,000. Council agreed they have no interest in the property.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 9:23pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

**TOLEDO CITY COUNCIL/PORT OF TOLEDO COMMISSIONERS  
JOINT WORK SESSION MINUTES  
October 17, 2012**

Mayor Ralph Grutzmacher called the joint meeting of Toledo City Council and Port of Toledo Board of Directors to order at 5:30pm and introductions were made. Councilors present: Michele Johnson, Terri Strom, Larry Davis, Jill Lyon, Jack Dunaway and Nancy Lynne. Port Commissioners present: Chuck Gerttula, Michael Kriz, Penny Ryerson, Rick Graff, and Gregg Harrison.

City staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Police Chief (PC) Dave Enyeart and City Recorder (CR) Nancy Bryant.  
Port staff present: Port Manager (PM) Bud Shoemake, and Port Secretary (PS) Debbie Scacco.

Visitors: Jackie Kauffman, Dave Morgan, Alan Searle, Don Amberg, Monty Martin, and Maygen Blessman.

Mayor Grutzmacher called for a brief dinner recess at 5:31pm, the meeting resumed at 5:49pm.

**Discussion Items**

**Oregon Sea Grant Extension**

Kaety Hillenbrand of Oregon Sea Grant Extension, Oregon State University provided the group with information regarding the Oregon Sea Grant Extension's role in the grid energy project. She noted that the agency is a neutral broker who provides public education and continued relationships on the coast and within stakeholder groups. The agency is a partner in Northwest National Marine Renewable Energy Centers (NNMREC) a division of the U.S. Department of Energy. She explained that NNMREC's mission is to facilitate the development of marine energy technology, inform regulatory and policy decisions and to close key gaps in scientific understanding with a focus on student growth and development. NNMREC project objectives include; develop facilities to serve as integrated test center for wave & tidal energy developers, evaluate potential environmental and ecosystem impacts, optimize devices, improve forecasting, and increase reliability, and survivability. Of the four communities considered Newport and Reedsport have been selected as potential Pacific Marine Energy Center (PMEC) project sites. A PMEC site will provide environmental, technical and social research and education regarding wave generated energy. Hillenbrand stated that site teams, consisting of community stakeholders, are being created in both Newport and Reedsport to identify characteristics and come up with a proposal for the PMEC site.

The group discussed the availability and consistency of wind generation. Hillenbrand noted that renewable energy in general is less consistent than coal; there is some promise for wave energy because there are better wave forecasting systems than for wind. She also stated that the delivery cost for renewable energy is expensive. Where the energy goes and who pays for it has not been determined.

Councilor Dunaway asked if the Sea Grant Program or Oregon State University have resources that can be used to identify the impact a Tsunami might have on Toledo. Hillenbrand referred to her colleague, Pat Corcoran and noted that she will contact him about Toledo's interest.

### **Wave Energy Project Support Letter**

Councilor Lyon asked the Port Commissioners if they are interested in sending a joint letter of support to the City of Newport and the Port of Newport in favor of Newport as the wave energy test project site. Commissioner Gerttula noted that he is in favor of a support letter but the Commissioners should have a chance to review the letter before making a decision. The group agreed that the City will provide a draft letter for the Port Commissioners to review.

### **Toledo Transportation System Plan**

CM Amberg reported that the Transportation System Plan (TSP) committee met last week with the public advisory committee. The group identified five areas within the City where issues impact all levels of transportation. Some of the problem areas identified include the West Junction at Hwy 229 Spur and Business Hwy 20, Sturdevant Road, railroad crossings, pedestrian travel from East Slope Road Park to the GP Mill, and Truck Routes. Councilor Dunaway noted that the final plan is to be completed sometime next spring. CM Amberg stated the next meeting is scheduled for October 25<sup>th</sup>; and the public is invited to attend. There will be an open-house information meeting on November 7<sup>th</sup> at 5pm at City Hall.

### **Boatyard Build-out/Strategic Business Plan Update**

PM Shoemake reported that the State has created the Oregon Ports Strategic Plan which requires that all Ports have plans that are less than five years old. Without a strategic plan there is no State funding. The Port's current Waterfront Development Strategic Plan is now five years old. The Commissioners will be adopting a new strategic plan at its meeting next month. The new plan will address improvements to the boatyard and what to do with the remaining undeveloped waterfront property. The Port contracted with MAKERS Architecture and Urban Design of Seattle for planning, design, and feasibility. Improvements to the boat yard will be environmentally green and provide the opportunity for dry moorage of larger vessels. Commissioner Gerttula noted that a proposed building at the boatyard will provide an area for boat owners to maintain their vessels during the off season and the building design will allow the opportunity to reuse sand from sandblasting. Commissioner Graff stated that larger vessels currently have to go out of the area to be lifted out of the water; he believes it should be done here. PM Shoemake noted that the amount of job creation from the proposed projects is unknown; there are currently approximately 40 people working at the boatyard per day.

### **Light Industrial Zone**

CM Amberg explained that the City is in the process of reclassifying some of the industrial property zone areas to light industrial zones. The proposed area includes the Toledo Industrial Property (TIP) and some property owned by the Port of Toledo. The changes also include some of the water dependent zones. The Planning Commission reviewed the proposed changes unanimously and voted to forward it to City Council for a public hearing in November. PM Shoemake noted that the Port of Toledo supports the zone changes.

The group then discussed an existing easement for a trail or walking path that runs along Depot Slough from the Port property board walk to the North Bay Road.

### **Toledo Recreation District Concept Discussion**

Mayor Grutzmacher noted that the City is facing an issue with the age and condition of properties including the municipal swimming pool. One of Council's discussions included the Port of Toledo taking on a water park as an economic development project. He noted that the Port District's geographical area is larger than the City's. Councilor Davis noted that Toledo is faced with making a decision about maintaining the Swimming Pool facility. He said, at some point Toledo will have to do something different. Commissioner Gerttula noted that he has yet to see a recreation district prosper. He said that he is not closed minded but there are other projects that he would find more favorable for the Port's efforts. The group discussed the age of the swimming pool facility.

Mayor Grutzmacher adjourned the joint meeting at 7:20pm noting that a regular session of City Council will follow.

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## **TOLEDO CITY COUNCIL MINUTES Regular Session October 17, 2012**

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:30pm. Councilors present: Michele Johnson, Terri Strom, Larry Davis, Jack Dunaway, Jill Lyon, and Nancy Lynne.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Police Chief (PC) Dave Enyeart, Aquatics/Recreation Manager (AM) Joe Andrews, and City Recorder (CR) Nancy Bryant.

Visitors present: Allen Searle, Don Amberg, Greg Harrison, Monty Martin, Jackie Kauffman, Maygen Blessman, and Ed Johnston.

### **Visitors/Public Comment**

Edward Johnston said that he has served the City a letter and plans to serve another one regarding what the city can and cannot do. He said that he has had recent attacks on his person again. He will be putting out feelers to find out who is involved and when he finds out whom it is he will be filing on them. He stated that he does not like his neighbors conspiring against him and making false police reports. He then referred to his arrest on February 5<sup>th</sup> at his home when some of his personal items came up missing. He ended by stating that he appreciates what City Council does and their respect and honesty.

### **Consent Calendar**

Councilor Dunaway noted that Evelyn Brookhyser's name is spelled incorrectly in the October 3<sup>rd</sup> Council minutes.

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve the consent calendar consisting of the invoice list dated October 8, 2012, and City Council minutes of September 11<sup>th</sup>, 19<sup>th</sup> and October 3<sup>rd</sup>, 2012 as amended. **Motion passed 7-0.**

## **Discussion and Information Items**

### **Committee Updates**

Mayor Grutzmacher, seeing no objections from Council, appointed Connie Morgan to the Toledo Parks and Recreation Committee.

CM Amberg noted that a vacancy remains on the Toledo Planning Commission.

Councilor Dunaway noted that there is a handout for Council in their meeting packet regarding the Toledo Transportation System Plan and there will be an open house on November 7<sup>th</sup> at City Hall.

### **Water Master Plan Improvement Updates**

There was no WMP improvement update.

### **Quarterly Goals Update**

CM Amberg provided Council with a progress report toward the annual goals adopted by City Council. Councilor Lyon inquired about certifying the Toledo Industrial Property (TIP) with the State as "shovel ready". CM Amberg noted that the project is about 85% complete and will be looked at again after the zoning changes are adopted.

## **Decision Items**

### **Recommendation to OLCC for a Temporary Use Application by Holy Toledo Tavern**

CR Bryant reported that Erik Zakariassen has applied to the Oregon Liquor Control Commission for a temporary use permit to hold a beer garden on October 31, 2012 from 5-11pm on the sidewalk in front of Holy Toledo Tavern located at 163 N Main Street. Mr. Zakariassen also applied for an outdoor event permit which was approved by the appropriate department heads and City Manager.

Public Comment:

There was none

**Motion-**It was moved and seconded (Johnson/Lynne) to recommend approval to the Oregon Liquor Control Commission for an application for temporary use of an annual license made by Erik Zakariassen, doing business as Holy Toledo Tavern. **Motion passed 7-0.**

### **Application to the Lincoln County Economic Development Grant Program for an Aquatics Facility Evaluation Study**

AM Andrews reported that staff is seeking permission to apply to the Lincoln County Economic Development Grant Program to address an evaluation of the Toledo Swimming Pool facility. The estimated cost is \$10,000 to fund the study.

Public Comment:

There was none.

**Motion-**It was moved and seconded (Davis/Lynne) to authorize the City Manager to apply for a \$10,000 grant from the Lincoln County Community and Economic Development Fund for an Aquatics Facility Evaluation Study. **Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

PC Enyeart reported that he will be a speaker at the next Chamber of Commerce luncheon. His presentation will include the status of programs that he is working on within the Police Department as well as his military job and how that is working with his position as Police Chief.

AM Andrews announced that the Toledo Pool will be hosting a “Flick & Float Movie Night” at the swimming pool on Oct 30<sup>th</sup> beginning at 6:30pm.

Mayor Grutzmacher congratulated CM Amberg on receiving a certificate from ICMA in recognition of 20 years of dedicated service to local government.

### **City Manager’s Report**

CM Amberg reported the following:

- The monthly department report was distributed.
- The Swimming Pool is looking for businesses to sponsor a family fun event at the pool.
- A report of the 2009-2010 biennium Oregon lottery funds awarded in Lincoln County was distributed. She noted that, per the report, the Port of Toledo received \$350,000 from Business Oregon for the acquisition of the Fred Wahl Construction boatyard and \$206,678 for the Toledo Downtown Waterfront Park. PW Denlinger is currently managing the \$88,740 grant award to the Lincoln Soil and Water Conservation District and MidCoast Watershed Council for engineering design and future projects.
- Information about the Lincoln County Land Trust was distributed.
- The minutes of the Port of Toledo Board of Commissioners meeting on September 18<sup>th</sup> were distributed.
- She encouraged all to attend the TSP open house on November 7<sup>th</sup> at City Hall from 5-7pm.
- The City received a dividend check in the amount of \$20,522 from, SAIF Corp., its workers compensation insurance carrier. Councilor Davis suggested that the City employees be recognized in some celebratory fashion for working safely.
- The City received \$1,000 from the City of Siletz for the policing contract.
- She will be meeting with the City’s Agent of Record on Oct. 19<sup>th</sup>.
- A fundraising event at the Floweree Community Center will be held on Friday evening to support a Halloween party for local families on October 27<sup>th</sup>.
- A Yaquina Bay Economic Foundation meeting is scheduled for October 24<sup>th</sup> at 5:30pm.
- The next Transportation System Plan meeting is scheduled for October 25<sup>th</sup> as well as the open house on November 7<sup>th</sup>.
- She will attend a “SAIF Comp Chat” in Lincoln City on October 29<sup>th</sup>.
- A meeting with the Confederated Tribes of Siletz is scheduled for October 30<sup>th</sup> regarding the police contract.
- The Lincoln County Land Trust will hold a ribbon cutting ceremony on November 1<sup>st</sup>.
- She thanked CR Bryant for her work to facilitate the joint session with the Port of Toledo.
- She thanked Peter Vince and students from Toledo Jr./Sr. High for filming the City Council meetings and allowing the public the opportunity to know what is going on.

### **Council Comments**

Councilor Lyon announced that the Yaquina River Museum of Art will be offering a “Boards Own Show” featuring art from the collections of the board members and supporters of the museum. It will be a juried show and will be displayed during the month of November. The museum will feature the seasonal holiday item exhibit in December. Councilor Lyon also noted that the general election is coming up and she encouraged all registered voters to vote.

**Mayor Comments:**

The mayor had no comment.

**Motion-** It was moved and seconded (Lynne/Lyon) to add an item to the executive session subject to ORS 192.660(2), (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. **Motion passed 7-0.**

Mayor Grutzmacher then called for a recess at 8:03pm; he announced that an executive session will follow and he made the following statement: “Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations of the executive session except to state the general subject session as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room.”

- The meeting resumed at 8:36pm in executive session according to ORS 192.660(2), concerning: (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations, and (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

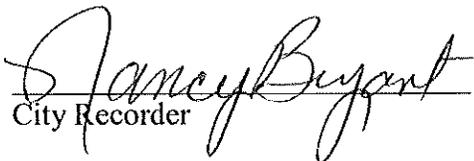
**Executive Session:**

Council and staff discussed negotiation for a labor agreement with the Toledo Employee Association as well as a potential litigation filing against the City.

**Adjournment:**

Council returned to regular session and no actions were taken. Mayor Grutzmacher adjourned the meeting at 8:50pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
November 7, 2012

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00 pm. Councilors present: Michele Johnson, Terri Strom, Larry Davis, Jill Lyon, Jack Dunaway, and Nancy Lynne.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, City Recorder (CR) Nancy Bryant, Contract Planner (CP) Stuart Cowie, and Planning Secretary Arlene Inukai.

Visitors present: Deborah Trusty, Jerry Seth, Linda Brodeur, Jackie Kauffman, Tom Chandler, Don Amberg, and Alan Searle.

**Visitors/Public Comment**

Deborah Trusty congratulated Jill Lyon and Ralph Grutzmacher on their success in the recent election.

**Consent Calendar**

Councilor Dunaway asked staff if the City has ever analyzed providing street sweeping service in-house. CM Amberg and PWD Denlinger both stated that contracting street sweeping service is a much lower cost to the City.

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve the consent calendar consisting of the invoice list dated November 2, 2012, and City Council minutes of October 9<sup>th</sup> and 17<sup>th</sup>, 2012. **Motion Passed 7-0.**

**Discussion and Information Items**

**Committee Updates**

CM Amberg reported that there continues to be a vacancy on the Planning Commission and the following committee positions will expire on December 12, 2012:

- Planning Commission position currently held by Jerry Seth, who has indicated that he is interested in re-appointment.
- Budget Committee position currently held by Jerry Seth, who has indicated that he is interested in re-appointment.
- Budget Committee position currently held by Stuart Miller, who's interested in serving another term is unknown at this time.
- Budget Committee position currently held by Billie Jo Smith who is interested in re-appointment.
- Public Utility Commission position currently held by Don Amberg and he has indicated that he is not interested in serving an additional term.
- Public Utility Commission position currently held by Sandy Blackman and she has indicated that she is not interested in serving an additional term.

Council and staff discussed the Planning Commission vacancy. CM Amberg noted that this position has been vacant since April of 2012 and has been advertised in the City Newsletter as well as the City's website. All other vacancies should be filled by the end of December or beginning of January 2013.

Councilor Dunaway reported that he attended the recent Cascades West Area Commission on Transportation (CWACT) meeting. There was a report on a road usage pilot program; the Oregon Legislature has asked ODOT to deal with the supposed increased use of hybrid and electric vehicles and that those vehicles are not paying their fair share in the road tax. ODOT is looking at suitable alternatives to deal with the issue. It was also reported that the US 20 Pioneer Mountain to Eddyville improvement project final cost is unknown because they are still accepting bids for the project. During that meeting Dunaway reported on the fatal accident that recently occurred at mile post 24 East of Eddyville. As a result, a representative of ODOT will be meeting with staff and certain Council members on November 13<sup>th</sup> at 2pm to discuss the issues with that portion of the highway.

CM Amberg noted that Monica Lyons and Mark Camara were appointed to the Water Resource Workgroup and those positions have not been filled since they left office. Councilors Lyon and Davis both agreed to serve on the Water Resource Committee.

#### Water Master Plan Improvement Updates

PWD Denlinger reported that staff is moving forward with the permitting process of the project. The City received the draft biological assessment with no surprises. CA Chadwick noted that the property purchase for the new Siletz River intake site closed today.

### **Decision Items**

**PUBLIC HEARING-** Zoning Ordinance and Comprehensive Land Use Plan amendment to modify regulations in the Industrial , Light-Industrial, and Water Dependent Zones and to adopt the Toledo Economic Opportunities Analysis requested by the City of Toledo.

Mayor Grutzmacher opened the public hearing, called for declaration of conflict of interest, ex-parte contact, or a bias by Councilors or who may have conducted a site visitation. The statement of rights and relevance as well as the right to appeal was read noting that these statements will apply to all public hearings at this meeting. There were no declarations made by Council members.

#### Staff Report:

CP Cowie reported the main situation is the Toledo Industrial Property (TIP) which consists of several different zones. The purpose of this process is to provide some type of transitional area from Toledo's commercial area and residential zones to a lighter industrial zone which would be the TIP area to the City's heavier industrial uses. The City is requesting to amend the Toledo Municipal Code (TMC) to adopt new definitions for various industrial use terms; revise the purpose statements for the L-I and I zones; modify the list of uses permitted outright and conditional uses for the Light-Industrial (L-I), Industrial (I), and Water-Dependent (W-D) zones; modify the special standards sections for the L-I and I zones; adopt delivery and loading requirements for the L-I and I zones within the Off-Street Parking and Loading standards; and update the Conditional Use Permit standards.

In addition, the proposal will amend the 2000 Toledo Comprehensive Land Use Plan by revising the purpose statements of both the L-I and I zone designations within the plan itself. An Economic Opportunities Analysis (EOA) report was prepared for the City in 2010. The City's request includes the adoption of the EOA into the Toledo Comprehensive Land Use Plan Inventory and a text amendment to Article 9 of the Inventory. This proposal is referenced under case files ZOA-1-12 and PA-2-12. Eventual changes will be adopted under draft ordinance 1345.

The City of Toledo is also requesting a zone designation change and comprehensive plan map amendment to the Toledo Comprehensive Land Use Plan and Zoning Map. The proposal involves a zone change of 20 parcels (approximately 16.3 acres). Of the 20 parcels, 15 parcels (approximately 13.6 acres) are currently designated the W-D zone and are also proposed to change to the L-I zone designation. The properties are located in what is commonly referred to as the Toledo Industrial Park (TIP). The properties affected are identified on Lincoln County Assessors map #11-10-7DD as tax lots 10600 and 10601; Assessors Map # 11-10-17 BB tax lots 14700, 15000, and 15100; Assessors Map #11-10-17BC tax lot 10900; Assessors Map #11-10-18 A tax lots 200, 300, 301, 302, 303, 304, 306, 1900, 2000, 2200, 2300, 3600, 3700, and 3800. This proposal is referenced under case files RZ-1-12 and PA 1-12. Eventual changes will be adopted under draft Ordinance # 1346.

On October 10, 2012, the Toledo Planning Commission held a public hearing on the proposed Zoning Ordinance amendment, Comprehensive Land Use Plan amendment, and Comprehensive Land Use Plan Zoning Map amendment and voted 5-0 to recommend approval with conditions of approval.

Mayor Grutzmacher asked if there were interested parties who asked for changes during the Planning Commission public hearing process. CP Cowie stated that there were public suggestions for minor changes in the Light Industrial zone; the concern was that a concrete mixing and batching plant wasn't listed in the conditional use criteria. Changes were made to accommodate that concern as well as changes to accommodate storage and manufacturing of crab pots. Mayor Grutzmacher stated his concern that allowing storage use doesn't allow for job creation.

Applicant Testimony:

There was none.

Proponent Testimony:

There was none.

Opponent Testimony:

There was none

Other interested Parties:

There were none

Rebuttal by Applicant:

There were none.

Questions by Council:

Councilor Davis asked the Mayor to clarify his concerns. Mayor Grutzmacher stated that there is a difference in providing employment opportunities or providing activities that will discourage employment activities. He said everything else in the changes are bench top manufacturing and this doesn't match the theme of the changes. Councilor Dunaway stated that he believes this does meet the spirit of light industrial. Councilor Davis stated that he sees this as an opportunity to do different things. During the process it was apparent that there was a need for light industrial as opposed to heavy industrial zoning in that area. If there isn't anything else on the property storage is a step up from that. CP Cowie reminded the group that the existing uses on the property will be grandfathered uses.

Mayor Grutzmacher then closed the Public Hearing at 7:40pm.

Council Deliberations:

There were none.

By consensus of Council, Mayor Grutzmacher read proposed **Ordinance No. 1345** twice by title only.

**Motion-** It was moved and seconded (Lynne/Dunaway) to adopt the proposed zoning ordinance and comprehensive amendments based on the testimony received, the staff report, and the evidence and arguments before the City Council at the public hearing on November 7, 2012, the City Council determines that the request by the City of Toledo for a zoning ordinance amendment, amendment to the 2000 Toledo Comprehensive Land Use Plan, and adoption of the Economic Opportunities Analysis (EOA) complies with the Toledo Municipal Code, Sections 17.80.030 and 19.20.070. The City Council hereby adopts the staff report and other evidence in the record as findings supporting its decision and approves applications ZOA-1-12 and PA-2-12. In addition, the City Council adopts **Ordinance No.1345**, an ordinance amending Ordinance 1286 (Toledo Municipal Code Title 17) to revise and establish zoning regulations, and amending Ordinance 1285 (Toledo Municipal Code Chapter 1.08) to update the 2000 Toledo Comprehensive Land Use Plan Zoning Map designations in Article 2, update the 2000 Toledo Land Use Plan Inventory Article 9, and to adopt the 2010 Toledo Economic Opportunities Analysis (EOA) into the 2000 Toledo Comprehensive Land Use Plan Inventory. **Motion Passed 6-1, noting that Councilor Lyon voted opposed.**

Councilor Lyon said recognizing that this has been discussed many times; there have been many revisions and understanding that it needs to get done to move forward on the use of the property, it has also been discussed that Council will need to revisit the issue fairly shortly.

**PUBLIC HEARING-** Regarding Comprehensive Land Use Plan and Zoning Map amendment to rezone Industrial and Water-Dependent Zone properties in the Toledo Industrial Park to a Light-Industrial and Water-Dependent Zone designation, requested by the City of Toledo

Mayor Grutzmacher opened the public hearing at 7:48pm.

Staff Report:

CP Cowie reported that the proposal is to rezone the property bounded by the railroad and Depot Slough which is currently industrial and will become light industrial. In addition, the water dependent zone will also change to light industrial. He noted that the zone designation and the Comprehensive Plan designation can easily be confused. The zone designation is the day to day application of what can be done on individual property where the Comprehensive Plan designation

drives where the City wants to see certain types of development. In this case, the Comprehensive Plan designation will only be changing the water dependent zone because it has a Comprehensive Plan designation that is water dependent, whereas there is only one industrial comprehensive plan designation but two separate zone designations. A large portion of the property is owned by the City throughout the TIP area. The water dependent zone was added after discussion with the Port of Toledo which owns the majority of that property. Their concerns were that the water dependent zone only allows for specific types of uses in conjunction with the slough. They wanted to make changes to that zone that would allow for greater flexibility of uses. The changes will allow the Port to use the upland portion of the property for greater uses while continuing the flexibility for some of the water dependent uses. He also noted there is an estuary management plan that has specific criteria for the way that the Slough can be used so upland uses in conjunction with the water must coincide with the estuary management criteria. There are no proposed changes to the Commercial zones in that area.

Applicant Testimony:  
There were none.

Proponent Testimony:  
There were none.

Opponent Testimony:  
There were none.

Other Interested Parties:  
There were none.

Rebuttal by Applicant:  
There were none.

Questions by Council:  
Mayor Grutzmacher asked if the State testified regarding the change in the water dependent zone. CP Cowie stated that staff had many discussions with State representatives and they have accepted the changes.

Mayor Grutzmacher then closed the Public Hearing at 7.55pm.

Council Deliberations:  
There were none.

By consensus of Council, Mayor Grutzmacher read proposed **Ordinance no 1346** twice by title only.

**Motion-** It was moved and seconded (Strom/Davis) to adopt the rezone based on the testimony received, the staff report, and the evidence and arguments before the City Council at the public hearing on November 7, 2012, the City Council determines that the request by the City of Toledo for a zone change and comprehensive plan map amendment to the Toledo Comprehensive Land Use Plan and Zoning Map complies with the Toledo Municipal Code, Sections 17.80.030, 19.20.070, 17.80.040 and 17.80.050. The City Council hereby adopts the staff report and other

evidence in the record as findings supporting its decision and approves applications RZ-1-12 and PA-1-12. In addition, the City Council adopts **Ordinance No.1346**, an ordinance amending the 2000 Toledo Comprehensive Land Use Plan and Zoning Map, as adopted by Ordinance 1285.

**Motion passed 7-0.**

Councilor Dunaway thanked the Planning Commission and City staff for their work and patience on this project.

**Motion-** It was moved and seconded (Lynn/Lyon) to add an item to the following executive session according to ORS 192.660 (2), concerning: (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. **Motion passed 7-0.**

**Motion-** It was moved and seconded (Lynne/Dunaway) to add a decision item to this agenda regarding a joint letter for the Pacific Marine Energy Center. **Motion passed 7-0.**

### **Consider Authorizing the City Manager to Execute an Agreement between the City of Toledo and NEOGOV for Personnel Management Software**

CM Amberg explained that she is asking Council to authorize an agreement between NEOGOV and the City to provide an automation software that will make employee personnel tracking and reporting more efficient. The company has offered a discount of \$1,650 if an agreement is entered into by November 15<sup>th</sup>. The one time installation cost, training costs and annual fee will be split between the General Fund at 79% and Public Works Water and Wastewater Funds at 21%, based on the actual number of employees within those funds. The software was reviewed by Department Heads. She noted that this expenditure is not included in the current budget.

Councilor Davis asked what the software will provide that the City doesn't already have. CM Amberg said that the City has a decentralized Human Resource system and this will create a centralized one in that everything will be contained in one spot. The system will be standardized and she will be able to check everything very quickly without going to the department heads for information. This will not only track paid employees but volunteers as well. It is a powerful data base that can produce multiple applications. She will have the opportunity to track employee training and performance evaluations. She said this will essentially be a Human Resource person that makes sure everything is done consistently. The program will also provide webinar trainings for employees. She noted that this will also make good use of the upgrades the City has done to its computer system.

#### **Visitor Comment:**

Tom Chandler asked what the cost will be and how much training time will be included. CM Amberg stated that all of the department heads will receive training and the cost is \$4,999 which includes the first year subscription. The annual fee will be \$1,650 which is less than hiring a person and it really reduces the need for a full-time HR person. Mr. Chandler also asked if other Cities use this software. CM Amberg affirmed.

**Motion-** It was moved and seconded (Dunaway/Davis) to authorize the City Manager to execute an agreement between the City of Toledo and NEOGOV for personnel management software.

**Motion passed 7-0.**

### **Letter of Support for the Pacific Marine Energy Center Project Site**

CM Amberg provided Council with a draft support letter regarding the Pacific Marine Energy Center Project (PMEC) site. Councilor Lyon noted that the letter is addressed to the PEMC committee as opposed to the City of Newport as discussed. CM Amberg stated that Caroline Bauman suggested that the letter be directed to Kaety Hildenbrand, Brenda Batten, and Jason Bush. Mayor Grutzmacher noted that this is the first draft. Council and staff discussed and revised the content of the draft letter. By consensus Council asked that the safety of the Yaquina River Bar crossing be included in the letter.

**Motion**-It was moved and seconded (Lynne/Lyon) to approve the Pacific Marine Energy Center Project Site support letter as amended. **Motion passed 7-0.**

### **Reports and Comments**

#### **Department Reports**

PWD Denlinger reported that there were over two dozen citizens who attended the Transportation System Plan open house this evening. One of the aspects of the project is to host an open house to provide the community input in regards to the City's transportation system. The consultants of CH2M Hill received many comments; most included safety issues at the West Junction of Hwy 20 and Business Hwy 20 as well as the rail crossings and pedestrian accesses. He is pleased with the feedback received and provided to the consultants.

Mayor Grutzmacher asked who owns the street in front of the Toledo Post Office. PWD Denlinger indicated that it is a City street. Council and staff then discussed the underground pilings and road surface issues on that portion of A Street.

PWD Denlinger also reported that last week the City hosted a tour of the rail road crossings in Toledo. The group included representatives of Oregon Department of Transportation (ODOT) Division of Rail Safety and Georgia Pacific. They discussed many issues regarding safety access across the rail crossings within the City. The next steps might be an approach to see improvements on those railroad crossings. The ODOT safety personnel will evaluate the information from this meeting and outline the issues. The results will be added to the Transportation System Plan and the City will also use that information to work jointly with heavy industrial users like Georgia Pacific, Port of Toledo and possibly Lincoln County Transit to apply for joint application for funding to improve rail conditions in Toledo.

PWD Denlinger then reported that an opportunity through the State Trails Grant program may help to address one of the community concerns regarding a lack of pedestrian access from East Slope Park to Butler Bridge Road. He will provide more information at the November 13<sup>th</sup> Council work session.

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

CM Amberg reported the following:

- The property purchase for the Siletz Intake site was completed today.
- Staff and certain Council members will meet on November 13<sup>th</sup> at 2pm with representatives of Oregon State Police and Oregon Department of Transportation to discuss the safety issues on Highway 20 and the recent traffic fatalities.
- A Chamber luncheon is scheduled for November 15<sup>th</sup>.

- A City Budget Strategy meeting is scheduled for November 29<sup>th</sup> at 7pm to discuss upcoming budget issues.
- She will be attending a Small Cities meeting in Halsey on Thursday.
- City Hall will be closed November 12<sup>th</sup>.
- The next City Council work session will be November 13<sup>th</sup>.
- She congratulated the elected officials who were successful in the recent election.
- Bids are open for the new fire engine. They came in higher than budgeted so Chief Ewing will be working to pare the cost down to match the budget.
- It is a wonderful thing to have the industrial lands issues settled. She appreciates the work of everyone involved in the long process.

### **Council Comments**

Councilor Davis reported that he will miss the next Council work session as well as the November 21<sup>st</sup> regular session.

Councilor Strom reported on behalf of the Toledo Downtown Association that Halloween Trick or Treat on Main Street was a huge success. Everyone willingly participated, merchants dressed for the occasion and the parents and children had a great time.

Councilor Lyon thanked CA Chadwick for completing the property purchase for the Siletz River intake site.

Councilor Dunaway announced that he will not be attending the November 21<sup>st</sup> regular session.

### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- He is gratified by the result of the election; to personally be elected is nice and the fact that the voter turnout was huge. A tribute to Oregon's mail voting system which seems to handle democracy much better than other places.
- He received a request from Pat Curry of the Summer Festival Committee to erect a tree in the unfinished plaza area at the end of Main Street for the holiday season. Council will discuss the request at the next work session.
- He noted that two large shrubs have been removed from the front of City Hall improving the presence of the building.

Mayor Grutzmacher then called for a recess at 8:36 pm; he announced that an executive session will follow and he made the following statement: "Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations of the executive session except to state the general subject session as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room."

The meeting resumed at 8:45 pm in executive session according to ORS 192.660(2), concerning: (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations, and (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

**Executive Session:**

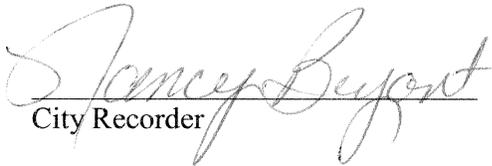
Council and staff discussed labor negotiations with the Toledo Employee Association as well as a potential litigation filing against the City.

**Adjournment:**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 9:19pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION**

November 13, 2012

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Nancy Lynne, Jill Lyon, Michele Johnson, Terri Strom and Jack Dunaway.  
Councilors excused: Larry Davis.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Library Director (LD) Peter Rayment, and City Recorder (CR) Nancy Bryant.

Visitors present: Sam Valenti, Don Amberg, John Holbrook, and Serina Adams.

**Discussion and Information Items**

**Committee Updates**

Councilor Lyon reported that she attended a Lincoln County Telecommunications Committee meeting this afternoon regarding the progress on the simulcast for County Fire departments and the work they are doing on the telecom network. It looks like AT&T will be upgrading its service facilities sometime after the first of the year.

Councilor Dunaway reported that he attended the meeting with staff and representatives from Oregon Department of Transportation (ODOT) to discuss the safety issues at Highway 20, mile post 24 where a recent fatal accident occurred. ODOT reported that, since the recent accident, they have put in significant rumble strips on the east side of that curve, and installed speed reduction marking strips. They are also considering replacing or reinstalling the reader board on the east side of the curve and have agreed to consider redesigning the curve to make a temporary solution because the anticipated completion date of the project is three construction seasons away. The ODOT group was invited to report back to the City with their decisions sometime in December or January.

**Water Master Plan Improvement Updates**

There was no new report.

**Oregon Library Passport Program**

LD Rayment explained that Oregon libraries traditionally support cooperative programs that extend service across boundaries. The Oregon Library Passport Program builds on this tradition by providing access to physical materials as well. The passport Program is sponsored by the Oregon Library Association's Resource Sharing Committee and is set to begin January 1, 2013. The Passport Program is open to all legally-established public libraries. Borrowing is free of charge to the patron and activity is patron initiated: patron visits a participating library and registers for a card; patron complies with that library's policies for personal identification, checkout periods, limits, etc.; patron checks out materials; patrons returns the materials to the owning library; and patron is responsible for costs of any overdue fees or lost materials. There is no library-to-library intervention required. He said we would be setting up a different patron tracking system for these patrons to collect data on the program.

The group discussed potential issues with the return of materials Councilor Lyon suggested providing a return address label with the checkout.

LD Rayment will provide the item on a future agenda for Council consideration.

### **Toledo Street Sweeping Contract**

PWD Denlinger reported the department has contracted street sweeping service for the last four years and has found it very cost effective. City staff has developed an exceptionally efficient operation using the most modern equipment available to achieve the goal of keeping the City clean and the waterways free of urban pollution from the City roadways. The City recently went through a request for proposal process to award a new contract. Funding for the City's street sweeping program has been appropriated in the 2012/2013 fiscal year budget at \$50,000. Pricing supplied by the lowest responsible bidder is within anticipated budget levels to provide a full range of sweeping services. The contract provides for eighteen miles of roadway system, which includes the Toledo truck route and Business Loop 20, along with three City owned parking lots. Staff will be requesting authorization from City Council to negotiate a per-hour Street Sweeping contract with Allen & Sons, Inc. at the November 21<sup>st</sup> regular session.

### **South Main Streetscape**

John Holbrook and Serina Adams of Holbrook Drafting & Designs presented three architecture design concepts for the completion of the streetscape at the South end of Main Street. PWD Denlinger explained that the preliminary designs capture all of the elements previously discussed by Council. He suggested Council review the designs presented and discuss the concepts that best fit what they would like to see in that space. CM Amberg cautioned the group about adding plants that would require additional maintenance. By consensus Council agreed on the following concepts: a level or sloping surface, salmon sculpture jumping over rocks, the illusion of a creek cascading from rocks, no bollard placement around the perimeter, cement planters with low maintenance plants, and rock placements at the corners.

### **Oregon State Parks and Recreational Trails Program**

PW Denlinger reported that staff has submitted a letter of intent to apply for the National Recreational Trails 2012/2013 Grant Program LOI to improve pedestrian access along East Slope Road in Toledo. This project would provide safe ADA access for pedestrians by connecting the East Slope Park trail system to Butler Bridge Road. The project elements include cement walkway with pedestrian safety crossing at the intersection of Fir Street and East Slope Road and pedestrian safety signage along with continental crosswalk strips to enhance pedestrian safety. He noted that the letters of intent will be evaluated in November or December. If the City receives approval of the letter of intent the issue will be brought to Council for consideration to apply.

### **Business Hwy 20-Federal Highway Administration Emergency Repair Project**

PW Denlinger provided an update on conditions with regard to the section of roadway located below Port Station One and JC Market which is settling. Staff received the scope of work from ODOT's local agency liaison and he is working with OBEC Consulting Engineers and geologist for that hillside. Based on conditions that they are observing at the existing monitoring stations that lie within what used to be the old Fire Station, they are recommending fairly in-depth geological work to be done to that hillside to insure its future stability. Staff received approval from Council to enter into an intergovernmental agreement at a cost of \$115,000. It was agreed that any additional costs as they come forward from ODOT engineers would be brought forth to Council for consideration. The new statement of work, including the new recommendations,

estimates the project could cost as much as \$240,000. The geotech engineer has indicated that their concern is that because of the way the hillside settled last year in the event of a rain storm, which is also what occurred in an adjacent area, they want to monitor the flow of ground water through the hillside. This will enable them to understand the stability and provide a solution that will protect the long term viability of the roadway as well as protect the home below it. This technology will include drilling a series of holes at three levels to determine if water is either being held in the hillside or flowing through the hillside pushing the toe of the hill. The funding obligation when receiving Federal Highway Administrative funding for emergency repairs obligates the City to 10.27% of the overall cost. If the \$240,000 just gets us through the engineering and evaluation process there will still be additional costs for construction. He noted the City's options include; chose to do nothing and the road may fail, grind and fill the roadway and it could still fail, which are both options that the City would pay for in its entirety, or pay 10.27% of the cost with an agreement to use Federal Highway Administration funding. He also noted that this project is attached to a Federal and State declaration of emergency from last year's rain storm so the matching funding of 10.27% may qualify for reimbursement.

Mayor Grutzmacher said he is willing to let it go until the roadway fails and then figure it out. He believes the City must provide money up front to receive the federal funding. PWD Denlinger stated that the City will only be required to provide up front the 10.27% of the engineering cost when they develop the bid documents and design the project. The City would then provide 10.27% of the construction cost as well. Mayor Grutzmacher said he keeps driving over this portion of the roadway trying to see why it is a big deal. It has been there a year and it seems to be just an elaborate crack. Councilor Dunaway stated that he believes it may be a very big problem. He believes the failure of that roadway could be catastrophic. PWD Denlinger added that failure of that portion of roadway is a risk to the property below. Mayor Grutzmacher stated that an option may be to purchase the property below the hillside. The group discussed the road condition as well as previous earth movement in that area. Councilor Strom noted that she believes the home has been there longer than the roadway. PWD Denlinger noted that the engineers see the road portion of the hillside as an arch that has failed on both sides which is why they want to take a more in-depth look at it.

PWD Denlinger stated that he will provide additional information to Council once it is received.

### **Appraisal of City Owned Property**

CA Chadwick reported that he has engaged the services of a State Certified General Appraiser to evaluate the values of City owned property in the TIP zone; two properties previously owned by Mr. Wienert as well as lot 300 which is an adjacent property. He noted that the City needs to sell the property to complete the payments in a litigation settlement. The appraiser will provide four different values to determine how the lots can be combined and sold for the best value. The appraisal should be complete within the next couple of weeks. There have been several different groups and individuals who have shown interest in purchasing the property.

### **Dispatch Update**

CM Amberg provided Council with an executive summary Draft 10 of Consolidation Task Force Report by the State initiated Consolidation Task Force regarding dispatch consolidation. The group that created the report were unable to come to an agreement to finalize the report. It included eight PSAPS, the Oregon Association of Chiefs of Police, the Fire Chiefs Association,

the State Sheriffs Association, the Association of Oregon Counties, Special Districts, the League of Oregon Cities, logging groups, the Governors Office, the Military Department, Verizon, Qwest, and AT&T. One of the findings in the report indicates the cost savings in dispatch consolidation is realized in technology upgrades rather than personnel reductions. Toledo wouldn't see a cost savings in technology because it recently upgraded its system. She noted that staff has begun discussions with Lincoln City regarding a potential virtual consolidation with them.

**Additional Council Discussion Items:**

Councilor Lyon extended Happy Birthday to Fire Chief Will Ewing.

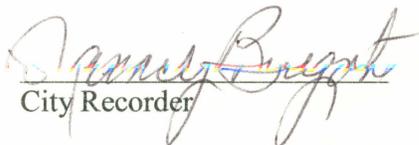
**City Manager Comments**

CM Amberg had no additional comments.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 7:59pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
November 21, 2012

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm.  
Councilors present: Terri Strom, Jill Lyon, and Nancy Lynne.  
Councilors excused: Larry Davis, Jack Dunaway and Michele Johnson.

Staff present: City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Aquatics/Recreation Manager (AM) Joe Andrews, and City Recorder (CR) Nancy Bryant.

Visitors present: Teresa Denlinger, Jackie Kauffman, and Alan Searle.

### **Visitors/Public Comment**

There was none.

### **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Lynne) to approve the consent calendar consisting of the invoice list dated November 16, 2012, and City Council minutes of November 7, 2012.

**Motion Passed 4-0**, noting the absence of Councilors; Davis, Dunaway, and Johnson.

### **Discussion and Information Items**

#### **Committee Updates**

There were none.

#### **Water Master Plan Updates**

PWD Denlinger provided Council with a Toledo Water System Improvements Timeline. He noted that the items listed may be adjusted as the projects develop. He then reported that he received the preliminary design of the new storage tank on Skyline Drive today.

### **Decision Items**

**Proposed Ordinance-An Ordinance Amending Chapters 8.04.010, 8.04.040, 8.04.060, 8.04.080, 8.04.100 through 8.04.130, 10.12.010, 10.12.020, AND 10.16.060 and Adding Chapter 8.04.050 of the Toledo Municipal Code Relating to Nuisances, Parking, and Inoperable Vehicles; and, Declaring an Emergency**

CA Chadwick reported the proposed ordinance achieves council's goal of amending the city's nuisance ordinance; thereby, updating and clarifying public nuisances, and providing more effective enforcement of the code. Adopting the ordinance will help to enhance the quality of life and appearance of the city. He said the Planning Commission and code enforcement officer have reviewed the code and made recommendations.

Mayor Grutzmacher read the ordinance by title twice.

Visitor Comment:

There was none.

**Motion-** It was moved and seconded (Lyon/Strom) to adopt **Ordinance No. 1347** An Ordinance Amending Chapters 8.04.010, 8.04.040, 8.04.060, 8.04.080, 8.04.100 through 8.04.130, 10.12.010, 10.12.020, and 10.16.060 and Adding Chapter 8.04.050 of the Toledo Municipal Code Relating to Nuisances, Parking, and Inoperable Vehicles; and, Declaring an Emergency **Motion passed 4-0**, noting the absences of Councilors Davis, Dunaway, and Johnson.

**Authorize the Public Works Department to Negotiate a Per-Hour Street Sweeping Contract with the Most Qualified Bidder for Sweeping Services**

PWD Denlinger reported that the Public Works department solicited Request for Proposals (RFP) to provide street sweeping services throughout the Toledo transportation system. Only two proposals were received by the department, and only one proposal met all of the specifications in the bid package. The street sweeping contract is a per-hour rate and will allow the department better flexibility to use funds for sweeping during emergency and planned activities. Contracted street sweeping will include the downtown district and city parking lots once per week. Business Highway 20, along with the truck route will be swept twice monthly. Pricing provided by the lowest bidder is within anticipated budget levels, to provide a full range of sweeping services. Staff is recommending accepting the bid from Alan & Sons of Newport as the most qualified bidder.

Public Comment:  
There was none.

**Motion-**It was moved and seconded (Strom/Lyon) to authorize the Public Works Department to negotiate a per-hour street sweeping contract with the most qualified bidder for sweeping services, and authorize the City Manager to sign all contract documents. **Motion passed 4-0**, noting the absences of Councilors Davis, Dunaway, and Johnson.

**Authorize Staff to Apply to the Siletz Tribal Charitable Contribution Fund for Swimming Pool Equipment**

AM Andrews explained that the department is seeking to complete a set of water exercise equipment to enhance the current exercise opportunities and to better position the department to expand the adult and senior exercise programming. The grant request, if awarded, will provide 75% of the funding for the proposed equipment.

Public Comment:  
There were none.

**Motion-**It was moved and seconded (Lynne/Strom) to authorize staff to apply to the Siletz Tribal Charitable Contribution Fund for the Swimming Pool exercise equipment. **Motion passed 4-0**, noting the absences of Councilors Davis, Dunaway, and Johnson.

**Reports and Comments**

**Department Reports**

PWD Denlinger reported that due to the high amounts of turbidity in the Siletz River, Toledo's water source was transferred to the Mill Creek water line. Shortly after, there was a report of a water leak on the Mill Creek line and the crew made a successful repair of that section of the line. This week's weather conditions also caused localized street flooding, some pump stations overheating, one traffic light damaged by wind, and downed trees. There was also a failure with

electrical component at wastewater treatment plant and a controlled bypass occurred due to high volume of water. He noted the cooperation of Seal Rock Water District during a period when they were offline of the water system. He then wished all a happy Thanksgiving.

**City Manager's Report**

CM Amberg was absent from the meeting.

**Council Comments**

Councilor Lyon noted her appreciation for the services provided by the Public Works department and Central Lincoln PUD during this week's storm. She said it was quick work of people out in bad weather conditions and they all did well.

**Mayor Comments**

Mayor Grutzmacher invited all to stay after adjournment for pie dessert.

**Executive Session:**

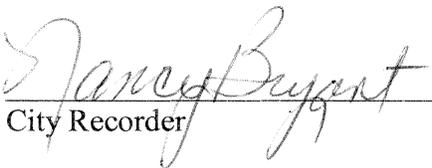
The executive session, as posted on the agenda, was cancelled.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 7:20pm.

ATTEST:

APPROVE:

  
\_\_\_\_\_  
City Recorder

  
\_\_\_\_\_  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
December 5, 2012

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Terri Strom, Jill Lyon, Nancy Lynne, Larry Davis, and Jack Dunaway. Councilor excused: Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Library Director (LD) Peter Rayment, Fire Chief (FC) Will Ewing, Division Chief Larry Robison, Police Sergeant (PS) Robert Ruark, and City Recorder (CR) Nancy Bryant.

Visitors present: Alan Searle, Norm Halsey, Dave Morgan, Don Amberg, Lee LeMasters, Marilyn LeMasters, and Eric Hall.

### **Visitors/Public Comment**

Norm Halsey made a request to temporarily install wooden Wise Men the City's right of way at the east end of town near the Welcome to Toledo sign. Mayor Grutzmacher advised Mr. Halsey that the City limits does not reach the east junction and that would be a State right-of-way. He also stated that Council will discuss the issue at its next work session if Mr. Halsey is requesting an area that is part of the City's right-of-way. Mr. Halsey thanked Council and asked that he be informed of Council's decision.

### **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Lynne) to approve the consent calendar consisting of the invoice list dated November 30, 2012, and City Council minutes of November 13<sup>th</sup> and 21<sup>st</sup>, 2012. **Motion passed 6-0**, noting the absence of Councilor Johnson.

### **Discussion and Information Items**

#### **Toledo Public Library Board of Director's Annual Report**

Marilyn Le Masters, Chair of the Toledo Public Library Advisory Board reported that the library continues to rank in the top 25% in per capita output among Oregon public libraries. She provided the following recap of the Library's 2012 year:

- The biggest challenge for staff in 2012 was the dissolution of the Coastal Resource Sharing Network.
- Toledo joined the Lincoln County Library District's Koha system, managed by ByWater Solutions.
- The annual Summer Reading Program was well received although fewer young people registered and participated in this year. Of all Oregon public libraries, Toledo's 277 registrations as percent of the juvenile population ranked 3<sup>rd</sup> and its completion number of 145 placed it 4<sup>th</sup>. The program ran nine weeks and featured eleven Thursday events.
- The Library building improvements this year include replacement of cracked concrete at the entrance, a new computer workstation for public use, new chairs for the public tables, and additional shelving units.

- The Library recognized the 2005 contribution from the estate of Walter and Margaret Gordon through the establishment of the “Walter and Margaret Gordon Memorial Art Collection: the Art Walk Founders” permanent display.

Items that will occupy the Toledo Public Library Advisory Board this coming year include reviewing a draft of the Library’s operational plan for 2013 through 2018, the review of the Oregon Library Passport Program, the annual budgeting review and suggestions, and working with the a new Library Director after Peter Rayment’s retirement in March.

Chair LeMasters then thanked her fellow board members and the Library staff for their hard work and dedication to the Toledo Public Library. She said it is a pleasure to work with all of them.

### **Committee Updates**

#### **Letter of Support for Lincoln Community Land Trust -955 SE Gaither Way**

CM Amberg reported that the Lincoln Community Land Trust (LCLT) is interested in purchasing property located at 955 SE Gaither Way. The current home located on the lot is in extreme decay. The Trust will be asking Chase Bank to donate the property to LCLT. If LCLT can acquire the property it will demolish the building and build a new home for its program. Mayor Grutzmacher noted that he has signed a letter of support to be mailed to LCLT.

CM Amberg provided Council with pre-planning budget strategy meeting handouts for those who did not attend the meeting on November 29th.

Mayor Grutzmacher reported that the Water Resource Workgroup met in Seal Rock Water on Monday to discuss a contract for providing water to the Seal Rock Water District. He said it was a good meeting and he anticipates the contract to be completed soon.

### **Water Master Plan Updates**

PWD Denlinger reported the following updates regarding the Water Master Plan improvements:

- Alignments of some of the distribution system improvements are being completed, including the Sturdevant Road section.
- The department is reviewing final design of the Skyline Road storage tank.
- Joint US Corps of Engineers, Department of State Lands permit for construction of the intake along the Siletz River and the Olalla Lake crossing is ready to be filed.
- The department will be meeting with State Parks officials next Monday to discuss impacts regarding the upstream transfer of Toledo Water Rights.

### **Decision Items**

#### **Invoice Lists Dated October 29<sup>th</sup> and November 27<sup>th</sup>, 2012 for Ace Hardware**

CM Amberg explained that the proposed invoice lists of expenditures for Ace Hardware is separate from the consent calendar. Separating the attached invoice list from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the proposed list because of her actual conflict of interest. Councilor Strom noted her conflict of interest because she is the owner of Ace Hardware and stated she will abstain from voting on this item.

Visitor Comment:

There were none.

**Motion-** It was moved and seconded (Dunaway/Davis) to approve the invoice lists dated October 29<sup>th</sup> and November 27<sup>th</sup>, 2012 for Ace Hardware. **Motion passed 5-0**, noting that Councilor Strom did not vote and the absence of Councilor Johnson.

### **Oregon Library Passport Program**

LD Rayment explained that Oregon libraries have supported cooperative programs that extend service across boundaries. The Oregon Library Passport Program builds on this cooperation by providing greater access to physical materials owned by Oregon libraries. The program is a voluntary, opt in affair and a library's participation is free. The 3-year pilot program begins January 1, 2013. Participating libraries will use a unique patron code or type when registering "Passport Program" patrons in order to permit libraries to set specific service parameters for those folks, and gather statistics relating to the program. The Oregon State Library will provide support via the librariesofOregon.org website. The Toledo Public Library staff intends to provide each "Passport Program" borrower with a mailing label to facilitate the return of items borrowed. Staff recommends Toledo's participation in the program.

Public Comment:  
There were none.

**Motion-**It was moved and seconded (Lyon/Davis) to authorize the Toledo Public Library to participate in the Oregon Library Passport Program. **Motion passed 6-0**, noting the absence of Councilor Johnson.

### **Purchase of New Type I, 1500 GPM Fire Engine**

FC Ewing reported that the City's 1984 Pierce fire engine is due to be replaced and staff has been planning for the replacement for many years. Council authorized staff to pursue proposals for the new fire engine on September 5, 2012. Three bids were received from reputable manufactures of large fire apparatus. After sorting the proposals based on the price comparison, work started on evaluating the proposals for compliance to the required specifications. Those reviews are complete and staff recommends Council award the new fire engine construction contract, for an amount not to exceed \$390,000, to Kovach Mobile Equipment. Funding for this purchase will be expended from the Fire Department Equipment Reserve Fund.

In answer to Council questions FC Ewing noted that a preconstruction payment to the vendor will save approximately \$9000 of the cost to the City and he would prefer manufacture delivery to eliminate the City's liability before the engine reaches Toledo. He anticipates the equipment will be operational for at least 30 years.

Mayor Grutzmacher noted that the cost to own and operate the City's fire engine is much more cost effective than other alternatives.

Public Comment:  
There was none.

**Motion-**It was moved and seconded (Davis/Dunaway) to authorize the City Manager to purchase a 1500 gpm type one fire engine from KME Kovach Mobile Equipment for an amount not to exceed \$390,000 and authorize the City Manager to execute all documents. **Motion passed 6-0**, noting the absence of Councilor Johnson.

FC Ewing thanked his staff for helping with the process.

### **Request to Apply for a USDA Grant to Assist in Funding a New Fire Engine**

FC Ewing explained that the USDA has been identified as a potential grant funding partner for the construction of the new fire engine. Staff met with the grant program manager on November 26<sup>th</sup> and received positive feedback regarding eligibility for a grant award. The grant application will request approximately \$55,000 which will assist in maintaining the equipment reserve fund to a level that is consistent with the demand.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Dunaway/Lyon) to authorize the City Manager to apply to USDA Grant Program to assist in funding the New Fire Engine and authorize the City Manager to execute all documents. **Motion passed 6-0**, noting the absence of Councilor Johnson.

### **Acceptance of the November 6, 2012 General Election Abstracts of Votes**

CR Bryant reported that Council received copies of the official abstracts of votes for the November 6, 2012 General Election for the positions of Mayor and City Councilors for the City of Toledo. Staff recommends a motion to accept the Lincoln County Clerk's official abstracts of votes for the November 6, 2012 general election.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Strom/Davis) to accept the Lincoln County Clerk's official abstracts of votes for the November 6, 2012 general election. **Motion passed 6-0**, noting the absence of Councilor Johnson.

## **Reports and Comments**

### **Department Reports**

CR Bryant reported that the City of Toledo Municipal Code will be codified during the 2013/2014 fiscal year. There are approximately eight ordinances adopted since the last codification.

Sergeant Ruark reported that the Toledo Police department purchased four body-worn video cameras through a grant received from the Siletz Indian Tribal Charitable Contribution Fund. He demonstrated how the cameras will be worn by officers and noted that the digital media security is in compliance with lawful standards for use as evidence. All officers will follow the department policy for use of this equipment.

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

CM Amberg reported the following:

- The Lincoln County Board of Commissioners has requested a date for the next joint meeting with the Toledo City Council. Council members chose September 4, 2013 from the suggested dates listed.
- The Oregon Local Leadership Institute has published its winter workshop schedule. She encouraged all Council members who are interested to attend the workshops that most interest them.

- The Toledo Chamber of Commerce annual banquet will be December 6<sup>th</sup> at 6pm at Toledo Elks.
- She will be away from the office December 7<sup>th</sup> and December 10<sup>th</sup>.
- The next meeting for City Council is the work session on December 11<sup>th</sup>.

**Council Comments**

There were none.

**Mayor Comments**

Mayor Grutzmacher commented on the following:

- He is participating on the Marine Energy Newport project. Any interested persons can share their ideas with him. The next meeting is at noon on December 7<sup>th</sup>.
- He is attending the meetings hosted by the Lincoln County Board of Commissioners to discuss the future of the Lincoln County Fair Grounds. Members of the public who are interested are encouraged to attend and provide input.

Mayor Grutzmacher then called for a recess at 8:12pm; he announced that an executive session will follow and he made the following statement: "Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations of the executive session except to state the general subject session as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room."

The meeting resumed at 8:24pm in executive session according to ORS 192.660(2), concerning: (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations, and (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

**Executive Session:**

Council and staff discussed negotiations for a labor agreement with the Toledo Employee Association as well as a potential litigation filing against the City.

**Adjournment:**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 9:44pm.

ATTEST:

  
\_\_\_\_\_  
City Recorder

APPROVE:

  
\_\_\_\_\_  
Mayor



**TOLEDO CITY COUNCIL  
WORK SESSION**

December 11, 2012

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:16pm. Councilors present: Nancy Lynne, Jill Lyon, Michele Johnson, Terri Strom, Larry Davis, and Jack Dunaway.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, and Assistant City Recorder (ACR) Josephine Ward.

Visitors present: Teresa Denlinger, Don Amberg, Dave Morgan, and Alan Searle.

**Visitors/Public Comment**

There was none.

**Discussion and Information Items**

**Committee Updates**

Councilor Lyon reported that the Lincoln County Economic Development Alliance met last week and recommended that County fund a dozen projects. Councilor Dunaway reported that the Transportation Committee meeting highlighted the magnitude of decreased revenues, primarily from the gas tax. This decrease will affect all areas of maintenance funding. Mayor Grutzmacher attended the Pacific Marine Energy Center (PMEC) meeting. The group is in the process of selecting a site. Mayor Grutzmacher also reported that he sent an email to the Newport News Times in response to a story about the fire engine that Chief Will Ewing has been authorized purchased.

**Water Master Plan Improvement Updates-**

Public Works Director Denlinger met with the Oregon Department of Fish and Wildlife (ODFW) and the States Parks and Recreation Department regarding the upstream transfer of Toledo's water rights. The permit application requires a signature from the Oregon State Police as well as ODFW through the Water Resource Department's preliminary determination process. There may be conditions attached to the new water rights permit because the upstream transfer of water rights is considered injurious to fish habitat. One condition involves providing an offsite net benefit for ODFW for the upstream transfer. After receiving the preliminary determination, the department will likely be requesting that council provide direction regarding a number of potential options to provide the net benefit. Potential options include:

1. Amend existing planning documents (Mill Creek Forest Stewardship Plan or Mill Creek Dam Maintenance manual) to include language that supports planning future maintenance activities at Mill Creek reservoir with ODFW.
2. Approve a resolution memorializing the need to work with ODFW to promote fish habitat at the Mill Creek Dam.
3. Use the State's formula for measuring injury to the river with a potential net benefit loss of .011 CFS. The State does not favor this as ODFW would favor a cooperative relationship as a greater benefit.

Councilor Lyon wanted clarification on ODFW's intentions. She questioned whether ODFW was trying to intrude on what the City is doing in Mill Creek through the Siletz approval process or whether it is easier for the City to mitigate any potential harm from the Siletz movement by working with ODFW on Mill Creek. PWD Denlinger responded that it is easier for the State to justify the upstream transfer without giving up any CFS water rights that the City now has. He reported that this is a simple practice where they are trying to invest in the communities that have to transfer or re-permit water rights that are not certificated.

Councilor Dunaway noted that Mill Creek is a really interesting and important watershed for ODFW.

Councilor Davis expressed an issue with the water line going to the high school. He would feel more comfortable with a second opinion from someone like the State Fire Marshal because he doesn't understand the justification for the increase in size.

### **Oregon Parks and Recreation Department Trails Grant**

PWD Denlinger has received notification from Oregon Parks and Recreation Department that the letter of intent was approved enabling the City to move forward with a grant application process. This project will cost approximately \$150,000. The project goal is to improve a walkway and bike path along a portion of East Slope Road. This would connect the East Slope Parks trail system to Fir Street and Butler Bridge Road. PWD Denlinger presented council with a photo outlining the proposed improvement. He explained that this is a good project because it meets all of the elements of the grant requirements as it provides access to scenic waterways and estuaries but also meets safety requirements by enhancing a corridor that people are currently accessing by foot or bicycle where there is no protection. The grant requires a 20% match of funds which would be around \$30,000. The City has funding available in both the Streets fund and Trails and Footpaths fund. There is also an opportunity for some in-kind soft costs contributed through volunteer labor, donated equipment, and donated materials. This is a reimbursement grant where the City can receive 25% of the grant funds upfront but the remaining expenses must be reimbursed. Applications are due January 17, 2013. If the grant is awarded, the project must be completed by September 2014. PWD Denlinger will be bringing a request to council at its first meeting in January.

Councilor Dunaway stated that he believes that this corridor is the biggest single void in the Toledo walking and bicycle system.

### **Committee Member Positions Expiring**

CM Amberg notified council that there are a number of committees with openings. All of the openings require that the applicants be residents of the City of Toledo. She asked council for direction in opening and advertising the committee vacancies. Mayor Grutzmacher stated that he has someone in mind who might be interested in filling the vacancy on the Budget Committee. Council agreed to discuss it at next week's meeting and advertise the openings in the City's monthly newsletter.

### **Additional Council Discussion Items:**

Councilor Davis wanted a status update on the meeting with Seal Rock regarding the agreement. CA Chadwick reported that he submitted an agreement to Seal Rock last week and received an email from them today. Seal Rock brought up three minor issues with the agreement which he believes can easily be adjusted.

Councilor Dunaway has been reviewing the City-Owned Property Inventory. He urged staff to provide a copy to new council members. He would like staff to review the inventory and come up with five or six city-owned parcels that do not serve a strategic use and either come up with a use or look into selling them. Mayor Grutzmacher noted that the City's ordinance on disposing of city-owned property names the City Manager as the individual who makes recommendations to council. CM Amberg responded that this is a big process that will require research. Three properties that she might consider are the property off of Sturdevant Road (the upland portion of the property that was part of the wetland mitigation); the Toledo Industrial Park (TIP) property, and the lot next to Carson's Oil. Council and staff discussed wetland mitigation and the prospect of selling property; to the Wetland Conservancy. CM Amberg informed council that she would like to complete goal setting for the next year and come back to this topic in February.

Councilor Strom was interested in the figures for the City's H2O program. CM Amberg reported that the City has received approximately \$300 in donations.

Mayor Grutzmacher addressed the proposal for displaying nativity figures on city-owned property. CA Chadwick explained that council may allow residents to display religious figures but if they allow one group they must allow all groups. Councilor Lyon stated that she does not have a problem with displays and opts for being tolerant until there is a problem. Councilor Dunaway agreed, adding that if it becomes a problem in the future council can prohibit it. Councilor Johnson was in favor of allowing these sorts of displays with an application process. Councilor Lyon proposed that the City use the existing Outdoor Event Permit to process and grant permission for display requests. Council agreed that processing the request using the Outdoor Event Permit would be the best way to handle these requests.

Council decided to wait until the new council members are present to come up with a date for the goal-setting session.

Councilor Johnson expressed her dissatisfaction with the way she was treated by volunteer firefighters when she was trying to help decorate holiday wreaths that were being put up around the city.

### **City Manager Comments**

CM Amberg commented on the following:

- The council meeting on December 19, 2012 will start early to honor the two council members who will be leaving.
- There is a job opening for Oregon Coast Council for the Arts for capital management.

### **Adjournment:**

Mayor Grutzmacher adjourned the meeting at 7:20pm.

ATTEST:

  
Assistant City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
December 19, 2012

Mayor Ralph Grutzmacher called the regular meeting of the Toledo City Council to order at 6:30pm. Councilors present: Terri Strom, Jill Lyon, Nancy Lynne, Larry Davis, and Michele Johnson. Councilor Jack Dunaway arrived at 6:52pm.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Fire Chief (FC) Will Ewing, Police Chief (PC) Dave Enyeart, Aquatics/Recreation Manager (ARM) Joe Andrews, and City Recorder (CR) Nancy Bryant.

Visitors present: George Priest, Alan Searle, Dave Morgan, and Jackie Kauffman.

Mayor Grutzmacher announced that Councilors Davis and Lynne chose not run for their seats in the November election and this will be their last official meeting on City Council. Councilor Lynne stated that it has been an honor to serve on City Council. There have been a lot of accomplishments in the past four years. Councilor Davis stated that he encourages the remaining Council to have courage to make decisions that are against the status quo.

Mayor Grutzmacher called for a recess at 6:31pm for refreshments to recognize Councilor Lynne and Davis's for their service on City Council. The meeting resumed at 6:58 pm.

### **Visitors/Public Comment**

#### **Oregon Tsunami Hazard Mitigation Program**

George Priest, Ph.D. of Oregon Department of Geology and Mineral Industries (DOGAMI) provided a presentation on the effect of a tsunami on the City of Toledo. He explained that the North American Plate overrides the Juan de Fuca Plate along the Cascadia Subduction Zone at a rate of 1.5 inches per year. A tsunami is created when the locked zone of the two plates ruptures releasing energy as an earthquake, triggering a tsunami. He explained that Oregon will experience strong or violent shaking lasting for two or more minutes followed by a tsunami within fifteen to thirty minutes. The tsunami waves will continue for at least four hours. All of the low-elevation areas near the Yaquina River in Toledo will likely be affected by high water. People are advised to seek higher ground as soon as the shaking ends. He stated the DOGAMI has a draft Toledo Evacuation Map to be released in January of 2013 that can be found on the website [www.oregontsunami.org](http://www.oregontsunami.org).

### **Consent Calendar**

Councilor Strom questioned the expense of Allen and Sons as well as Road and Driveway for street sweeping services. CM Amberg noted that during the bidding process, both companies provided service to accommodate an accurate bid from each provider.

**Motion-** It was moved and seconded (Lyon/Lynne) to approve the consent calendar consisting of the invoice list dated December 14, 2012, and City Council minutes of December 5, 2012.

**Motion passed 7-0.**

By consensus, Council added the matter of the Policing Agreement between the City of Toledo and the Confederated Tribes of Siletz Indians to the agenda, under decision items.

## **Discussion and Information Items**

### **Committee Updates**

CM Amberg reported that an application has been received for the planning commission vacancy. Council chose to continue the advertisement for the position through January.

### **Decision Items**

#### **Agreement to Provide Water to the Seal Rock Water District**

CA Chadwick explained that although the city's current agreement with Seal Rock Water District doesn't expire until December 9, 2024, there are several serious deficiencies in this agreement, including an absence of certain provisions and being "ambiguously written" and "internally contradictory." A draft of the new agreement was prepared in the spring of 2011 and presented to the District for its consideration. The proposed agreement represents months of negotiations, corrects the deficiencies outlined in the study, and provides a more equitable and efficient distribution of water to the District. The new agreement has an effective date of December 21, 2012 and an expiration date of June 30, 2037.

Mayor Grutzmacher stated that this took a considerable amount of time and this seems to be an answer for both parties. He is happy to be finished and happy with the product.

Public Comment:

There were none.

**Motion-** It was moved and seconded (Lynne/Davis) to authorize the Mayor to sign the proposed agreement between the City of Toledo and Seal Rock Water District for the delivery of potable water to the District. **Motion passed 7-0.**

#### **Policing Contract with the Confederated Tribe of the Siletz Indians**

CM Amberg stated that the City received a request from the Confederated Tribes of the Siletz Indians (CTSI) to extend the current agreement for police service through June 30, 2013. PC Enyeart noted that continuing service will prevent disruption and will provide the City of Siletz and CTSI time to discuss issues of funding for police services in the Siletz area. CA Chadwick provided an addendum to the current contract for signatures.

Public Comment:

There was none.

**Motion-**It was moved and seconded (Lyon/Strom) to authorize the City Manager to sign the second addendum to the Confederated Tribes of Siletz Indians Intergovernmental Agreement for police services, extending the current agreement under current terms through June 30, 2013. **Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

PC Enyeart reported that the Police Department will be using a Conex unit for storage instead of building a new evidence storage building outside the station. He noted that the City already owns the Conex located at the Fire Station and he will soon have it relocated to the Police Station. The moving cost for the storage unit will be approximately \$400. Lighting and heating will be added to the unit for adequate evidence storage.

ARM Andrews reported that the public swimming pool has added two new exercise classes to accommodate patron schedules and endurance levels. The classes are now available at 7:15am and 11am, Tuesdays and Thursdays. Andrews also reported that the public swimming pool can now accept debit/credit cards for usage fee payments. Also, cameras are being installed behind the swimming pool building for added security.

### City Manager's Report

CM Amberg reported the following:

- City Hall will be closed December 24<sup>th</sup> and 25<sup>th</sup>, 2012 and Tuesday January 1, 2013.
- The City will have a job opening soon with the resignation of the Assistant City Recorder.

### Council Comments

Councilor Strom reported that she is on the Toledo Jr/Sr High School Site Council and has toured the new section of the school. She noted that the new section looks very nice and should be open after the winter break.

Councilor Lyon thanked Councilors Davis and Lynne for their service and wished everyone a Happy Holiday.

Councilor Dunaway thanked Councilors Davis and Lynne for their contribution to the City.

### Mayor Comments

Mayor Grutzmacher commented on the following:

- He thanked Councilors Davis and Lynne for their service on City Council.
- He testified before the Oregon Commission on Transportation regarding the Pioneer Mountain to Eddyville construction project. He believes they have chosen option two; delaying the opening from 2015 to 2016 to allow more time for geotech study of the area and break the project down into smaller packages to allow local contractors to bid.
- He displayed a free water-saving shower head from the Central Lincoln Public Utility District and recommend that others look into taking advantage of this PUD offering.

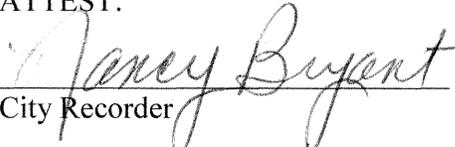
### Executive Session:

The executive Session was cancelled.

### Adjournment:

Mayor Grutzmacher adjourned the meeting at 8:01pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor