

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
January 2, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Terri Strom, Jill Lyon, Jack Dunaway, Jackie Kauffman, and Alma Baxter. Councilor excused: Michele Johnson.

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

Visitors present: John Lavrakas, Theresa Denlinger, Alan Searle, Caroline Bauman, Don Amberg, Rick Beasley, and Dave Morgan.

### **Oath of Office**

CR Bryant administered the Oath of Office for the newly elected officials; Mayor Ralph Grutzmacher, Councilor Jill Lyon, Councilor Alma Baxter, and Councilor Jackie Kauffman.

### **Elect Council President**

Councilor Dunaway nominated Councilor Strom, Councilor Lyon nominated Councilor Dunaway. Councilor Strom accepted the nomination.

**Motion-**It was moved and seconded (Dunaway/Kauffman) to elect Terri Strom as Council President for the years 2013 and 2014.

**Motion passed 6-0**, noting the absence of Councilor Johnson.

### **Visitors/Public Comment**

#### **Lincoln County Solid Waste Activities Update**

The Lincoln County Solid Waste activities update was rescheduled to January 16, 2013.

### **Consent Calendar**

Councilor Dunaway asked about the expense of the 2013 recharter for Explorer Post #30 and whether or not it is a Boy Scouts of America affiliation. He questioned if the Boy Scouts of America may discriminate in its membership requirements. PC Enyeart stated that the Explorer program is a "Learning for Life" program which does not discriminate.

Councilor Lyon inquired about the payment for IT service provided by the Lincoln County School District and asked if the City is satisfied with the service. CM Amberg noted that the relationship has been beneficial but will require further evaluation.

**Motion-** It was moved and seconded (Dunaway/Strom) to approve the consent calendar consisting of the invoice list dated December 28, 2012, City Council minutes of December 11<sup>th</sup> and 19<sup>th</sup>, 2012 and the Records Destruction list dated December 27, 2012.

**Motion passed 6-0**, noting the absence of Councilor Johnson.

## **Discussion and Information Items**

### **Presentation on Ocean Observing Conference**

John Lavrakas, president of Advanced Research Corporation provided information regarding the Newport Ocean Observing Conference. He stated that he appears before Council to make a request of support for a conference called the Newport Ocean Observing Conference. He is a co-chair of the Yaquina Bay Ocean Observing Initiative (YBOOI) which is a collaborative group of regional organizations including the Port of Toledo, Port of Newport, Hatfield Marine Science Center, Lincoln County Economic Development Alliance, Business Oregon, the City of Newport, NOAA, and Oregon State University. The organization began in 2008 with the purpose of bringing recognition to this region as a hub for ocean observing in the Pacific North West and to increase economic development in marine science and education. YBOOI is planning an Ocean Observing Conference this spring, focusing on economic development in the marine science, maintenance and operations in this area. The idea is to invite organizations and individuals to this region to learn about what it has to offer. The anticipated total expense for the conference is \$18,000. The group is asking for a donation of \$2,000 or a token amount from the City of Toledo.

Mayor Grutzmacher stated that Council will discuss the request at the next Council work session on January 8, 2013.

Mr. Lavrakas thanked the Council for their interest in the organization and said it will continue to include Toledo in the conversations.

### **Committee Updates**

There were none

### **Schedule City Council Goal Setting Session**

CM Amberg asked that Council consider scheduling the 2013 Council goal setting session. Councilor Lyon noted that she would like a list of department priorities before the goal setting session with Council.

By Consensus, Council chose January 16, 2013 beginning at noon for lunch and the goal setting session to begin at 1pm.

## **Decision Items**

### **Invoice for Toledo Ace Hardware**

CM Amberg explained the proposed invoice list of expenditures for Toledo Ace Hardware is separate from the consent calendar. Separating this invoice list from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the proposed invoice list because of her actual conflict of interest. Councilor Strom declared an actual conflict of interest because she is owner of Toledo Ace Hardware.

Public Comment:

There were none.

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve the Invoice list dated December 18, 2012 for Toledo Ace Hardware. **Motion passed 5-0**, noting that Councilor Strom abstained from the vote and the absence of Councilor Johnson.

### **Oregon State Parks and Recreation Grant Application**

PW Denlinger reported that the Public Works Department has received authorization from the Oregon State Parks grant manager to submit an application for funding to improve pedestrian access along East Slope Road in Toledo. Completing this project would provide safe ADA access for pedestrians by connecting the East Slope Park Trail system to Butler Bridge Road. The proposed construction is estimated to cost \$150,000 with a grant match obligation to the City in the amount of \$30,000. The public works department will use a combination of City staff, engineering costs, and equipment as soft match to satisfy a portion of the requirements of the grant program. Matching funds will likely come from streets and trails reserve accounts. Mayor Grutzmacher inquired about funding for the planning of a 5-10 K walk location through this grant. PW Denlinger noted there may be some cost savings on the project and he will see if that meets the scope of the funding requirements.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Strom/Baxter) to authorize the City to apply for a 2012-2013 Oregon State Parks Trails Grant and authorize the City Manager to execute all grant documents.  
**Motion passed 6-0**, noting the absence of Councilor Johnson.

### **Proposed Resolution-A Resolution Establishing A City Employee Wellness Program**

ARM Andrews reported that last year the City of Toledo Safety Committee took on the role of promoting wellness in the workplace and became the Safety and Wellness Committee. A goal of this committee is to establish formal support of an employee wellness program from upper-level management. Approval of the proposed resolution will accomplish that goal and establish eligibility of grant funding through the City's Insurance Company.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Lyon/Dunaway) to adopt **Resolution No. 1332**, A Resolution Establishing a City Employee Wellness Program.  
**Motion passed 6-0**, noting the absence of Councilor Johnson.

## **Reports and Comments**

### **Department Reports**

PW Denlinger reported the following:

- A land slide occurred on the Mill Creek Dam on approximately December 23, 2012. There is no immediate threat to the dam structure as long as the City continues the effort to secure the hillside and build back the rock structure at the face of the dam. The slide was caused by a land slide onto the dam access road which caused the water flow to divert over the road and down onto the slide area. Repair work has begun and should be completed by the end of this week. The estimated cost to restore the dam to its original condition is approximately \$45,000.

- The public works department has been dealing with a number of small leaks in water lines including a four inch line on Graham and Alder Streets as well as a line on Aspen Road. The winter weather has kept the public works crew busy.

CR Bryant welcomed the newly elected officials as well as those returning for a new term.

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

CM Amberg reported the following:

- She welcomed the newly elected City Council members and noted that she would like to facilitate an orientation for the new Council members as well as anyone else that may be interested in attending.
- She then thanked Peter Vince and the filming crew for making the meetings more accessible to the public.

### **Council Comments**

Councilor Lyon wished all a happy new year.

Councilor Dunaway welcomed the new Council members.

Councilor Baxter said she is excited to be here and looks forward to working with the Council.

### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- He welcomed the newly elected officials. He said it is nice to have all of the Council positions filled.
- He and CM Amberg will be hosting a brief tour for the Pacific Marine Energy Center Evaluation team between 9 and 10am on Friday. This will complete the Toledo portion of the application for the test site off of Newport.

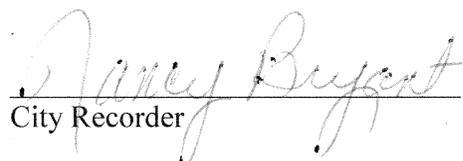
### **Executive Session:**

Executive session was cancelled.

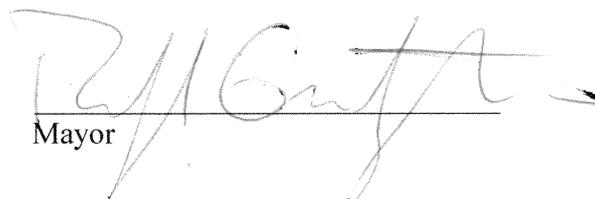
### **Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:07pm.

ATTEST:

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

APPROVE:

  
\_\_\_\_\_  
Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION**  
January 8, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Jill Lyon, Jack Dunaway, Alma Baxter, and Council President Terri Strom.  
Councilor Jackie Kauffman arrived at 6:25pm. Councilors absent: Michele Johnson:

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

Visitors present: Amy Ramsdell, Gene Wilborn, Rick Little, Celeste Mathews, Alan Searle, Tom Chandler, Dave Morgan, Teresa Denlinger, and Don Amberg.

**Discussion and Information Items**

**Committee Updates**

Council and staff discussed vacancies on the Budget Committee. CR Bryant noted that both Jerry Seth and Billie Jo Smith held terms that expired on December 31, 2012. They have expressed an interest in being re-appointed to the Budget Committee for additional terms. One additional vacancy remains on the Budget Committee due to the expired term previously held by Stu Miller. Council directed staff to bring the re-appointment of Jerry Seth and Billie Jo Smith forward at the January 16, 2013 City Council meeting and begin advertising for the one vacant position. All applications will be due by January 30<sup>th</sup>.

**Pioneer Mountain to Eddyville, US Highway 20 Project Update**

Amy Ramsdell, ODOT District 3, Area 4, Interim Area Manager provided Council with a review of the December Transportation Commission meeting and some of the interim fixes on the curve where a fatal accident occurred in December. She explained that ODOT has put together a design team that consists of ODOT staff and a consultant for the landslide mitigation design project. The remaining funds for this project are being used to resume work including installing horizontal drain, demolished the bridges that were out of plumb, slide area repair, ground anchor testing, and hauling rock out of Iron Mountain to stockpile for the project. The contract that is scheduled to let this year exceed the obligated project funding. Additional funds were requested in January of 2012 and five different options were outlined as follows:

1. Move ahead and open the road to traffic in 2015. This option may cost more because there would not be enough time to analyze the data on the horizontal drains installed this summer.
2. Wait and open the road in 2016. This option would provide for a full winter before they design the landslide mitigation and determine the effects of the horizontal drains. It is projected that this option could save over twenty million dollars.
3. Just make changes to the existing alignment. One option includes improving all of the curves to meet the speed of the road and to accommodate 53 foot semi-trailers. This option is estimated to cost as much as moving ahead on the existing alignment.

4. Make improvements to the curves to allow for overweight semi-trailers haul loads on the roadway. This option is estimated in the 90 million dollar range but it does not address all of the safety issues on this roadway.
5. Cost out walking away from the project.

There were many Lincoln County residents and elected officials who attended the December Transportation Commission meeting to advocated continuing work on the project. The project team was then directed to look at Option Two and refine the cost estimate. The revised cost estimate will be reported to the Commission on January 16<sup>th</sup>.

Ms. Ramsdell also reported, due to concerns regarding the curves on the east portion of the project, some immediate improvements in signage have been completed. Extra patrols by the State Police have been authorized to enforce the speed in that area. There is also a proposal to temporarily straighten out the curve on the east end of the project to provide safer travel until the final construction is complete. The time frame for construction of the temporary re-alignment is unknown because of the required wetland mitigation issues.

The group then discussed both wetland and fish passage mitigation requirements. Mayor Grutzmacher noted that stretching the timeline out to 2016 it also provides for locally based contractors to bid on many portions of the project. Ms. Ramsdell noted that project information is available on the website at [www.us20pme.com](http://www.us20pme.com).

### **PERS Rates Update**

FD Chavarria explained that the City receives employee retirement coverage through PERS. The PERS Rates, effective July 1, 2013, were released last fall and includes a substantial increase. It has been City policy to draw from the Stabilization Fund when the employer contribution rate exceeds 6.3%. At the current threshold, she estimates that the City would draw approximately \$87,000 from the Stabilization Fund in budget year 2014. The amount drawn would increase by \$3000 to \$4000 per year. The fund could be depleted in approximately three to five years, at which point the City would realize the full impact of approximately \$100,000 per year to its operational fund. These numbers assume payroll increased by 3% per year and that PERS rates stabilize after this increase. The City's rate continues to reflect a transition surplus that was built in years ago with PERS. That surplus is reducing the City's rate by approximately 8% and will be applied to the City's account until December 2027. Staff suggests a change to the threshold percentage from 6.3% to a larger percentage over time. This will minimize the impact to the City's operating funds each year and potentially retain the Stabilization Fund over the next ten years. The PERS rate discussed is the employer portion only. The employee-paid portion remains at 6%.

Councilor Lyon noted that in order to protect the City's operating fund, a plan is needed to preserve the Stabilization Fund. Mayor Grutzmacher asked that the revised policy include a provision for a ten-year evaluation every two years.

Council directed staff to bring the resolution forward at the January 16<sup>th</sup> Council meeting with terms to include; changing the threshold to 6.65%, increased 1/3 percent per year with a re-evaluation every time the PERS rates are released, and a ten year forward evaluation every two years.

### **Oregon Heritage All-Star Community**

CM Amberg explained that Oregon Heritage All-Star is a program through the State of Oregon designed to celebrate a community's history. She engaged the help of Celeste Mathews who

reviewed the list of requirements. Celeste Mathews reported that the City must meet fifteen of twenty requirements and Toledo currently meets twelve of those requirements. She said that four requirements could be met fairly easily by accomplishing the following:

- Organize annual meetings among the community's heritage organizations and the City of Toledo (Yaquina Pacific Railroad Historical Society, Toledo History Center, Toledo Cemetery Association, and Lincoln County Genealogical Society).
- Create a historical web presence by working with the Yaquina Pacific Railroad Historical Society to include some general community history on its website and add a history page to the City of Toledo website.
- Create a heritage tourism partnership by providing information about an upcoming heritage tour program to Travel Oregon and other media.
- Obtain a Historical Cemetery designation by submitting an application to the State.
- Implement a method of recognizing long-lived local businesses.
- Create a local historic sites register.

Councilor Dunaway asked what the designation means. CM Amberg stated the City would be an Oregon Heritage All-Star Community, which could be used for promotion of the City and special signage. Tom Chandler stated that this is a new program and there are no other communities that have this designation. Mathews noted that the designation recognizes the valuable work that other groups within the community have done to preserve the City's heritage. CM Amberg said the next step is to contact Kuri Gill of the Oregon Parks and Recreation Department to discuss moving forward.

Council agreed to move forward with the process and directed CM Amberg to contact Kuri Gill.

### **Oregon Observing Conference Funding Request**

CM Amberg noted that John Lavrakas made a request of a \$2000 donation for an Oregon Observing Conference. Council members discussed the request. By consensus Council agreed to make a donation of \$1000 and directed staff to bring the item forward at the January 16, 2013 regular session for a formal decision. Council also suggested that Mr. Lavrakas be invited to attend the January 16<sup>th</sup> meeting.

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

Councilor Dunaway asked if staff could provide a summary of the annual expenses for consulting engineering and consultant reports to Council at the goal-setting session. CM Amberg agreed to provide that information.

Councilor Lyon announced that she expects to be appointed Chair of the County Telecommunication Committee.

### **Mayor Comments**

Mayor Grutzmacher reported that he attended a "walk-through" for the Pacific Marine Energy Center. The three hour tour started in Toledo then on to the Port of Newport ending with a power point presentation.

**City Manager Comments**

CM Amberg commented on the following:

- Both Fire Chief Ewing and Police Chief Enyeart will be unable to attend the January 16<sup>th</sup> goal setting session. Fire Captain Larry Robeson will fill in for Chief Ewing. The meeting will begin at noon with lunch at the Fire Station.

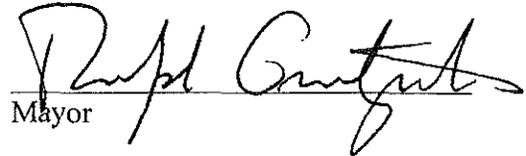
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 7:47pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL  
GOAL-SETTING SESSION  
January 16, 2013

Mayor Ralph Grutzmacher called the goal setting session to order at 12:00pm. Councilors present: Jill Lyon, Jack Dunaway, Alma Baxter, Michele Johnson and Council President Terri Strom. Councilor absent: Jackie Kauffman.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Aquatics/Recreation Manager (ARM) Joe Andrews, Finance Director (FD) Polly Chavarria, City Recorder (CR) Nancy Bryant, Library Director (LD) Peter Rayment, Assistant Library Director (ALD) Lisa Miller, Head Dispatcher (HD) Maria Waldrip, and Fire Captain Larry Robeson.

Visitors present: Deborah Trusty.

### **Visitors Comments**

Deborah Trusty asked the group to give thought to how the City can manage further deterioration of the buildings on Main Street.

### **Overview of Process and Meeting Objectives**

CM Amberg reviewed the City Mission Statement, the 2012 City Council Goals and the Toledo Philosophy Statement developed in April of 2011. She provided a brief overview of the goal setting process and meeting objectives. She then noted that budget impact should be considered when developing the goals for 2013.

CM Amberg noted that the following suggested topics in the “parking lot” will be discussed later in this meeting: U of O, RARE program, Main Street deterioration, succession planning, and the City Contribution policy.

Mayor Grutzmacher called for a lunch break at 12:23 pm. The meeting resumed at 1:00 pm.

### **Facilitate Goal Strategies**

The group discussed what the community would look like in a perfect world. Each member of the group stated why they are attracted to the City of Toledo, either as an employee or elected official. Mayor Grutzmacher then asked if group members like what they are doing, if they believe that the City government is a vehicle for maintaining what they like, and are there additional things that the City should take on to make it better. PWD Denlinger stated that this agency is doing little in the way of succession training. He said there are several employees within the agency that will be exiting within the next five years. LD Rayment cautioned Council and employees to watch Toledo’s taxing revenue closely in the years to come and appeal potential changes in taxation due to industry obsolescence. Councilor Lyon noted that City government is on the razors edge. What has been successful in maintaining has come at the cost of City staff and hours of operation. If not for very careful and conservative management the City would be in a world of hurt. She also noted that economic development in the community will not help the City government unless it brings more people and businesses paying property taxes.

## **2012 Goal Review**

CM Amberg provided an overview of the 2012 City Council Goals and the tasks that were accomplished.

Mayor Grutzmacher stated that the City needs to maintain green and not pave the grounds in front of City Hall. He believes the building was designed with green between the sidewalk and the front wall of the building.

CM Amberg then provided the group with a draft list of the 2013 City Council Goals. After group discussion the list was amended to the following:

### **INFRASTRUCTURE**

#### **#1- Improve communication technology availability**

- a. Complete county-wide interoperable dispatch ; complete work on the county-wide Simulcast grant
- b. Alternate communications ability through the satellite trailer
- c. Install in-vehicle repeaters for command function vehicles to manage narrow band communications issues
- d. Finish phone system upgrade

#### **#2- Meet the transportation needs of all facets of our community**

- a. Complete and adopt Transportation System Plan (TSP)
  - i. Walking path on Arcadia and Burgess Road
  - ii. Identify west junction traffic solutions
  - iii. Continue to provide for public involvement from stakeholders in the community directly affected by improvements recommended in the TSP
  - iv. Identify potential funding sources to complete projects identified in the TSP
- b. Support Public Transit
  - i. Increase public awareness of bus routes including bus to valley service
- c. Support rail services

#### **#3- Maintain and improve public infrastructure.**

- a. Align Capital Improvement Plans within the City's constrained fiscal environment
  - i. Continue to complete established improvement to the water system providing periodic updates to Council and the community in an effort to maintain transparency regarding capital improvements
  - ii. Implement value engineering options with every phase of improvements identified in the Toledo Water System Master Plan
- b. Adopt the Wastewater System Facility Plan (WSFP) to include an analysis of and the ability to construct interim and alternative solutions as well as long-term capital improvements
  - i. Create a scalable 10-year Sewer Capital Improvement Plan that provides affordable financing options
  - ii. Develop a communication and public involvement plan for the various components of the WSFP that allows for significant public involvement and

provides transparency to the community on project planning, funding and implementation

- c. Install low maintenance landscaping at City Hall
  - i. Maintain green buffer with living landscaping and mulch
  - ii. Obtain assistance of Master Gardeners for landscape design and selection of low maintenance plants
  - iii. Install handrail on front steps of City Hall
- d. Complete Source Water Study
- e. Explore Mill Creek land exchange
- f. Explore implementation of Building Facilities Plan
  - i. Complete a facilities study for pool
  - ii. Install security cameras at Police Department
  - iii. Rehab Library landscaping to include barrier plantings (barberry?)
  - iv. Investigate moving departments out of current buildings into other spaces in the community

## **FINANCIAL SECURITY**

### **#4- Be fiscally responsible.**

- a. Begin process to harvest timber from Mill Creek property
  - i. Obtain easements
- b. Revise PERS support policy by adjusting contribution from Stabilization Fund
- c. Evaluate fiscal practices to determine if there are additional areas for savings
  - i. Evaluate using a mailing service for sending utility bills
- d. Make support of Summer Festival revenue neutral
  - i. Application fee

### **#5 Maximize available revenue-*An addition to the Draft 2013 City Council goals list.***

- a. Continue to inform the State regarding local impact of economic obsolescence policy for large industrial property holdings
- b. Explore ways to broaden the tax base supporting the pool
- c. Continue to improve swimming pools' operational efficiency
- d. Review City-owned real property rentals
  - i. Assure contracts are in place
  - ii. Rental rates should be market driven
- e. Sell surplus City-owned real property
- f. Assess other City property (vehicles, equipment, etc.) for possible surplus and sale

## **PUBLIC SAFETY**

### **#6- Assure and provide service that protects the citizens of Toledo**

- a. Develop a public safety training compound
  - i. Use Conex trailers to create props for basic firefighting operations training as well as for use with PD for entry training

- b. Complete purchase of fire engine
- c. Complete Emergency Preparedness Plan
  - i. NIMS packets
- d. Create program so that Fire Marshal inspections are conducted when there is a change of occupancy
- e. Apply for grants that can be used to establish caches of emergency supplies

**#7- Develop and maintain preparedness for extraordinary public emergencies and work cooperatively with other agencies**

- a. Initiate upper level incident command training for city employees and volunteers
- b. Continue public information and emergency preparedness sessions
- c. Evaluate new DOGAMI maps for impact to emergency planning and citizen safety
- d. Continue developing CERT and CERT capabilities
- e. Upgrade and complete dispatch backup capabilities at Fire Station

**CITY SERVICES/DEPARTMENTS**

**#8- Implement technology to improve city-wide efficiencies**

- a. Implement direct deposit for employee payroll
- b. Implement NeoGov
- c. Use city intranet for information sharing with employees
- d. Explore member tracking software for the pool

**#9-Support departmental activities-*An addition to the 2013 goals list by CM Amberg.***

- a. Analyze department procedures to create more streamlined processes for record retention
- b. Continue to provide department directors and staff with information and training regarding records retention
- c. Create record retention policy for e-mail
- d. Create a Veteran's Preference Form for city employment application process
- e. Update and maintain a website that is resourceful to citizens, employees and volunteers
- f. Maintain record retention program as required by State Law and City Policy including destruction of records that have met the required retention period
- g. Establish and maintain a safe and clean environment for archive records
- h. Annex Islands-small sections of land within the city limits
- i. Amend Public Lands zone
- j. Formalize agreement and annual review process for Municipal Judge
- k. Achieve accreditation for Police Department through the Oregon Accreditation Alliance
- l. Expand Police Department involvement in LINT with the goal of dedicating an officer to the team
- m. Install flag pole at Police Station
- n. Continue to evaluate vehicle maintenance program
- o. Develop branding strategy for pool
- p. Establish a competitive Youth Swim Program
- q. Promote Library's children's services

- r. Assure a smooth leadership transition at Library
  - i. Create a detailed library technology report

## **COLLABORATION**

### **#10- Promote and support high-quality education**

- a. Continue to participate on site council
- b. Conduct a summer reading program
- c. Continue to provide swim lessons to elementary schools
- d. Encourage participation in "If I Were Mayor" contest
- e. Support Toledo's Child Development Center

### **#11- Outreach to existing and potential partners and collaborators**

- a. Continue to build the relationship with Lincoln County School District
- b. Continue to build the relationship with Port of Toledo
- c. Develop relationships with legislators that will benefit the City of Toledo
  - i. Participate in LOC sponsored events at the Capitol
- d. Continue to actively participate in Cascades West Council of Government
  - i. Area Commission on Transportation (CWACT)
  - ii. COG Board of Directors
- e. Continue to participate on Lincoln County Economic Development Alliance Board
- f. Review contract between City and Toledo Rural Fire District
- g. Encourage development of Siletz Tribal property
- h. Complete multi-city franchise agreement with Charter Communications
- i. Work with Lincoln County to improve process for granting Certificate of Occupancy

## **STAFF**

### **#12 -Maintain well-informed and effective City staff**

- a. Complete the Continuity Of Operations Plan (COOP)
- b. Complete negotiations with Toledo Employee Association (TEA)
- c. Initiate and complete negotiations with Toledo Public Safety Association
- d. Where possible, encourage cross training of personnel
- e. Support employee training and development

## **QUALITY OF LIFE**

### **#13 – Identify and eliminate barriers and obstacles to economic growth**

- a. Create an economic development toolkit
  - i. Create a Commercial Visitors Guide providing information on housing, restaurants, events, attractions, schools, etc.
- b. Address zoning issues
  - i. Update Public Use zone
  - ii. Create a zone that would serve as a buffer between current Commercial Zone and Residential Zone

**#14- Improve the quality and quantity of safe, decent and affordable housing and build environment within the City**

- a. Continue to support Lincoln Community Land Trust
- b. Continue City's Code Enforcement Program

**#15-Balance economic impact and quality of life issues**

- a. Start assisting customers with the H2O program
- b. Receive Oregon Heritage All-Star designation
- c. Update/Revise City Codes
  - i. Offsite Impact Ordinance
  - ii. Update Municipal Parking Ordinance
  - iii. Review proposed RV Ordinance
  - iv. Review proposed Park Exclusion Ordinance
  - v. Complete Permit to Consume Alcoholic Beverages in a Public Place
- d. Complete agreement between City and Georgia Pacific for dog park
- e. Annual Reports and Updates from Council Boards, Commissions and Committees
  - i. Planning Commission
  - ii. Public Utility Commission – expand role to include water and wastewater
  - iii. Parks and Recreation Advisory Committee
  - iv. Public Library Board
- f. Complete re-zoning of Olalla Center property
- g. Site a Realtor in Toledo
- h. Become a recreational destination; explore enhancement of recreational facilities
  - i. Install kayak/boat ramp
  - ii. Seek to site an RV park
  - iii. Install Disc Golf Course

CM Amberg noted that she will compile the new list of goals and tasks for Council and staff review.

**Parking Lot Discussion Items**

**University of Oregon RARE Program**

The group agreed that the City should not participate in the RARE program next year.

**City Council City Enhancement and In-Kind Services Policy**

The group discussed the City Contribution policy. CM Amberg explained that the City policy provides for City funded contributions to social services and civic organizations that provide direct service to Toledo citizens or enhance the quality of life in the community. The funding is limited to 15% of the state shared liquor tax and cigarette tax. There is no guarantee each year that those funds will be available from the State. A five member contribution review committee reviews all requests based on estimated funding each year. The contributions are awarded before the actual funding is received. The question is should the City skip a year of funding to always award on actual funds received or continue on the estimate basis. FD Chavarria noted that the State has talked about eliminating the funds so if that happens after the awards are made the funding will come from the City's operating funds. The group decided to continue the program on the estimated funding process.

**Main Street deterioration**

The group discussed the newly adopted nuisance ordinance and how it will help with issues on Main Street. Also, a task on the 2013 goals list includes Fire Marshal inspections when buildings change occupancy will help to alleviate some of the issues. Councilor Lyon noted that the only thing that the City government can do is to create rules that makes people correct deficiencies.

**Succession Planning**

CM Amberg explained that succession training of City employees may not be practical because vacant employment positions must be advertised and open to all employees. Councilor Lyon suggested detailed job descriptions that explain all aspects of a position would be helpful for someone filling that position. CM Amberg stated the City should have the option to go out into the market when hiring personnel. FD Chavarria noted that cross-training is something that would be very helpful in the continuity of operation when someone leaves employment. PWD Denlinger agreed that cross-training of employees is important. Councilor Dunaway suggested recruitment from adjacent communities for similar jobs.

**Group Thoughts**

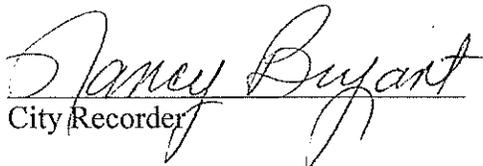
FD Chavarria asked if the list of tasks as suggested by individuals at this meeting are automatically on the 2013 list or will there be a chance to come to a group consensus. She noted that many items on the list will impact the City's budget if implemented. ARM Andrews noted that he is unclear on how this process will accommodate a consensus of the group. CM Amberg stated, once we go through this, we will take a look at it and assess it. The document will then go before City Council for approval. Councilor Lyon stated it is helpful to have department goals in this session but staff will determine what their budgeting goals will be. FD Chavarria also noted that department budget requests are due in early February so this will not be included in the budget proposals.

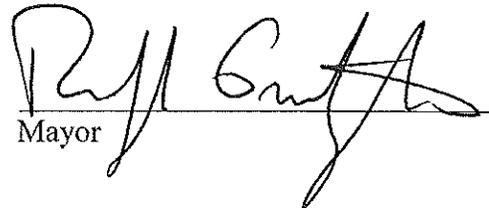
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 5:20pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
January 16, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jill Lyon, Jack Dunaway, Alma Baxter, Michele Johnson and Council President Terri Strom. Councilor absent: Jackie Kauffman.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Aquatics/Recreation Manager (ARM) Joe Andrews, Finance Director (FD) Polly Chavarria, City Recorder (CR) Nancy Bryant, and Planning Director (PD) Stuart Cowie.

Visitors present: Theresa Denlinger, Alan Searle, Don Amberg, Brenda Brown, Zann Johnson, Mike Wallace, Mary Wallace, Linda Brodeur, Doug Alldridge, Jerry Seth, Maygen Blessman, John C. Crawford, Sandee Penter, Stan Penter, Stacy Criswell, Dave Criswell, Jim Neal, Patricia Neal, Ray Burleigh, Stacey Ames, Zachary Dues, Cristi Moore, and Heather Fortner.

### **Visitors/Public Comment**

There was none.

### **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Dunaway) to approve the consent calendar consisting of the invoice list dated January 11, 2013, and City Council minutes of January 2, 2013.

**Motion passed 6-0**, noting the absence of Councilor Kauffman.

### **Discussion and Information Items**

#### **Committee Updates**

Mayor Grutzmacher appointed Councilor Baxter to the Municipal Judge Contract Review Committee.

Councilor Lyon notified Council that the Lincoln County Economic Alliance Board met on Monday for a strategic-planning session. Its effort is to become a driver of economic development throughout Lincoln County. She will be reporting to City Council as the group moves forward.

Mayor Grutzmacher reported that the Newport/Toledo location was chosen by Oregon State University to host the new Pacific Marine Energy Test Center.

#### **City Council Goals and Strategies and Activities Update**

CM Amberg provided Council with a Goal Strategies and Activities update for the year 2012. Mayor Grutzmacher noted that there was a lot accomplished in 2012.

### **PUBLIC HEARING**

Mayor Grutzmacher declared a conflict of interest because he is employed by the Olalla Center who is the petitioner of the proposed zone change and the reason for the public hearing. He then excused himself from the room.

**Open Public Hearing-** CP Strom opened the public hearing at 7:05pm regarding comprehensive land use plan map and zoning map amendment to rezone property from public lands to a commercial zone designation (file #RZ-2-2/PA-3-12), for property located at 321 SE 3<sup>rd</sup> Street, requested by the Olalla Center. CP Strom called for declaration of conflict of interest, ex-parte contact, or a bias by Councilors or have conducted a site visitation.

Councilor Lyon declared a conflict of interest because she is married to Councilor Grutzmacher and may benefit from his employment at the Olalla Center who is the petitioner of the proposed zone change. She then excused herself from the room.

Seeing no additional conflict of interest of Council members the statement of rights and relevance and the right to appeal were read.

### **Staff Report**

PD Cowie reported that on December 12, 2012 the Toledo Planning Commission held a public hearing on the proposed Comprehensive Land Use Plan and Zoning Map amendment. It voted 4-1 to recommend approval with conditions of approval.

The subject property is located at 321 SE 3<sup>rd</sup> St. and identified on Lincoln County Assessor's Map #11-10-17 BD as tax lot 17000. It was previously owned by the Lincoln County School District and the building on the property was formerly the Mary Harrison School site. The property is now owned by the Olalla Center for Children and Families, a private non-profit organization. The building now serves roughly three functions; as the home for the Olalla Center (a state licensed psychiatric day treatment program), the Floweree Community Center, and a rental space area for commercial businesses and or professional groups. The property is zoned public lands.

Based on the existing uses the applicant desires to change the zoning map designation from public lands to commercial. This new zone designation best fits the numerous types of different uses occurring at the facility and will bring the property into compliance with the Toledo Municipal Code.

PD Cowie referred to Toledo Municipal Code Chapter 17.36 - PL Zone – Purpose: The purpose of the P-L zone is to indicate lands owned by public agencies, recognizing that such lands may be put to varied uses. He noted the key phrase is “lands owned by public agencies”. The Olalla Center, although they provide a variety of public services, it is not a public agency. As a result, the nature of their ownership is in conflict with the definition of the public lands zone. Before applying for the zone change, Olalla Center applied for a City business license for one of the business operations planned for the facility. The City procedure for business license applications requires the City to determine if the use complies with the zone designation. The City finding was that it does not fit the current zone designation. The commercial zone would be a more viable fit for the proposed uses. PC Cowie referred to Toledo Municipal Code Chapter 17.6 –C Zone – Purpose: The second sentence in that paragraph states “Compatible uses including public, civic, and institutional uses are also allowed.” Essentially, all of the current and proposed uses within the Olalla Center are uses allowed outright within the commercial zone.

PD Cowie stated that the criteria that one must meet to qualify for a zone change includes not only the demonstration of compliance with the comprehensive plan and policies of the City but also evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use maps regarding the property which is the subject of the

application. In this case, the applicant states that the very nature of its purchase of the property has made a change in the neighborhood and in the nature of the zone designation because it is a non-profit organization. This provides evidence that there has been a change in the neighborhood that warrants this zone change. In addition, the commercial zone and its purpose statement indicate uses such as public, civic, or institutional types of uses are allowed. The proposed uses coincide with the commercial zone.

### **Applicant Testimony**

Ray Burleigh, Executive Director of the Olalla Center, submitted his letter dated January 16, 2013 and two letters of support; from Michael Ulstad dated January 14, 2013 and Susan Miller dated January 15, 2013. He explained that the Olalla Center purchased the property because it had been located at a property on 805 NE Reservoir Lane for 33 years and felt the need for more operational space. The Lincoln County School District agreed to the sale of the Mary Harrison property based on the current and proposed services provided by the Olalla Center. As the Olalla Center began expansion within the Mary Harrison property they found that the State of Oregon required different licenses than those already acquired for the psychiatric treatment program. In order to comply with the State license requirements the facility would have to be in a commercial zoned area. He noted that at during the Planning Commission public hearing there was testimony of a neighbor who expressed concern about the future of the property if the Olalla Center were to sell it. He then referred to a revisionary clause contained in a previous Deed recorded May 19, 1890 in book J, page 129, Deed Records of Lincoln County, Oregon where as "This Deed is to remain in full force and effect as long as District No. 2 uses this land for school purposes, but when it is not used for said school purposes the property reverts to J.D. Graham and Addie Graham, and their heirs." The Olalla Center understood that this revisionary clause would apply to its ownership as well, that it could not sell the property to anyone who did not intend its use for school purposes and of which it has no intent. Mr. Burleigh acknowledged that the Olalla Center has donated and rented space to numerous businesses and organizations within the community since purchasing the subject property. He said the Olalla Center purpose is serving children and families which include being a good neighbor.

### **Proponent Testimony**

Brenda Brown of Toledo testified that when the Olalla Center purchased the property she was a member of the Lincoln County School Board. The school building had been closed with minimal activity for some time. The building and grounds were deteriorating which was causing the property to lose value. The School District determined that the property was no longer a great value to the District and pursued the option to sell. During the process the revisionary clause mentioned by Ray Burleigh was discussed and it was determined that to remove said clause would have been difficult because there are over 150 heirs of J. D. and Addie Graham who would need to agree to release the clause. The Olalla Center fit the criteria for sale of the property without the need for approval from the Graham heirs. She believes that the Olalla Center's mission is to provide services to a wider children population than those who attend the Olalla Center day treatment program.

In answer to a question posed by Councilor Dunaway, Ms. Brown stated that the revisionary clause is on a lot that composes a large portion of the building as well as the parking area.

Jim Neal, who identified himself as a great-great grandson of Ben Jones, stated that it would be impractical for the heirs to sell the property and split it between more than 150 heirs. He believes

the clause protects the property use to be what his great-great grandfather wanted. He said his great-great grandfather would be happy with the current use of the property. Mr. Neal said he approves of the current uses of the Olalla Center.

### **Opponent Testimony**

Doug Alldridge, member of the Toledo Planning Commission stated that he voted in opposition of the zone change during the December 12<sup>th</sup> Planning Commission public hearing but he is not in opposition to the Olalla Center. He referred to neighborhood concerns and asked that Council proceed with caution and think about the potential uses and what it would be like to be a neighbor of the property if it is zoned commercial.

David Criswell stated that he and his wife Stacy are supporters of the Olalla Center but they are not in favor of changing the zone to commercial. He said the Toledo Planning Commission, at its meeting of December 12, 2012, recognized that the Olalla Center did not do due diligence. He does not believe that Mr. Burleigh's statement about the State of Oregon requirement to be located in a commercial zone is correct for the current uses. Changing this property to a commercial zone opens it up for all outright or conditional uses permitted in the commercial zone and could happen if the Olalla Center chooses to relocate and sell or rent the property. He quoted PD Cowie's statement at the December 12<sup>th</sup> Planning Commission meeting as "The City could consider a review of the public land zone, but the review and noticing procedure would delay the Center's January 7<sup>th</sup> timeline for the after school program." Mr. Criswell believes it would be time well spent to do the research because of the impact to the entire neighborhood. Changing the zone for this property only benefits this one property as it is surrounded by residential property. He asked that the Center be zoned in a way that embraces education, complies with the deed stipulation and upheld by the heirs and not a property for a profit center at the expense of the neighbors, which is what changing to a commercial zone will do.

### **Other Interested Parties Testimony**

Heather Fortner testified that she runs the Orchid Street Art Studio which is located in the Olalla Center building. She is unable to obtain a City Business License because her business isn't allowed in the current zone designation. She would like to create art as well as teach workshops at the Center. She believes this fits into the function of the Olalla Center and the wishes of the property heirs for educational programs. She believes that she is typical of the type of tenant that would be attracted to renting space at the Olalla Center.

Stacey Ames testified that she is a teacher at the Olalla Center and employed by the Lincoln County School District. She has purchased a home that is located less than a block away from the Olalla Center. She is not concerned about uses of the property that will cause a problem in the neighborhood.

Ann Ellis, member of the Toledo Planning Commission, testified that the Planning Commission struggled with this issue. It was the commissioners understanding that the daycare facility requirement for commercial was the number of children that caused the criteria for state permitting. The Commission thought carefully about the change to a commercial zone and they understood the neighbor's concern. She noted that the commission would like to address the issues with the commercial zoning and public lands and expedite a procedure whereby this problem will not need to be addressed. The commission discussed and considered the potential for invasive educational facilities at the subject property but found it unlikely.

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John Crawford of Yaquina Bay Road, Toledo testified that he has been a resident of Toledo for about ten years. He has worked many years in performance facilities, and public facilities of various sorts. He believes the concern is that there is a lot of uncertainty as to what will become of the property or what might be done in the subject facility. He believes that concern should not be the driving factor to the decision tonight. This facility is unique and there are a lot of organizations in the area who are hungry to find a place to house what they want to do. He urged Council to approve the application.

Mike Wallace testified that he has lived within 100 feet from the property for 20 years. He works for the City of Toledo and has helped to repair the roads in the area. There are streets going into that facility from all directions and some are in very poor shape. Currently there isn't a large traffic impact to this area but with a lot of retail business on the property there will be more traffic. He believes most traffic to the area comes from 4<sup>th</sup> Street and it cannot stand the impact of additional traffic.

#### **Rebuttal by Applicant**

Ray Burleigh stated that Council has received a fairly good view of many of the possibilities. He appreciates Mr. Neal and the fact that he understands the intent of what the Olalla Center wants to do. The Olalla Center is also considering bringing in an occupational therapist for children and families as well as a speech therapist. He said the intent for the facility is not for some wild commercial enterprise but facilities that continue to improve the life of the community.

#### **Questions by Council**

CP Strom asked Mr. Neal if he is confident that the reversionary clause will prevent uses on the property that pertain to Mr. Criswell's concerns. Mr. Neal stated that he cannot predict the future. He believes that the property is being used properly right now and the City is trying to ensure that it remains that way. His family has felt that the property should be used to serve the community and its children.

Mr. Burleigh asked Mr. Neal if the Graham heirs could invoke the reversionary clause or stop a welding school to going to the facility. Mr. Neal said he believes that it is possible. The family could say that that use is not what the grandfather wanted.

Councilor Johnson stated that the reversionary clause controls the use of the property and the clause may not be revoked without the agreement from all of the heirs. Mr. Neal noted that the family will be involved in this property no matter what the outcome of this issue is.

Councilor Baxter asked under what grounds the family would have to fight a certain use of the facility, and who defines the definition of school purpose. Mr. Neal stated that a lot of things could be argued about it but he thinks the intent by his grandfather was to provide for this situation for children.

Councilor Dunaway asked CA Chadwick and PD Cowie, if they believe the reversionary clause addresses the concerns by opposition. CA Chadwick noted that the reversionary clause found on the deed of 1890 to the School District states that unless all heirs chose to remove it will remain on the deed. That issuance is between the buyers and sellers of the deed. The heirs have an interest in that deed as stated in 1890 so that if it is not used for a school than it reverts back to the family. It is an issue that the family will need to deal with when the property is bought and sold. PD Cowie

added that the City has no involvement with the reversionary clause on the deed. CA Chadwick also stated that the City doesn't involve itself with private property transactions.

Councilor Dunaway asked PWD Denlinger to address Mr. Wallace's traffic concerns. PWD Denlinger stated that he has no reason to believe that the traffic conditions are different now compared to when it was Mary Harrison School. He also noted that the department is looking at 4<sup>th</sup> Street as a road that needs to be reconstructed.

Mr. Burleigh stated that the Olalla Center is currently serving between 20 and 35 families. When the facility was the Mary Harrison School it served approximately 135 children. Councilor Dunaway noted that he remembered busy bus traffic during the mornings and afternoons at Mary Harrison School.

Councilor Baxter asked CA Chadwick how Council's approval of the zone change will impact buying and selling of the property. CA Chadwick explained that if the City decides not to grant the zone change application by the Olalla Center it will then be in non-compliance of the current zone and the City will need to take action.

Dave Criswell pointed out that non-compliance of the reversionary clause is something that another court would deal with. The comparisons being made are of the things the Olalla Center would like to do however there are many other uses that can be done with the property if it is zoned commercial. He would prefer that the City allow operation of the Olalla Center without the zone change to commercial.

Councilor Johnson asked if the property is to be used for education why is the City permitting retail in the facility. PD Cowie explained that in looking at the three main functions together, one is to provide a mental health facility and day care facility, then to offset some costs of those operations provide some small commercial spaces for a local artisans to create and potentially sell art. Although that is not the sole purpose of the center it is a means of offsetting the costs. Those commercial uses would need to be in a commercial zone.

**Public Hearing Closed-**CP Strom closed the public hearing at 8:17pm.

### **Council Deliberations**

Councilor Dunaway noted that this is a unique situation, the property is unique, and the potential use with the deed clause creates an awkward circumstance. As previously indicated by Planning Commissioner Ellis, the Planning Commission also struggled with the same concerns. If not a perfect way to proceed, this is as good as they could come up with. He said he can't argue with that.

CP Strom stated that the property needs to be used. If the zone isn't changed the Olalla Center won't be able to operate as a community center. She is happy with what they have done with the building and what they continue to do. She believes the Olalla Center should be supported as they are doing good things for the community.

Councilor Baxter stated that if it were a simple matter of commercial zoning without the reversionary clause and the intended purpose of the property she would be inclined to reject the application but because of the deed clause that muddies the water, she would be inclined to approve the request.

Councilor Johnson stated that if it wasn't for the deed clause indicating that the purpose of the property is for educational purposes only she would be against it. She believes that nullifies retail and other things that are allowed in a commercial zone. The zone will be commercial but the deed will restrict the uses.

Dave Criswell asked if retail sales will continue to be allowed. CA Chadwick stated that the Council decision tonight is whether or not to grant an application to change the zone to commercial. If the Olalla Center changed its use to a predominately a retail institution rather than an educational place, that is when the family will decide if they want to do something. PD Cowie noted that there are currently some rental spaces in the facility. If an artist sold a piece of art while renting space at the Olalla Center that would technically be a commercial use but the sale of the art is not the sole purpose of the Olalla Center and its function.

### **Decision Items**

#### **Adopting the Staff Report and Other Evidence in the Record as Findings Supporting Its Decision to Approve Applications RZ-2-12 and PA-3-12**

**Motion**-It was moved and seconded by (Strom/Johnson) based on the testimony received, the staff report, and the evidence and arguments before the City Council at the public hearing on January 16, 2013, the City Council determines that the request by Olalla Center for a comprehensive plan map amendment from Public Lands to Commercial and a zone change from public lands (PL) to commercial complies with the Toledo Municipal Code, Chapters 17.80, 17.36 and 17.16 and the 2000 Toledo Comprehensive Land Use Plan, the City Council adopts the staff report and other evidence in the record as findings supporting its decision to approve applications RZ-2-12 and PA-3-12.

Public Comment:  
There was none.

**Motion passed 4-0**, noting the absence of Councilor Kauffman and abstention of Councilor Lyon and Mayor Grutzmacher.

#### **An Ordinance Amending the 2000 Toledo Comprehensive Land Use Plan and Zoning Maps, as Adopted by Ordinance No. 1285**

The proposed ordinance amending the 2000 Toledo Comprehensive Land Use Plan and Zoning Maps, as Adopted by Ordinance No. 1285 was tabled to an undermined date.

CP Strom called for a brief recess at 8:26pm. The meeting resumed at 8:30pm with Mayor Grutzmacher and Councilor Lyon in attendance.

#### **A Resolution Fixing the Rates and Charges to be Paid by the Seal Rock Water District for the Purchase of Treated Water**

CM Amberg reported that on December 19, 2012 the City entered into a new 25 year contract with the Seal Rock Water District (SRWD) providing for the sale of treated water from the City to the District. The contract outlines a formula for setting the rate to be paid by SRWD based on the City's actual costs for producing water. It also allows the SRWD to choose whether minor capital costs incurred by the City are included in the rate at the beginning of the billing period. SWRD

chose to pay the capital costs in a lump sum payment and a usage rate of \$2.73 per 1,000 gallons of water.

Public Comment:

There was none

**Motion**-It was moved and seconded (Lyon/Strom) to adopt **Resolution No. 1333**, A Resolution Fixing the Rates and Charges to be paid by the Seal Rock Water District for the purchase of treated water at the rate of \$2.73 per 1000 gallons.

**Motion passed 6-0**, noting the absence of Councilor Kauffman.

### **Appointment of Jerry Seth and Billie Jo Smith to the Budget Committee**

CR Bryant reported that there are three vacancies on the Budget Committee. Both Jerry Seth and Billie Jo Smith held terms that expired on December 31, 2012 and have indicated that they would like to serve additional terms. Staff recommends Council temporarily suspend Council rules and appoint Jerry Seth and Billie Jo Smith to the Budget Committee for terms that expire December 31, 2015.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Dunaway/Johnson) to temporarily suspend Council Rules and appoint Jerry Seth and Billie Jo Smith to the Budget Committee for two vacant terms ending December 31, 2015. **Motion passed 6-0**, noting the absence of Councilor Kauffman.

### **Donation to the Ocean Observing Conference**

CM Amberg reported that John Lavrakas from Advanced Research Corporation appeared before the City Council at its regularly scheduled meeting on January 2, 2013. He provided a presentation focusing on the Ocean Observing Conference to be held in Newport. The conference is in the planning stages. As part of his presentation he presented the City Council with a financial plan that included a donation from the City of Toledo in the amount of \$2,000. The City Council discussed the item on January 8<sup>th</sup> and directed staff to prepare an action request to expend \$1000 from the City Council Strategic Reserve Fund to assist with financing the conference.

Public Comment:

There was none.

**Motion**- It was moved and seconded (Strom/Baxter) to approve the expenditure of \$1000 from the City Council Strategic Reserve Fund to be used to support the Ocean Observing Conference to be held in Newport in March 2013. **Motion passed 6-0**, noting the absence Councilor Kauffman.

## **Reports and Comments**

### **Department Reports**

PD Cowie reported that the Planning Commission would like City Council's blessing to look at revisions of the public lands zone. Mayor Grutzmacher suggested a joint meeting with City Council and the Planning Commission to discuss the issue. Councilor Lyon noted that this is the third major zoning issue that has come up since she has been on Council. She sees room for significant zoning ordinance review and she welcomes the opportunity to take an overall look at the City zoning ordinances in terms of businesses, residences, and industry. It was agreed that PD

Cowie will look at the Planning Commission calendar and coordinate a joint meeting. CM Amberg noted that this should also be listed on the City Council's goals list for 2013.

**City Manager's Report**

CM Amberg reported the following:

- She provided a handout for "City Day" at the State Capital on February 27, 2013.
- She then thanked Peter Vince and his students for video streaming the meeting online.

**Council Comments**

CP Strom reported that Toledo Jr. /Sr. High will be hosting an open house on February 6<sup>th</sup> at 5pm. The community is invited to see the recent improvements to the school building and grounds.

**Mayor Comments**

Mayor Grutzmacher commented on the following:

- There will be a food film series provided by the Lincoln County Foods Group in January and February at Café Mudno in Newport. The event is free except for the cost of the food and refreshments.

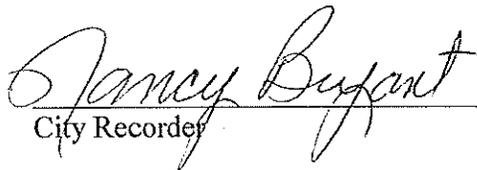
**Executive Session:**

The executive session was cancelled.

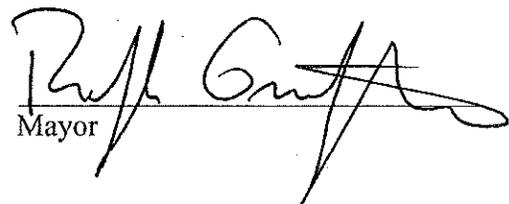
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:51pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

- r. Assure a smooth leadership transition at Library
  - i. Create a detailed library technology report

## **COLLABORATION**

### **#10- Promote and support high-quality education**

- a. Continue to participate on site council
- b. Conduct a summer reading program
- c. Continue to provide swim lessons to elementary schools
- d. Encourage participation in "If I Were Mayor" contest
- e. Support Toledo's Child Development Center

### **#11- Outreach to existing and potential partners and collaborators**

- a. Continue to build the relationship with Lincoln County School District
- b. Continue to build the relationship with Port of Toledo
- c. Develop relationships with legislators that will benefit the City of Toledo
  - i. Participate in LOC sponsored events at the Capitol
- d. Continue to actively participate in Cascades West Council of Government
  - i. Area Commission on Transportation (CWACTION)
  - ii. COG Board of Directors
- e. Continue to participate on Lincoln County Economic Development Alliance Board
- f. Review contract between City and Toledo Rural Fire District
- g. Encourage development of Siletz Tribal property
- h. Complete multi-city franchise agreement with Charter Communications
- i. Work with Lincoln County to improve process for granting Certificate of Occupancy

## **STAFF**

### **#12 -Maintain well-informed and effective City staff**

- a. Complete the Continuity Of Operations Plan (COOP)
- b. Complete negotiations with Toledo Employee Association (TEA)
- c. Initiate and complete negotiations with Toledo Public Safety Association
- d. Where possible, encourage cross training of personnel
- e. Support employee training and development

## **QUALITY OF LIFE**

### **#13 – Identify and eliminate barriers and obstacles to economic growth**

- a. Create an economic development toolkit
  - i. Create a Commercial Visitors Guide providing information on housing, restaurants, events, attractions, schools, etc.
- b. Address zoning issues
  - i. Update Public Use zone
  - ii. Create a zone that would serve as a buffer between current Commercial Zone and Residential Zone

**#14- Improve the quality and quantity of safe, decent and affordable housing and build environment within the City**

- a. Continue to support Lincoln Community Land Trust
- b. Continue City's Code Enforcement Program

**#15-Balance economic impact and quality of life issues**

- a. Start assisting customers with the H2O program
- b. Receive Oregon Heritage All-Star designation
- c. Update/Revise City Codes
  - i. Offsite Impact Ordinance
  - ii. Update Municipal Parking Ordinance
  - iii. Review proposed RV Ordinance
  - iv. Review proposed Park Exclusion Ordinance
  - v. Complete Permit to Consume Alcoholic Beverages in a Public Place
- d. Complete agreement between City and Georgia Pacific for dog park
- e. Annual Reports and Updates from Council Boards, Commissions and Committees
  - i. Planning Commission
  - ii. Public Utility Commission – expand role to include water and wastewater
  - iii. Parks and Recreation Advisory Committee
  - iv. Public Library Board
- f. Complete re-zoning of Olalla Center property
- g. Site a Realtor in Toledo
- h. Become a recreational destination; explore enhancement of recreational facilities
  - i. Install kayak/boat ramp
  - ii. Seek to site an RV park
  - iii. Install Disc Golf Course

CM Amberg noted that she will compile the new list of goals and tasks for Council and staff review.

**Parking Lot Discussion Items**

**University of Oregon RARE Program**

The group agreed that the City should not participate in the RARE program next year.

**City Council City Enhancement and In-Kind Services Policy**

The group discussed the City Contribution policy. CM Amberg explained that the City policy provides for City funded contributions to social services and civic organizations that provide direct service to Toledo citizens or enhance the quality of life in the community. The funding is limited to 15% of the state shared liquor tax and cigarette tax. There is no guarantee each year that those funds will be available from the State. A five member contribution review committee reviews all requests based on estimated funding each year. The contributions are awarded before the actual funding is received. The question is should the City skip a year of funding to always award on actual funds received or continue on the estimate basis. FD Chavarria noted that the State has talked about eliminating the funds so if that happens after the awards are made the funding will come from the City's operating funds. The group decided to continue the program on the estimated funding process.

**Main Street deterioration**

The group discussed the newly adopted nuisance ordinance and how it will help with issues on Main Street. Also, a task on the 2013 goals list includes Fire Marshal inspections when buildings change occupancy will help to alleviate some of the issues. Councilor Lyon noted that the only thing that the City government can do is to create rules that makes people correct deficiencies.

**Succession Planning**

CM Amberg explained that succession training of City employees may not be practical because vacant employment positions must be advertised and open to all employees. Councilor Lyon suggested detailed job descriptions that explain all aspects of a position would be helpful for someone filling that position. CM Amberg stated the City should have the option to go out into the market when hiring personnel. FD Chavarria noted that cross-training is something that would be very helpful in the continuity of operation when someone leaves employment. PWD Denlinger agreed that cross-training of employees is important. Councilor Dunaway suggested recruitment from adjacent communities for similar jobs.

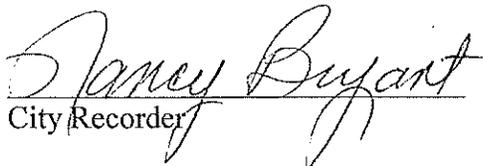
**Group Thoughts**

FD Chavarria asked if the list of tasks as suggested by individuals at this meeting are automatically on the 2013 list or will there be a chance to come to a group consensus. She noted that many items on the list will impact the City's budget if implemented. ARM Andrews noted that he is unclear on how this process will accommodate a consensus of the group. CM Amberg stated, once we go through this, we will take a look at it and assess it. The document will then go before City Council for approval. Councilor Lyon stated it is helpful to have department goals in this session but staff will determine what their budgeting goals will be. FD Chavarria also noted that department budget requests are due in early February so this will not be included in the budget proposals.

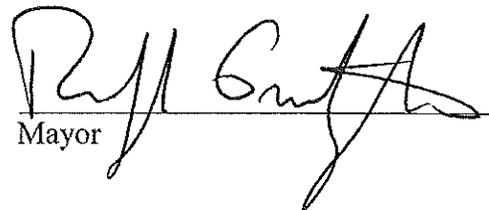
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 5:20pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
January 16, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jill Lyon, Jack Dunaway, Alma Baxter, Michele Johnson and Council President Terri Strom. Councilor absent: Jackie Kauffman.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Adam Denlinger, Aquatics/Recreation Manager (ARM) Joe Andrews, Finance Director (FD) Polly Chavarria, City Recorder (CR) Nancy Bryant, and Planning Director (PD) Stuart Cowie.

Visitors present: Theresa Denlinger, Alan Searle, Don Amberg, Brenda Brown, Zann Johnson, Mike Wallace, Mary Wallace, Linda Brodeur, Doug Alldridge, Jerry Seth, Maygen Blessman, John C. Crawford, Sandee Penter, Stan Penter, Stacy Criswell, Dave Criswell, Jim Neal, Patricia Neal, Ray Burleigh, Stacey Ames, Zachary Dues, Cristi Moore, and Heather Fortner.

### **Visitors/Public Comment**

There was none.

### **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Dunaway) to approve the consent calendar consisting of the invoice list dated January 11, 2013, and City Council minutes of January 2, 2013.

**Motion passed 6-0**, noting the absence of Councilor Kauffman.

### **Discussion and Information Items**

#### **Committee Updates**

Mayor Grutzmacher appointed Councilor Baxter to the Municipal Judge Contract Review Committee.

Councilor Lyon notified Council that the Lincoln County Economic Alliance Board met on Monday for a strategic-planning session. Its effort is to become a driver of economic development throughout Lincoln County. She will be reporting to City Council as the group moves forward.

Mayor Grutzmacher reported that the Newport/Toledo location was chosen by Oregon State University to host the new Pacific Marine Energy Test Center.

#### **City Council Goals and Strategies and Activities Update**

CM Amberg provided Council with a Goal Strategies and Activities update for the year 2012. Mayor Grutzmacher noted that there was a lot accomplished in 2012.

### **PUBLIC HEARING**

Mayor Grutzmacher declared a conflict of interest because he is employed by the Olalla Center who is the petitioner of the proposed zone change and the reason for the public hearing. He then excused himself from the room.

**Open Public Hearing-** CP Strom opened the public hearing at 7:05pm regarding comprehensive land use plan map and zoning map amendment to rezone property from public lands to a commercial zone designation (file #RZ-2-2/PA-3-12), for property located at 321 SE 3<sup>rd</sup> Street, requested by the Olalla Center. CP Strom called for declaration of conflict of interest, ex-parte contact, or a bias by Councilors or have conducted a site visitation.

Councilor Lyon declared a conflict of interest because she is married to Councilor Grutzmacher and may benefit from his employment at the Olalla Center who is the petitioner of the proposed zone change. She then excused herself from the room.

Seeing no additional conflict of interest of Council members the statement of rights and relevance and the right to appeal were read.

### **Staff Report**

PD Cowie reported that on December 12, 2012 the Toledo Planning Commission held a public hearing on the proposed Comprehensive Land Use Plan and Zoning Map amendment. It voted 4-1 to recommend approval with conditions of approval.

The subject property is located at 321 SE 3<sup>rd</sup> St. and identified on Lincoln County Assessor's Map #11-10-17 BD as tax lot 17000. It was previously owned by the Lincoln County School District and the building on the property was formerly the Mary Harrison School site. The property is now owned by the Olalla Center for Children and Families, a private non-profit organization. The building now serves roughly three functions; as the home for the Olalla Center (a state licensed psychiatric day treatment program), the Floweree Community Center, and a rental space area for commercial businesses and or professional groups. The property is zoned public lands.

Based on the existing uses the applicant desires to change the zoning map designation from public lands to commercial. This new zone designation best fits the numerous types of different uses occurring at the facility and will bring the property into compliance with the Toledo Municipal Code.

PD Cowie referred to Toledo Municipal Code Chapter 17.36 - PL Zone – Purpose: The purpose of the P-L zone is to indicate lands owned by public agencies, recognizing that such lands may be put to varied uses. He noted the key phrase is “lands owned by public agencies”. The Olalla Center, although they provide a variety of public services, it is not a public agency. As a result, the nature of their ownership is in conflict with the definition of the public lands zone. Before applying for the zone change, Olalla Center applied for a City business license for one of the business operations planned for the facility. The City procedure for business license applications requires the City to determine if the use complies with the zone designation. The City finding was that it does not fit the current zone designation. The commercial zone would be a more viable fit for the proposed uses. PC Cowie referred to Toledo Municipal Code Chapter 17.6 –C Zone – Purpose: The second sentence in that paragraph states “Compatible uses including public, civic, and institutional uses are also allowed.” Essentially, all of the current and proposed uses within the Olalla Center are uses allowed outright within the commercial zone.

PD Cowie stated that the criteria that one must meet to qualify for a zone change includes not only the demonstration of compliance with the comprehensive plan and policies of the City but also evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use maps regarding the property which is the subject of the

application. In this case, the applicant states that the very nature of its purchase of the property has made a change in the neighborhood and in the nature of the zone designation because it is a non-profit organization. This provides evidence that there has been a change in the neighborhood that warrants this zone change. In addition, the commercial zone and its purpose statement indicate uses such as public, civic, or institutional types of uses are allowed. The proposed uses coincide with the commercial zone.

### **Applicant Testimony**

Ray Burleigh, Executive Director of the Olalla Center, submitted his letter dated January 16, 2013 and two letters of support; from Michael Ulstad dated January 14, 2013 and Susan Miller dated January 15, 2013. He explained that the Olalla Center purchased the property because it had been located at a property on 805 NE Reservoir Lane for 33 years and felt the need for more operational space. The Lincoln County School District agreed to the sale of the Mary Harrison property based on the current and proposed services provided by the Olalla Center. As the Olalla Center began expansion within the Mary Harrison property they found that the State of Oregon required different licenses than those already acquired for the psychiatric treatment program. In order to comply with the State license requirements the facility would have to be in a commercial zoned area. He noted that at during the Planning Commission public hearing there was testimony of a neighbor who expressed concern about the future of the property if the Olalla Center were to sell it. He then referred to a revisionary clause contained in a previous Deed recorded May 19, 1890 in book J, page 129, Deed Records of Lincoln County, Oregon where as "This Deed is to remain in full force and effect as long as District No. 2 uses this land for school purposes, but when it is not used for said school purposes the property reverts to J.D. Graham and Addie Graham, and their heirs." The Olalla Center understood that this revisionary clause would apply to its ownership as well, that it could not sell the property to anyone who did not intend its use for school purposes and of which it has no intent. Mr. Burleigh acknowledged that the Olalla Center has donated and rented space to numerous businesses and organizations within the community since purchasing the subject property. He said the Olalla Center purpose is serving children and families which include being a good neighbor.

### **Proponent Testimony**

Brenda Brown of Toledo testified that when the Olalla Center purchased the property she was a member of the Lincoln County School Board. The school building had been closed with minimal activity for some time. The building and grounds were deteriorating which was causing the property to lose value. The School District determined that the property was no longer a great value to the District and pursued the option to sell. During the process the revisionary clause mentioned by Ray Burleigh was discussed and it was determined that to remove said clause would have been difficult because there are over 150 heirs of J. D. and Addie Graham who would need to agree to release the clause. The Olalla Center fit the criteria for sale of the property without the need for approval from the Graham heirs. She believes that the Olalla Center's mission is to provide services to a wider children population than those who attend the Olalla Center day treatment program.

In answer to a question posed by Councilor Dunaway, Ms. Brown stated that the revisionary clause is on a lot that composes a large portion of the building as well as the parking area.

Jim Neal, who identified himself as a great-great grandson of Ben Jones, stated that it would be impractical for the heirs to sell the property and split it between more than 150 heirs. He believes

the clause protects the property use to be what his great-great grandfather wanted. He said his great-great grandfather would be happy with the current use of the property. Mr. Neal said he approves of the current uses of the Olalla Center.

### **Opponent Testimony**

Doug Alldridge, member of the Toledo Planning Commission stated that he voted in opposition of the zone change during the December 12<sup>th</sup> Planning Commission public hearing but he is not in opposition to the Olalla Center. He referred to neighborhood concerns and asked that Council proceed with caution and think about the potential uses and what it would be like to be a neighbor of the property if it is zoned commercial.

David Criswell stated that he and his wife Stacy are supporters of the Olalla Center but they are not in favor of changing the zone to commercial. He said the Toledo Planning Commission, at its meeting of December 12, 2012, recognized that the Olalla Center did not do due diligence. He does not believe that Mr. Burleigh's statement about the State of Oregon requirement to be located in a commercial zone is correct for the current uses. Changing this property to a commercial zone opens it up for all outright or conditional uses permitted in the commercial zone and could happen if the Olalla Center chooses to relocate and sell or rent the property. He quoted PD Cowie's statement at the December 12<sup>th</sup> Planning Commission meeting as "The City could consider a review of the public land zone, but the review and noticing procedure would delay the Center's January 7<sup>th</sup> timeline for the after school program." Mr. Criswell believes it would be time well spent to do the research because of the impact to the entire neighborhood. Changing the zone for this property only benefits this one property as it is surrounded by residential property. He asked that the Center be zoned in a way that embraces education, complies with the deed stipulation and upheld by the heirs and not a property for a profit center at the expense of the neighbors, which is what changing to a commercial zone will do.

### **Other Interested Parties Testimony**

Heather Fortner testified that she runs the Orchid Street Art Studio which is located in the Olalla Center building. She is unable to obtain a City Business License because her business isn't allowed in the current zone designation. She would like to create art as well as teach workshops at the Center. She believes this fits into the function of the Olalla Center and the wishes of the property heirs for educational programs. She believes that she is typical of the type of tenant that would be attracted to renting space at the Olalla Center.

Stacey Ames testified that she is a teacher at the Olalla Center and employed by the Lincoln County School District. She has purchased a home that is located less than a block away from the Olalla Center. She is not concerned about uses of the property that will cause a problem in the neighborhood.

Ann Ellis, member of the Toledo Planning Commission, testified that the Planning Commission struggled with this issue. It was the commissioners understanding that the daycare facility requirement for commercial was the number of children that caused the criteria for state permitting. The Commission thought carefully about the change to a commercial zone and they understood the neighbor's concern. She noted that the commission would like to address the issues with the commercial zoning and public lands and expedite a procedure whereby this problem will not need to be addressed. The commission discussed and considered the potential for invasive educational facilities at the subject property but found it unlikely.

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John Crawford of Yaquina Bay Road, Toledo testified that he has been a resident of Toledo for about ten years. He has worked many years in performance facilities, and public facilities of various sorts. He believes the concern is that there is a lot of uncertainty as to what will become of the property or what might be done in the subject facility. He believes that concern should not be the driving factor to the decision tonight. This facility is unique and there are a lot of organizations in the area who are hungry to find a place to house what they want to do. He urged Council to approve the application.

Mike Wallace testified that he has lived within 100 feet from the property for 20 years. He works for the City of Toledo and has helped to repair the roads in the area. There are streets going into that facility from all directions and some are in very poor shape. Currently there isn't a large traffic impact to this area but with a lot of retail business on the property there will be more traffic. He believes most traffic to the area comes from 4<sup>th</sup> Street and it cannot stand the impact of additional traffic.

#### **Rebuttal by Applicant**

Ray Burleigh stated that Council has received a fairly good view of many of the possibilities. He appreciates Mr. Neal and the fact that he understands the intent of what the Olalla Center wants to do. The Olalla Center is also considering bringing in an occupational therapist for children and families as well as a speech therapist. He said the intent for the facility is not for some wild commercial enterprise but facilities that continue to improve the life of the community.

#### **Questions by Council**

CP Strom asked Mr. Neal if he is confident that the reversionary clause will prevent uses on the property that pertain to Mr. Criswell's concerns. Mr. Neal stated that he cannot predict the future. He believes that the property is being used properly right now and the City is trying to ensure that it remains that way. His family has felt that the property should be used to serve the community and its children.

Mr. Burleigh asked Mr. Neal if the Graham heirs could invoke the reversionary clause or stop a welding school to going to the facility. Mr. Neal said he believes that it is possible. The family could say that that use is not what the grandfather wanted.

Councilor Johnson stated that the reversionary clause controls the use of the property and the clause may not be revoked without the agreement from all of the heirs. Mr. Neal noted that the family will be involved in this property no matter what the outcome of this issue is.

Councilor Baxter asked under what grounds the family would have to fight a certain use of the facility, and who defines the definition of school purpose. Mr. Neal stated that a lot of things could be argued about it but he thinks the intent by his grandfather was to provide for this situation for children.

Councilor Dunaway asked CA Chadwick and PD Cowie, if they believe the reversionary clause addresses the concerns by opposition. CA Chadwick noted that the reversionary clause found on the deed of 1890 to the School District states that unless all heirs chose to remove it will remain on the deed. That issuance is between the buyers and sellers of the deed. The heirs have an interest in that deed as stated in 1890 so that if it is not used for a school than it reverts back to the family. It is an issue that the family will need to deal with when the property is bought and sold. PD Cowie

added that the City has no involvement with the reversionary clause on the deed. CA Chadwick also stated that the City doesn't involve itself with private property transactions.

Councilor Dunaway asked PWD Denlinger to address Mr. Wallace's traffic concerns. PWD Denlinger stated that he has no reason to believe that the traffic conditions are different now compared to when it was Mary Harrison School. He also noted that the department is looking at 4<sup>th</sup> Street as a road that needs to be reconstructed.

Mr. Burleigh stated that the Olalla Center is currently serving between 20 and 35 families. When the facility was the Mary Harrison School it served approximately 135 children. Councilor Dunaway noted that he remembered busy bus traffic during the mornings and afternoons at Mary Harrison School.

Councilor Baxter asked CA Chadwick how Council's approval of the zone change will impact buying and selling of the property. CA Chadwick explained that if the City decides not to grant the zone change application by the Olalla Center it will then be in non-compliance of the current zone and the City will need to take action.

Dave Criswell pointed out that non-compliance of the reversionary clause is something that another court would deal with. The comparisons being made are of the things the Olalla Center would like to do however there are many other uses that can be done with the property if it is zoned commercial. He would prefer that the City allow operation of the Olalla Center without the zone change to commercial.

Councilor Johnson asked if the property is to be used for education why is the City permitting retail in the facility. PD Cowie explained that in looking at the three main functions together, one is to provide a mental health facility and day care facility, then to offset some costs of those operations provide some small commercial spaces for a local artisans to create and potentially sell art. Although that is not the sole purpose of the center it is a means of offsetting the costs. Those commercial uses would need to be in a commercial zone.

**Public Hearing Closed-**CP Strom closed the public hearing at 8:17pm.

### **Council Deliberations**

Councilor Dunaway noted that this is a unique situation, the property is unique, and the potential use with the deed clause creates an awkward circumstance. As previously indicated by Planning Commissioner Ellis, the Planning Commission also struggled with the same concerns. If not a perfect way to proceed, this is as good as they could come up with. He said he can't argue with that.

CP Strom stated that the property needs to be used. If the zone isn't changed the Olalla Center won't be able to operate as a community center. She is happy with what they have done with the building and what they continue to do. She believes the Olalla Center should be supported as they are doing good things for the community.

Councilor Baxter stated that if it were a simple matter of commercial zoning without the reversionary clause and the intended purpose of the property she would be inclined to reject the application but because of the deed clause that muddies the water, she would be inclined to approve the request.

Councilor Johnson stated that if it wasn't for the deed clause indicating that the purpose of the property is for educational purposes only she would be against it. She believes that nullifies retail and other things that are allowed in a commercial zone. The zone will be commercial but the deed will restrict the uses.

Dave Criswell asked if retail sales will continue to be allowed. CA Chadwick stated that the Council decision tonight is whether or not to grant an application to change the zone to commercial. If the Olalla Center changed its use to a predominately a retail institution rather than an educational place, that is when the family will decide if they want to do something. PD Cowie noted that there are currently some rental spaces in the facility. If an artist sold a piece of art while renting space at the Olalla Center that would technically be a commercial use but the sale of the art is not the sole purpose of the Olalla Center and its function.

### **Decision Items**

#### **Adopting the Staff Report and Other Evidence in the Record as Findings Supporting Its Decision to Approve Applications RZ-2-12 and PA-3-12**

**Motion**-It was moved and seconded by (Strom/Johnson) based on the testimony received, the staff report, and the evidence and arguments before the City Council at the public hearing on January 16, 2013, the City Council determines that the request by Olalla Center for a comprehensive plan map amendment from Public Lands to Commercial and a zone change from public lands (PL) to commercial complies with the Toledo Municipal Code, Chapters 17.80, 17.36 and 17.16 and the 2000 Toledo Comprehensive Land Use Plan, the City Council adopts the staff report and other evidence in the record as findings supporting its decision to approve applications RZ-2-12 and PA-3-12.

Public Comment:  
There was none.

**Motion passed 4-0**, noting the absence of Councilor Kauffman and abstention of Councilor Lyon and Mayor Grutzmacher.

#### **An Ordinance Amending the 2000 Toledo Comprehensive Land Use Plan and Zoning Maps, as Adopted by Ordinance No. 1285**

The proposed ordinance amending the 2000 Toledo Comprehensive Land Use Plan and Zoning Maps, as Adopted by Ordinance No. 1285 was tabled to an undermined date.

CP Strom called for a brief recess at 8:26pm. The meeting resumed at 8:30pm with Mayor Grutzmacher and Councilor Lyon in attendance.

#### **A Resolution Fixing the Rates and Charges to be Paid by the Seal Rock Water District for the Purchase of Treated Water**

CM Amberg reported that on December 19, 2012 the City entered into a new 25 year contract with the Seal Rock Water District (SRWD) providing for the sale of treated water from the City to the District. The contract outlines a formula for setting the rate to be paid by SRWD based on the City's actual costs for producing water. It also allows the SRWD to choose whether minor capital costs incurred by the City are included in the rate at the beginning of the billing period. SWRD

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Public Comment:  
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**Motion passed 4-0**, noting the absence of Councilor Kauffman and abstention of Councilor Lyon and Mayor Grutzmacher.

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chose to pay the capital costs in a lump sum payment and a usage rate of \$2.73 per 1,000 gallons of water.

Public Comment:  
There was none

**Motion**-It was moved and seconded (Lyon/Strom) to adopt **Resolution No. 1333**, A Resolution Fixing the Rates and Charges to be paid by the Seal Rock Water District for the purchase of treated water at the rate of \$2.73 per 1000 gallons.

**Motion passed 6-0**, noting the absence of Councilor Kauffman.

### **Appointment of Jerry Seth and Billie Jo Smith to the Budget Committee**

CR Bryant reported that there are three vacancies on the Budget Committee. Both Jerry Seth and Billie Jo Smith held terms that expired on December 31, 2012 and have indicated that they would like to serve additional terms. Staff recommends Council temporarily suspend Council rules and appoint Jerry Seth and Billie Jo Smith to the Budget Committee for terms that expire December 31, 2015.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Dunaway/Johnson) to temporarily suspend Council Rules and appoint Jerry Seth and Billie Jo Smith to the Budget Committee for two vacant terms ending December 31, 2015. **Motion passed 6-0**, noting the absence of Councilor Kauffman.

### **Donation to the Ocean Observing Conference**

CM Amberg reported that John Lavrakas from Advanced Research Corporation appeared before the City Council at its regularly scheduled meeting on January 2, 2013. He provided a presentation focusing on the Ocean Observing Conference to be held in Newport. The conference is in the planning stages. As part of his presentation he presented the City Council with a financial plan that included a donation from the City of Toledo in the amount of \$2,000. The City Council discussed the item on January 8<sup>th</sup> and directed staff to prepare an action request to expend \$1000 from the City Council Strategic Reserve Fund to assist with financing the conference.

Public Comment:  
There was none.

**Motion**- It was moved and seconded (Strom/Baxter) to approve the expenditure of \$1000 from the City Council Strategic Reserve Fund to be used to support the Ocean Observing Conference to be held in Newport in March 2013. **Motion passed 6-0**, noting the absence Councilor Kauffman.

## **Reports and Comments**

### **Department Reports**

PD Cowie reported that the Planning Commission would like City Council's blessing to look at revisions of the public lands zone. Mayor Grutzmacher suggested a joint meeting with City Council and the Planning Commission to discuss the issue. Councilor Lyon noted that this is the third major zoning issue that has come up since she has been on Council. She sees room for significant zoning ordinance review and she welcomes the opportunity to take an overall look at the City zoning ordinances in terms of businesses, residences, and industry. It was agreed that PD

Cowie will look at the Planning Commission calendar and coordinate a joint meeting. CM Amberg noted that this should also be listed on the City Council's goals list for 2013.

**City Manager's Report**

CM Amberg reported the following:

- She provided a handout for "City Day" at the State Capital on February 27, 2013.
- She then thanked Peter Vince and his students for video streaming the meeting online.

**Council Comments**

CP Strom reported that Toledo Jr. /Sr. High will be hosting an open house on February 6<sup>th</sup> at 5pm. The community is invited to see the recent improvements to the school building and grounds.

**Mayor Comments**

Mayor Grutzmacher commented on the following:

- There will be a food film series provided by the Lincoln County Foods Group in January and February at Café Mudno in Newport. The event is free except for the cost of the food and refreshments.

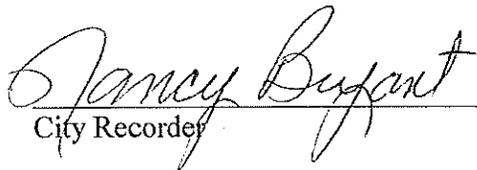
**Executive Session:**

The executive session was cancelled.

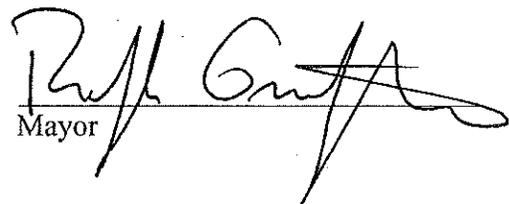
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:51pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

John Crawford of Yaquina Bay Road, Toledo testified that he has been a resident of Toledo for about ten years. He has worked many years in performance facilities, and public facilities of various sorts. He believes the concern is that there is a lot of uncertainty as to what will become of the property or what might be done in the subject facility. He believes that concern should not be the driving factor to the decision tonight. This facility is unique and there are a lot of organizations in the area who are hungry to find a place to house what they want to do. He urged Council to approve the application.

Mike Wallace testified that he has lived within 100 feet from the property for 20 years. He works for the City of Toledo and has helped to repair the roads in the area. There are streets going into that facility from all directions and some are in very poor shape. Currently there isn't a large traffic impact to this area but with a lot of retail business on the property there will be more traffic. He believes most traffic to the area comes from 4<sup>th</sup> Street and it cannot stand the impact of additional traffic.

#### **Rebuttal by Applicant**

Ray Burleigh stated that Council has received a fairly good view of many of the possibilities. He appreciates Mr. Neal and the fact that he understands the intent of what the Olalla Center wants to do. The Olalla Center is also considering bringing in an occupational therapist for children and families as well as a speech therapist. He said the intent for the facility is not for some wild commercial enterprise but facilities that continue to improve the life of the community.

#### **Questions by Council**

CP Strom asked Mr. Neal if he is confident that the reversionary clause will prevent uses on the property that pertain to Mr. Criswell's concerns. Mr. Neal stated that he cannot predict the future. He believes that the property is being used properly right now and the City is trying to ensure that it remains that way. His family has felt that the property should be used to serve the community and its children.

Mr. Burleigh asked Mr. Neal if the Graham heirs could invoke the reversionary clause or stop a welding school to going to the facility. Mr. Neal said he believes that it is possible. The family could say that that use is not what the grandfather wanted.

Councilor Johnson stated that the reversionary clause controls the use of the property and the clause may not be revoked without the agreement from all of the heirs. Mr. Neal noted that the family will be involved in this property no matter what the outcome of this issue is.

Councilor Baxter asked under what grounds the family would have to fight a certain use of the facility, and who defines the definition of school purpose. Mr. Neal stated that a lot of things could be argued about it but he thinks the intent by his grandfather was to provide for this situation for children.

Councilor Dunaway asked CA Chadwick and PD Cowie, if they believe the reversionary clause addresses the concerns by opposition. CA Chadwick noted that the reversionary clause found on the deed of 1890 to the School District states that unless all heirs chose to remove it will remain on the deed. That issuance is between the buyers and sellers of the deed. The heirs have an interest in that deed as stated in 1890 so that if it is not used for a school than it reverts back to the family. It is an issue that the family will need to deal with when the property is bought and sold. PD Cowie

added that the City has no involvement with the reversionary clause on the deed. CA Chadwick also stated that the City doesn't involve itself with private property transactions.

Councilor Dunaway asked PWD Denlinger to address Mr. Wallace's traffic concerns. PWD Denlinger stated that he has no reason to believe that the traffic conditions are different now compared to when it was Mary Harrison School. He also noted that the department is looking at 4<sup>th</sup> Street as a road that needs to be reconstructed.

Mr. Burleigh stated that the Olalla Center is currently serving between 20 and 35 families. When the facility was the Mary Harrison School it served approximately 135 children. Councilor Dunaway noted that he remembered busy bus traffic during the mornings and afternoons at Mary Harrison School.

Councilor Baxter asked CA Chadwick how Council's approval of the zone change will impact buying and selling of the property. CA Chadwick explained that if the City decides not to grant the zone change application by the Olalla Center it will then be in non-compliance of the current zone and the City will need to take action.

Dave Criswell pointed out that non-compliance of the reversionary clause is something that another court would deal with. The comparisons being made are of the things the Olalla Center would like to do however there are many other uses that can be done with the property if it is zoned commercial. He would prefer that the City allow operation of the Olalla Center without the zone change to commercial.

Councilor Johnson asked if the property is to be used for education why is the City permitting retail in the facility. PD Cowie explained that in looking at the three main functions together, one is to provide a mental health facility and day care facility, then to offset some costs of those operations provide some small commercial spaces for a local artisans to create and potentially sell art. Although that is not the sole purpose of the center it is a means of offsetting the costs. Those commercial uses would need to be in a commercial zone.

**Public Hearing Closed-**CP Strom closed the public hearing at 8:17pm.

### **Council Deliberations**

Councilor Dunaway noted that this is a unique situation, the property is unique, and the potential use with the deed clause creates an awkward circumstance. As previously indicated by Planning Commissioner Ellis, the Planning Commission also struggled with the same concerns. If not a perfect way to proceed, this is as good as they could come up with. He said he can't argue with that.

CP Strom stated that the property needs to be used. If the zone isn't changed the Olalla Center won't be able to operate as a community center. She is happy with what they have done with the building and what they continue to do. She believes the Olalla Center should be supported as they are doing good things for the community.

Councilor Baxter stated that if it were a simple matter of commercial zoning without the reversionary clause and the intended purpose of the property she would be inclined to reject the application but because of the deed clause that muddies the water, she would be inclined to approve the request.

Councilor Johnson stated that if it wasn't for the deed clause indicating that the purpose of the property is for educational purposes only she would be against it. She believes that nullifies retail and other things that are allowed in a commercial zone. The zone will be commercial but the deed will restrict the uses.

Dave Criswell asked if retail sales will continue to be allowed. CA Chadwick stated that the Council decision tonight is whether or not to grant an application to change the zone to commercial. If the Olalla Center changed its use to a predominately a retail institution rather than an educational place, that is when the family will decide if they want to do something. PD Cowie noted that there are currently some rental spaces in the facility. If an artist sold a piece of art while renting space at the Olalla Center that would technically be a commercial use but the sale of the art is not the sole purpose of the Olalla Center and its function.

### **Decision Items**

#### **Adopting the Staff Report and Other Evidence in the Record as Findings Supporting Its Decision to Approve Applications RZ-2-12 and PA-3-12**

**Motion**-It was moved and seconded by (Strom/Johnson) based on the testimony received, the staff report, and the evidence and arguments before the City Council at the public hearing on January 16, 2013, the City Council determines that the request by Olalla Center for a comprehensive plan map amendment from Public Lands to Commercial and a zone change from public lands (PL) to commercial complies with the Toledo Municipal Code, Chapters 17.80, 17.36 and 17.16 and the 2000 Toledo Comprehensive Land Use Plan, the City Council adopts the staff report and other evidence in the record as findings supporting its decision to approve applications RZ-2-12 and PA-3-12.

Public Comment:  
There was none.

**Motion passed 4-0**, noting the absence of Councilor Kauffman and abstention of Councilor Lyon and Mayor Grutzmacher.

#### **An Ordinance Amending the 2000 Toledo Comprehensive Land Use Plan and Zoning Maps, as Adopted by Ordinance No. 1285**

The proposed ordinance amending the 2000 Toledo Comprehensive Land Use Plan and Zoning Maps, as Adopted by Ordinance No. 1285 was tabled to an undermined date.

CP Strom called for a brief recess at 8:26pm. The meeting resumed at 8:30pm with Mayor Grutzmacher and Councilor Lyon in attendance.

#### **A Resolution Fixing the Rates and Charges to be Paid by the Seal Rock Water District for the Purchase of Treated Water**

CM Amberg reported that on December 19, 2012 the City entered into a new 25 year contract with the Seal Rock Water District (SRWD) providing for the sale of treated water from the City to the District. The contract outlines a formula for setting the rate to be paid by SRWD based on the City's actual costs for producing water. It also allows the SRWD to choose whether minor capital costs incurred by the City are included in the rate at the beginning of the billing period. SWRD

chose to pay the capital costs in a lump sum payment and a usage rate of \$2.73 per 1,000 gallons of water.

Public Comment:  
There was none

**Motion**-It was moved and seconded (Lyon/Strom) to adopt **Resolution No. 1333**, A Resolution Fixing the Rates and Charges to be paid by the Seal Rock Water District for the purchase of treated water at the rate of \$2.73 per 1000 gallons.

**Motion passed 6-0**, noting the absence of Councilor Kauffman.

### **Appointment of Jerry Seth and Billie Jo Smith to the Budget Committee**

CR Bryant reported that there are three vacancies on the Budget Committee. Both Jerry Seth and Billie Jo Smith held terms that expired on December 31, 2012 and have indicated that they would like to serve additional terms. Staff recommends Council temporarily suspend Council rules and appoint Jerry Seth and Billie Jo Smith to the Budget Committee for terms that expire December 31, 2015.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Dunaway/Johnson) to temporarily suspend Council Rules and appoint Jerry Seth and Billie Jo Smith to the Budget Committee for two vacant terms ending December 31, 2015. **Motion passed 6-0**, noting the absence of Councilor Kauffman.

### **Donation to the Ocean Observing Conference**

CM Amberg reported that John Lavrakas from Advanced Research Corporation appeared before the City Council at its regularly scheduled meeting on January 2, 2013. He provided a presentation focusing on the Ocean Observing Conference to be held in Newport. The conference is in the planning stages. As part of his presentation he presented the City Council with a financial plan that included a donation from the City of Toledo in the amount of \$2,000. The City Council discussed the item on January 8<sup>th</sup> and directed staff to prepare an action request to expend \$1000 from the City Council Strategic Reserve Fund to assist with financing the conference.

Public Comment:  
There was none.

**Motion**- It was moved and seconded (Strom/Baxter) to approve the expenditure of \$1000 from the City Council Strategic Reserve Fund to be used to support the Ocean Observing Conference to be held in Newport in March 2013. **Motion passed 6-0**, noting the absence Councilor Kauffman.

## **Reports and Comments**

### **Department Reports**

PD Cowie reported that the Planning Commission would like City Council's blessing to look at revisions of the public lands zone. Mayor Grutzmacher suggested a joint meeting with City Council and the Planning Commission to discuss the issue. Councilor Lyon noted that this is the third major zoning issue that has come up since she has been on Council. She sees room for significant zoning ordinance review and she welcomes the opportunity to take an overall look at the City zoning ordinances in terms of businesses, residences, and industry. It was agreed that PD

Cowie will look at the Planning Commission calendar and coordinate a joint meeting. CM Amberg noted that this should also be listed on the City Council's goals list for 2013.

**City Manager's Report**

CM Amberg reported the following:

- She provided a handout for "City Day" at the State Capital on February 27, 2013.
- She then thanked Peter Vince and his students for video streaming the meeting online.

**Council Comments**

CP Strom reported that Toledo Jr. /Sr. High will be hosting an open house on February 6<sup>th</sup> at 5pm. The community is invited to see the recent improvements to the school building and grounds.

**Mayor Comments**

Mayor Grutzmacher commented on the following:

- There will be a food film series provided by the Lincoln County Foods Group in January and February at Café Mudno in Newport. The event is free except for the cost of the food and refreshments.

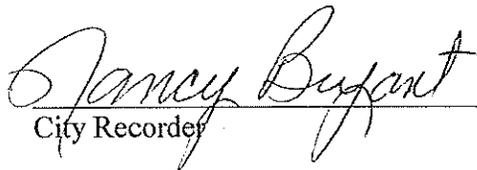
**Executive Session:**

The executive session was cancelled.

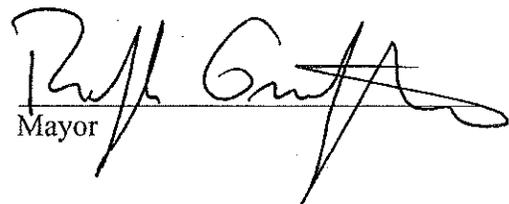
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:51pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
February 6, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 6:30pm. Councilors present: Terri Strom, Jill Lyon, Jack Dunaway, Jackie Kauffman, and Alma Baxter. Councilor excused: Michele Johnson.

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

Visitors present: Larry Davis, Dave Criswell, Stacy Criswell, Teresa Denlinger, Alan Searle and Ray Burleigh.

**Budget Committee Interview**

Council interviewed Larry Davis of 1722 Alder Lane Drive, Toledo as the applicant for the Budget Committee vacancy.

Mayor Grutzmacher called for a recess at 6:34pm. The meeting resumed at 6:36pm.

**Visitors/Public Comment**

Edward Johnston, Toledo resident, stated that he is the President of the Elected and Public Employee Oversight Committee as well as the United States Constitutional Court Watch Association. He would like to educate the public on how to file against the public employee. He stated that he is concerned that people are threatened because they do not comply with City ordinances. He asked if the City wants money for water service. He would like the City to help people file their UCC1. He said that he is making a citizen's arrest on the structure here as well as the Municipal Judge Parsons and the officers involved in fraud, racketeering and extortion. He then stated that if anyone in the community has a complaint with the City to come to him and he will help with filing processes.

**Consent Calendar**

Mayor Grutzmacher excused himself from voting on the invoice list because he is a recipient on the list for travel expenses. Councilor Lyon noted that the Fire Department made a payment on 50% of new fire engine and expended a large amount to repair a ladder truck. CM Amberg noted that the ladder truck is expensive to maintain.

Public Comment:  
There was none

**Motion-** It was moved and seconded (Lyon/Baxter) to approve the consent calendar consisting of the invoice list dated February 1, 2013, City Council minutes of January 8<sup>th</sup>, January 16<sup>th</sup> and the Council Goal Setting Session of January 16, 2013. **Motion passed 6-0** noting the abstention of Mayor Grutzmacher.

## **Discussion and Information Items**

### **Lincoln County Solid Waste Activities Update**

Mark Saelens, District Program Manager of Lincoln County Solid Waste District and Lincoln County Sustainability Coordinator provided Council with an update on the District's activities. Key projects that remain a focus each year include: awareness, education and events, State level interface, forest enforcement (illegal dumping), household hazardous waste collection, specific recycling projects, recycled latex paint, wood and yard debris, and backyard composters and worm bins. The Sustainability project, added in 2008, identified the District Manager as the Lincoln County Sustainability Coordinator to assist cities as a staff resource. Sustainability results include: a renewable energy trailer "watt wagon", electric vehicle charging stations, work with "green teams" (Oregon Coast Aquarium, CTSI, Newport HS environmental club), climate adaption project, and community wind. The 2013/14 FY estimated budget includes secured funding from Oregon Department of Fish and Wildlife Access & Habitat, and the County general fund.

The District is proposing a more structured Solid Waste Advisory Committee (SWAC) and is asking the seven cities within Lincoln County to agree to the changes. The County Commissioners will then request that each city appoint a representative to serve on SWAC.

The group then discussed waste management around the state as well as recycled plastic and glass issues. Saelens noted that the single biggest local problem in Lincoln County is handling food waste. Oregon is one of the most regulated states when approving a compost facility. He said we need more traction on a local composting facility and Lincoln County could be a supplier. Mayor Grutzmacher noted that he would like the waste stream to be considered as an economic development opportunity with "Made in Lincoln County" on the end product. Recycled glass would be a good example. Saelens agreed and explained the difficulties for recycling glass. Mayor Grutzmacher thanked Mark Saelens for his report.

### **Committee Updates**

There were none.

### **2013 City Council Goals**

CM Amberg provided Council with the draft list of 2013 City Council Goals and tasks list developed at the January goal setting session. She noted that the "eCivis" grant research program was previously discussed by Council but it is not on the list. She said the program is very expensive and there is limited staff available to maintain the program. Councilor Lyon and Mayor Grutzmacher both suggested that it would be worth discussing during the budget process. CM Amberg agreed to include eCivis as a review item in the task list.

Council discussed long range planning and how it is addressed through specific master and capital plans. Council then discussed the process for goal setting and how it relates to preparing the City's annual budget. Councilor Dunaway noted that an overall strategic plan will provide Council with a vision of what the City will look like in twenty or more years and will also help with the budget process. Councilor Johnson expressed her interest in starting the process for zone changes as soon as possible. Councilor Lyon noted that she believes the City's zoning requirements need to be based on the impacts of the area rather than a list of what uses can and cannot exist within a zone. Council agreed that they will begin the discussion with the Planning Commission.

Mayor Grutzmacher asked for the following changes to the goals task list:

- Goal #3 f, iii -Strike "bayberry"

- Goal #4 d - add "ii. Damage deposit for Memorial Field"
- Goal #6 d- Modify 6d to specify commercial property.
- Goals #7- add "f. Maintain 100% certification for FEMA IS 100 and IS 200 training."
- Goal #14- add "d. Provide for life safety code inspections as housing is sold or rented"

CM Amberg agreed to make the changes as suggested and will bring the final draft to Council for action.

## **Decision Items**

### **Appointment to the Toledo Budget Committee**

Mayor Grutzmacher called for a vote of Council, by written ballot, regarding the appointment of Larry Davis to the Budget Committee.

Council members voted unanimously to appoint Larry Davis to the vacant position on the Budget Committee. Mr. Davis's position will expire December 31, 2015.

### **Invoice for Toledo Ace Hardware**

CM Amberg explained the proposed invoice list of expenditures for Toledo Ace Hardware is separate from the consent calendar. Separating this invoice list from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the proposed invoice list because of her actual conflict of interest. Councilor Strom declared an actual conflict of interest because she is owner of Toledo Ace Hardware.

Councilor Strom excused herself from voting on the Ace Hardware invoice list because she is the owner of Ace Hardware.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve the invoice list dated January 28, 2013 for Toledo Ace Hardware. **Motion passed 6-0**, noting the abstention of Councilor Strom.

### **Proposed Ordinance-Comprehensive land Use Plan and Zoning Map Amendment**

Mayor Grutzmacher declared a conflict of interest because he is employed by the Olalla Center and excused himself from the room. Councilor Lyon also declared a conflict of interest because her family member is a contract employee of Olalla Center. She excused herself from the room.

CD Planner Cowie reported that the proposed ordinance will finalize the action which took place during the January 16, 2013 public hearing held by City Council. The public hearing is now closed and the staff report was approved. Adoption of the Ordinance will change the property owned by the Olalla Center from Public Land zone to Commercial zone.

Public Comment:  
There was none.

**Motion-**It was moved and seconded (Kauffman/Dunaway) to adopt **Ordinance No. 1348**, by reading the title twice, An Ordinance Amending the 2000 Toledo Comprehensive Land use Plan

and Zoning Maps, as Adopted by Ordinance No. 1285. **Motion passed 5-0**, noting the abstention of Councilor Lyon and Mayor Grutzmacher.

Mayor Grutzmacher and Councilor Lyon returned to the meeting.

## Reports and Comments

### Department Reports

PW Denlinger provided an update on the Transportation Plan process. He stated that the next meeting is scheduled for February 21<sup>st</sup>. There will be an opportunity for public comment at the Open House on March 12, 2013 in the Council Chamber of City Hall from 4pm to 6pm. He encouraged Council and all interested community members to attend.

### City Manager's Report

CM Amberg reported the following:

- A new 4-H group will be working at the Toledo community garden. She will invite the group to provide a presentation to Council at a future meeting.
- The Toledo Food Pantry will host a free six-week cooking and nutrition class at the Floweree Community Center in April and May.
- The revised budget calendar was distributed.
- Toledo's workers compensation insurance experience rating went down. It is now at 1.07.
- The Healthy Kids program has expanded to cover middle-income children and adults.
- "City Day" event at the State Capital is coming up and registration is required.
- The Chamber lunch is scheduled for February 21<sup>st</sup> at noon at the Fire Station.
- She met with Kevin Lundstedt regarding the Summer Festival event. He is willing to meet with a Council Committee to discuss the cost of running the festival. She suggested that Council consider awarding funds from the City's promotional fund to help with the event.
- She will be away at a workshop on February 12<sup>th</sup>. She will be attending the CIS conference beginning February 13<sup>th</sup>.
- She thanked Peter Vince and the video crew for the video recording of this meeting.

### Council Comments

There were none.

### Mayor Comments

Mayor Grutzmacher commented on the following:

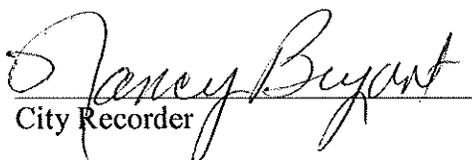
- It is time for the "If I Were Mayor" contest, for students in grades four through twelve. He would like to see local student participation in the contest this year.
- He will attend "City Day" event at the Capital.

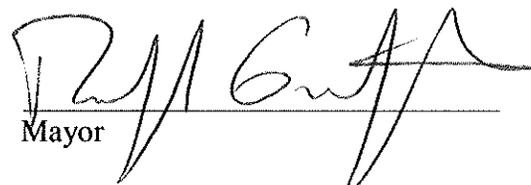
### Adjournment:

Mayor Grutzmacher adjourned the meeting at 8:33pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION  
February 12, 2013**

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm. Councilors present: Jill Lyon, Jack Dunaway, Alma Baxter, Jackie Kauffman and Council President Terri Strom. Councilor Excused: Michele Johnson.

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

Visitors present: Alan Searle, Dave Morgan, Don Amberg and Teresa Denlinger.

**Discussion and Information Items**

**Committee Updates**

Councilor Lyon reported that she has been appointed Chair of the Lincoln County Telecom Committee.

**Toledo Library E-Materials Update**

LD Rayment provided Council with an update on electronic resources for the Toledo Public Library. He said the Toledo Public Library has had some form of internet library service since the 1980s. Toledo made the internet available to the public in the early 2000s through the Coastal Resource Sharing Network (CRSN) membership. In 2005/2006 the Oregon Digital Library Consortium was formed. CRSN is a member of this statewide program set up to contract for audio books, videos, and e-books. The consortium contracts with OverDrive which is the largest digital content eBook distributor in the nation. Public Libraries still do not have access to all eBooks published. The current issues for libraries regarding eBooks stem from contentious publisher/library relations regarding collaboration and costs.

Councilor Dunaway asked LD Rayment what the library will look like in twenty years. LD Rayment stated that the library future is unknown. The Toledo Public Library will not be cutting edge but it can be fairly close.

**93 Housing Rehabilitation Program Management**

FD Chavarria reported that the City of Toledo has received two Federal block grants for housing rehabilitation loans, first in 1985 and then in 1993. The grant received in 1985 had the stipulation that once the funds were loaned out once and returned to the program the City owned it and the funds could be cashed out. The grant received in 1993 required that the funds be re-loaned unless the amount that came back to the City in any given year was \$25,000 or less. The rules changed in May of last year eliminating the cashed out option. The City has two available choices on how to deal with the program income: donate the program income every year to an approved food bank or sub-grant the program income to an eligible non-profit organization that facilitates housing rehabilitation loans. Community Services Consortium (CSC) handles housing rehabilitation loans and has processed all of the block grant funds for the City since the original grant in 1985. If the City chooses to sub-grant the funds it will be obligated to sub-grant the entire program portfolio.

By consensus council agreed that the program funds should be sub-granted to an eligible non-profit organization. FD Chavarria noted that staff will provide a sub-grant agreement and a resolution for Council action at the next regular session.

### **Chlorine Generation System Water Treatment Processing Equipment**

PW Denlinger explained that the existing chlorine processing equipment for the City's water treatment is failing. Chlorine is used to disinfectant the water. Staff will be requesting approval to replace the current equipment; a unit that will provide for operator safety and significant upgrade to power usage. The current system in place is two different units which are fourteen and ten years old. Newer units will last 15 years if maintained under specification and will increase efficiencies to the water treatment process. Councilor Baxter noted that she recently toured the water treatment plant and was pleased by the enthusiasm and professionalism of the employees who work there.

### **City Owned Property Inventory Review**

CM Amberg provided a list of city owned property including current use and staff recommendations.

The following parcels were recommended for sell, lease, or develop:

- Toledo Industrial Property- vacant, 3.091 acres, appraisals complete, access to rail.
- Toledo Industrial Property- vacant, 1.952 acres, appraisals complete, access to rail.
- Toledo Industrial Property- vacant, 0.944 acres, appraisals complete, access to rail.
- 260 NW A Street- 0.382 acres, currently leased to Carson Oil for parking.
- 100 NW A Street- 0.283 acres, currently leased to Yaquina Pacific Railroad Historical Society.
- 250 Business Hwy 20- 0.640 acres, currently the Toledo Police Department. It should be a priority to move the police to a building outside the flood zone.
- Vacant parcel behind 140 10<sup>th</sup> Street- 0.064 acres, hillside with no access. There may be value to an adjacent land owner.
- Vacant parcel at the top of 6<sup>th</sup> Street- 0.624 acres, buildable lot.
- Corner on Skyline and Sunset Drive- 0.117 acres, this property is located just outside the city limits in the Urban Growth Boundary and is very steep. It may have value to an adjacent property owner.
- Eastside Terrace- vacant, 0.132 acres, small lot, only value would be to an adjacent land owner.
- Eastside Terrace- vacant, 0.328 acres, small lot, only value would be to an adjacent land owner.
- Eastside Terrace- vacant, 0.119 acres, small lot, only value would be to an adjacent land owner.
- Eastside Terrace- vacant, 0.036 acres, small lot, only value would be to an adjacent land owner.
- Eastside Terrace- vacant, 0.125 acres, small lot, only value would be to an adjacent land owner.
- East Slope Road- vacant, 0.295 acres, steep small lot, only value would be to an adjacent land owner.
- East Slope Road- vacant, 0.531 acres, steep small lot, only value would be to an adjacent land owner.
- Olsen Road- vacant, 0.915 acres, property may need easement to access road.
- East Slope Road- vacant, 15.306 acres, flooded in winter months by Olalla Slough-may have some value to adjacent land owner; zoned natural resources.

- East Slope Road- vacant, 8.170 acres, flooded in winter months by Olalla Slough- may have some value to adjacent land owner; zoned natural resources.
- River Road- vacant, 0.351 acres, deed restriction, staff needs to time for research on this parcel.
- Sturdevant Road- vacant, 1.069 acres, property is currently used as an unauthorized BMX park.
- 16<sup>th</sup> Place- vacant, 0.910 acres, property located in UGB immediately adjacent to City boundary.
- Sturdevant Road- vacant 1.706 acres, property has been delineated; abuts Olalla Slough mitigation site and will require seller to agree to easements for utility and access to dike.
- Sturdevant Road- Olalla Slough mitigation site, 20.418 acres, flooded by tidal action along the Olalla Slough.
- Timberland- vacant, 120 acres, this is a lot that is not contiguous with Mill Creek impoundment site, potential for land swap.

The group discussed the parking lot and decking area around the Council of Governments building, the potential for a land swap of City owned property in the Mill Creek area, and annexing City owned property that is adjacent to City property.

Mayor Grutzmacher called for a brief break at 8:29pm. The meeting resumed at 8:36pm.

### **Annual Engineer Cost Update**

CM Amberg provided Council with the list of invoices paid to Civil West Engineering for engineering services from June 30, 2009 through December 26, 2012. The three year total equals \$898,280.35. She noted that the 2012 expenditures include the Water Master Plan phases I and II, the Wastewater Facilities Plan, the Building Facilities Plan and the Water Rate Study.

Councilor Dunaway noted his concern that the City contracts all of its engineering services with one firm. He asked if there are other ways that the City might address the engineering needs. PWD Denlinger noted that the rate for service from Civil West Engineering has not changed since the City entered into the Engineer of Record agreement. He also noted that the City has used other engineering firms in the last few years. The City's agreement for Engineer of Record does not obligate the City to use that firm exclusively for engineering. He stated that some project engineering costs may have been reimbursed by grant funding. Mayor Grutzmacher noted that he shares concern that projects require 9-10% of the cost in engineer services. He said in some cases all the City has built is the study and there is no capital project to lay consultant services against. The group discussed the potential for hiring a temporary part time engineer. PWD Denlinger stated that he has thought of that but the City will not likely find an engineer that can work on this level of service and provide the same result. Civil West is currently using a team of engineers with specialties and combining information to produce a final product. Councilor Lyon noted that the engineering costs are high but she has been pleased with the products received like the Building Facilities Plan. Councilor Dunaway stated that he hopes that the City will continually pause to consider the best way to proceed and examine project costs.

### **Commemorative Employee Recognition**

The group discussed ways in which the City could recognize long term employees. Some suggestions include a plaque with the employees name and dates of service, a City bench with the

employees name inscribed, and naming a city building or room within a building after an employee has left City service. CM Amberg referred to the City's Employee Recognition Policy. Council agreed to refer the topic to the March Council work session.

### **City Employee Recognition for Workers Compensation Dividend**

CM Amberg explained that the City has received a dividend check in the amount of \$20,522 from State Accident Insurance Fund (SAIF). In the past the City has used dividend funds to offset the cost of providing workers compensation insurance. At a previous meeting Council suggested that City employees receive some form of recognition for working safely and keeping the costs down. She provided Council with three recommendations:

- Divide the entire dividend by the number of employees and volunteers and give each a cash bonus.
- Use only a portion of the dividend to purchase an item and distribute it to employees and volunteers with the remainder of the funds placed in the insurance reserve fund and used to offset costs of the City's safety programs.
- Develop an on-going safety recognition program.
- Install security cameras at entrances/exits of all City buildings.
- Place all of the revenue from the SAIF dividend into the Insurance Reserve Fund.

By consensus Council agreed that they liked the idea of purchasing the "Ultimate Survivor" kit from Lifeline for each employee and volunteer and authorized the City Manager to spend up to \$50.00 per employee and volunteer.

### **Fire Marshal Report**

CM Amberg provided the Fire and Life Safety Inspection notice and Order of Correction report from the Oregon State Office of State Fire Marshal for the Toledo High School. The report indicates that the required fire flow for the high school and campus shall be a minimum of 1900 gpm. Mayor Grutzmacher stated that the Waldport School construction project paid for the water line that would bring adequate flow to the new school. The District stated that it had to take amenities out of the school project to pay for it and if the District pays for the new water line to the Toledo High School it will have to come out of some other project. He believes this should have been resolved before construction began. The District is now relying on the City to provide the water system improvements that would provide adequate flow to the school. The School District now has a code compliance issue in that they have to get to 1900 gpm by January 11, 2014 and the City will not have begun construction by that date. He suggested inviting the School District representatives to discuss what they want the City to do in response to the Fire Marshal's findings. He said the City needs to respect the Toledo Fire Chief's recommendation to provide 3000 gpm to accommodate additional flow beyond the High School. Councilor Lyon stated that the Public Works Director previously reported that if the City changed the Water Master Plan reducing the size of the water line it would not cause a significant cost savings because the large portion of the cost is in placing the line and not the size of the line. CM Amberg agreed to invite the Lincoln County School District Superintendent to the March Council work session.

### **Real Estate Appraisal of Toledo Industrial Property**

CA Chadwick reported that an appraisal is complete for the three parcels on the City owned Toledo Industrial Property identified as Lincoln County Assessor's Map 11-10-18A Tax Lots, 300, 3600, & 3700. The appraisal includes values for each lot individually as well as the three lots combined. He stated that there are several persons who have declared interest in the property. He then noted that this property is considered standard developed property under the guidelines of Ordinance No. 1342. The process for disposal of standard developed property includes a public

hearing, public notice of the hearing, Council determination regarding whether it will offer the property for sale and what the minimum acceptable terms shall be. He asked that Council to consider how they want to proceed with this property.

By consensus Council agreed that they are ready to begin the disposal process for the subject property.

The group discussed adding contingencies for economic development and local jobs. The group also discussed advantages of selling the lots as one piece and whether the interested persons have declared interest in separate partials. CA Chadwick stated that generally speaking most are interested in the two larger partials and only one person has shown interest in the smallest partial identified as TL #300 which is landlocked. He noted that the City will receive the greatest value by selling each partial separately. Mayor Grutzmacher suggested that Council consider long term leasing of the property.

Council and staff agreed to discuss the issue again at the March 12, 2013 work session and set March 20<sup>th</sup> for the public hearing date.

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

#### **Fish Sculpture**

CM Amberg explained that Councilor Johnson found a stainless steel sculpture of a school of fish for \$500. Council reviewed a photo of the sculpture and determined that they are not ready to purchase art for the project until the design is complete.

Mayor Grutzmacher reminded the group that "City Day" at the State Capital building is February 27<sup>th</sup> and a tour of the Lincoln County Jail is scheduled for Council on February 28<sup>th</sup> at 6pm. He also noted that he recently participated in a ride-along with the Toledo Police patrol.

### **City Manager Comments**

CM Amberg had no comments.

Mayor Grutzmacher then called for a recess at 9:57pm; 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 10:01pm 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.

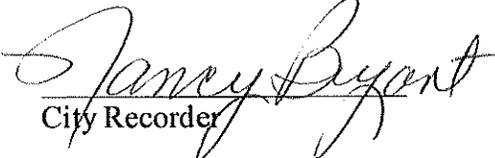
### **Executive Session:**

Council and staff discussed negotiations for labor agreements with the Toledo Employee Association and the Toledo Public Safety Association as well as litigation filed against the City.

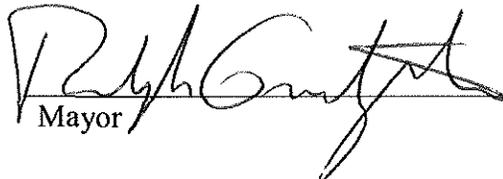
**Adjournment:**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 10:52pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
February 20, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Terri Strom, Jack Dunaway, Jackie Kauffman, Michele Johnson, and Alma Baxter. Councilors Excused: Jill Lyon.

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

Visitors present: Glen Kearns, Ryan Evans, Don Amberg, Teresa Denlinger, Dave Morgan and Rockne Roll.

### **Visitors/Public Comment**

There was none.

### **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Kauffman) to approve the consent calendar consisting of the invoice list dated February 12, 2013, City Council minutes of February 6, 2013. **Motion passed 6-0**, noting the absence of Councilor Lyon.

### **Discussion and Information Items**

#### **Committee Updates**

Councilor Dunaway announced that a Transportation Plan Meeting is scheduled for February 21, 2013 at 3pm at the Toledo Fire Station and will be facilitated by the contract planners.

Councilor Johnson announced that the Toledo Chamber is preparing for the Toledo Car Show event in August and has received its first sponsor for a trophy. The trophies will be made of glass by Oregon Coast Glass Works.

#### **Annual Financial Report**

Glen Kearns, CPA and partner with Accuity, LLC presented the findings and report on the City's financials for 2012. He reported that the City received an unqualified opinion also known as a clean opinion of the City's financials. He stated that the City records are in great shape; FD Chavarria and staff do a phenomenal job in both day to day procedures and in preparation for the audit. Part of what the auditors do is look at the financials but they also look at areas of compliance of Oregon Budget Law, Public Contracting and Purchasing, and various other areas. There were no issues of non-compliance in any of those areas. The City's general fund had a positive increase in fund balance at the budgetary basis for the year. This is good, especially given the overall state of economy. The overall condition of records and the fund balances appear appropriate and reasonable.

Councilor Dunaway asked if this type of audit would catch a problem like embezzlement. Kearns explained that the auditors do not look at all transactions that go through the City. He said there is the possibility that if irregularities were present they would catch it but usually those types of problems are caught by internal control procedures that are in place. He then noted that the audit performed by Accuity on the City's financials is probably the highest level of procedures that can be performed given the level of funding for Toledo. The audit is performed in accordance with the Generally Accepted Governmental Accounting Standards so in addition to the normal financial procedures, governmental requires them to do an evaluation of the internal control over operations. FD Chavarria noted that the auditors never ask for the same information each year so the employees don't know what records will be requested until the auditors arrive. CM Amberg noted that she is proud of the City's audit and she is very pleased with the work that FD Chavarria and Accuity have done together. Mayor Grutzmacher thanked Mr. Kearns for the report.

### **Parks & Recreation Advisory Committee Report**

Ryan Evans Chair of the City Parks and Recreation Advisory Committee reported that in 2012 the Committee accomplished the following:

- Developed a meeting schedule; the Committee meets the last Thursday of each month.
- Reviewed the Committee's responsibilities as the City Tree Board.
- Made a recommendation to City Hall regarding City Hall landscape.
- Reviewed the City Recreation program and its partnership with the Toledo Booster Club.
- Discussed a potential wildlife viewing platform near East Slope Park.
- Conducted a tour of the public swimming pool, reviewed the user fees and made recommendations to City Council.

Mayor Grutzmacher asked if the Committee has a point of view regarding dealing with current adverse activities at the Skate Park. Evans noted that he is a user of the park and believes that there are a lot of changes that need to be made. He is not sure that it is the committee's role to address the issues. He noted that in the past Mayor Branstiter oversaw the park and when it was vandalized she would close it until the users agreed to clean it. He also suggested that a more prevalent police presence at the park might curb the illegal activities in that area. ARM Andrews noted that members of the committee are encouraging park users to help keep the park clean.

Evans then reported the list for Committee activities in 2013 is as follows;

- Work with City staff to maintain and enhance park facilities.
- Aid in the completion of the proposed dog park.
- Aid the City in seeking grants for maintenance and/or additional parks.
- Explore the development of a disk golf course.
- Explore long term options for the Toledo Public Swimming Pool.
- Explore options for creation of walking and bike paths.

Councilor Baxter asked if the Committee has researched how other entities that have skate parks deal with park adverse issues. Evans referred to the Burnside Skate Park in Portland. He stated that the park is regulated and enforced by the users who are a tight knit community. He believes that the users of the Toledo Skate Park don't know how to clean up after themselves.

Councilor Dunaway thanked Mr. Evans for his involvement with the committee. He asked if there is a marginal activity that the City could do that it isn't doing now. Evans stated that a disk golf course would be very beneficial to the community. It is a growing sport and there seems to be a lot of interest.

## **Decision Items**

### **Proposed Motion to Authorize the Public Works Department to Purchase a Chlorine Generation System**

PWD Denlinger reported that the operators at the Water Treatment Plant are requesting Council approval to replace the plants existing 13 year old chlorine generation system which is in the beginning stages of failure. Operators have seen an increased amount of maintenance hours occur as a result of failed components. Due to the age of the existing system some repair parts are unavailable, making the unit obsolete. The department advertised Request for Quotes and received five proposals from qualified vendors. After careful evaluation of all proposals, the Department has selected the lowest responsible vendor providing chlorine generation by Siemens/Wallace & Tiernan, which include onsite operator training and a two year service contract. The bid price from Siemens/Wallace & Tiernan is \$46,159.00 with a two year service contract the total is \$58,903.37.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Dunaway/Johnson) to authorize the Public Works Department to purchase a new chlorine generation system used to provide disinfection at the Water Treatment Plant. **Motion passed** 6-0, noting the absence of Councilor Lyon.

### **Resolution-Transferring All of the City's 1993 CDBG Loan Portfolio Funds and Program Income to an Eligible 105(a)(15) Non-Profit Organization**

FD Chavarria explained that effective May 23, 2012 the City is no longer permitted to use program income (up to \$25,000) from its 1993 CDBG revolving loan funds as miscellaneous income for any purpose. Federal regulations now require that all income from the CDBG loan funds be classified as program income subject to additional reporting requirements. In response to these new regulations, the Oregon Business Development Department-Infrastructure Finance Authority developed a list of options that allows the use of program income to provide a benefit at the local level and avoid the additional annual reporting to HUD. One of these options is to sub-grant the program income and loan funds to an eligible 105(a)(15) non-profit for housing rehabilitation such as the Community Services Consortium.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Dunaway/Johnson ) to adopt **Resolution No. 1334**, A Resolution to commit to transfer 1993 CDBG Program Income from Revolving Loan Funds to an Eligible 105(a)(15) Non-Profit for housing rehabilitation. **Motion passed** 6-0, noting the absence of Councilor Lyon.

### **Resolution-Changing the Uses of the Stabilization Fund**

FD Chavarria reported that the City receives new employer-paid rates from the Public Employees Retirement System (PERS) every two years. The City's rates that will be going into effect on July 1, 2013 represent an increase of just over 5% from existing rates. These new rates will trigger drawing funds from the City's Stabilization Fund based on criteria outlined in Resolution No. 1300, adopted in May of 2011 and outlining when Stabilization Funds can be used. If the City

draws funds for all employer-paid retirement expenses in excess of 6.3% of salary as outlined in the Resolution, the retirement portion of the Stabilization Fund will be depleted in approximately four years. This proposed resolution allows the City Council to re-evaluate the drawdown threshold every time new PERS rates are released. The suggested rate for fiscal year beginning July 1, 2013 is 6.65% and the fiscal year beginning July 1, 2014 is 7%.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Baxter/Kauffman) to adopt **Resolution No. 1335**, A Resolution Changing the Use of the Stabilization Fund. **Motion passed 6-0**, noting the absence of Councilor Lyon.

**Motion for Recommendation to OLCC for an Application for Temporary Use of an Annual License made by Doug Rider of Twisted Snout Brewery**

CR Bryant explained that the Toledo Food Pantry is sponsoring a 5k run event at the Toledo Port Waterfront property on March 16<sup>th</sup> and Twisted Snout has applied for a temporary use of its Oregon liquor license to serve Beer at the event.

Public Comment:

There were none.

**Motion**-It was moved and seconded (Strom/Dunaway) to recommend approval to the Oregon Liquor Control Commission for an application for temporary use of an annual license made by Doug Rider of Twisted. **Motion passed 6-0**, noting the absence of Councilor Lyon.

## Reports and Comments

### Department Reports

PC Enyeart reported that he is aware of the Skate Park issues and he will take care of it.

PWD Denlinger stated that the public works department has “skate park closed” signs if it becomes necessary to use them.

ARM Andrews reported that pool staff is preparing for the school swim lessons as well as planning for a March 21<sup>st</sup> movie night with coordinated events at the public library. Pool usage is up due to the temporary closure of the Newport Public Swimming Pool.

FD Chavarria reported that the finance department is recruiting for a Utility Billing clerk position which will close on February 21, 2013. She also reported that the closing date for phone system request for quotes will close on February 21, 2013 and there are a number of submissions to review.

### City Manager's Report

CM Amberg reported the following:

- Registration is open for the “Regards to Rural” conference; an economic development conference located at Oregon State University in Corvallis on June 21<sup>st</sup> and 22<sup>nd</sup>.
- The monthly department report was distributed. She noted that the report was compiled and published by Brenda Searle, who has been filling in as Assistant to the City Recorder.
- She thanked Peter Vince and the student crew for recording this meeting.

**Council Comments**

Councilor Strom announced that the Toledo Downtown Association has scheduled a goal setting session for March 9<sup>th</sup> at noon at the Toledo Fire Station. She encouraged all to attend and bring ideas to the board members.

**Mayor Comments**

Mayor Grutzmacher commented on the following:

- Next week is the “City Day” event at the Capital in Salem. He will have meetings with both House and Senate Members on the February 27<sup>th</sup>.
- A Lincoln County Jail tour has been scheduled for City Council on February 28<sup>th</sup> at 6pm.
- He is on the advisory committee of the “Heal Program” which recognizing cities who have made changes in their zoning to encourage healthy living. The Oregon program is sponsored by Kaiser Permanente.

Mayor Grutzmacher then called for a recess at 7:53pm; he announced that an executive session will follow. He then 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 (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:**

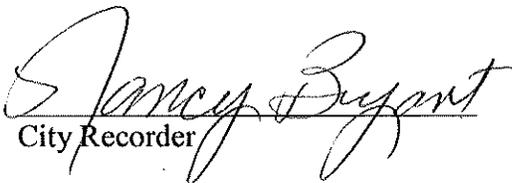
Council and staff discussed negotiations for a labor agreement with the Toledo Employee Association and the Toledo Public Safety Association as well as litigation filed against the City filed by Shannon Monroe.

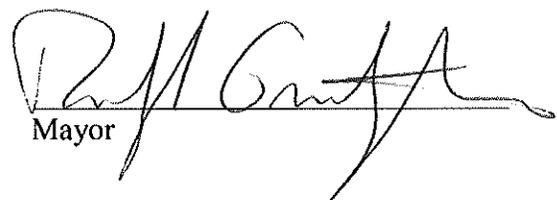
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 10:50pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
March 6, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Terri Strom, Jill Lyon, Jack Dunaway, Jackie Kauffman, and Alma Baxter. Councilor excused: Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Aquatics/Recreation Manager (ARM) Joe Andrews, Police Officer Stephen Delamore, and City Recorder (CR) Nancy Bryant.

Visitors present: Carl Palmer, Coralee Palmer, Rockne Roll, Dave Morgan, and Todd Williver.

### **Visitors/Public Comment**

There were none.

### **Consent Calendar**

**Motion-** It was moved and seconded (Baxter/Strom) to approve the consent calendar consisting of the invoice list dated March 1, 2013 and City Council minutes of February 12<sup>th</sup> and February 20<sup>th</sup>, 2013. **Motion passed 6-0**, noting the absence of Councilor Johnson.

### **Discussion and Information Items**

#### **YA4H, Youth Advocacy for Health**

Carl Palmer introduced his wife Coralee Palmer and stated that they are the leaders of the 4H Sustainable Living Club. Mr. Palmer stated that the Sustainable Living Club is designed to educate youth in sustainable living through organic gardening. The first sustainable garden project will be developed at the Toledo Community Garden located on "A" Street. Some of the program activities will include; construction of a greenhouse, programming a greenhouse control computer, caring for fish, and construction and maintenance of earth barrels and earth beds. Mr. Palmer invited interested youth and adults to get involved in the project.

#### **Committee Updates**

Councilor Dunaway announced the Toledo Transportation Plan project open house is scheduled for March 12<sup>th</sup> from 4pm to 6pm at the City Hall Council Chambers. He noted that the project is near completion and encouraged all to attend.

Councilor Lyon reported that the Lincoln County Economic Development Alliance is moving forward on a plan to recruit and retain businesses in Lincoln County that can support local industries. A primary focus in the process is the Ocean Observing Initiative Conference scheduled for April 30<sup>th</sup> through May 1<sup>st</sup>.

### **Decision Items**

#### **Invoice for Toledo Ace Hardware**

CM Amberg explained the proposed invoice list of expenditures for Toledo Ace Hardware is separate from the consent calendar. Separating this invoice list from the consent calendar allows

Councilor Strom to vote on the consent calendar while refraining from voting on the proposed invoice list because of her actual conflict of interest. Councilor Strom declared an actual conflict of interest and said that she is owner of Toledo Ace Hardware.

Public Comment:

There were none.

**Motion-** It was moved and seconded (Lyon/Dunaway) to approve the invoice list dated February 28, 2013 for Toledo Ace Hardware. **Motion passed 5-0**, noting that Councilor Strom abstained from voting and the absence of Councilor Johnson.

## Reports and Comments

### Department Reports

There were none.

### City Manager's Report

CM Amberg reported the following:

- She suggested Council appoint a small group to meet with administrators of the Lincoln County School District to discuss the recent Fire Marshall report for the Toledo Jr/Sr High School. Councilor Dunaway and Mayor Grutzmacher volunteered.
- She suggested Council appoint a small group to meet with representatives of the Toledo Summer Festival Committee to discuss Council's concern regarding costs to the City for providing services during the festival event. Councilor Kauffman and Mayor Grutzmacher volunteered.
- The City of Toledo is entitled to a booth or an advertisement at the Newport Ocean Observing Institute Conference scheduled for April 30<sup>th</sup> through May 1<sup>st</sup>. Council agreed that instead of reserving a booth they will work with the Port of Toledo and the Toledo Chamber of Commerce to provide information about Toledo at the conference.
- She suggested a reception in recognition of Library Director Peter Rayment's retirement at 6pm on March 20<sup>th</sup> in the City Hall Council Chambers. Council agreed. She also noted that the Library staff has scheduled a small reception for March 29<sup>th</sup> from noon to 2pm at the Library meeting room.
- Community Housing Services will provide homebuyer workshops on March 20<sup>th</sup> and 21<sup>st</sup>. Participants must attend both sessions to receive a certificate.
- The Lincoln Community Land Trust will hold an open house in Lincoln City to celebrate its third home to be sold in Lincoln County.
- An Oregon Employer Council annual conference is scheduled for May 6<sup>th</sup> and 7<sup>th</sup>.
- The Toledo Development Association is holding a goal setting session from 9am to noon at the Fire Station.
- She then thanked Peter Vince and the film crew for filming the Council meeting proceedings.
- In answer to a question posed by Councilor Dunaway she noted that Toledo has seen a high increase in patron usage at the Toledo Public Swimming Pool as a result of the temporary closure of the Newport Public Swimming Pool.

### Council Comments

Councilor Lyon reported that the Yaquina River Museum of Art is holding a raffle for a Michael Gibbons painting. The tickets are \$10.00 each and are available at the museum or from any of the board members. Proceeds from the raffle will go to the museums operation funding.

Councilor Lyon also reported that she and Mayor Grutzmacher attended "City Day" at the State Capital on February 27<sup>th</sup>. They had meetings with Representative Gomberg and Senator Roblan's office. They provided post cards with three 2013 City of Toledo legislative priority issues printed on the back: Support League of Oregon Cities local-option levy and property tax reset voter referral measures; Initiate comprehensive reform of Oregon municipal revenue framework; Work with state department of Revenue to ameliorate impact of "economic obsolescence assessment decisions on municipalities.

### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- He received communication from National League of Cities and National Community Service organization who are requesting the City declare April 9<sup>th</sup> as recognition of National Service Day to recognize community volunteers.
- He would like Council to discuss the information provided by Mark Saelens regarding the Lincoln County Sustainability Plan and whether or not Toledo wants to support the Plan. Council agreed to refer the topic to the Toledo Public Utility Commission for a recommendation.
- State Representative David Gomberg has scheduled a Town Hall meeting at the Toledo Library Meeting Room on March 29<sup>th</sup> beginning at 2:30pm.

Mayor Grutzmacher then called for a recess at 8:03pm; he announced that an executive session will follow. He then 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 8:15pm 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, (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions, 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.

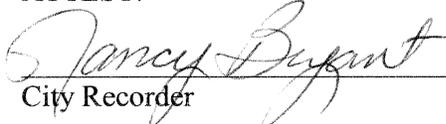
### **Executive Session:**

Council and staff discussed negotiations for a labor agreement with the Toledo Employee Association and the Toledo Public Safety Association as well as litigation filed against the City filed by Shannon Monroe. Council and staff did not discuss real property transactions.

### **Adjournment:**

The meeting returned to regular session and Mayor Grutzmacher adjourned the meeting at 9:08pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

**TOLEDO CITY COUNCIL  
WORK SESSION**  
March 12, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm. Councilors present: Jill Lyon, Jack Dunaway, Jackie Kauffman and Council President Terri Strom. Councilor Alma Baxter arrived at 6:35pm. Councilor Michele Johnson was absent.

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

Visitors present: Alan Searle, Don Amberg, Teresa Denlinger, Sandy Blackman, Doug Alldridge, Michael Starnes, Marta Steele, and Jim Maitland.

**Visitors/Public Comment**

There was none.

**Discussion and Information Items**

**Committee Updates**

PWD Denlinger reported that the Transportation System Plan open house was held this evening and was well attended.

**Intergovernmental Agreement-ODOT (Business Hwy 20 Emergency Repair)**

PWD Denlinger provided an update on the Business Hwy 20 repair project located between Port Station One and JC Market. He noted that the sunken grade on this section of roadway occurred after a heavy rain event in 2012. Initially this project was thought to qualify for FEMA cost recovery but it actually qualified for funding under the Federal Highway Administration (FHWA) which is administered by Oregon Department of Transportation (ODOT). He stated that a retaining wall below the roadway was built some years ago to protect the residence below the slide area. The wall is showing signs of stress and he believes it is an indicator as to how close the toe of the hill is to the home. There are also signs of earth movement under the sidewalk along the highway. Staff is proposing amending the previously approved agreement with ODOT to fund the Business Highway 20: Emergency Relief Sunken Grade Repair to include additional cost for geotechnical engineering. The total project cost is estimated at \$240,000, which is subject to change. The City will be obligated to fund 10.27% of the total project cost.

PWD Denlinger introduced Jim Maitland of Foundation Engineering Inc., Marta Steele ODOT Agreements Coordinator and Michael Starnes ODOT Local Agency Liaison and stated that they are in attendance to answer questions posed by Council.

In answer to Council questions Mr. Maitland said that the area has a history of movement issues. He has a strong suspicion that they are interconnected but he suspects that they all move at different times and different rates. There are three data instruments that were installed underground near the Port Station One building in 1999. Retrieving data from those instruments will provide information from the last 12 to 13 years. A new geotechnical study will include monitoring of the older installations to see if the movements are concurrent with anything else in the highway and installing meters in the project area to determine how far the sunken grade is

laterally and to monitor the ground water fluctuations. The current sunken grade is a reoccurrence of what has previously happened in the area. The danger may not be imminent but the cause and size of movement should be determined. He does not know whether the failure surface is below the retaining wall and/or below the adjacent residence.

Council and staff discussed potential liability if the roadway were to fail. Mr. Maitland stated that a heavy rain event with earth movement could impact the property below. PWD Denlinger noted that the property owner of the residence has indicated his concern about the hillside and the way the wall is continuing to show signs of movement.

Mayor Grutzmacher said he is not enthusiastic about the agreement amendment and stated that the initial project estimate was \$115,000; the City will absorb a higher cost just for the study and not an actual repair. He believes that the City could bring the grade of the roadway down five to ten feet for five times the City's cost of the study. Mr. Maitland noted that lowering the grade will help but not to the extent that the roadway will be stable in the future. FC Ewing noted that this is a major transportation artery for the City and to repair a major roadway failure would take a long time. Councilor Dunaway stated that it is difficult to design a solution if you don't know what the problem is. Councilor Lyon stated that the study is needed to determine any repair. By consensus, Council directed staff to bring the issue forward at the March 20<sup>th</sup> regular session.

Mayor Grutzmacher stated that he would like to pursue returning jurisdiction of Business Hwy 20 to the State.

### **Public Swimming Pool Facility Plan**

This item was tabled to an unidentified date.

### **Emergency Preparedness Plan**

FC Ewing provided a presentation of the draft Toledo Emergency Response Plan. He noted that the plan summarizes actions and procedures to be followed during events of differing levels of impact, complexity, and duration. The plan does not dwell on particular incidents such as wind storm or earthquake; rather it focuses on event impacts and predicted issues. The plan outlines what to reference and what actions to take given certain circumstances. He explained that Public Safety personnel are working toward hazard mitigation within the community.

Highlights of preparation actions were described as follows:

- Assembly areas have been identified throughout the community. One of the most significant differences between routine operations and disaster response is the likelihood that the City of Toledo's resources will be unable to respond to individual residents. The assembly areas are to be used for outdoor assembly. Following events such as an earthquake, tsunami, or flood, it is likely that structural stability will be compromised and facilities will be unavailable for some period of time. Residents in need of assembly area services are expected to arrive with camping supplies, food, medications, clothing, toiletries and pet needs.
- Plans are in place for response to a compromised municipal water supply. Pre-packed water will be managed at assembly areas, the primary emergency portable water treatment plant will be deployed, public works staff will restore municipal water supply if feasible, and a smaller back-up mobile unit will also be on hand.
- Until services are restored, sanitation supplies will be buckets with toilet seats with plastic liners. There may be need of ditch latrines.
- Surge capacity medical supplies and equipment are cached at locations throughout the city and County. The Toledo Fire Department and Toledo Police Department, as well as Lincoln

County Sheriff's Office and health care facilities, maintain staffing with varying emergency medical skills.

- Local electrical utility companies are primarily served by the Bonneville Power Administration. Some of the equipment at the Toledo substation is critical to electrical distribution, but some critical spare parts are not inventoried and would have to be manufactured outside the impact zone. Electrical service disruption could last anywhere from several weeks to several months. This will have a great impact on other systems such as communications.
- Individuals are encouraged to have plans to reunite families and communicate their status to those concerned about them. The American Red Cross is the primary agency to assist with that.
- It can be anticipated that the availability of law enforcement resources will be less than required. Early prioritization will be essential to maintain law and order.
- The City does not have resources intended for public transportation. Incident Command and individual agencies will have to make allocation decisions in consideration of response requirements. Many scenarios could include compromised roads, railroads, and airports.
- Catches of designated supplies are maintained through the City and County. An incident with compromised transportation infrastructure is likely to result in shortages of supplies such as fuel and other vehicle fluids.
- Equipment needs will be specific to the nature of the disaster. The equipment most likely needed will include heavy equipment for debris removal and infrastructure restoration, pumps, generators, refrigerators and freezers.
- Local facilities have been identified for freezer storage of bodies. The risk of disease outbreak due to the presence of human or animal remains at disaster scenes is often overestimated unless bodies are in a position to contaminate water.
- The PETS Act of 2006 requires that evacuees be allowed to bring pets with them on transportation and to shelters. Individuals are advised to have emergency plans and supplies for their pets and a plan for potential separation from their pets.

FC Ewing noted that strategic acquisitions will include an all-terrain vehicle to transport people and supplies over or around damaged roadways, more water filters and distribution materials, temporary shelters, public education flyers and other marketing materials, and possible development of pre-located, long-term food storage units.

Council and staff discussed the need for continued public information/education.

FC Ewing suggested that the Emergency Plan should be easily revised as information changes, and therefore should not be a document dependent on approval by Council.

### **Process for Disposal of Real Property**

CA Chadwick noted that the Council discussed surplus of City-owned property at the last Council work session. He then provided a list of City-owned properties, identifying the category of each parcel as described in Ordinance No. 1342, as well as staff recommendations for disposition of each property. CA Chadwick suggested that Council review the list as well as Ordinance No. 1342 before discussing Council's preferred disposition of the properties. Council agreed that they will discuss the issue again at a later date. Council also agreed that it would like to discuss what to do with the proceeds from properties sold.

Council and staff discussed moving forward with the sale of the recently appraised lots in the Toledo Industrial Property. Council agreed that it would like to move forward as quickly as possible. Staff agreed to include the disposal of City-owned property on the April 9<sup>th</sup> work session agenda.

**Commemorative Employee Recognition**

Councilor Dunaway stated that in recognition of Peter Rayment’s retirement, he would like Council to designate the Toledo Public Library conference room as the “Peter Rayment Community Room”. Council agreed and suggested a plaque with Rayment’s picture be placed in the room.

**Drug-Free Zoning**

CM Amberg reported that there is a request from the Toledo Police department to designate certain areas of the City as Drug-Free Zones. This will enable officers to issue citations for individuals who are using or in possession of drugs at City parks. Council agreed that it is interested in designating City parks as Drug-Free Zones. Staff agreed to pursue the matter in the draft nuisance ordinance.

**Additional Council Discussion Items:**

Councilor Baxter requested that Council purchase a City banner and or tablecloth to be used at local events. Council agreed with Councilor Baxter’s request and CM Amberg agreed to bring purchase forward for Council action at a regular session.

Councilor Dunaway noted that he will not be attending the April 9<sup>th</sup> and 17<sup>th</sup> Council meetings.

**City Manager Comments**

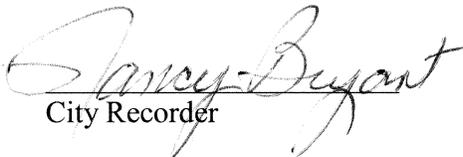
CM Amberg reported the following:

- Carolyn Bauman of Lincoln County Economic Development Alliance has requested information from the City regarding its participation in the Yaquina Bay Ocean Observing Institute Conference. Council agreed that Councilor Baxter and Councilor Kauffman will use the free passes, provided for Toledo’s sponsorship, to participate in the conference. Councilor Lyon and Mayor Grutzmacher noted that they may also be attending the conference. Council also agreed that they would like to sponsor the Monday reception and the alternate choice is to sponsor the Tuesday breakfast.

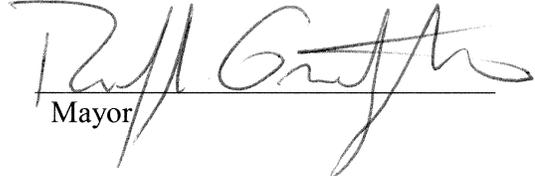
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 9:16pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
March 20, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jack Dunaway, Jackie Kauffman, Jill Lyon, Alma Baxter and Council President Terri Strom. Councilors Excused: Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Police Officer (PO) Stephen Delamore, Public Works Director (PWD) Adam Denlinger, and City Recorder (CR) Nancy Bryant.

Visitors present: Teresa Denlinger.

**Visitors/Public Comment**

There was none.

Mayor Grutzmacher, on behalf of the City Council, expressed their condolences to their colleague on the death of her mother.

**Consent Calendar**

Mayor Grutzmacher noted a correction to the March 6, 2013 minutes under Mayor Comments. His third comment should read "State Representative David Gomberg has scheduled a Town Hall meeting at the Toledo Library Peter Rayment Community Room on March 29<sup>th</sup> beginning at 2:30pm".

**Motion-** It was moved and seconded (Dunaway/Kauffman) to approve the consent calendar consisting of the invoice list dated March 15, 2013, City Council minutes of March 6, 2013. **Motion passed 6-0**, noting the absence of Councilor Johnson.

**Discussion and Information Items**

**Committee Updates**

CM Amberg reported that the City has received two applications for the Planning Commission vacancy. Council agreed to interview the two applicants on April 3, 2013 at 6:30 and 6:45pm in the City Hall Council Chambers.

**Expenditures from the City Council Strategic Reserve Fund**

CM Amberg reported that, as directed by Council, a plaque and portrait for the Peter Rayment Community Room has been ordered. Staff will provide the actual expenditure amount for Council approval in April.

**Decision Items**

**Amendment to Intergovernmental Agreement-ODOT (Business Hwy 20 Repair)**

PWD Denlinger reported that staff is seeking authorization to execute the amended intergovernmental agreement for ongoing geotechnical engineering on Business Highway-20 located just east of 3<sup>rd</sup> Street NE. The original repair estimates for this section of roadway was

\$115,000. This cost will only cover the cost of grinding and resurfacing which may not be the recommended repair option. After further review by engineers it is recommended by ODOT that performing a complete geotechnical evaluation of the hillside is necessary to provide the data needed to develop the most cost effective long term repair option. The additional geotechnical evaluation has increased the cost to \$140,000. The City's 10.27% matching funds for this project will be provided through the Street Reserves fund. Mayor Grutzmacher noted that this portion of the roadway wasn't built properly to accommodate the drainage issues. Councilor Dunaway stated that this item was discussed at the previous Council work session. Council members are not happy that the City will incur additional cost but they realize that the engineering analysis is incomplete and whatever repair is chosen it will need to be based on more complete information.

**Public Comment:**

There was none.

**Motion-** It was moved and seconded (Strom/Lyon) to authorize the Mayor and City Manager to execute Amendment Number-1 of Intergovernmental Agreement No. 28645 with the Oregon Department of Transportation for funding to complete emergency preliminary engineering of Business Highway-20 just east of 3<sup>rd</sup> Street. **Motion passed 6-0**, noting the absence of Councilor Johnson.

## **Reports and Comments**

### **Department Reports**

CR Bryant noted that Council received time sheets for reporting their volunteer time outside of regular Council meetings.

PO Delamore reported that all is status quo at the Police Department

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

CM Amberg reported the following:

- The February monthly Department Report was distributed.
- She attended the monthly Port of Toledo meeting.
- She thanked Peter Vince and the Toledo Jr/Sr High School film crew for providing a video of the meeting.

### **Council Comments**

Councilor Baxter asked about purchasing a City promotional banner and table cloth for use at public events. CM Amberg stated that she is working on the purchase.

Councilor Dunaway stated that he recently met with Jenny Demaris, Lincoln County Emergency Manager, about the status of emergency plans for various jurisdictions within the County. He believes that the City should be diligent in reviewing the Toledo Emergency Plan to keep it current with updated information.

### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- State Representative David Gomberg has scheduled a Town Hall meeting at the Toledo Library Peter Rayment Community Room on March 29<sup>th</sup> beginning at 2:30pm.
- He has received two letters from children outlining what they would do if they were Mayor. He will seek permission from the children's parents to share the letters in public.

Mayor Grutzmacher then called for a recess at 7:23pm; he announced that an executive session will follow. He then 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 7:29pm 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, 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:**

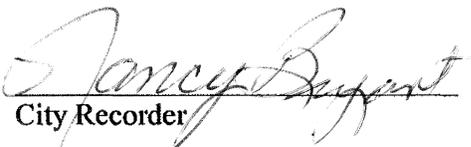
Council and staff discussed negotiations for a labor agreement with the Toledo Employee Association and the Toledo Public Safety Association as well as litigation filed against the City filed by Shannon Monroe.

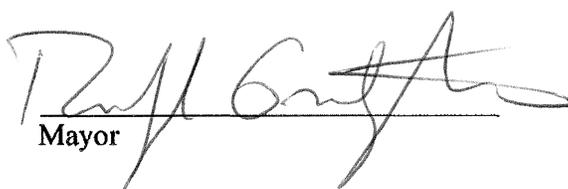
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:36pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
April 3, 2013

**Interview for Planning Commission Vacancy**

Mayor Grutzmacher, with and all Council members present, interviewed Ronald Meadows and Mary Young for the Planning Commission vacancy beginning at 6:30pm. Mayor Grutzmacher then called for a brief recess at 6:53pm.

Mayor Ralph Grutzmacher called the regular meeting of the Toledo City Council to order at 7:00pm. Councilors present: Jill Lyon, Jackie Kauffman, Jack Dunaway, Alma Baxter and Michelle Johnson and Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Police Officer (PO) Desmond Harpster, Public Works Director (PWD) Adam Denlinger, and City Recorder (CR) Nancy Bryant.

Visitors present: Teresa Denlinger, Dave Morgan, Rockne Roll, Ed Johnston, and Don Amberg.

**Visitors/Public Comment**

Ed Johnston of Toledo recommended that anyone with medical problems to go outside the area for treatment. He said public employees are not exempt from federal and state laws. He also stated that he will be serving the City Council and public officials with a request for information on how things have been passed.

**Proclamation-National Service Day April 9, 2013**

Mayor Grutzmacher proclaimed April 9, 2013 as National Service Recognition Day and encouraged residents to recognize the positive impact of national service in our city, to thank those who serve, and to find ways to give back to their communities.

**Consent Calendar**

**Motion-** It was moved and seconded (Lyon/Strom) to approve the consent calendar consisting of the invoice list dated March 29, 2013 and City Council minutes of March 12, 2013 and March 20, 2013. **Motion passed 7-0.**

**Discussion and Information Items**

**Committee Updates**

Councilor Dunaway reported his attendance at the Cascades West Area Commission on Transportation meeting. He provided Council with handouts published by Oregon Department of Transportation (ODOT) regarding Oregon Passenger Rail Eugene-Portland project as well as the All Roads Transportation Safety System project. He noted that ODOT is proposing to change the way it distributes Federal Safety Funds throughout the region. ODOT would like to distribute the funds on a fact based analysis of where there are actual data driven safety problems.

Councilor Lyon reported that she attended the Oregon Cascades West Council of Governments (COG) board meeting. The board members discussed its draft budget for the coming year. She noted that COG is planning to payoff both of its buildings in Salem and Toledo.

### **Mill Creek Salmon Enhancement Project**

PWD Denlinger explained that Oregon Department of Fish and Wildlife (ODFW) is currently developing a large scale salmon habitat enhancement project in the lower Yaquina Watershed that includes Poole Slough, Wright Creek, and Mill Creek. ODF&W will be submitting a grant proposal to the Oregon Watershed Enhancement Board (OWEB) in April of 2013 to implement in-stream and riparian restoration enhancement activities that will benefit native fish and wildlife populations. OWEB is asking City support by letting them place large logs in the stream area on City owned property to support future fish habitat. The request is consistent with the City's Mill Creek Forest Plan. Staff also recommends the City provide a letter to OWEB in support of the grant application. Council directed staff to bring the item back for decision at the April 17, 2013 regular session.

### **Decision Items**

#### **Appointment to the Toledo Public Utility Commission**

CM Amberg noted that Larry Davis has completed an application to appointment on the Toledo Public Utility Commission. Finding no objections from Council Mayor Grutzmacher appointed Larry Davis to the Public Utility Commission.

#### **Appointment to the Toledo Planning Commission**

Mayor Grutzmacher tabled the appointment to the Toledo Planning Commission to April 17, 2013.

#### **Recommendation from the Contribution Committee**

CM Amberg noted that the Committee was called at two separate occasions and there was no quorum at either of the scheduled meetings. She provided a recommendation based on the consensus of three committee members; CM Amber, Mayor Grutzmacher and Peter Rayment. She noted that the scholarship request from Oregon Coast Community College came in after the deadline. The Committee discussed the actual benefit of a Toledo student receiving the funds and determined that it would be appropriate to include the request in its recommendation. The March 2013 Contribution Committee recommendations are as follows:

- Central Coast Child Development Center \$300.
- Court Appointed Special Advocates of Lincoln County \$1,000.
- Senior Meals on Wheels \$2,000.
- Toledo Food Share Pantry \$1,000.
- Samaritan Senior Companion Program \$500.
- Samaritan House, Inc. \$1,000.
- Oregon Coast Community College Scholarship \$500.

**Motion-** It was moved and seconded (Strom/Baxter) to approve the Contribution Committee's recommendations and direct staff to budget \$7,000 for FY 2013/14. **Motion passed 7-0.**

#### **Adoption of City Council Goals**

CM Amberg reported that members of the Toledo City Council, department heads, and select staff met on January 16, 2013 to review and develop the 2013 City Council Goals, Philosophy and

Strategies. City Council members reviewed the goals on February 6, 2013 and modifications were recommended. The documents have been amended and is now ready for adoption

**Motion**-It was moved and seconded (Kauffman/Dunaway) to adopt the Council Goals for 2013.  
**Motion passed 7-0.**

### **Invoice for Toledo Ace Hardware**

CM Amberg explained the purposed invoice list of expenditures for Toledo Ace Hardware is separate from the consent calendar. Separating this invoice from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the proposed invoice list because of her actual conflict of interest. Councilor Strom declared an actual conflict of interest and said that she is owner of Toledo Ace Hardware.

**Motion**- It was moved and seconded (Dunaway/Lyon) to approve the invoice list dated March 25, 2013 for Toledo Ace Hardware. **Motion passed 6-0**, noting that Councilor Strom abstained from voting because of her actual conflict of interest.

## **Reports and Comments**

### **Department Reports**

PWD Denlinger reported a land slide near the Mill Creek Water Shed. He said the slide material has washed into the East Fork and making its way into the reservoir. There have been a few occasions when the City was unable to use the Mill Creek reservoir because of high turbidity caused from the slide material. The slide area was harvested by Plum Creek approximately 6-8 years ago. No forest practice violations have been identified with the harvest activity in that area. He noted that very heavy rain events will continue to deposit sediment into the East Fork. Staff is working to mitigate further sediment from entering the East Fork. Plum Creek is interested in applying best practices by seeding the hillside and applying bio-swales in the lower areas of the slide to prevent erosion. Staff will continue to monitor the situation.

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

- City Council and City staff have been invited to the dedication of the Walter and Margaret Gordon Memorial collection at the Toledo Public Library on April 6<sup>th</sup> at 6pm.
- The Toledo Summer Festival Annual Banquet and Auction is scheduled for April 20<sup>th</sup> at the Toledo Elks Lodge.
- She thanked Peter Vince and the video crew for recording this meeting.

### **Councilor Comments**

Councilor Dunaway announced that he will not be attending the next two City Council meetings.

### **Mayor Comments**

- The City Manager, Councilor Kauffman, and Mayor Grutzmacher met with the Toledo Summer Festival Committee. They discussed ways to mitigate cost to the City for the services provided during the annual event. Councilor Kauffman stated that she will start attending the committee's meetings.
- He and CM Amberg will meet with representatives from the Lincoln County School District to discuss the State Fire Marshal report for the Toledo Jr/Sr High School.

Mayor Grutzmacher called for a brief recess at 7:52 pm noting that an executive session will follow 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 and (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.

He then made the following statements: "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 in executive session at 8:02pm.

### **Executive Session**

Council and staff discussed labor negotiations with the Toledo Employee Association and Toledo Public Safety Association. Council then received an update on the Monroe litigation against the City.

Council returned to regular session at 8:42pm. CM Amberg reported that she is negotiating a contract for a new City Planner. Councilor Kauffman informed Council that there is a new FEMA class online and encouraged other Council members to participate.

### **Adjournment**

Mayor Grutzmacher adjourned the meeting at 8:49pm.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
WORK SESSION

April 9, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm. Councilors present: Jill Lyon, Jackie Kauffman, Michele Johnson, Alma Baxter and Council President Terri Strom. Councilor excused: Jack Dunaway.

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

Visitors present: Dave Morgan, Theresa Denlinger, Benjamin Baggett, and Don Amberg.

### **Visitors/Public Comment**

Dave Morgan noted that he likes the proposed vehicle purchase for the Police department.

### **Discussion and Information Items**

#### **Committee Updates**

CM Amberg reported that the City will host the Monday evening welcome reception at the upcoming Yaquina Bay Ocean Observance Initiative Conference. She and Newport City Manager Jim Voetberg, and a representative from the local real estate community will be available Wednesday afternoon, May 1<sup>st</sup>, to provide information to conference attendees who may be interested in purchasing local property. She noted that the public is invited to attend the reception. Councilor Lyon noted that it will be beneficial to the City for all Council members to attend the reception.

#### **Request to Purchase a Police Patrol Vehicle**

PC Enyeart reported that the department's vehicle replacement schedule identifies the replacement of one vehicle this year. He is proposing a purchase of one Ford Explorer Police Interceptor to replace one 2008 Dodge Charger which is at 100,000 miles and in the high repair range for vehicles. He noted that the Explorer is better suited for most police departments with the option of all wheel drive because all wheel drive can better handle winters in a variety of terrain. The Explorer will cost \$26,472 plus the cost of light bars, spotlights, sirens, radar, in-car video, and other equipment for a total vehicle cost of \$42,264.48. The funding will come from the City's General Reserve Fund.

In answer to questions posed by Council, PC Enyeart responded as follows:

- Equipment is often removed from a surplus vehicle and used on the replacement vehicle; however some of the equipment may be outdated and will not cross over to the proposed vehicle.
- The \$42,264.48 is within the budgeted amount for a vehicle replacement this fiscal year.

#### **Proposal from Lincoln Community Land Trust**

CM Amberg explained that in an effort to support affordable housing in Toledo, the City has established a relationship with the Lincoln Community Land Trust (LCLT). She said there is a property located on 113 NE 10<sup>th</sup> Street that is currently on the market for \$40,000. The house on

the lot is in ill-repair and needs to be demolished. The LCLT is proposing to use the City's Revolving Loan Fund to purchase the property and build a stick built home on the lot. The goal is to create housing that is affordable in perpetuity. The Land Trust continues to own the land and the dwelling is owned by the purchaser. In addition to the revolving loan fund they are requesting the City donate \$6,500 to fund the project. Benjamin Baggett, Director of Lincoln Community Land Trust, explained that the program is designed for low to moderate income individuals in Lincoln County. The Trust acquires the land and to keep the price affordable they look for property donations from Cities or Counties, or to look for low valued homes that may be in need of rehabilitation to build safe affordable housing.

Baggett explained that bringing the cost down to an affordable level is the real challenge. The Land Trust targets a value of the home at \$110,000 and in order to get to that price they look for donated demolition and removal, requesting reduced building fees, and seek grants to offset the costs of the administration for overseeing the project management. He said currently there are three properties in Toledo that would be good candidates for affordable housing development. There are two vacant lots on 8<sup>th</sup> Street, the property on 10<sup>th</sup> Street, which has little marketable value, and one property on 13<sup>th</sup> street. These properties would be developed with the help of the Fire Department for demolition. The Trust could get any one of them ready for sale for approximately \$100,000 but they need the support of the City. They need funds to cover staff time to manage the project. He stated that the request to the City is that the Trust will use the revolving loan fund to purchase the home on 10<sup>th</sup> Street which is on the market for \$40,000 or one of the vacant lots on the market for \$31,000. The funding expenditure would include construction of the home as well as broker fees for the sale of the home. The home buyer requirement is covered by Community Services Consortium. The home buyers provide their own funding source for the purchase. The additional request of \$6,500 from the City will cover the project administration cost so that it is not passed onto the buyer.

In answer to Council questions Baggett stated that the average stick built home is 1200 sq ft with three bedrooms and two baths. The homes are built by energy star standards. A resale formula is used to control inflation so there is no profit in the re-sale of the property. The Land Trust started five years ago and has three homes; one has sold and two are on the market. The Land Trust works with local banks and there is a list of approved lenders in the area for purchasers to choose from and the Trust has first right to purchase in case of foreclosure. The Lincoln County Assessor has approved a formula that allows an adjustment of the taxes to a fair and reasonable rate for the homeowner. Other cities in the County have provided support; Newport has drafted an agreement to use its revolving loan fund to cover the cost and Lincoln City provided a no interest deferred loan.

CM Amberg stated that the Land Trust is a way to rehabilitate some of the aging housing inventory in Toledo. The Fire Department has agreed to demolish the building and Dahl Disposal has indicated that they will help with debris removal. She also noted that the requested \$6,500 is not in this fiscal year budget. The City did not account for a gift of this size in the budget but the City Council may consider the Strategic Reserve fund for this donation.

Mayor Grutzmacher said there are a lot of homeowners in Toledo who live on the low to moderate income level and this is asking to tax them to support one family. He stated that philosophically the program should pay for itself; he is not enthusiastic about the numbers. Baggett noted that this is an investment in the community for generations to come. He said the land trust is like a lot of organizations that are in pursuit of sustainability. It will take a lot of homes to staff an organization.

By consensus Council directed staff to bring the item back at its next meeting for consideration.

### **Water Master Plan Update**

PWD Denlinger provided an update on phases I and II of the Water Master Plan. Highlights were as follows:

Phase-I Improvements- The final design and specification for the storage tank located on Skyline Drive is complete. Staff will begin advertisement on April 17<sup>th</sup>; they anticipate a contract award by June 6<sup>th</sup> with construction to begin in July of 2013. The water distribution line improvements are anticipated to be completed in the fall of 2013. The water tank and pump stations will take approximately 12 to 15 months to complete.

Phase-II Improvements-Engineering budget for the project is \$586,720. The engineering cost to date is \$140,294 or 24% of the budgeted amount. The Environmental project budget is \$195,000. The environmental engineering cost is at \$112,394 or 58% of the budgeted amount. The department will continue to work with engineers and the State to complete design in anticipation of receiving permit authorization to construct the Siletz River intake within the next 6 months.

Council and staff discussed the segments of water line improvements that support the Sturdevant Road and 18<sup>th</sup> Street basin area. PWD Denlinger noted that the plan is to micro-tunnel from City owned property to where the High School pump station is located on Sturdevant Road; which is one component of the loop system. The other component is farther South at 10<sup>th</sup> Street. He recommends completing that loop to support the system as a whole. By consensus Council agreed that the 12inch line to Sturdevant Road should remain in the water distribution line improvements plan.

### **City-Owned Property**

CA Chadwick explained that Council and staff have discussed placing the City owned property for sale. He reported that there is a requirement to give notice to the Oregon Department of Transportation (ODOT) if the property is located within 100 feet of a rail line right-of-way. ODOT will provide the information to the railroad, which will then have first option to purchase the property. The TIP property is located within 100 feet of a rail right-of-way. He will provide the notice and let Council know if there is a response.

Mayor Grutzmacher stated that he would like to have a discussion regarding the City's desire to sell or lease the property. He noted that this is the City's last large asset. He suggested a lease could provide for the property to revert back to the City if the lessee abandons the property. He believes a long term lease is bankable for the lessee and the lessee would not have to front the capital to purchase the property. He also noted that, to satisfy the Wienert litigation obligations, the City could ask for a larger first year lease and reduce it later. It is an economic advantage to do something with the property. Councilor Strom stated that she likes the lease option. Councilor Lyon said that she also likes the lease option; but noted her concern that the proposed purchasers may have a business plan that requires them to own the property. She said this may limit proposed buyers but she is also concerned with someone abandoning the property. CM Amberg noted that a lease will require City staff to administer and all liability should fall solely with the lease holder. She stated that a lease should not require City services or funding for long-term maintenance requirements.

Council and staff discussed potential uses for the property. CA Chadwick stated that the next step is to provide the required notice and wait to see if there is a response. Council agreed to providing the notice to ODOT.

### **Public Utility Commission Recommendation**

CM Amberg reported that the Toledo Public Utility Commission (PUC) was called to order to discuss the Lincoln County Solid Waste Sustainability Plan and the tipping fee. Although there was no quorum, the PUC members present on March 14, 2013 made the following recommendation to City Council:

1. That the County continue to collect the \$4 tipping fee; however, they would like to have the county recognize the evolution of solid waste collection and the impacts of reducing, reusing and recycling in a way that is more meaningful to the waste haulers and to the cities. They expressed the opinion that the private waste haulers are now providing many services on their own and that private enterprise can provide services better than a governmental agency. The County should use the tipping fee to support the waste reduction and recycling efforts of the private haulers.
2. Revitalize the Solid Waste Advisory Committee with the membership and organization suggested by Council but tweaking it as follows:
  - Reduce the County staff involvement to that of a part-time administrative support function which would receive and file annual waste reduction reports and provide clerical support to the Solid Waste Advisory Committee (taking minutes, preparing agendas, helping others organize events, etc.);
  - Continue to provide financial support for the illegal dumping/forest clean-up program run through the Sheriff's Department (and paid for through property owner fees) as well as reviewing the annual budget and quarterly reports for the program;
  - Establish a local grant program with the remainder of the tipping fee revenue. The Advisory Committee would award grants to Lincoln County public entities much the same way the grant process for the Economic Development Alliance Community Development grants work. Grants could be competitively awarded for activities such as local clean up days, proactive recycling programs, heavy appliance recycling, school-based composting programs, etc., which would be provided through the local haulers.

Council agreed to accept the recommendation from the PUC and directed CM Amberg to draft a letter to be signed by the Mayor and sent to the Lincoln County Commissioners with a copy to all the other cities within Lincoln County.

### **Sewer Rates**

CM Amberg reported that a proposed resolution will come before Council on May 1<sup>st</sup> to change the way the sewer rates are increased. The resolution will reflect an automatic annual change in the sewer rate. Councilor Lyon said she is in favor if it provides for a continued right of review by City Council.

### **Business License for Special Events**

Mayor Grutzmacher reported that he, Councilor Kauffman, and CM Amberg met with the Summer Festival Committee and discussed the potential business license fee for out-of-area vendors who participate in the Summer Festival or any event in the City.

Council and staff discussed different ways to design business license fees on businesses/vendors that come from out of town to do business during special events. Council also discussed the pros and cons of setting up new business license requirements and the impact of additional costs to vendors during the summer Street Market events. No direction was given to staff to proceed. Councilor Kauffman stated that she will continue to attend the Summer Festival Committee meetings.

**Additional Council Discussion Items:**

Councilor Strom reported that she attended a Street Market vendors meeting and received a complaint regarding speeding vehicles on Main Street.

Councilor Baxter announced that she will be absent the Council meetings of May 1<sup>st</sup>, 14<sup>th</sup> and 15<sup>th</sup>, 2013.

**City Manager Comments**

CM Amberg reported the following:

- A new public works employee will start working on April 10th.
- A new City Planner will begin on April 22<sup>nd</sup>.
- She distributed the 2013 Budget Calendar and noted that Budget Training is scheduled for April 22<sup>nd</sup> and the first Budget Hearing will be April 29, 2013.

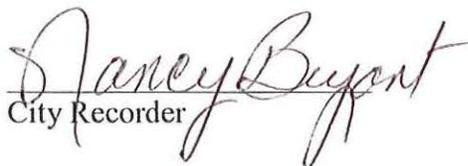
CA Chadwick reported that the City has received a notice that Community Services Consortium is not certified to receive the CDBG loan portfolio funds and program income. Staff will provide Council with a proposed resolution that will allow the City to transfer the funds to an organization that is certified to receive the funding.

CA Chadwick also noted that Cascades West Council of Governments has notified the City regarding the payoff of its Toledo building.

Adjournment:

Mayor Grutzmacher adjourned the meeting at 9:33pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
April 17, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jackie Kauffman, Jill Lyon, Alma Baxter, Michele Johnson and Council President Terri Strom. Councilors Excused: Jack Dunaway.

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

Visitors present: Don Amberg, Ed Johnston, Kyle Williams, Scott Sievers, Virginia Demaris, Christopher Walker, and Rockne Roll.

### **Visitors/Public Comment**

Ed Johnston stated that he continues to have problems with the City. He plans a lot of legal filing to be produced to the City and he will be sending his terms. He noted that he has not received a response from the City Attorney regarding a request to meet with him to discuss a remedy to what the City has done to him since the year 2000. He said that the City Council and the Mayor are public employees and legally liable. He plans to make a freedom of information request regarding last night's pull-over and he expects to get the police audio without editing.

### **Proclamation**

Mayor Grutzmacher proclaimed April 26, 2013 as Toledo Arbor Day, in observance of Oregon Arbor Week and National Arbor Day.

Stewardship Forester Scott Sievers and Unit Forester Kyle Williams of the Oregon State Department of Forestry-Toledo Unit congratulated the City on the honor of receiving the Tree City USA award for activities in 2012. This award, sponsored by the Arbor Day Foundation, recognizes the City's commitment to tree appreciation and tree care as well as acknowledgment of a tree's contribution to quality of life. Mr. Sievers presented Mayor Grutzmacher with a flag representing the award.

### **Consent Calendar**

**Motion-** It was moved and seconded (Lyon/Kauffman) to approve the consent calendar consisting of the invoice list dated April 12, 2013 and surplus items from the Public Library consisting of one small refrigerator and one large display case. **Motion passed 6-0**, noting the absence of Councilor Dunaway.

### **Discussion and Information Items**

#### **Lincoln County Tsunami Inundation Mapping Outreach Campaign**

Emergency Manager Virginia Demaris of Lincoln County Sheriff's Office reported that in May, Lincoln County will distribute twelve new maps that show tsunami inundation and evacuation areas in Lincoln County. There will be two zones in the Toledo Area: a distant tsunami zone and a

local tsunami zone, on the public evacuation map. During the County's "Are You in the Zone" outreach campaign, there will be multiple avenues used to get information to citizens and visitors.

### **Committee Updates**

There were none.

### **City Council Goals Update**

CM Amberg distributed the first quarter City Council Goals update.

### **Decision Items**

#### **Purchase of a Police Patrol Vehicle**

PC Enyeart reported that the Toledo Police Department's current fleet of eight vehicles includes three Siletz Tribal vehicles and five city-owned vehicles. Upon termination of the Siletz Tribal Police Contract, three vehicles would go back to the tribal unit. The purchase request is for a vehicle that is in the vehicle replacement plan and is city-owned. It would replace a city-owned Dodge Charger with 100,000 miles. This line item would appropriate funds held in reserve for planned vehicle replacement. The total cost for the proposed vehicle is \$42,264. The current balance of the Reserve Fund is \$60,700. The vehicle replacement program calls for replacing one vehicle per year based on a five-car fleet size. Blue book on the Dodge Charger is \$11,000.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Strom/Johnson) to authorize the Toledo Police Department to purchase one all wheel drive 2013 Ford Explorer Police Interceptor. **Motion passed 6-0**, noting the absence of Councilor Dunaway.

#### **Appointment to the Planning Commission Vacancy**

CM Amberg reported that Council interviewed Ronald Meadows and Mary Young on April 3, 2013. Council then tabled the appointment to this meeting.

**Seeing no objections from Council, Mayor Grutzmacher appointed Ronald Meadows to fill the Planning Commission vacancy for at term which will expire December 31, 2015.**

#### **Purchase of a City Phone System**

FD Chavarria reported that the City currently has five separate stand-alone phone systems located at the City Hall, the Police Department, the Fire and Rescue Station, the Library and the Municipal Pool. All of these systems have been in place for a long time and the predominance of them were installed and maintained by Quantum Telephone Systems, which is no longer in business. The City Hall's system was installed seventeen years ago and is experiencing significant problems. Money was budgeted in the 2012-13 fiscal year to address the issue through the purchase of a new city-wide phone system to serve the five buildings. In February 2013 the City issued a Request for Quotes and received twelve responses. The twelve proposals included a number of different configurations, including hosted systems, VoIP (Voice over Internet Protocol) systems, standard copper wired systems and hybrid systems. After presentations from four vendors with lowest estimated costs, City staff selected Systemax Northwest, Inc. from Newport. This is a hybrid system that uses a PRI (Primary Rate Interface) to deliver dial tone, and VoIP to connect the buildings to the PBX over the City's existing fiber network. The use of PRI allows the City to discontinue paying for individual lines for all of the buildings, and should give the City an on-

going cost savings of approximately \$400 per month. The quote includes three years on-site parts and labor warranty from Systemax. Training is also included. Vendor references were contacted and glowing reports were received.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Kauffman/Lyon) to approve the purchase of a new City-wide phone system. **Motion passed 6-0**, noting the absence of Councilor Dunaway.

### **Amendment to the City Manager Employment Contract**

CM Amberg reported that City Council requested review and revision of “Section 5 – Goal Setting and Performance Evaluation” of the City Manager’s contract. The City Manager drafted a proposal and presented it to City Council for review. The proposed amendment is the result of those negotiations and amends that section.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Kauffman/Baxter) to approve the amendment to the City Manager contract and authorizes the Mayor to execute the document on behalf of the City Council. **Motion passed 6-0**, noting the absence of Councilor Dunaway.

### **Consider Lincoln Community Land Trust Proposal for Property Located on 133 NE 10<sup>th</sup> Street**

CM Amberg noted that the Council received a presentation at its April work session. The Lincoln Community Land Trust (LCLT) is requesting that the City donate \$6,500 and authorize the City Manager to enter into an agreement to make a no-interest loan to the Land Trust in the amount of \$47,470 from the Revolving Loan Fund to build a new home at 133 NE 10<sup>th</sup> Street, Toledo.

Councilor Johnson noted that “Adair Homes” is known in the valley area to have a lot of problems. The quality of the homes they build is not what is expected. Councilor Lyon noted her concern about LCLT as a program. She is concerned that the equity growth is limited to 2% which stalls the purchaser from purchasing their next home. She said she wishes there were a different program to choose from. Mayor Grutzmacher stated that they are asking for money from the City but paying \$5000 in closing transactions. He would like them to close up some of the differences within their budget. He said that he is willing to do it this time to see how it works.

Council discussed the donation request of \$6,500. By consensus determined that they are willing to donate \$1,915, the remainder of budgeted contribution funds, instead of the requested amount.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Lyon/Strom) to provide \$1,915 to the Lincoln Community Land Trust and authorize the City Manager enter into an agreement to make a no interest loan to the Land Trust in the amount of \$47,470 from the Revolving Loan Fund to build a new home on

133 NE 10<sup>th</sup> Street, Toledo. **Motion passed 4-2**, noting that Councilor Baxter and Councilor Johnson voted no, also noting the absence of Councilor Dunaway.

### **Resolution- A Resolution Transferring All of the City's 1993 CDBG Loan Portfolio Funds and Program Income to an Eligible 105(a)(15) Non-Profit Organization**

CA Chadwick reported that effective May 23, 2012 the City is no longer permitted to use income up to \$25,000 from its 1993 CDBG revolving loan funds as miscellaneous income for any purpose. Federal regulations now require that all income from the CDBG loan funds be classified as program income subject to additional reporting requirements. In response to these new regulations, the Oregon Business Development Department-Infrastructure Finance Authority developed a list of options that allows the use of program income to provide a benefit at the local level and avoid the additional annual reporting to HUD. One of these options is to sub-grant the program income and loan funds to an eligible 105(a)(15) non-profit for housing rehabilitation. Staff is recommending Council adopt a resolution transferring all of the City's 1993 CDBG loan portfolio funds and program income to an eligible 105(a)(15) non-profit organization subject to the execution of a sub-grant agreement.

**Motion-** It was moved and seconded (Strom/Lyon) to adopt **Resolution No. 1336**, A Resolution to Commit to Transfer 1993 CDBG Program Income from Revolving Loan Funds to an Eligible 105(a)(15) Non-Profit organization subject to the execution of the sub-grant agreement.

**Motion passed 6-0**, noting the absence of Councilor Dunaway.

## **Reports and Comments**

### **Department Reports**

ARM Andrews reported a successful movie night on March 21<sup>st</sup> at the Public Swimming Pool. Attendance included 109 guests swimming and 20 spectators. The event was free and considered a positive family activity. He also noted that Elementary School swim lessons are underway and the Pool has hired three new young adult staff members who have previously been in the swim club program.

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

CM Amberg reported the following:

- The monthly Department Report was distributed.
- There will be a Chamber luncheon at noon on April 18<sup>th</sup> at the Toledo Fire Station.
- She and Joe Andrews met with Toledo Jr/Sr High School Principal to discuss potential recreational programs for Jr. High students next year. Because of schedule changes, some students will not attend in the traditional Monday through Friday schedule.
- She thanked Peter Vince and the film crew for making this meeting available to the public.

### **Council Comments**

Councilor Lyon noted that a copy of Toledo's ad for the YBOOI conference is included in Council's meeting packet. Toledo will be the sponsor of the Monday evening reception and it is important for representatives from Toledo to attend.

Councilor Johnson asked about the status of the Pinochle Club that has been notified that they must pay the City's building use fee to use the Library conference room. CM Amberg noted that she had expected to see them at this meeting to make a request to Council.

Councilor Baxter announced that the Ford Family Foundation will hold a recruitment meeting at the Toledo Fire Station on April 19<sup>th</sup> at 5pm. She encouraged people to attend and share names of interested participants. She will be an ambassador, participating in facilitating the program.

Councilor Strom reported that the Toledo Summer Festival dinner and auction has been rescheduled to May 18, 2013.

**Mayor Comments**

Mayor Grutzmacher commented on the following:

- The local Mayors get together every other month and Toledo will host this week on Friday. He will address ideas about what the community can do to accommodate when the schools aren't in session on Fridays. The Lincoln County School District Superintendent is scheduled to attend the meeting on Friday.

Mayor Grutzmacher then called for a recess at 8:03pm; he announced that an executive session will follow. He then 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 8:16pm 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 current labor negotiations with Toledo Employee Association and Toledo Public Safety Union.

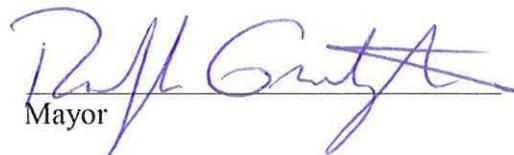
**Adjournment:**

Council returned to regular session at 8:30pm and Mayor Grutzmacher immediately adjourned the meeting.

ATTEST:

APPROVE:

  
City Recorder

  
Mayor

## TOLEDO BUDGET COMMITTEE April 29, 2013

Budget Committee (BC) members present: Ralph Grutzmacher, Jerry Seth, Bob Deming, Chuck Gerttula, Jill Lyon, Jack Dunaway, Larry Davis, and Billy Joe Smith. Absent: Jackie Kauffman, Michele Johnson, Rod Cross, and Julie Rockwell. Excused: Alma Baxter

Staff Present: Budget Officer/City Manager (BO/CM) Michelle Amberg, Finance Director (FD) Polly Chavarria, City Recorder (CR) Nancy Bryant, Public Works Superintendent (PWS) Dave Inman, Fire Chief (FC) Will Ewing, and Aquatics/Recreation Manager Joe Andrews.

**Visitors Present:**

There were no visitors present.

### **PUBLIC HEARING 2013/14, TOLEDO MUNICIPAL BUDGET, INCLUDING STATE REVENUE SHARING**

Mayor Grutzmacher opened the public hearing for the 2013/2014 Toledo Municipal Budget, including State Revenue Sharing at 5:35pm and the proposed budget document was distributed to the Budget Committee members.

### **Budget Message:**

BO/CM Amberg read the budget message to the committee. Highlights were as follows:

- The FY 2013-14 budget funds are balanced as required by Oregon Budget Law.
- The General Fund is anticipated to increase 2.39% over the adopted budget for the current fiscal year.
- The Beginning Fund Balance is projected to increase 13.03% to reflect the anticipated carry forward from the 2012/2013 fiscal year.
- Transfers are projected to decrease 23.43% due to one-time transfers of \$200,000 in fiscal year 2012-2013 used to pay off the loan on the COG building.
- Fees, Licenses and Permits are expected to continue to increase in FY 2013/2014 due to the implementation of a new swim program at the pool.
- Shared Revenues are anticipated to increase 10.66% according to state projections.
- Contract revenue is expected to increase 6.10% to cover personnel cost included in the contract with the Confederated Tribes of Siletz Indians for policing.
- Overall General Fund Expenditures are anticipated to increase 9.24%.
- Capital expenditures are proposed to decrease 13.33% due to reduced equipment purchases in the coming year.
- Transfers out of the General Fund are expected to increase 92.50% because Building and Property Maintenance has been removed from the General Fund and into its own internal service fund in anticipation of addressing long-term maintenance issues for all city facilities in future budgets.

- Personnel costs are anticipated to increase 8.81% due to salary increases.
- Materials and Services are expected to increase 6.27% due to increased expenditures for Administration, Pool and General Services.
- Debt Service is expected to decrease 72.10% due to paying off the outstanding loan on the COG building FY 2012-2013.
- Individual departments in the General Fund with expenditures changes in excess of 5% include: Administration, Planning, Police, Fire, Recreation, Property Maintenance, Municipal Court, and General Services.
- The Building Maintenance Fund is a new internal service fund and will receive revenue from transfers primarily from the General Fund.
- The Public Works Fund is proposed to increase 6.62% due to increases in salary.
- The Streets Fund is proposed to decrease 6.90%.
- The Water Fund is proposed to decrease 8.36%.
- The Sewer Fund is proposed to increase 2.22%.
- The total for all budgeted funds for FY 2013/2014 is \$22,012,188 which is 26.68% more than was adopted for the current fiscal year. This increase is due primarily to construction costs for Phase I and Phase II of the Water System Master Plan.
- The City's authorized property tax rate for general fund operations is \$5.18 per \$1,000 assessed value. The amount to levy for bonded debt is \$167,850.
- She then thanked the department directors who worked very hard to provide rational and reasonable proposals and Polly Chavarria, Susan Thompson, and Nancy Bryant for their help in preparing the proposed budget document.

**Public Comment:**

There was none.

Mayor Grutzmacher called for a recess at 5:56pm and announced that the meeting will resume on May 2, 2013 at 5:30pm at the City Hall Council Chambers.

ATTEST:

APPROVED:

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

  
 \_\_\_\_\_  
 Mayor Ralph Grutzmacher

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
May 1, 2013

Mayor Ralph Grutzmacher called the regular meeting of the Toledo City Council to order at 7:00pm. Councilors present: Jill Lyon, Jackie Kauffman, Jack Dunaway, and Michele Johnson and Council President Terri Strom. Councilors Excused: Alma Baxter

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

Visitors present: Teresa Denlinger, Don Amberg, Ed Johnston, Christopher Walker and Rockne Roll.

**Visitors/Public Comment**

Ed Johnston of Toledo introduced himself as a sovereign citizen. He noted that he has emailed filings to City officials as well as other agencies regarding the legality of commercial zones. He then stated that congress does not have authority over sovereign citizens. He said ORS 801.409 and ORS 801.209 give legal citizens the right to travel without a license and that public employees do not understand the constitution of the United States. He believes the City has destroyed his family and attempted to murder him. He said that he understands the system and he will not allow a code enforcement officer on his property or any other city employee. After exceeding the five-minute comment period, Mr. Johnston was asked to remove himself from the visitors table by Officer Delamore. Mr. Johnston left the meeting.

**Proclamation-Emergency Medical Services Week**

Mayor Grutzmacher proclaimed the week of May 19-25, 2013 as Emergency Medical Services Week and encouraged the community to observe this week with appropriate programs, ceremonies and activities. Mayor Grutzmacher then stated that his son is an emergency service provider and he understands the admirable job that they do.

**Consent Calendar**

**Motion-** It was moved and seconded (Strom/Dunaway) to approve the consent calendar consisting of the invoice list dated April 26, 2013 and City Council minutes of April 3, 2013.

**Motion passed 6-0**, noting the absence of Councilor Baxter.

**Discussion and Information Items**

**Committee Updates**

Councilor Kauffman reported the Summer Festival Committee will hold a Mothers Day brunch at Toledo Elks on May 12<sup>th</sup> and its auction and dinner date has been changed to May 18<sup>th</sup>. The Committee is asking for city volunteers, preferably the Mayor and City Council members, to participate in the dunk tank during the festival event.

**Decision Items**

**Resolution-** A Resolution Fixing the Rates and Charges to be Paid by the Users of the Sewerage System of the City of Toledo, Oregon

CM Amberg explained that sewer rates were last adjusted in 2012. The proposed resolution would increase sewer rates by 1.25%. Section 2 of the proposed resolution also allows for a mid-year adjustment to the "average" used to calculate a customer's sewer fee if the user can prove a significant change in usage. Section 4 states that rates will be increased by 1.25% on an annual basis every May 21<sup>st</sup>. She noted that this does not preclude Council review of the rate or the request by staff to change the rate. The proposed rates will bring an estimated revenue of \$1,088,500. The proposed rate adjustment balances the Sewer Fund for FY 2013/14. She then explained that there are no sewer meters so the months of January through April are used to estimate the average sewer usage, based on the user water consumption, because those months are typically the period of least water usage and it does not reflect usage for watering lawns or gardens.

**Public Comment:**

There was none.

**Motion-** It was moved and seconded (Kauffman/Strom) to adopt **Resolution No. 1337**, 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**, noting the absence of Councilor Baxter.

**Resolution Setting the Street Lighting Utility Fee for the 2013-2014 Fiscal Year**

CM Amberg explained that on June 2, 2004 the City Council passed Ordinance No. 1303 which adopted a Street Lighting Utility Fee and established the requirement that the monthly fee be set by resolution before July each year. The current fee is set at \$7.00 per month and will raise an estimated \$105,000 in revenue, offsetting 96% of the electricity cost for street lights. CM Amberg recommended no increase in the Street Lighting Utility Fee for the 2013/2014 fiscal year.

**Public Comment:**

There was none.

**Motion-** It was moved and seconded (Dunaway/Lyon) to adopt **Resolution No. 1338**, A Resolution Setting the Street Lighting Utility Fee for the 2013-2014 Fiscal Year. **Motion passed 6-0**, noting the absence of Councilor Baxter.

**Application to Oregon Liquor Control Commission for A New Business-Muggly's**

CR Bryant reported that Sylvia White is the new owner of Muggly's, formerly known as Harmony Lanes, and has applied to the Oregon Liquor Control Commission (OLCC) for a liquor license to serve alcohol at her place of business located at 675 NW Hwy 20, Toledo. The Toledo Police Department has no objection to recommending approval of the application and the required City Beverage License fee is paid in full.

Councilor Dunaway asked about the relevance of signing the form in section #5 of the application. CR Bryant noted that the omission of the applicant's signature on the Social Security Number Disclosure section will be dealt with by the OLCC based on current State laws.

**Public Comment:**

There was none.

**Motion-**It was moved and seconded (Kauffman/Johnson) to recommend approval of the Oregon Liquor License made by Sylvia White. **Motion passed 6-0**, noting the absence of Councilor Baxter.

### **Invoice for Toledo Ace Hardware**

CM Amberg explained the purposed invoice list of expenditures for Toledo Ace Hardware is separate from the consent calendar. Separating this invoice from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the proposed invoice list because of her actual conflict of interest. Councilor Strom declared an actual conflict of interest stating that she is owner of Toledo Ace Hardware.

#### **Public Comment:**

There was none.

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve the invoice list dated April 25, 2013 for Toledo Ace Hardware. **Motion passed 5-0-1**, noting the absence of Councilor Baxter and that Councilor Strom abstained from voting because of her actual conflict of interest.

### **A Resolution Recognizing the Need for Continued Joint Management Activities With the Oregon Department of Fish and Wildlife (ODFW) Regarding Management of the Mill Creek Watershed in an Effort to Protect Natural Resources Consisting of Water, Timber, Fisheries, and Wildlife**

PWD Denlinger reported that recently the department completed application through the State of Oregon Water Recourse Department (WRD) for upstream transfer of certificated water rights along the Siletz River. Following the recommendations from ODFW leaves the city with a choice between: 1) putting approximately 0.016 cfs in stream from the new Point of Diversion (POD) down to the head of the tide waters, or 2) adopting a resolution to meet with ODFW on an annual basis to discuss maintenance activities at the Mill Creek Reservoir. The first option can be facilitated by submitting an additional in stream transfer and having it processed and approved, whereas the second option would be satisfied by documentation of the action by City Council, adopting a resolution that provides for continued annual meetings regarding management activities to the Mill Creek source water system. The public works department has a long standing practice of meeting with representatives from ODFW annually, and as needed regarding maintenance activities impacting the Mill Creek source water system. Funding for operation and maintenance of the Mill Creek Source Water System is provided through the budget process to assure effective operation of the Mill Creek System.

#### **Public Comment:**

There was none.

**Motion-** It was moved and seconded (Lyon/Dunaway) to adopt **Resolution No. 1339**, A Resolution Recognizing the Need for Continued Joint Management Activities with the Oregon Department of Fish and Wildlife (ODFW) Regarding Management of the Mill Creek Watershed in an Effort to Protect Natural Resources Consisting of Water, Timber, Fisheries, and Wildlife **Motion passed 6-0**, noting the absence of Councilor Baxter.

### **Reports and Comments**

#### **Department Reports**

PWD Denlinger reported that he is particularly looking forward to the Summer Festival this year.

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

- Recruitment for the Library Director vacancy closes May 2<sup>nd</sup>. The Library Summer Reading program will be moving forward as usual.
- The City will utilize a Contractor to recruit applicants for the vacant Public Works Director position. The target date for hire is July 1<sup>st</sup>.
- The City Budget Committee Meeting will be May 2<sup>nd</sup> at 5:30pm.
- The next Council work session is scheduled for May 14<sup>th</sup> and it will be a joint meeting with the Planning Commission.
- She thanked Mr. Vince and the crew for video recording the meeting.

### **Councilor Comments**

Councilor Lyon stated that Toledo artists will be well represented with art displays in the State Capitol during the month of May, with five pieces mounted on Representative David Gomberg's outside office wall.

### **Mayor Comments**

- The City hosted a reception on Monday night at the Newport Ocean Observing Conference with several Council members in attendance.

Mayor Grutzmacher called for a brief recess at 7:45pm noting that an executive session will follow 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 and (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.

He then made the following statements: "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 in executive session at 7:54pm.

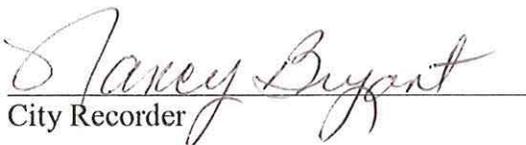
### **Executive Session**

Council and staff reviewed the proposed collective bargaining agreement with the Toledo Employee Association. Council then received an update on the Monroe litigation against the City.

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 8:01pm.

### **Adjournment**

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO BUDGET COMMITTEE  
May 2, 2013

Budget Committee (BC) present: Ralph Grutzmacher, Jerry Seth, Julie Rockwell, Bob Deming, Jill Lyon, Rod Cross, Jack Dunaway, Larry Davis, Billy Jo Smith, Chuck Gerttula, Jackie Kauffman, Terri Strom, and Michele Johnson.  
Absent: Alma Baxter.

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, Aquatics/Recreation Manager Joe Andrews, City Attorney Wes Chadwick, and Lisa Miller.

Visitors: There were no visitors present.

**PUBLIC HEARING 2013/2014, TOLEDO MUNICIPAL BUDGET, INCLUDING STATE REVENUE SHARING CONTINUED FROM APRIL 29, 2012**

Mayor Grutzmacher resumed the public hearing of April 29, 2012, for the 2013/2014 Toledo Municipal Budget including State Revenue Sharing at 5:30 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 5:33pm. The meeting resumed at 6:02pm.

**Budget Document:**

**Review of Department Budgets**

BC Lyon noted that Telecom and IT Services should be added to list of services that the city does not have sufficient staffing to provide. The list is located on page xxi of the proposed budget introduction.

BO/CM Amberg reviewed the proposed 2013/14 Budget as follows:

**General Fund**

**Revenues**

The anticipated general fund revenues will total \$5,011,991.

**Expenditures**

**Administration**

The proposed budget for Administration reflects a 14.61% increase over the adopted budget for FY 2012/13. This is primarily due to the Planning Department is being phased

out. Planning costs have been absorbed by Administration and General Services. There are no capital purchases in the proposed FY 2013/14 budget for Administration. The total funding proposed for the Administration Department is \$575,875.

The group discussed salary increases and how the City is working to keep employee salaries at a comparable average.

### **Planning**

The proposed budget for Planning reflects a 100% decrease. This section of the budget has been split between Administration and General Services. The ¾ FTE has been moved to Administration and the Planning Commission and Contract Planner has been moved to General Services.

### **Police**

The proposed budget for Police reflects a 5.35% increase from the adopted budget of FY 2012/13. This is due to transfers increasing 34.15% to build up funds in the new Building and Property Reserve Fund and Personnel cost increase of 6.06%. Capital purchases proposed for FY 2013/2014 include the purchase of a new computer server. The total funding proposed for the police department is \$1,509,462.

The group discussed a potential contract with Willamette Valley Services for Dispatch. BC Gertula stated that the perception with the public is that the City buys new vehicles while the economy forces the many members of the public to drive much older vehicles. BC Deming stated that the City has a lot of vehicles that are not police vehicles and some could have more miles on them. The group discussed purchasing new versus used City vehicles.

### **Fire**

The proposed budget for Fire reflects a 7.01% increase from the adopted budget for FY 2012-13. This is due to a Capital increase of 18.79% as well as an increase in Personnel of 11.18% due to a larger increase in PERS. Capital purchases proposed for the 2013/14 fiscal year include two repeaters for vehicles, vent fan, and safety training facility. The total funding proposed for the fire department is \$604,200.

FC Ewing noted that the department is upgrading the Fire Marshal program by training current staff to keep up with the commercial inspections. BO/CM Amberg noted that she will be hiring a contract Building and Safety Inspector for one to two days per week.

The group discussed building safety issues on Main Street.

### **Recreation**

The proposed budget for the Recreation Department reflects a 16.95% increase over the adopted budget for FY 2012/13. This is due to an increase in personnel costs due to PERS increases, the proposed addition of a self-funded Swim Club and a transfer increase of 7.58% in order to build reserves in the new Building & Property Reserve Fund. Capital purchases proposed for the 2013/14 fiscal year include Pool Facility

Engineering. BO/CM noted that the Pool Manager will be reclassified to the department head salary schedule. The total funding proposed for the recreation department is \$355,470.

The group discussed revenue versus expenditures for the public swimming pool.

### **Property Maintenance**

The proposed budget for the Property Maintenance reflects a 100% decrease over the adopted budget for FY 2012/13. This is due to moving Property Maintenance from the General Fund into the Property Maintenance Fund which is an internal service fund.

### **Library**

The long time librarian, Peter Rayment, retired this year and staff is in the process of recruitment to fill that position. There are no significant changes in the proposed budget for the Library. Proposed capital purchases include replacement of a photocopier. The total funding proposed for the library department is \$286,330.

The group discussed the future of public libraries and the availability of digital media.

### **Municipal Court**

The proposed budget for Municipal Court reflects an 11.35% increase from the adopted budget for FY 2012-13. This is primarily due to increases in PERS resulting in a 14.85% increase in personnel costs. There are no capital purchases in the proposed FY 2013/14 for Municipal Court. The total funding proposed for the Municipal Court Fund is \$11,640. The anticipated revenue in Municipal Court Fines totals \$40,000.

### **General Services**

The General Services Fund provides funding for all activities that benefit City departments. The proposed budget for General Services reflects a 13.81% increase over the adopted budget for FY 2012-13. This is due to a 261.70% increase to transfers due to shifting Property Maintenance out of General Fund and creating an internal service fund called Property Maintenance Fund and creating a new Building & Property Reserve Fund, a 146.52% increase in Contract Services, and moving Planning Commission from the Planning Budget to General Services. There are no capital purchases in the proposed FY 2013/14 budget for General Services. The total funding proposed for the General Services Fund is \$1,669,014.

BO/CM Amberg explained that unappropriated surplus is an amount set aside to carry forward to the following fiscal year. This carry over allows the City to function until it receives property tax revenue in November.

BC Smith stated that a Children's Summer Program was provided last year in Toledo at the Flowerree Center for approximately 35 to 60 children. There is no funding for that program this year. She stated that the program will cost \$10,000 and will need seed money to seek potential funding sources. She asked that the City donate \$5,000 toward the program. Mayor Grutzmacher stated that he believes that the community doesn't

value the service of this program. BC Davis stated that he would rather spend the funding on the Children's program than the Skate Park. BO/ CM Amberg noted that funding from the 2013/14 FY budget will not be available until July 1<sup>st</sup>, 2013.

PO Cross called for a brief recess at 7:55 pm. The meeting resumed at 8:06pm.

BC Davis noted that program participation data should be collected and reported back to the City. BC Lyon noted that she would like to see substantial programming if the City supports this program. PO Cross noted that he would like to see a required parental involvement component in the program.

**Motion-** It was moved and seconded (Smith/ Rockwell) to allocate \$5,000 from the Contribution line item, for a Summer Children's Program, increasing the line item to \$11,800 and reducing the Contract and Other Services (General Services) amount by \$3,625 to \$65,400.

**Motion Passed-**A vote, by show of hand, was taken; nine members in favor and three members abstaining.

### **General Fund Totals**

The General Fund has a proposed 2.39% increase overall.

### **Property Maintenance**

The Property Maintenance is a new fund created for FY 2013/14. It is an internal service fund. Revenue is transferred to this fund from other funds to finance Building & Property Maintenance. There is a 35.9% increase due to transfers from departments for maintenance and 60.11% increase in PERS costs. There is no capital purchase proposed for this fund. The total funding proposed for the Property Maintenance fund is \$278,460.

The group discussed the purpose of the Property Maintenance Fund. BO/CM Amberg explained that this fund will be used to address the City's facility maintenance needs in a focused section of the budget. The public works/infrastructure funds are excluded from this fund.

### **Public Works**

The Public Works Fund has a proposed increase of \$53,025 for the 2013/14 FY when compared to the adopted budget of 2012/13 FY. Revenues come from transfers from the General Fund, Water Fund, Sewer Fund and Streets Fund. Most Public Works staff and related personnel costs are included in this fund. The proposed 6.62% increase is due to a 14.73% increase in personnel costs. There is no capital purchase proposed. The total funding proposed for the Public Works Fund is \$854,580.

### **Streets**

The Streets Fund has a proposed a decrease of \$80,365 for the 2013/14 FY. Revenues include franchise fees and grants. Significant decreases in this fund include a 30.25% decrease in transfer to the Public Works Fund. Capital purchases proposed include the

2013 Pavement Preservation project in the amount of \$100,000. The total funding proposed for the Streets Fund is \$1,083,693. PWD Denlinger noted that the department is developing a list of areas for overlays or spot repairs in the system. Because of the time-line for Special City Allotment fund awards, the department will build capital in the road maintenance program for paving on an every-other-year cycle.

The group discussed the Small City Allotment Grant cycle as well as road maintenance expenditures.

### **Water**

The Water Fund has a proposed decrease of \$192,449 for the 2013/14 FY. The Water Fund is financed through water utility charges to customers and sales of water to the Seal Rock Water District. It funds operation of the distribution system and the water treatment plant which are both included in the overall fund but are separated into two different accounts within the fund to track total costs of each function. Significant changes in this fund include; 18.20% decrease in debt service and a 14.38% increase in personnel costs. Capital purchases proposed for FY 2013/14 include; repair to the intake valve at Mill Creek, rebuild the pump motor at Mill Creek Pump Station, SCADA improvements, Siletz River source water protection study, reconstruct the Siletz River intake, new Storage Tank on Skyline Drive, and replacement of in line turbidity sensor. The total funding proposed for the Water Fund is \$2,245,337.

BO/CM Amberg noted that changes to the expenditure line items provided in the budget document have been made as follows; Call Time is increased by \$10,000, Water Plant Transfer to Water Reserve is reduced by \$5,000 and Water Distribution Transfer to Water Reserve is reduced by \$5,000. These changes are to current negotiations with the Toledo Employee Association for a Collective Bargaining Agreement.

The group discussed the need for the proposed Siletz River source water protection study, employee insurance costs, and the sale of water revenue. BO/CM Amberg noted that the H2O program revenue is financed by donations made by water customers.

### **Sewer**

The Sewer Fund has a proposed increase of \$12,438 for the 2013/2014 FY. 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 to track the total cost of each function. Capital purchases proposed for 2013/14 include SCADA improvements and replacement of two blowers. The total funding proposed for the Sewer Fund is \$1,190,343.

BO/CM Amberg noted that changes to the expenditure line items have provided in the budget document been made as follows: Call Time is increased by \$10,000, Sewer Plant Transfer to Sewer Reserve is reduced by \$5,000 and Sewer Collections Transfer to Sewer Reserve is reduced by \$5,000. These changes are due to current negotiations with the Toledo Employee Association for a Collective Bargaining Agreement.

### **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 911 fund 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. The total funding proposed for the CC Strategic Reserve Fund is \$20,715.

### **Debt Service**

The Debt Service Fund accounts for the payment of principal and interest on all general obligation long-term debt. Currently the City's only outstanding general obligation bond issue is the twenty year series 2005, used to construct the Fire & Rescue Station. The total funding proposed for the Debt Services Fund is \$166,803.

### **Forfeiture Revenue**

The Forfeiture Revenue Fund is a special revenue fund used to track the proceeds from police related forfeitures and seizures. The total funding proposed for the Forfeiture Revenue fund is \$4,276.

### **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. The total funding proposed for the Revolving Loan Fund is \$51,585.

### **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 total funding proposed for the Solid Waste Fund is \$179,654.

**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 total funding proposed for the 911 System is \$87,587.

### **Building & Property Reserve Fund**

The purpose of this fund is to save money for future capital expenses related to City owned buildings and property. Proposed expenditures in this fund for the 2013/14 FY include the City Hall Roof and Public Swimming Pool Facility Engineering. The total funding proposed for the Building & Property Reserve Fund is \$513,725.

**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; a 1000 foot large diameter hose, police vehicle, playground equipment for Branstiter Park, and repair and re-skin of the Skate Park. The total funding proposed for the General Reserve Fund is \$794,715.

The group discussed the proposed Skate Park expenditure as well as vandalism issues and the installation of surveillance cameras at the Skate Park.

#### **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. The total funding proposed for the Public Works Water Reserve Fund is \$159,618.

FD Chavarria reported that the public works vector truck is in need of significant repair which may cost as much as \$20,000. This issue surfaced within the last few days and the expenditure is not in the proposed budget. This equipment is scheduled to be replaced in two years. Staff will need to determine whether or not the repair will buy the city some time before the equipment is replaced. PWD Denlinger noted that this equipment is not used daily but it is used in the first-line response for a sanitary sewer overflow.

#### **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 2013-2014 expenditures include repair intake valve at Mill Creek Reservoir, rebuild pump at Mill Creek, SCADA computer management improvements, and turbidity sensors. FD Chavarria noted that an expenditure has been added for the Mill Creek Pump Station generator cover in the amount of \$4,800 for this fund.

BO/CM Amberg noted that changes to the expenditure line items in this fund as shown in the budget document include Transfer from Water Reserve is reduced by \$10,000 and Systems is reduced by \$10,000. This is due to the changes in the Water Fund as previously noted.

#### **Sewer Reserve Fund**

The 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 2013/2014 expenditures for the Sewer Reserve Fund include USRD Debt Service Reserve, DEQ loan repayment, USRD loan repayment, SCADA computer management improvements, lateral CCTV system, blowers, and slip-line for sections of wastewater collection piping.

BO/CM Amberg noted that changes to the expenditure line items in this fund as shown in the budget document include Transfer from Sewer Reserve is reduced by \$10,000 and

Systems is reduced by \$10,000. This is due to the changes in the Sewer Fund as previously noted.

#### **Street Reserve**

The Street Reserve is used to set money aside for future major expenses pertaining to the street system. Proposed expenditures for FY 2013/14 include Highway 20 Maintenance as needed. The proposed total for Street Reserve Fund is \$75,150.

#### **Library Reserve**

The Library Reserve Fund holds general gifts, donations, and bequests given to the City that are intended specifically for the Library. There is no proposed expenditure for this fund. The proposed total for the Library Reserve Fund is \$30,250.

**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. There is no proposed capital expenditure for this fund. The proposed total for the Footpaths & Bicycle Trail Fund is \$11,315.

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 no 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 expenditure for FY 2013/14 is the Siletz River Source Water Protection Study.

#### **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 2013/14 expenditures include offset PERS increases, insurance deductible, and retirement expenses. The proposed total for the Stabilization Fund is \$717,838.

**Water Construction 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. Proposed expenditures for FY 2013/2014 include Phase I Improvements- Storage Tank on Skyline Drive and Phase II improvements-Siletz River Intake. The proposed total for the Water Construction Fund is \$6,364,605.

CM Amberg noted the FY 2012/13 adopted budget amount was \$17,375,746 and the proposed FY 2013/14 budget total is \$22,012,188.

She then thanked the committee members for their attendance at this meeting and continuing throughout the budget process.

BC 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 (Gerttula/Grutzmacher) to accept the proposed budget as amended and recommend its adoption to the City Council.

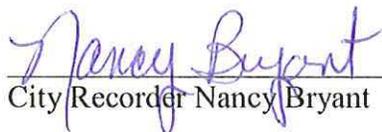
**Motion passed** unanimously.

**Motion-** It was moved and seconded (Lyon/ Kauffman) to approve a rate of \$5.18/1000 of total ad valorem property taxes to be certified for collection and to include \$167, 850 for debt service. **Motion passed** unanimously.

**Adjournment:**

The meeting adjourned at 09:50pm.

ATTEST:

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

APPROVED:

  
\_\_\_\_\_  
Presiding Officer Rod Cross

TOLEDO CITY COUNCIL MINUTES  
JOINT COUNCIL/PLANNING  
WORK SESSION

May 14, 2013

Mayor Ralph Grutzmacher called the Toledo City Council/Planning Commission joint work session to order at 6:15pm. Councilors present: Jill Lyon, Jackie Kauffman, Jack Dunaway, Michele Johnson and Council President Terri Strom. Councilor excused: Alma Baxter. Planning Commissioners (PC) Present: Jerry Seth, Anne Learned-Ellis, Paul Johnson, and Linda Brodeur, and Doug Alldridge who arrived at 6:56pm.

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 (PC) Aneta Synan and Planning Secretary Arlene Inukai.

Visitors present: Dave Morgan, Sarah Plourde, Wayne Plourde, David Helton, and Tara Lingley.

### **Visitors/Public Comment**

Wayne Plourde of Sola Luna Gallery, located on Main Street, stated that he has been in Toledo for a year and a half and he loves the community. He asked that the city appointed and elected officials consider how they can participate in something for the community that will reignite the vital spark that is Toledo.

### **Discussion and Information Items**

#### **Toledo Transportation System Plan**

PWD Denlinger reported that staff and a Project Advisory Committee (PAC) have been working with CH2M Hill and Oregon Department of Transportation (ODOT) to complete the Toledo Transportation System Plan (TSP). The City received an ODOT Transportation Growth Management Fund grant to develop this plan. In the process of developing this plan, the group has considered ideas for improving traffic operation routes that include trucks, auto, transit, pedestrians, and bicyclist as well as down town parking and evaluation of the safety of the West Junction of Hwy 229 and Hwy 20. The key objective is to develop a transportation system plan with sufficient detail to serve the needs of the community, promote economic development, and meet the requirements of the transportation planning rule for the future of Toledo's transportation system.

Tara Lingley of CH2M Hill stated that, based on the PAC meetings and community input, suggestions for the plan are as follows:

#### Road Projects

- Freight- Add more signs (including no truck signs and support access to heavy industrial sites.
- Business Loop 20 at A Street- Add right turn lane on Business Loop 20 at A Street.
- East Slope Road Realignment- Reduce slope to allow freight trucks to use East Slope Road.
- Burgess 20 Road Realignment- Create a 90 degree angle as it connects to Business Loop 20.
- Sturdevant Road Realignment- Allow large trucks to Siletz Kiln Site by adding width to the roadway.

- “A” Street Railroad crossing- Continue with the projects in the Waterfront Connectivity Plan.
- Butler Bridge Road and 1<sup>st</sup> Street Changes- Continue with the projects in the Waterfront Connectivity Plan.

#### Western Junction Alternatives Analysis

- There were seven options created for the West Junction at Hwy 229 and Hwy 20. Those options were reviewed by the PAC as well as community members during an open house event. The options were then narrowed down to two alternatives including modifying one traffic signal or two interconnected traffic signals.

#### Bicycle/Pedestrian Projects and Policies

- Fill Sidewalk Gaps- The plan suggests completing sidewalk gaps at Burgess Road, Business Loop 20 (East Slope Road to Sturdevant Road), Douglas Street/SE 3<sup>rd</sup> St., East Slope Road, A St. Business Loop 20 to NW 1<sup>st</sup> St., and Bay Boulevard.
- Crosswalks could include signage, markings and flashing lights in some areas.
- Bicycle Boulevards in neighborhood streets that prioritize bicyclist and pedestrians.
- Trail network for both bicycles and pedestrians.
- Way-finding signs to encourage visitors to explore downtown on foot or bike.
- Create and implement a bicycle, pedestrian and driver safety education program.
- Address rough railroad crossings for bicyclists and pedestrians.
- Work with partners to develop an intercity multi-use trail.
- Explore a volksmarch route within Toledo.

#### Transit Policies

- Lincoln County Transit manages transit services, There are no recommended projects.
- Policies- Support new investments in transit service, explore citywide transit shuttle, and explore a water taxi or ferry service to Newport.

#### Freight Rail

- Maintain freight rail connection to Toledo from I-5 corridor, coordinate meetings with ODOT Rail, Lincoln County, Georgia Pacific, and Pacific North West Railroad to address crossing conditions, develop evaluation criteria and generate prioritized crossing improvement list, explore an intermodal hub with the Port of Toledo, and reduce idling train engines near Downtown businesses. Councilor Lyon suggested adding “encourage rail traffic” to the list.

#### Airport/Pipeline

- Identify alternate Life Flight landing locations in the City if the Airport closes.
- Support GP’s effluent pipeline to maintain applicable environmental permitting.

#### Water/Port Projects and Policies

- The Port of Toledo’s Build-out Plan includes facilities improvements
- Assess Butler Bridge to explore accommodating taller barges and boats, explore pier for barge access at Depot Slough (GP property), explore recreational boat launch near downtown, identify dredge spoils site, and support intermodal hub for all industrial traffic.

#### Plan and Code Amendments

- Comprehensive Plan Amendments- Adopt the TSP as the transportation elements and include TSP policies in the transportation chapter.

- Municipal Code Amendments- Comply with the Transportation Planning Rule and ensure transportation facilities are allowed uses in each zone and add transportation standards to the code.

David Helton of ODOT Transportation and Growth Management Program explained to the group that the proposed TSP is a large plan with a lot of costs. He noted that if adopted, this plan does not create an obligation to complete the projects or for funding the projects rather it prepares the City for projects that could be completed when grant funding becomes available. He said it will be important for the City to make investments when feasible because it will make a difference in how funding agencies look at the City when it applies for funding. He recommended seeking funding before all of the details in the plan's projects are complete. He also noted that the Hwy 20 Junction is an ODOT facility and any projects will require additional review by ODOT. Also, ODOT does not endorse the options in the TSP. The West Hwy 20 Junction should be a regional priority because everyone traveling through US Hwy 20 drives through the hazardous area.

The group discussed potential sources of funding for projects included in the plan.

### **Public Lands Zone Update**

City Planner (CP) Anetaa Synan provided a brief history of her background before becoming the City's new contract planner. CA Chadwick noted that recently the City Council struggled with how to deal with a non-public-entity owning property that is zoned public lands. Since that time there have been discussions regarding the best alternative to amend the municipal code. The current purpose of the P-L zone is to indicate lands owned by public agencies, recognizing that such lands may be put to varied uses. He noted that the discussion at this meeting should provide the Planning Commission a direction in which to review and recommend revisions to the public lands zone.

Councilor Lyon stated that her concern is not the definition of the P-L zone but that there is no provision for mixed uses. She would like to see the code accommodate flexible uses for a variety of things like office use/light industrial use/commercial use within a building. The current zone comes with a list of things a person can and cannot do and that is confusing. There should be a good parameter so that people know what they can do if they purchase a property. She said the code should accommodate creative uses of City's spaces.

Mayor Grutzmacher suggested eliminating the public lands zone but include public uses (utility use); the underlined zone should be whatever is practicable. He stated if you are going to purchase property in Toledo you should know what you can do with it before you buy it. Basing a zone on who owns the dirt is bad policy. CA Chadwick said if this is the approach it will take a public hearing and notification of surrounding property owners for each property in PL zones.

PC Brodeur noted that the Planning Commission has discussed looking at zoning to address how property is used rather than who owns the property. She asked CP Synan if it is possible to have multiple uses. CP Synan said she has suggested to the Planning Commission that moving away from zoning by ownership to zoning by use may be an alternative.

The group discussed ways to revise the code to address the property that is currently zoned public use.

PC Seth noted that all codes in place should apply to City owned property as well. Councilor Lyon noted that there may be a purpose for a public land zone as well as a need to classify things like parks and city hall or creating a different zone for those types of uses.

PC Johnson asked if this issue would be better handled case by case when properties in public land zones change ownership. Mayor Grutzmacher stated that his preference is to eliminate the public lands zone and substitute it with a couple of public uses. Councilor Dunaway stated that he likes the idea of flexibility of use rather than zoning by who owns the property.

CP Synan noted that a benefit of having a public zone or an overlay zone on a map is that it identifies potential uses and impacts to a future neighboring property owner.

CA Chadwick noted that the first step will be to pass legislation doing away with the zone and then send it to the Planning Commission for a recommendation. PC Learned-Ellis stated that she would like to see it done in a logical step by step process to eliminate properties that would be in limbo before the alternative zoning is created.

By general consensus the group agreed to do away with ownership creating the public lands zone and create language that reflects uses instead. It was also agreed that the change could include removal of the public lands zone or create an overlay. The Planning Commission will provide Council with a recommendation and timeline for completing the project.

**Additional City Council/Planning Commission Discussion Items:**

Councilor Dunaway asked if the Planning commission is aware of City Council's land sales plan. PC Learned-Ellis noted that the Commission would benefit from receiving the city-owned property inventory.

PC Alldridge asked who sets the speed limits on Butler Bridge Road. Councilor Lyon noted that the speed limit on that roadway is set per a railroad crossing requirement.

PC Brodeur suggested two to three joint work sessions for this group per year to review each group's goals and objectives.

The group discussed ways that the Planning Commission and City Council members can be involved within the community to bring citizens into the City and to connect with the communities young people.

**City Manager Comments**

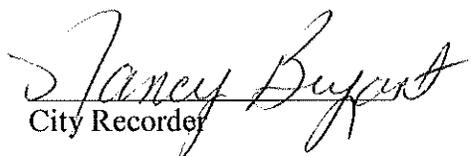
CM Amberg reported the following:

- There will be a reception for Adam Denlinger tomorrow at 6pm before the City Council meeting at 6:30pm.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 9:17 pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
May 15, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jackie Kauffman, Jill Lyon, Jack Dunaway, Michele Johnson and Council President Terri Strom. Councilors Excused: Alma Baxter.

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

Visitors present: Linda Brodeur, Pat Hill, Teresa Methvin, Arlene Inukai, Clint Raever, and Kenneth Franklin.

**Proclamation:** Mayor Grutzmacher proclaimed May 22, 2013 as Adam Denlinger Day in the City of Toledo. Public Works Crew Leader Teresa Methvin presented Adam with a hard hat signed by City employees. Councilor Dunaway thanked Adam for his time explaining projects.

### **Visitors/Public Comment**

Toledo Jr/Sr High School Principal Clint Raever and Toledo Jr/Sr High Teacher Peter Vince provided Council with an update of functions at the school. Principal Raever stated that the Senior Graduation is scheduled for June 1<sup>st</sup> at 4pm. Next year there will be a new school schedule. There will be eighteen Fridays throughout the year when only selected students will attend on Fridays and only in the morning. Teachers will use the afternoons for professional development time. School Administrators have been working with the community to provide activities and or programs for students who do not attend school on Fridays including; Oregon Coast Community College, Toledo Swimming Pool, Toledo Police Department, and Port of Toledo. Peter Vince noted that, in his 30 years of teaching, education has changed as well as the needs of the students. This program will help target students who need additional help in meeting class requirements. A recent report identified that, of 300 students, at least 180 had at least one F grade during one semester. He said this record identifies the need to change the infrastructure to meet those needs. The daily school schedule for Monday through Thursday will be twenty minutes longer with a shorter lunch period. It is anticipated that there will be no instruction time lost for all students. Principal Raever noted that the expectation of teachers is to use the Friday afternoons for staff professional development. Mayor Grutzmacher stated that he would like to see more outreach between the schools and the community.

Kenneth Franklin stated that he has a solid plan for a taxi cab business in Toledo. He will be ready to start his business within the next two weeks. He noted that his fare schedule will be one half of the competitive fare. He asked that the City consider allowing him to move forward. Council directed staff to prepare a taxi business regulation ordinance and present it to Council at the June 5<sup>th</sup> City Council regular session.

Edward Johnston informed Council that any assaults on him will now go through Senator Roblan's office. He said according to ORS 0801.208 (e) and ORS 801.409 his vehicle is not for

commercial vehicle use but is a recreational vehicle as defined in the state laws. He believes crimes are being covered up he knows when he is being monitored and that the police have had his phone tapped several times. He said that is illegal and by covering it up and conspiring City Council is involved even if they are not directly involved. He then stated that the Queen and others have been convicted of genocide charges.

Mayor Grutzmacher noted that he is offended by having to put up with Mr. Johnston comments each meeting and that seven people volunteer their time to attend these meetings to help make government work and they get accused of illegal, nefarious, and conspiratorial activities.

### **Consent Calendar**

**Motion-** It was moved and seconded (Lyon/Kauffman) to approve the consent calendar consisting of the invoice list dated May 10, 2013 and City Council minutes of April 9<sup>th</sup> and April 17<sup>th</sup>, 2013.

**Motion passed 6-0**, noting the absence of Councilor Baxter.

### **Discussion and Information Items**

#### **Committee Updates**

##### **Planning Commission Vacancy**

CM Amberg reported that a vacancy has occurred on the Planning Commission and requested direction from City Council on filling the vacancy. The vacancy term will end December 31, 2015. She noted that Mary Young was also interviewed for this vacancy and she is still interested in serving.

**Seeing no objections from Council, Mayor Grutzmacher appointed Mary Young to the Planning Commission vacancy for a term that will end December 31, 2015.**

#### **Youth Summer Program**

CM Amberg reported that there were many community agencies represented at a Summer Youth Program meeting on Monday. Many of those agencies will provide enrichment programs and activities during the summer program. She asked that council define how the City contribution of \$5,000 should be applied to the program. She noted that conditions placed on the funding by Council and the Budget Committee included that parental involvement be a requirement and that the funds go to programming. She asked if parenting classes provided by the health center would meet the parental involvement requirement. Mayor Grutzmacher stated that he believes that parental involvement means that parents are joining their children in the program and he does not think the funds are intended to go to the operation cost of the program. Councilor Lyon stated that the Budget Committee discussion identified that the programming is important to fund. She also noted that it makes sense to house the program in a different area than the Olalla Center because most of the activities will be in the downtown area and within walking distance. CM Amberg noted if the program is housed in a different location it will be required to add the cost of insurance.

#### **Water Master Plan Update-Bid Results**

PWD Denlinger reported that bids were opened on May 14<sup>th</sup> at 2pm for projects in Phase I of the Water Master Plan. The water storage tank on Skyline Drive includes three schedules: the water tank, pipeline distribution improvements, and pump station improvements. The City received nine bids with up to twenty plan holders. All bids were provided by qualified bidders and all came in well below the engineer estimated cost. He said the total engineer cost for all three schedules of the project is \$2,564,000 and the total bids were in at \$1.19 million which will be a significant

savings to the City. Staff will now go through the process of developing a contract with the lowest bidders of the schedules. There will be three prime contractors on the project.

PWD also reported that the City has received design for the Siletz River intake and Olalla Reservoir projects.

## **Decision Items**

### **Public Swimming Pool Fees**

ARM Andrews explained that since 2010 every year the department has brought forward small rate increases to catch up with the facility's pricing structure and to reduce the need for future large cost increases. The philosophy has been to bring relatively minor increases every year as compared to larger increases spread over a longer length of time. The largest rate increase for a pass is \$10.00 (six month Non-Resident Youth Pass) with most increases between \$1.00 and \$5.00. The proposed pool fee schedule will be effective beginning June 10, 2013.

Councilor Dunaway thanked the pool staff for their helpfulness in the fitness classes. He asked how pool staff checks for payment or passes of patrons. AM Andrews stated that they try to keep track of patrons with a pass but it isn't always effective. He stated that a computer terminal swipe card system is in the FY 2013/14 budget which should help with the process.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Strom/ Dunaway) to approve the 2013/14 Swimming Pool Fee Schedule effective June 10, 2013. **Motion passed 6-0**, noting the absence of Councilor Baxter

### **Recommendation for Oregon Liquor License Renewals**

CR Bryant reported that OLCC has furnished the City with a list of business in Toledo requesting renewal of their annual liquor license. The Toledo Police Chief has reviewed the list and recommends renewal for all of the listed establishments. All City beverage fees have been paid in full.

Councilor Kauffman stated that she would like more information about police calls and the status of businesses listed for renewal. She has discussed this with PC Enyeart and he has agreed to provide an executive report during the OLCC renewal process next year.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Kauffman/Johnson) to recommend renewal to the Oregon Liquor Control Commission (OLCC) of the list of Toledo businesses requesting liquor license renewals. **Motion passed 6-0**, noting the absence of Councilor Baxter.

### **Surplus Equipment Request by Public Works**

PWD Denlinger reported that the list of property requested for surplus is no longer needed by the department and the department believes that making this equipment available to the public for sale will provide a net benefit. Most if not all of the items proposed as surplus have some value or use

as parts. The department will advertise these items in lots for purchase through public sale or on the States surplus property website.

Public Comment:

**Motion-** It was moved and seconded ( Lyon/Kauffman ) to declare a Quincy Northwest Compressor Serial No. 6504902, a 2011 Ford 350 Super Duty Pickup Bed, a Western Vehicle Hoist Serial No. B3380P, and four Semi Truck Rims 22.5x12.25 Sterling Diesel.

**Motion passed 6-0**, noting the absence of Councilor Baxter.

### **Collective Bargaining Agreement with Toledo Employee Association**

CM Amberg reported that on December 12, 2011 the City sent a letter to AFCME representative Eileen Tilque indicating the City's desire to begin negotiating a successor agreement for the AFCME represented employees. Dates were established and information was exchanged in anticipation of bargaining. In April the AFSCME employees held an election to determine their representation and departed for AFCME forming the Toledo Employee's Association (TEA). On June 15, 2012 a letter was received from Becky Galigher which stated that she represented TEA and requested dates for negotiations. Dates were exchanged and TEA and the City began negotiations on the successor agreement on July 30, 2012. The City and TEA met on numerous occasions to bargain. In April 2013 the City and TEA had reached tentative agreements on all articles. On May 6, 2013, TEA held an election to ratify a new employment agreement which is the result of these negotiations. The proposed agreement was ratified by TEA on May 6, 2013.

Councilor Lyon commended those who participated in the process. She said it was a long process but seems to have come to an agreeable contract. Mayor Grutzmacher agreed and noted that both sides moved to adjust the salary schedules and take care of particular needs in the various departments.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Dunaway/Strom) to ratify the proposed Collective Bargaining Agreement between the City of Toledo and the Toledo Employee's Association.

**Motion passed 6-0**, noting the absence of Councilor Baxter.

## **Reports and Comments**

### **Department Reports**

PC Enyeart reported the following:

- Staff has been meeting with representatives from the Siletz Tribe of Confederated Indians regarding renewal of the current policing contract. Toledo is proposing a three year contract at \$280,000. The representatives will take the proposal to the Tribal Council but they are not optimistic of its passing. PC Enyeart noted that the department cannot continue to provide police service to the Siletz area beyond June 30, 2013 without a contract. Mayor Grutzmacher noted that the Mayor of Siletz is not comfortable losing police service in Siletz. PC Enyeart stated that the City of Siletz will also lose municipal court if the contract is not renewed.
- He is working with Silke Communications to complete a plan for a radio backup system linking Toledo with Lincoln City. The cost to the city may be as much as \$70,000 and the expenditure is expected to come from Oregon Emergency Management grants and reserved 911 funds. He will meet with the Chief of Police of Lincoln City to discuss a plan.

- In 1962 US President Kennedy proclaimed May 15<sup>th</sup> as National Police Officer's Memorial Day. May 15<sup>th</sup> falls during the week of National Police Week established by the joint resolution of Congress in 1962 to recognize law enforcement officers who have lost their lives in the line of duty for safety and protection of others. Toledo patrolman Gary Sumpter was killed in the line of duty on March 15, 1969 as he was ambushed his way to a domestic call. PC Enyeart noted his desire is to set up a memorial for Officer Sumpter.

ARM Andrews reported that the pool is gearing up for summer programs. He is excited about the opportunities to partner with the school to provide training classes and job shadowing. Next year the pool staff will make a big push to improve the water exercise program. He also noted that the Toledo Safety Committee has suggested free swim passes for city employees covered under the city's insurance. Councilor Lyon said if it makes financial sense and is a help employees then it would be agreeable.

PWD Denlinger reported that his new role with Seal Rock Water District will take him to new responsibilities but it is his intent and desire to stay connected with the City of Toledo for activities that provide a benefit to both entities. He said it has been a pleasure and honor to work for the City of Toledo. He also noted that he has been meeting with the City Manager and City Attorney to ensure a smooth transition

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

CM Amberg reported the following:

- The Toledo Summer Reading Program is ready to advertise this year's program.
- The monthly department report was distributed.
- There will be a Chamber lunch tomorrow.
- She thanked Peter Vince and crew for video recording the meeting.

#### **Council Comments**

Councilor Strom noted that the Summer Festival Committee silent auction and dinner will be held on May 18<sup>th</sup> beginning at 5:30pm.

#### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- There were three successful events last weekend in Toledo. The Newport News Times provided favorable coverage of the events in its recent issue.

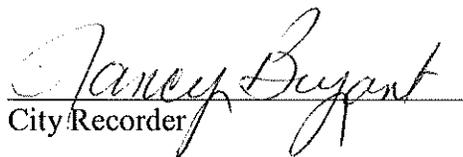
#### **Executive Session:**

There was no executive session.

#### **Adjournment:**

The meeting adjourned at 8:31pm and Mayor Grutzmacher immediately adjourned the meeting.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
June 5, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jackie Kauffman, Jill Lyon, Alma Baxter, Jack Dunaway, Michele Johnson and Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Finance Director (FD) Polly Chavarria, Aquatics/Recreation Manager (ARM) Joe Andrews, and City Recorder (CR) Nancy Bryant.

Visitors present: Billy Jo Smith, Don Amberg, Deanne Dunlap, Alan Searle, Brenda Brown, Katelyn Hordichok, Cristi Moore, Kevin Lindsted, and Dave Morgan.

### **Visitors/Public Comment**

There was no public comment.

### **Consent Calendar**

CM Amberg noted that an expenditure on page 14 for travel and training for a conference has been removed from the invoice list. Councilor Strom noted that she was in attendance at the May 2<sup>nd</sup> Budget Committee meeting and should be reflected in the minutes.

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve the consent calendar consisting of the invoice list dated May 31, 2013, Council minutes of May 1<sup>st</sup>, 14<sup>th</sup>, and 15th, 2013 and Budget Committee minutes of April 29, 2013 and May 2, 2013, as amended. **Motion passed 7-0.**

### **Discussion and Information Items**

#### **United Way Day of Caring**

Katelyn Hordichok of Lincoln County United Way stated that “United Way Day of Caring” is a volunteer driven program. The group helps with projects in the community that haven’t been completed because of lack of manpower. The current project will take place in Toledo at the Floweree Center on June 29<sup>th</sup>, when a group of volunteers will help spruce up the property. They continue with volunteer recruitment and are hoping for forty volunteers for this event. Hordichok stated that they are looking for Council member support by either attending the event or distributing flyers within the community.

#### **Committee Updates**

Councilor Dunaway reported that he attended a recent Cascades West Area Commission on Transportation (CWACT) meeting. The group reviewed several future projects. He asked that Mark Volmert, CWACT Planner, be invited him to speak to Council about how the City can be more effective in working with the Department of Transportation.

Councilor Kauffman reported that there will be a Toledo Summer Festival Committee meeting on June 6<sup>th</sup> at 6pm at the Timbers meeting room.

Councilor Lyon reported that the Lincoln County Economic Alliance Board met with County Commissioners Doug Hunt and Bill Hall to discuss the annual grant program for economic community development. The Commissioners reminded the Board that the primary focus is economic development and not social services. The board will continue to work with the commissioners to develop the allocation criteria. The grants are awarded at a maximum amount of \$15,000.

CM Amberg noted that there are vacancies on council committees; The Public Utility Commission has one vacancy, the Library Board has 3 vacancies, and the Contribution Committee had no volunteer members in attendance at the meeting in March. She suggested that the Water Resource Group may no longer be needed and appointing the City's alternate member of the CWACTION can be postponed until a new Public Works Director is on board. Also, the City's new Planner Aneta Synan can replace Stewart Cowie on the Transportation System Planning Committee.

By consensus of Council the Water Resource Committee was disbanded and Aneta Synan was selected to replace Stewart Cowie as the City representative on the Transportation System Plan Advisory Committee. Mayor Grutzmacher directed staff to recruit Library Board members while announcing the appointment to the Library Director position.

Mayor Grutzmacher reported that he, CM Amberg and Summer Festival Committee members met with representatives of Georgia Pacific Toledo to discuss a launch site for the summer fireworks. He stated that there were no decisions made but it was a positive discussion.

## **PUBLIC HEARING**

Mayor Grutzmacher opened the public hearing for the 2013-14 City of Toledo budget. No conflicts of interest, biases, ex parte communication, or objections to jurisdiction were noted.

### **Staff Report:**

CM Amberg reported that the proposed resolutions adopt the recommended budget and the City's election to receive state revenue as approved by the Budget Committee at its meeting on May 2, 2013. It also establishes a tax rate of \$5.18/\$1000 assessed value for operations and \$167,850 for bonds. The recommendation also includes the salary schedules for city employees.

### **Public Testimony:**

Billy Jo Smith asked Council to support the Summer Children's Program as recommended by the budget committee. She said the program provides support for student success, healthy youth development, supports the current workforce, decreases risk-taking among youth, and develops the future workforce. She said the need for youth services in Toledo is huge. The program will be located at the Floweree Community Center and it is ready to begin. She noted that many community individuals and organizations will be providing support for this program. The \$5,000 donation by the City will provide scholarships for children with a stipulation that the equivalent of 9.1 full scholarships must be given and the scholarships should be based on need due to family income or multiple children in the program.

Councilor Lyon noted that the recommendation from the Budget Committee included stipulation that the funding be used for programming and not operational costs. Smith stated that there must be funds to pay for the coordinator position and they do not consider that operational costs. She noted that without the City donation the program will suffer.

Brenda Brown stated that if every child participating in the program paid the \$50/per week fee the program would be self supporting. Past program history has shown that not all children who want to attend will be able to afford it. The City's donation will provide scholarships as well as support payroll of the program coordinator. Smith asked if there is a Council ruling that indicates the City's donation cannot be expended on the coordinator's payroll. Mayor Grutzmacher stated that Council has not made that decision.

In response to Council questions Brown stated that breakfast and lunch will be provided by Sodexo with breakfast served at the Floweree Center. Lunch will be provided in the area of the Public Library so that it is accessible to any youth age 0-18 within the community.

**Council Questions:**

There were no questions by Council members.

**Public Hearing Closed**

Mayor Grutzmacher closed the public hearing at 7:46pm.

**Council Deliberation:**

There was none.

**Decision Items**

**Proposed Budget Resolutions:**

**Motion-**It was moved and seconded (Dunaway/Kauffman) to adopt **Resolution No.1340, a Resolution Adopting the Budget, Appropriating Funds, and Levying Taxes for the Fiscal Year 2013/14. Motion passed 7-0.**

Public Comment:

There was none.

**Motion-**It was moved and seconded (Strom/Kauffman) to adopt **Resolution No.1341, A Resolution Declaring the City's Election to Receive State Revenues for the Fiscal Year 2013/14. Motion passed 7-0**

Public Comment:

There was none.

**Resolution Transferring Funds**

FD Chavarria reported that money was budgeted in the 2013/14 budget under Public Works Personnel Services for filling a maintenance worker position. Instead, the City chose to use temporary help for a period of time for this position. Temporary help is paid from the materials and services appropriation for the department while the original employee salaries were budgeted under personnel services. The proposed resolution transfers \$10,000 from the Personnel Services appropriation into the Contract Services line item to cover these expenditures.

Public Comment:

There was none.

**Motion-**It was moved and seconded (Lyon/Strom) to adopt **Resolution No.1342**, A Resolution Transferring Funds. **Motion passed 7-0.**

### **Authorize the Fire Department to Seek Funding for an all Terrain Response Vehicle**

CM Amberg reported that the fire department is seeking authorization to seek funding for an extreme terrain motor vehicle to access areas that would be difficult using a standard vehicle. The proposed equipment could be used by multiple departments and in a variety emergency and or non-emergency uses.

The group discussed operational license requirements as well as extended costs for insurance coverage.

Councilor Dunaway suggested tabling the item until staff can provide the fiscal impact of operation certifications and training policies. By consensus of Council this item was tabled to the next regular session.

### **Recommendation to OLCC for a Special Event license for Samaritan House**

CR Bryant reported that Lauren Jones, on behalf of Samaritan House Inc., has applied to the Oregon Liquor Control Commission for a temporary sales license for a garden tour special event. The event is to take place at 1513 SE Ammon road, Toledo. The application identifies their plan to serve one four ounce glass of wine to each adult visitor. The Toledo Police Department has no objection to recommending approval of the application and the required City of Toledo Liquor License fee has been paid in full.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Lyon/Johnson) to recommend approval to OLCC for a temporary sales license to Samaritan House, Inc. **Motion passed 7-0.**

### **Invoice List for Ace Hardware**

CM Amberg reported that the proposed invoice list of expenditures for Toledo Ace Hardware is a routine item on the agenda each month and is separate from the consent calendar. Separating this invoice from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the proposed invoice list because of her actual conflict of interest. Councilor Strom declared an actual conflict of interest stating that she is owner of Toledo Ace Hardware.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Kauffman/Baxter) to approve the invoice list for Ace Hardware dated May 28, 2013. **Motion passed 6-0-1**, noting that Councilor Strom abstained from voting.

## **Reports and Comments**

### **Department Reports**

Councilor Dunaway asked if the landslide issue near the Mill Creek Reservoir has been resolved. CM Amberg stated that she will follow up with a report on this issue.

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

CM Amberg reported the following:

- The Public Works crew addressed an emergency waterline repair at the intersection of 1<sup>st</sup> Street and Butler Bridge Road on Memorial Day. Most of the department responded to the event and they did an excellent job handling the situation. The estimated cost of the repair is \$50,000.
- A sink hole developed on Graham Street yesterday. The responding crew determined that the cause was a broken lateral sewer line. The property owner will be responsible for that repair.
- Toledo will host the Small Cities meeting on August 27<sup>th</sup> with a guest from the League of Oregon Cities. It will be held at the Port of Toledo Boathouse.
- The City has extended an offer to Deborah Trusty for the Librarian position and her employment start date is July 1, 2013.
- Five applications have been received for the Public Works Director position. The application deadline is June 7, 2013.
- The Thursday Street Market begins June 6<sup>th</sup>.
- Fire Chief Will Ewing will be traveling to Philadelphia June 6<sup>th</sup> to view progress of the new fire engine at the factory.
- The Floweree Center Day of Caring event is scheduled for June 29<sup>th</sup>.
- A household hazardous waste disposal collection event is scheduled for August 3<sup>rd</sup> at the Fire Station.
- She thanked Peter Vince and his crew for video taping this proceeding.

### **Council Comments**

Councilor Johnson inquired about an ordinance regulating Taxi services. CA Chadwick reported that he has a draft ordinance for Council review at its next work session.

Councilor Strom noted that over 50 vendors are expected to participate in the Thursday Street Market. She encouraged all to attend and support the vendors.

Councilor Lyon announced the third annual Newport Celtic Festival and Highland Games event will be this weekend at the Lincoln County Fairgrounds. She encouraged all to participate

Councilor Dunaway noted that he enjoys having community partners make presentations to Council. He would like to invite a representative from the Central Coast Ranger District to speak on behalf of Forest Service plans for areas around Toledo.

### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- The water main break on Memorial Day was an excellent example of people who knew what to do. The public works crew did a fine job and he asked the City Manager to forward his sentiments to them.
- He will be judging the kilted run and the sandcastle building contest at the Newport Celtic Heritage Festival. The festival provides a lot of fun events to do for free.

- Council received two letters; one from County Commissioner Doug Hunt and a thank you note from Toledo Fire and Rescue for the pool pass that were donated to the annual awards banquet.

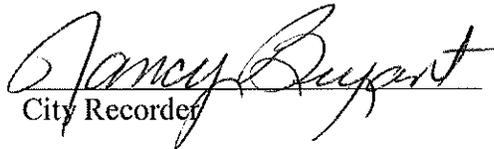
**Executive Session:**

There was no executive session.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8.18pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
WORK SESSION  
June 11, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Alma Baxter, Jill Lyon, Jackie Kauffman, Jack Dunaway, Michele Johnson,  
and Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick,  
Aquatics/Recreation Manager (ARM) Joe Andrews, Police Chief (PC) Dave Enyeart, and City  
Recorder (CR) Nancy Bryant.

Visitors present: Nick Dahl, Zack Dahl, Kenneth Franklin, Dave Morgan and Don Amberg.

**Visitors/Public Comment**

There was none.

**Discussion and Information Items**

**Committee Updates**

There were none.

**Request for Rate Increase by Dahl Disposal Services**

CA Chadwick reported that the PUC Committee met to discuss a proposal by Dahl Disposal Services Inc. to increase the rates for garbage disposal services. Although there was no quorum of voting members, those in attendance recommended approval of the request.

Nick Dahl of Dahl Disposal Services provided a 2012 Rate Review Report, 2013 projections, 2012 current rate sheet, and a proposed 2013 rate sheet for Dahl Disposal Services. He reported that the Toledo operations' overall expense and revenue percentages are as follows: customer count 20.06%, labor hours 23%, disposal tonnage 23.41%, and revenues 22.7%. Dahl Disposal Services, Inc. has not adjusted residential rates since 2011 and commercial rates since 2009. While they run extremely efficient and are always seeking ways to drive down their operational costs, the expenses continue to rise and have caused the need to adjust the rates. The company is seeking a residential rate increase of \$1.40 per month for a weekly pickup of a 35 gallon garbage container and 65 gallon recycling cart. The company is also requesting a commercial rate increase of \$9.70 per month for the 300 gallon garbage and recycling customers. He also announced that Dahl Disposal Service, Inc. is meeting and exceeding the state's recovery goal of 20% for Lincoln County.

Councilor Baxter stated that Dahl Disposal Services, Inc. is a good steward within the community and they should be proud of their achievements. PC Enyeart noted that Dahl Disposal recently donated \$200 to the Toledo Police Explorer program.

Councilor Dunaway inquired as to how other communities in the state are addressing waste stream reduction. Zack Dahl stated that there are some communities that are addressing the issue but an obstacle for Toledo is the expense of transporting the materials.

CA Chadwick confirmed that this item will be on the June 19<sup>th</sup> Council meeting agenda for decision.

### **Recommendation from the Parks & Recreation Committee to Create a “Mayor’s Park”**

ARM Andrews reported that the Parks and Recreation Advisory Committee has discussed the possibility of designating a city tree and park as a place to recognize past mayors of the city. The Committee suggested a small landscape area on Business Hwy 20 near the bowling alley. Council and staff discussed potential sites for a Mayor’s memorial as well as potential trees that would qualify as a City Heritage Tree. Council determined that the proposed landscape area was not a suitable area for a Mayor’s memorial. Andrews stated that he will take the information back to the Parks & Recreation Advisory Committee noting that Council likes the idea of a Mayor memorial at the end of Main Street but the choice for a dedicated tree is undecided. Councilor Dunaway thanked the committee for its suggestions.

### **Recommendation from Parks and Recreation Committee to Create a Disk Golf Course**

ARM Andrews reported this agenda item was requested by Councilor Baxter. Councilor Baxter stated that she met with CM Amberg and CA Chadwick to discuss the possibility of using the property behind the library as a disc golf course. The area is too small for a professional course to be registered with the Professional Disk Golf Association. She believes this project could be put together as a community arts project and not funded by the City. She proposed that the City enter into an agreement with a local league to maintain and install the park.

By consensus Council agreed to have this item brought forward for a decision. Staff agreed to develop an agreement for Council consideration.

### **Request for Quotes- Integrator of Record**

CM Amberg reported that awarding an Integrator of Record (IOR) would help expedite the water master plan improvement process. The City’s Engineer of Record has suggested that the City obtain an IOR because the City does not have the expertise to provide integration of communications between the new intake and the existing water treatment plant as well as development of communication telemetry for each of the major system components in the water and wastewater systems. Staff will be seeking authorization to issue a Request for Qualifications (RFQ) seeking these services for the City.

Council agreed that this item should move forward for decision.

### **Proposed Ordinance for Regulation of Taxi Service**

CA Chadwick reported that a draft ordinance for licensing and regulating taxicab services was provided to Council prior to this meeting for review. He asked that Council provide feedback regarding the draft ordinance. Council and staff discussed Section 16 regarding rates and Section 17 regarding taximeters. Kenneth Franklin, proprietor of “Ken’s Cab”, noted that he will not be using a meter for in-town service because he proposes a flat rate of \$6.00 for all service within the City. He will use a meter rate of \$2.75 per mile for out of town service. Councilor Lyon said she believes there should be standard rates for standard routes. Council and staff also discussed Section 5 (A) (7) regarding Operator’s license. Councilor Dunaway asked why is it necessary for the City Manager to obtain information regarding the age of an operator. He noted that it implies that the City is making decisions based on the age of the driver and could be considered age

discrimination. CA Chadwick noted that subsection (B) requires the operator to be of the age of 18 or over and the provision in Section 5 (A) provides the City Manager with the authority to request information confirming that the operator is age 18 or over. CA Chadwick suggested leaving the language in subsection B noting that the information will be obtained in the background check. The group then discussed Section 9 (A). CA Chadwick clarified that if a taxi cab service is making a drop off in Toledo but not soliciting business in Toledo it would not need a Toledo license. Kenneth Franklin noted the "Yaquina Cab Company" has a City of Toledo business license. Mayor Grutzmacher stated that Yaquina Cab will be required to meet the standards addressed in the adopted ordinance. Councilor Dunaway then referred to Section 5 (B) (5) and asked why the City would require moral turpitude of a taxicab operator when it is not required of other businesses like a clerk at a grocery store. Mayor Grutzmacher noted that it provides public trust of safety for those who use the service. CR Bryant noted that the requirement for providing a rate list to the City Recorder may be better addressed if it is an attachment to each business license application or annual license renewal.

Kenneth Franklin stated that he would like to start operating his taxicab business but he is waiting for the business license to be issued. CA Chadwick noted that the earliest that the proposed ordinance can be adopted is July 3<sup>rd</sup>, however the license could be issued with the condition that his taxi business meet the requirements of the ordinance once it is adopted.

### **Proposed Ordinance Requiring Criminal Background Checks for Committee Volunteers**

CA Chadwick reported that the draft proposed ordinance relating to criminal history check policies with regard to applicants for employment and appointed volunteers was provided to Council prior to this meeting for review. He noted that the proposed ordinance would pertain to city employees, and appointed volunteers. It does not pertain to groups of volunteers who participate in local events like a city clean-up day. He asked that Council provide feedback regarding the draft ordinance. Councilor Dunaway referred to Section 3 (B) (6) and asked if staff will have the time to purge the records once it reaches the required retention period. CR Bryant noted that criminal history checks are currently performed for all employees and the final record is not placed in the employee's personnel file. The record is easily purged from one file when the retention period is met.

CA Chadwick agreed to provide a final ordinance for Council adoption at the July 3<sup>rd</sup> City Council meeting.

### **Additional City Council Discussion Items**

Councilor Lyon inquired about previous research regarding revenue from the City's Cable franchise. CM Amberg noted that the research was completed some time ago. She thought that finding determined that the City was underpaid by \$200 and Charter Communications has paid the amount in full.

Mayor Grutzmacher noted that the City Council has been invited to the Siletz Tribal Energy Program Celebration on June 20<sup>th</sup> at the Tribal Recreation Area. The event will provide participants the opportunity to see the newly installed solar panels.

Councilor Dunaway asked if there has been a decision regarding the south end of Main Street. CM Amberg reported that she was told that the grant funding was completely expended and that \$10,000 is still owed by the Port of Toledo. Bud Shoemaker Port Manager has been in touch with the architects to come up with a design for the project and he would like to provide in-kind service

in lieu of payment of the \$10,000 owed to the City. She also noted that Dave Inman, Interim Public Works Director, has indicated that there may be \$25,000 that could be used to complete the project. She noted that she will need to confirm that with the finance department and get back to Council. Councilor Dunaway asked if the project at the south end of Main Street was included in the grant proposal. CM Amberg stated that it was included but that the upgrade of the railroad crossing cost more than was anticipated. Council members noted that they have previously reviewed and discussed architect designs and would like to continue with their previous design selection.

The group discussed railroad crossing issues and future projects.

**City Manager Comments**

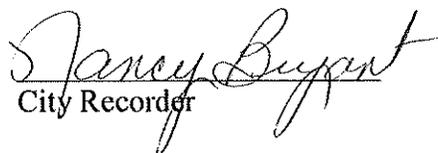
CM Amberg reported the following:

- The bid award for phase I of the water master plan will be on the June 19<sup>th</sup> Council agenda.
- She will not be in attendance at the July Council work session because she will be attending the North West Economic Development Conference in Boise, Idaho.
- Eight applications were received for the open Public Works Director position. She will meet with the job recruiter to review the applications. She is asked whether the Council would consider renting a house for the first six months to give the awarded applicant time to settle into Toledo. She anticipates a \$1000 per month expenditure.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:08 pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
June 19, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:01pm.  
Councilors present: Jackie Kauffman, Jill Lyon, Alma Baxter, and Michele Johnson.  
Councilors Excused: Jack Dunaway and Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Police Chief (PC) Dave Enyeart, Aquatics/Recreation Manager (ARM) Joe Andrews, and City Recorder (CR) Nancy Bryant.

Visitors present: Don Amberg, and Dave Morgan, Tom Chandler, Bill Bain, Jodi Inman, Nick Dahl, Sharon Kanareff, and Dennis Anstine.

**Visitors/Public Comment**

There was none.

**Consent Calendar**

**Motion-** It was moved and seconded (Lyon/Kauffman) to approve the consent calendar consisting of the invoice list dated June 14, 2013, Council minutes of June 5, 2013 and records destruction list dated April 17, 2013. **Motion passed 5-0**, noting the absence of Councilor Dunaway and Council President Strom.

**Discussion and Information Items**

**Portland & Western Railroad Report**

David Anzur of Portland & Western Railroad provided Council with an overview of the company operations in Toledo. He explained that Portland & Western Railroad is the second largest freight railroad in Oregon in terms of track miles. It has 170 employees with headquarters located in Salem. P & W Railroad has a solid track record working with local state government agencies for mutual "wins" by participating in public safety and educational programs. The Company has been successful in improving rail and bridges. He noted that the Toledo district is the most difficult in regards to maintenance. The 77 miles of track operates at 10 to 12 miles per hour. He said the Toledo operation runs 24 hour 7 days per week. Georgia Pacific Toledo and Western Cascade Lumber are the two major railroad customers in Toledo.

Council and Mr. Anzur discussed the difficulties in making improvements to the rail line between Toledo and Philomath, the importance of the rail line to Toledo and Lincoln County, and collaboration between P & W Railroad and the City of Toledo to enhance and promote the rail service.

Mayor Grutzmacher noted the abandoned station near the Toledo Post Office. Mr. Anzur stated that there have been numerous problems with that building and it was deemed unsafe for employees. He is not sure what will be done with it.

Council thanked Mr. Anzur for his presentation.

## **Committee Updates**

CM Amberg reported that Jerry Seth has submitted a letter of resignation from his appointment to the Budget Committee.

## **Decision Items**

### **City of Toledo Fee Schedule**

CM Amberg reported that each year department heads are asked to evaluate the fees charged for services within their department. The proposed fee schedule represents their requested fees for FY 2013/14.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Baxter/Kauffman) to approve the proposed fee schedule for FY 2013/14 effective July 1, 2013. **Motion passed 5-0**, noting the absence of Councilor Dunaway and Council President Strom.

### **Request from Dahl Disposal Services, Inc to Adjust Fees**

CM Amberg reported that Dahl Disposal Services, Inc. has an exclusive franchise with the City of Toledo to haul solid waste within the City. Dahl Disposal is seeking authorization from City Council to adjust its service rates. The recommended rate increase for once a week curbside residential refuse collection and recycling utilizing a 35 gallon container is proposed to increase by \$1.40 for residential customers. Additionally, Dahl Disposal is requesting an increase to \$9.70 per month for commercial collection of a 300 gallon refuse container. The increases represent an average annual adjustment of 1.6% per year. CM Amberg also noted that the proposed rate increases were reviewed at the May 16, 2013 meeting of the Toledo Public Utilities Commission. A quorum was not present but the consensus by those present was to recommend approval.

Public Comment:

There was none.

**Motion**- It was moved and seconded (Kaufman/Johnson) to adopt **Resolution No. 1343**, A Resolution Approving a Rate Increase for Solid Waste and Recycling Services Provided by Dahl Disposal. **Motion passed 5-0**, noting the absence of Councilor Dunaway and Council President Strom.

### **Authorization to Issue RFQ for Integrator of Record**

CM Amberg reported that the City's Engineer of Record has suggested that the City obtain an Integrator of Record because the City does not have the expertise to provide integration of communications between the new intake and the existing water treatment plant as well as development of communication telemetry for each of the major system components in the water and wastewater systems.

Public Comment:

There was none.

**Motion**- It was moved and seconded (Lyon/Baxter) to authorize the City Manager to issue a Request for Qualifications (RFQ) seeking services of an Integrator of Record (IOR) for the City of

Toledo. **Motion passed 5-0**, noting the absence of Councilor Dunaway and Council President Strom.

### **Bid Awards for Phase I Water System Improvements**

CM Amberg reported that on May 14, 2013, the City of Toledo opened bids for Phase I Water System Improvements listed in schedules 1, 2, and 3 of the Water System Improvements Plan. It was noted that all proposed awards are for amounts lower than engineer's estimates. A total of ten bids were received for various schedules. Civil West Engineering has reviewed the bids and makes the recommendations as follows:

Schedule 1 – Water Distribution Piping: Ray Wells, Inc. in the amount of \$399,118.

Schedule 2 – Wagon Road Pump Station Improvements: DSL Builders in the amount of \$379,000.

Schedule 3 – Skyline Drive 1.9 million gallon Water Storage Tank: Shearer & Associates in the amount of \$1,203,599.

Additionally staff recommends authorizing the City Manager to execute contracts and documentation relating to the award of these bids.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Lyon/ Kauffman) to award the bid Schedule 1 to Ray Wells, Inc. in the amount of \$399,118; Schedule 2 to DSL Builders in the amount of \$379,000; and Schedule 3 to Shearer & Associates in the amount of \$1,203,599 and authorize the City Manager to execute contracts and documentation relating to the award of these bids.

**Motion passed 5-0**, noting the absence of Councilor Dunaway and Council President Strom.

### **Main Street Block Party**

CM Amberg reported that Deanne Dunlap, on behalf of the Toledo Downtown Association, has applied for a Block Party event scheduled for July 5, 2013 which includes a request to close a portion of Main Street beginning at Business Hwy 20 to SE 1<sup>st</sup> Street from 5pm to 8pm. The outdoor event application has received approval from the Public Works Department, Police Department, Fire Department, and City Manager.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Baxter/Johnson) to approve closure of a portion of Main Street between Business Hwy 20 and SE 1<sup>st</sup> Street from 5pm to 8pm on July 5, 2013.

**Motion passed 5-0**, noting the absence of Councilor Dunaway and Council President Strom.

### **Recommendation to Oregon Liquor Control Commission for a Temporary Sales License Made by Toledo Elks Lodge #1664**

CR Bryant reported that the Toledo Elks Lodge has applied to the Oregon Liquor Control Commission for a temporary sales license to operate a beer garden during the Summer Festival event on July 25 – 27, 2013. The Toledo Police Department has no objection to recommending approval of the application and the required City of Toledo Liquor license fee is paid in full.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Kauffman/Lyon) to recommend approval of the application for an OLCC Temporary Sales License made by Toledo Elks Lodge #1664.

**Motion passed 5-0**, noting the absence of Councilor Dunaway and Council President Strom.

## Reports and Comments

### Department Reports

Dave Inman, interim Public Works Manager reported the following:

- The Source Water Protection Grant for monitoring the turbidity and sediment on the Siletz River: the equipment has arrived and he will be meeting with Josh Lambert of Lincoln Soil and Water Conservation District to begin the process of placing it at Toledo's current intake site on the Siletz River. The duration of the study will be one complete seasonal cycle.
- Staff will be requesting approval for an emergency repair of a valve at the Mill Creek Reservoir. This request will be on the July 3<sup>rd</sup> Council agenda.
- He will be meeting with the City Manager and Port officials tomorrow regarding completion of the ODOT Pedestrian Grant landscaping project at the intersection of 2<sup>nd</sup> Street and Main Street. Completion of the project will include re-erection of the previous signs.
- All public works projects are moving forward as scheduled.
- The emergency repair of the water line on 1<sup>st</sup> Street over Memorial Day is estimated to come in at a cost of \$30,000.

### City Manager's Report

CM Amberg reported the following:

- Toledo's new fire engine construction is ahead of schedule. It should be ready for delivery by the end of July.
- She has been approached about removing the items from the rooms above the Council Chambers. The first step will be to inventory the items stored and identify ownership. She would like to bring in a temporary employee to complete the inventory.  
**By consensus Council agreed to allow the City Manager to hire a temporary employee to complete an inventory of the items in the rooms above the Council Chambers.**
- The monthly report was distributed. She thanked Susan Thompson for a job well done.
- She will be in Albany on Friday at the Council of Governments meeting as well as meeting with job recruiter for the Public Works Director position.
- She will be out of town during the Council work session of July 9<sup>th</sup>.
- She thanked Peter Vince and the crew for video recording this meeting.

### Council Comments

Councilor Johnson reported that she has received complaints from citizens who said that they reported fire hazards and did not get a response. CM Amberg noted the citizen may contact her.

Councilor Baxter reported that a nine hole Disk Golf Course is coming to Toledo this summer and will be located behind the Public Library.

**Mayor Comments**

Mayor Grutzmacher commented on the following:

- The United Way Day of Caring is coming up on June 29<sup>th</sup>. He encouraged all to participate.

Mayor Grutzmacher called for a brief recess at 8:19 pm noting that an executive session will follow 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 and (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.

He then made the following statements: "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 8:32pm in executive session.

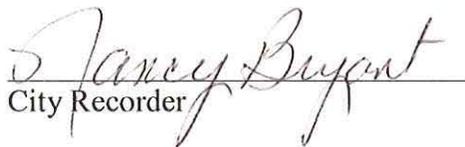
**Executive Session:**

Council and staff discussed current labor negotiations with the Toledo Public Safety Union as well as a current litigation referred to as Monroe vs. City of Toledo.

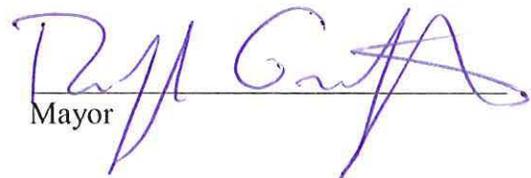
**Adjournment:**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 8:40pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
July 3, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jackie Kauffman, Jill Lyon, Jack Dunaway and Council President Terri Strom. Councilors Excused: Michele Johnson and Alma Baxter.

Staff present: City Manager (CM) Michelle Amberg, Public Works Manager (PWM) Dave Inman, Assistant City Recorder Susan Thompson and City Recorder (CR) Nancy Bryant.

Visitors present: Jodi Inman, Caroline Bauman, Don Amberg, and Dennis Anstine.

### **Visitors/Public Comment**

There was no public comment.

### **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Lyon) to approve the consent calendar consisting of the invoice list dated June 21, 2013 and Council minutes of June 11, 2013. **Motion passed 5-0**, noting the absence of Councilors Johnson and Baxter.

### **Discussion and Information Items**

#### **Newport Ocean Observing Conference Follow Up**

Caroline Bauman, Executive Director of the Economic Development Alliance of Lincoln County provided City Council with a summary report from the 2013 Newport Ocean Observing Conference. She thanked the City for being one of the sponsors of the event held April 30th and May 1, 2013. The purpose of the conference was to expose Newport and the Yaquina Bay region's activities and capabilities. The conference was well attended by both local and remote business representatives as well as local, State and Federal government officials.

Bauman stated the four strategies in taking the marine industry initiative forward for 2013-14 include; building a marine industry cluster for ocean observing, strengthen local workforce training and pipeline for future jobs by increasing involvement in and tying together K-12 schools, community college, as well as OSU, recruitment of new businesses that will support the new, cutting edge work that is being done in marine science on the Oregon Coast, and removing all impediments to local business winning government contracts.

Council and Bauman discussed the attractiveness as well as obstacles for new marine industry related businesses moving to the area. Bauman stated that a presentation made by the Port of Toledo as well as the bus tour during the event promoted the Toledo Boat Yard and Portland & Western Railroad as local area features. Educational opportunities for local youth were also discussed. Council thanked Bauman for her presentation.

### **Committee Updates**

There were none.

## **Decision Items**

### **Proposed Ordinance Adopting Chapter 5.16 of the Toledo Municipal Code Relating to Licensing and Regulation of Taxicabs**

CM Amberg reported that the proposed Ordinance achieves Council's goal of meeting the transportation needs of the community. Currently there is no taxi service that specifically provides service to Toledo 24/7 although a new start-up company was recently issued a license to begin regular taxi service in the city. Adopting the proposed ordinance will help enhance the quality of life by ensuring the City has a safe and reliable taxi service. Staff is not recommending imposing a fee at this time.

Public Comment:

There was none.

**Motion-**It was moved and seconded (Lyon/Dunaway) to adopt **Ordinance No. 1349**, by reading the title twice, An Ordinance Adopting Chapter 5.16 of the Toledo Municipal Code Relating to Licensing and Regulation of Taxicabs; and, Declaring an Emergency. **Motion passed 5-0**, noting the absence of Councilors Johnson and Baxter.

### **Proposed Ordinance Adopting Chapter 2.44 of the Toledo Municipal Code Relating to Criminal History Record Policies with Regard to Applicants for Employment and Appointed Volunteers; and, Declaring an Emergency**

CM Amberg reported that the proposed ordinance achieves Council's goal of providing a service that protects the citizens of Toledo. Although the City has previously conducted background checks of its employees, the proposed ordinance makes background checks mandatory for certain employees and volunteers as determined by the City Manager. Completing background checks on certain employees and volunteers provides a safer work environment and interaction with City personnel and volunteers with the community.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Dunaway/Kauffman) to adopt **Ordinance No. 1350**, by reading the title twice, An Ordinance Adopting Chapter 2.44 of the Toledo Municipal Code Relating to Criminal History Record Policies with Regard to Applicants for Employment and Appointed Volunteers; and, Declaring an Emergency. **Motion passed 5-0**, noting the absence of Councilors Johnson and Baxter.

### **Emergency Repair- Mill Creek Dam Intake Valve Repair/Replacement**

PWM Inman reported that on May 1, 2013 the City received an inspection report from the State Water Resources Department regarding the Mill Creek Dam. The engineer recommendation states that, "It is essential to install or replace the slide gate so the flow can be controlled in the event of a leak developing. This is a urgent and critical dam safety repair and needs to be expedited." PWM Inman stated the budgeted amount of \$80,000 for this project is based on estimates for underwater work, equipment, design and fabrication. This project was approved in the City's FY 2013/14 budget. PWM Inman noted that the contractors are ready to start next week.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Dunaway/Strom) to authorize the Public Works Department to contract for emergency repairs to the Mill Creek Dam intake valve as allowable by Ordinance – 2.32.040 (B)(4) and authorize the City Manager to execute all documents for said repair. **Motion passed 5-0**, noting the absence of Councilors Baxter and Johnson.

### **Invoice List for Ace Hardware**

CM Amberg reported that the proposed invoice list of expenditures for Toledo Ace Hardware is a routine item on the agenda each month and is separate from the consent calendar. Separating this invoice from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the proposed invoice list because of her actual conflict of interest. Councilor Strom declared an actual conflict of interest stating that she is owner of Toledo Ace Hardware.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Lyon/Kauffman) to approve the invoice list for Ace Hardware dated May 28, 2013. **Motion passed 4-0-1**, noting that Councilor Strom abstained from voting and the absence of Councilors Baxter and Johnson.

## **Reports and Comments**

### **Department Reports**

There were none.

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

CM Amberg reported the following:

- Two applicants were interviewed for the Public Works Director position. At the end of the process it was a general consensus of the interview panels to continue with the recruitment. The position will now be open until filled.
- The Toledo Swimming Pool will offer a movie night on August 2<sup>nd</sup> and a “Splash and Dash” event for kids on August 10<sup>th</sup>.
- She thanked Peter Vince and the film crew for video taping this meeting.

### **Council Comments**

Councilor Lyon reminded all that this weekend is the “First Weekend” event. There will be a number of artists that will be represented in the various galleries and open studios in town. She encouraged all to attend.

Councilor Kauffman reminded all to support the Toledo Summer Festival by purchasing fireworks at the booth located in the Dairy Queen parking lot.

Councilor Strom reported that there will be a Street Market on Main Street on July 4<sup>th</sup> from 10am to 3pm and a Block Party Friday night from 5pm to 8pm.

## Mayor Comments

Mayor Grutzmacher commented on the following:

- He attended the second meeting of the Toledo Heritage Coalition. The group is completing the application for the Oregon Heritage Commission All Star Heritage Community designation. There will be one more meeting when the final report will be completed and submitted to the State.
- He received an invitation from Oregon Coastal Caucus of the State Legislature. There will be a Coastal Summit on August 20<sup>th</sup> and 21<sup>st</sup> in Lincoln City. He encouraged Council members to attend.
- He read aloud a letter from City of Newport Parks and Recreation department thanking the Toledo Fire Department for their participation in the Olalla Lake Triathlon.

Mayor Grutzmacher called for a brief recess at 7:56pm noting that an executive session will follow 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 and (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.

He then made the following statements: "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 a 7:58pm in executive session.

## Executive Session:

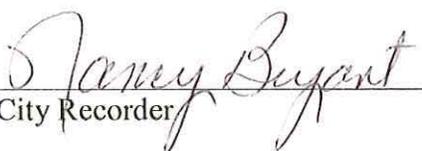
Council discussed current labor negotiations with the Toledo Public Safety Union.

Council returned to regular session at 8:24pm and discussed parking issues on Main Street. Council agreed to remove the two hour parking signs on Main Street until an enforceable ordinance can be adopted.

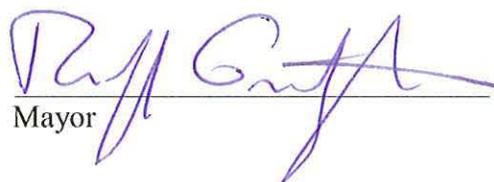
## Adjournment:

Mayor Grutzmacher adjourned the meeting at 8:53pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
WORK SESSION  
July 9, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:17pm. Councilors present: Jill Lyon, Jack Dunaway, and Council President Terri Strom. Councilor Alma Baxter arrived at 6:23pm. Councilors excused: Michele Johnson, Jackie Kauffman

Staff present: City Attorney (CA) Wes Chadwick, Police Chief (PC) Dave Enyeart, Public Works Interim Manager (PWM) Dave Inman and City Recorder (CR) Nancy Bryant.

Visitors present: Dave Morgan.

### **Visitors/Public Comment**

There was none.

### **Discussion and Information Items**

#### **Lincoln Way Sewer Pump Repair**

PWM Inman reported that the sewage pumps at Lincoln Way station are a submersible type pump mounted on a slide rail system and have been in service for 15 years or more. On Thanksgiving Day 2012 a failure in an electronic level control occurred, causing the both pumps to activate and pump the wet well to a near dry condition. The pumps ran this way for an undetermined period of time and overheated filling the well with a light smoke. Staff is recommending rebuilding the pumps at an estimated cost of \$8,000 each. This item was not included in the 2013-14 FY budget. Staff is recommending that the cost for rebuilding the two pumps be expended from the Sewer Reserve funds. Council agreed that this item should be added to the July 17<sup>th</sup> Council agenda for action.

PWM Inman also provided an update on other items as follows:

- Mill Creek Valve Repair Project- He received a call from a retired engineer from CH2m Hill who stated that he was involved in the placement of the valve at the Mill Creek Dam years ago. The engineer has agreed work with Civil West Engineering to help with information regarding the repair project.
- Mill Creek Watershed Forest Management- Inman and the City Manager met with Mark Miller of Trout Mountain. They are proposing the conifer prices are much better now and logging could be done in the stand of timber west of the recent slide area. There are some issues with building roads but the State Department of Forestry may be working in the area soon and the City may benefit from the roadwork that will be done at that time. Councilor Dunaway explained that one portion of the area should be harvested to avoid further damage to adjacent property which was recently replanted.
- Water Master Plan Projects- There will be a preconstruction meeting on July 18<sup>th</sup>.

#### **Topics for the Future Joint Meeting with Lincoln County Commissioners**

Council discussed topics that they would like to discuss with the Lincoln County Commissioners at their joint meeting on September 4, 2013.

The tentative topics discussed were as follows:

- Follow up from Council's tour of the Lincoln County Jail.
- Status report on the Lincoln County Fair Grounds Property plan.

- Transportation Issues on Hwy 101.
- Briefing on Section 8 Housing requirements and enforcement.
- Communication with US Forest Service.
- Status of the Lincoln County Solid Waste Advisory Committee.

Council agreed to discuss the topic again during the August Council work session.

### **Park Exclusion Ordinance**

CA Chadwick reported that this ordinance was reviewed by Council on previous occasions. He distributed the most recent revision of the proposed ordinance and asked that Council review the document again to provide input before it is presented as a decision item. Council briefly reviewed the document and agreed to discuss it again at a future work session.

### **Parking Ordinance**

Mayor Grutzmacher noted that council discussed a Main Street parking issue after the executive session of July 3, 2013. He stated that the issue is that the City hasn't issued tickets in two years for parking violations on Main Street but there are signs in place with no observance or enforcement. Council's conclusion was to request that the two hour parking signs be removed on Main Street. He noted that the issues on Main Street include three vested interests; people who live on Main Street, Businesses on Main Street, and visitors who don't want to be confined to two hour parking. Mayor Grutzmacher also stated that this is a difficult issue and Council must consider the interest of the entire City and not just special interest. CA Chadwick noted that this proposed ordinance has been postponed many times. Council agreed to defer the parking ordinance until September.

### **Additional Council Discussion Items**

Councilor Dunaway asked about the status of the City owned surplus property. Council discussed their interest in the topic again and all agreed that they are interested in leasing the City owned Toledo Industrial Property. CA Chadwick noted that this topic will be on the City Council August work session agenda.

Councilor Dunaway noted that fireworks were set off well into the morning of July 5<sup>th</sup> in his neighborhood.

Councilor Baxter reported that placement of the Toledo Disk Golf Course is moving along.

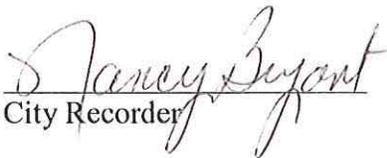
### **City Manager Comments**

The City Manager was absent this meeting.

### **Adjournment:**

Mayor Grutzmacher adjourned the meeting at 7:25pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
July 17, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:01pm. Councilors present: Jackie Kauffman, Jill Lyon, Jack Dunaway, Alma Baxter, Michele Johnson, and Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Police Officer Desmond Harpster, Fire Chief (FC) Will Ewing, Interim Public Works Manager (PWM) Dave Inman, and City Recorder (CR) Nancy Bryant.

Visitors present: Don Amberg.

**Visitors/Public Comment**

**There were none.**

**Consent Calendar**

**Motion-** It was moved and seconded (Strom/Kauffman) to approve the consent calendar consisting of the invoice list dated July 12, 2013, Council minutes of June 19, 2013 and July 3<sup>rd</sup> & July 9<sup>th</sup>, 2013. **Motion passed 7-0.**

**Discussion and Information Items**

**Committee Updates**

Councilor Kauffman announced that the Summer Festival will sponsor a sidewalk chalk contest for kids on July 25<sup>th</sup> at 1pm. Festival Parade applications are available online and at Chamber of Commerce. There are raffle prizes on display at Ace Hardware.

Mayor Grutzmacher announced that he has entered City Council members to walk in the Summer Festival Parade on July 27<sup>th</sup>.

CM Amberg reported that Linda Brodeur has submitted her resignation from the Planning Commission. Staff recommends recruitment for an individual who resides inside the City. Staff will seek direction from City Council at its August 7<sup>th</sup> regular session.

**Tsunami/Storm Ready Recognition Award**

FC Ewing explained that the Oregon Department of Geology and Mineral Industries (DOGAMI) have released new tsunami evacuation maps for 12 communities in Lincoln County. Through grant funding many local governments, including the Toledo Fire Department, were represented to perform community risk assessments and identify assembly areas. The maps for Toledo identify greater tsunami hazards than were originally thought. The areas of greatest risk include the "A" Street basin, Depoe Slough up to Sturdevant Road and Business Hwy 20 Loop, Sturdevant Place, and Elk City Road. The final stage of the project is community education. The Toledo Fire Department will hold town hall meetings at the Fire Station to address the 21 days preparedness and the tsunami inundation process; targeting the areas of change. Mayor Grutzmacher suggested

working with the local schools and distributes the information to the students. FC Ewing stated that emergency preparedness mailings can be sent to the School system and there are two teen CERT teams from both Toledo High School and Eddyville.

Ewing presented two signs and certificates for the City of Toledo. It was suggested that one of each sign be placed at each entrance to Toledo on Highway 20. FC Ewing stated that he will try to acquire two more of the signs.

## **Decision Items**

### **Request to Close a Portion of Main Street for Annual Car Show Event**

CM Amberg reported that Deborah Trusty, on behalf of the Toledo Chamber of Commerce, has applied for an Outdoor Event Permit for the annual Car Show and Imagination Fair scheduled for Sunday, August 4, 2013. They are requesting that Main Street from Business Hwy 20 to 2<sup>nd</sup> Street SE be closed from 5pm Saturday August 3<sup>rd</sup> through 5pm Sunday August 4<sup>th</sup>. The application has received approval from the appropriate department heads.

Councilor Johnson noted that the Imagination Fair will include artisan and scientific educational displays. Councilor Lyon noted that there are many people within the community that produce commercial products and do not have a storefront. This will be an opportunity to display what they do to the local community.

Public Comment:  
There was none.

**Motion-**It was moved and seconded (Johnson/Baxter) to approve the closure of Main Street between Business Hwy 20 and 2<sup>nd</sup> Street SE from 5pm Saturday August 3<sup>rd</sup> through 5pm Sunday August 4<sup>th</sup> for the Toledo Chamber of Commerce's Annual Car Show and Street Fair.

**Motion passed 7-0.**

### **Request to Close a Portion of Industrial Park Way for the Summer Festival Event**

#### **Request Approval for a Parade Permit for Summer Festival-Kids Parade**

#### **Request Approval for a Parade Permit for Summer Festival-Saturday Parade**

CM Amberg reported that the Toledo Summer Festival Committee has submitted an application for the annual Toledo Summer Festival. This event is scheduled to run from July 26<sup>th</sup> through July 28, 2013. The Festival Committee has requested two parade permits as well as the use of the South side of Industrial Park Way from A Street West to the fire hydrant for staff parking and reserved space for the Toledo Fire Department trucks and ambulance parking, a parade permit for both the Kids Parade on Friday July 26<sup>th</sup> and the Festival Parade on Saturday July 27<sup>th</sup>. The permit requests have all been reviewed and approved by the appropriate department heads.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Dunaway/Lyon) to approve partial closure of Industrial Park Way from Thursday, July 26<sup>th</sup> 7pm through Sunday July 28<sup>th</sup> at 5pm for Toledo Summer Festival set up, staff, fire, and ambulance vehicle parking; closure of a portion of NW A Street and Main Street from the Toledo Library to the South end of Main Street on July 25<sup>th</sup> from 6pm to 7pm for the Summer Festival Kids Parade; and closure of a portion of Business Hwy 20 and Main Street

from Ace Hardware to the South end of Main Street on July 27<sup>th</sup> from noon to 1pm for the Summer Festival Parade. **Motion passed 7-0.**

#### **Contract Renewal for Mill Creek Forest Management**

CM Amberg reported that staff would like to continue working with Trout Mountain Forestry for the management of the Mill Creek Forest. The current contract expired on June 30<sup>th</sup>. Staff is recommending extending the current contract for two more years. Councilor Dunaway noted his appreciation of Trout Mountain Forestry and its comprehensive approach to forest management. He appreciates its expert advice. CM Amberg reported that Trout Mountain will present a Forest Harvest Plan to Council for review at the August 7<sup>th</sup> work session.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Lyon /Strom) to approve a two-year extension of the contract with Trout Mountain Forestry for the Mill Creek Forest Management.

**Motion passed 7-0.**

#### **Request for Partial Street Closure for a Main Street Block Party**

CM Amberg reported that the Toledo Downtown Association has applied for a Block Party event scheduled for August 2, 2013 which includes a request to close a portion of Main Street beginning at NE 1<sup>st</sup> Street to Graham Street, the use of South Main Street Parking Lot and closure of the Graham Street from main Street to Butler Bridge Road from 5pm to 8pm. The outdoor event application has received approval from all appropriate City departments. Councilor Lyon expressed her concern that this event may not get adequate publicity because of the events scheduled both before and after August 2<sup>nd</sup>. Councilor Johnson noted that the Main Street Merchants are hoping that this will get people to the downtown area for the Block Party as a kick off to the Antique Car Show. The Toledo Downtown Association is also hoping to show a movie in the Bank of the West parking lot on the following Saturday evening.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Johnson/Kauffman) to approve closure of a portion of Main Street between Business Hwy 20 and SE 1<sup>st</sup> Street from 5pm to 8pm on August 2, 2013.

**Motion passed 7-0.**

#### **Request to Expend Reserve Funding to Rebuild Two Sanitary Sewer Pumps at the Lincoln Way Pump Station**

PWM Dave Inman reported that the pumps at the Lincoln Way pump station are a submersible type pump on a slide rail system and have been in service for 15 years or more. This station collects waste from the west Skyline/Lincoln Way area, Aspen/Elm, Dairy Queen, Westwood Terrace and Radio Court, then pumps up to Dundon and Sunset where it gravity falls from there. November 22, 2012 a failure in an electronic level control occurred, causing both pumps to activate and pump the wet well to a near-dry condition. The pumps ran this way for an undetermined period of time. The pumps overheated, filling the well with a light smoke. After appropriate repairs were made to bring the station back online, a determination was made to

monitor the pumps through the season and schedule a rebuild during the dry season. Based on these factors, the department determined it would be wise to be proactive and pull the pumps and have them serviced/rebuilt. The estimated cost is \$18,000 to rebuild both pumps. The pump rebuild missed the budget cycle for the 2013/14 FY budget. Staff is recommending expending funding from the sewer reserve funds to complete the project this fiscal year.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Strom/Johnson) to authorize the Public Works Department to spend reserve funds to rebuild two sanitary sewer pumps at the Lincoln Way Pump Station.  
**Motion passed 7-0.**

### **Consider Recommendation to OLCC for Temporary Use Liquor License for Holy Toledo**

CR Bryant reported that Erik Zakariassen of Holy Toledo Tavern has applied to the Oregon Liquor Control Commission for a temporary use of an annual license to provide a beer garden during the Toledo Car Show event. The event is to take place on Main Street in Toledo on August 4, 2013 from 12pm to 8pm. The Toledo Police Department has no objection to recommending approval of the application and the required City of Toledo Liquor license fee is paid in full.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Lyon/Strom) to recommend approval of an application for an OLCC Temporary Use of an Annual License made by Holy Toledo Tavern for August 4, 2013.  
**Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

PWM Dave Inman-reported the following:

- Divers have mobilized at the Mill Creek Dam. Their equipment is set up but they have not entered the water. Public Works personnel helped them lock out and tag out a site that could have been hazardous. The divers should be able to provide information within the next few days about what they are seeing near the valve area. The discharged sediment will be pumped up onto the wooded area, filtered through bales of hay and the filtered clean water will then flow back into the reservoir.
- Butler Bridge Pump Station- during the process of upgrading safety equipment for confined space this station was identified as very difficult to get a tripod into for a retrieval system and fall restraint. With Peterson Structural Engineers design, fabrication by a local contractor, and installation by a company in Albany, a slide rail system has been installed and the project is complete.

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

CM Amberg reported the following:

- A water leak was discovered at the Mill Creek Pump Station when the water line was shut down for the Mill Creek Reservoir repair. The repair will be scheduled to begin this summer.
- She and PWM Inman are looking into installing pavers at the proposed Mayor's Park at the end of Main Street. She believes this can be done for half the estimated cost.
- She thanked Council for allowing her to attend the North West Economic Institute in Boise last week. It was a beneficial conference. She encouraged Council members to attend next year.
- Gary Utiger, the Wastewater Treatment Plant Lead Operator, has provided notice that he will be retiring on August 30<sup>th</sup>. She is looking at options regarding his position. He is a Class III operator which is required to run the plant.
- The draft Toledo Transportation System Plan is posted on the TSP website. She encouraged all to look at the site and make comments.
- The League of Oregon Cities annual conference is coming up. It is specifically designed for elected officials.
- A joint meeting with the Planning Commission has been scheduled for November 12<sup>th</sup>.
- The Summer Reading Program tomorrow will feature a visit from Wildlife Safari.
- She will be out of the office on Friday for the Council of Governments Managers meeting in Albany.
- She thanked Peter Vince and his crew for video taping this meeting.

#### **Council Comments**

Councilor Johnson asked for the process to deal with community members who approach her with complaints or concerns. CM Amberg stated that Councilor Johnson can refer all concerns to her directly.

Councilor Baxter reported that the Disk Golf Course is on schedule. The group has raised \$1,800 through fund raising for the project.

#### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- Council has been invited to participate in the Confederated Tribes of Siletz Indians Pow Wow event. There will be a parade on Saturday morning at 10 am. He asked that Council members attend if possible.

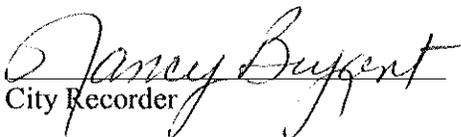
#### **Executive Session:**

Mayor Grutzmacher announced that the executive session is cancelled.

#### **Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:01 pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
August 7, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jackie Kauffman, Jill Lyon, Jack Dunaway, Michele Johnson and Council President Terri Strom. Councilor excused: Alma Baxter.

Staff present: City Manager (CM) Michelle Amberg, Public Works Superintendent (PWS) Dave Inman, Parks and Recreation Director (PRD) Joe Andrews and City Recorder (CR) Nancy Bryant.

Visitors present: Jodie Inman, Jerry Wolcott, Dave Morgan, Tom Chandler, and Don Amberg.

**Visitors/Public Comment**

Tom Chandler of Yaquina Pacific Railroad Historical Society presented Council with the annual \$1.00 payment for rent of real property used for the society's historical museum. He apologized for the late payment and presented an additional one dollar coin for interest. Mr. Chandler then stated that the original bell from the One-Spot rail engine has been recovered and restored.

**Consent Calendar**

**Motion-** It was moved and seconded (Strom/Kauffman) to approve the consent calendar consisting of the invoice list dated July 26, 2013 and Council minutes of July 17, 2013.

**Motion passed 6-0**, noting the absence of Councilor Baxter.

**Motion-** It was moved and seconded (Lyon/Strom) to add "Advertisement for an Integrator of Record" as a topic for this meeting. **Motion passed 6-0**, noting the absence of Councilor Baxter.

**Discussion and Information Items**

**US Hwy 20 Eddyville to Pioneer Mountain Project Update**

Jerry Wolcott, ODOT Project Manager provided Council with an update on the Pioneer Mountain Eddyville highway project.

Highlights are as follows:

- K & E Construction has begun to construct Phase 2 of a project to build a new 5.5 mile section of Hwy 20 near Eddyville.
- Later this summer, construction will begin to realign a sharp curve on the east end of the project where safety concerns have been raised.
- Over the next three years, the project will include moving approximately 2 million yards of soil and rock to create the new final alignment, place fill over culvert pipes and install landslide mitigation.
- The new road is expected to be opened in the fall of 2016.

## **Committee Updates**

CM Amberg noted the following Committee vacancies: Public Utility Commission (1), Budget Committee (1), Public Library Board of Directors (2), and Contribution Committee (3). Council will continue to recruit new committee members.

## **Cancellation of August 21, 2013 City Council Regular Session**

By consensus Council agreed to cancel the regularly scheduled Council meeting of August 21, 2013 due to the absence of the City Manager, City Attorney and City Recorder on that date.

## **Decision Items**

### **Contract with Trout Mountain Forestry**

CM Amberg reminded Council that the City contracted with Trout Mountain Forestry to produce the Mill Creek Forest Stewardship Plan. The Plan identified activities for the City needed to manage City-owned timber property within the Mill Creek Watershed. The City is now ready to implement Plan recommendations. The proposed agreement will retain the services of Trout Mountain Forestry to assist in planning for tree removal and habitat modification in accordance with the Plan. The City Attorney has reviewed the proposed agreement.

Public Comment:

There was none.

**Motion**-It was moved and seconded (Kauffman/Dunaway) to authorize the City Manager to execute an agreement between the City of Toledo and Trout Mountain Forestry.

**Motion passed 6-0**, noting the absence of Councilor Baxter.

### **A Resolution Authorizing the City of Toledo to Apply for the 2013-14 Coastal Zone Management Grant**

CM Amberg reported that for many years, staff has successfully obtained funds from the Oregon Department of Land Conservation and Development (DLCD) Coastal Zone Management Grant Program. The proposed grant amount is \$3,600 with a City of Toledo grant match of \$3,600. Grant funds provide assistance to the Planning Department's day-to-day services such as staff/consultant time used to prepare staff reports, notices, agency coordination, and pre-application meetings.

Public Comment:

There was none.

**Motion**- It was moved and seconded (Dunaway/Kauffman) to adopt **Resolution No. 1344**, a Resolution authorizing the City of Toledo to apply for the 2013-2014 Coastal Zone Management Grant. **Motion passed 6-0**, noting the absence of Councilor Baxter.

### **City Planning Commission Position Opening**

CM Amberg reported a vacancy on the City Planning Commission caused by the resignation of Linda Brodeur. Staff is requesting that Council develop a timeline to fill the vacancy which carries an unexpired term ending December 31, 2015. The applicant must reside within the City.

Public Comment:

There was none.

By consensus Council directed staff to advertise for the Planning Commission position vacancy by publishing in the local newspaper, City website and City newsletter, with an application closing date of September 27<sup>th</sup> or when a minimum of two applications is received.

### **2013 Paving Project-East Slope Road**

PWS Inman reported that the department is requesting permission to begin an overlay of 1800 feet of East Slope Road. The preferred methodology for construction includes, grind out and repair of bad areas with a 2.5 inch overlay. This should provide a longer life for the roadway. The \$100,000 in the 2013/14 budget is an estimated amount and actual cost will be determined by bid process. He will request the project bid award from Council in September. The project is expected to be completed within one week.

Council and staff discussed the City's street utility fees as well as the condition of the railroad crossing at the intersection of Butler Bridge Road SE and East Slope Road. Council directed staff to connect with railroad personnel about completing the rail crossing improvements.

#### **Public Comment:**

Tom Chandler suggested the City and Georgia Pacific meet with personnel from UP Willamette & Pacific Railroad to discuss the needed crossing improvements.

**Motion-** It was moved and seconded (Lyon/Dunaway) to approve opening the bid process for the repair and overlay of 1800 feet of East Slope Road, from SE Fir Street east near East Slope Park. **Motion passed 6-0**, noting the absence of Council Baxter.

### **Repair of SE 7<sup>th</sup> Street Sewer Line**

PWS Inman reported that approximately 800 feet of sewer line on SE 7<sup>th</sup> Street is collapsing; a portion is exposed to atmosphere with blockage up to 60% with rock and debris. Staff recommends repair of this section of sewer line. The department anticipates the cost may be higher than the budgeted amount of \$65,000 for I & I repairs.

#### **Public Comment:**

There was none.

**Motion-** It was moved and seconded (Dunaway/Kauffman) to approve opening the bid process for the replacement/upgrade of approximately 800 feet of sewer pipe in the area of SE 7<sup>th</sup> and Elder Streets. **Motion passed 6-0**, noting the absence of Councilor Baxter.

### **Authorize the City Manager to Re-advertise for an Integrator of Record**

CM Amberg reported that the City processed a Request for Qualifications RFQ seeking the services of an Integrator of Record (IOR) for the city. The City received one bid. Staff recommends retaining the bid received and extending the opening date to August 28<sup>th</sup>.

#### **Public Comment:**

There was none.

**Motion-** It was moved and seconded (Lyon /Johnson) to authorize the City Manager to re-advertise for an integrator of record. **Motion passed 6-0**, noting the absence of Council Baxter.

## **Reports and Comments**

### **Department Reports**

PRD Andrews reported the following:

- The swimming pool has reduced its natural gas usage by replacing the furnace, procedural steps to reduce water usage, and the use of thermal pool covers. In 2002/03 the charge for natural gas was approximately \$46,000. The 2012/13 natural gas bill was just over \$15,000.
- The public swimming pool has tracked 22,600 visits for last year. He believes the additional adult water fitness classes have helped to increase number of visits.
- Toledo Ace Hardware is sponsoring a community movie night at the swimming pool scheduled for August 22<sup>nd</sup>.
- The public swimming pool will be closed from August 23<sup>rd</sup> through September 8<sup>th</sup> for maintenance.

PWS Inman reported on the following:

- Mill Creek Dam valve repair:
  - An extra day of excavation was required to clear the area while removing the riser. The estimated two to three feet of silt removal turned out to be six to ten feet.
  - The valve was found intact and open approximately inches. Divers were able to clean the area so that the valve will seat tightly into place.
  - Removal of the riser is complete and its repair is under construction.
- Water Master Plan Projects:
  - Phase 1
    - Pipe line improvements have started along Beech Street.
    - The water tank site clearing should begin next week.
  - Phase 2
    - The Wastewater Facility Plan is at 95% completion and is being reviewed by DEQ.
- Traffic markings are underway for curb and crosswalk painting.

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

CM Amberg reported the following:

- Dave Inman is doing a great job filling in for the public works director's job and she is very grateful to him.
- City hall experienced water damage over the weekend. A faucet valve blew and flooded the back hallway.
- Local Fire agencies have expressed an interest in using the Toledo Dispatch Center.
- Toledo will host the Small Cities Region 3 meeting on Aug 27<sup>th</sup> at the Port of Toledo Boat House.
- The Chamber lunch meeting will be at the Olalla Café on August 20<sup>th</sup>.
- The Toledo Planning Commission met tonight in a special work session to review the draft Toledo Transportation System Plan. The group will discuss the issue next Wednesday at the Planning Commission public hearing and then provide feedback to the consultants.
- She thanked Peter Vince and his crew for videotaping this meeting.

**Council Comments**

Michelle Johnson reported that she has the cardboard boat kit available for Council members who want to participate in the Wooden Boat Show cardboard boat race.

Councilor Lyon noted that it is the first time that Toledo has hosted the League of Oregon Cities Small Cities meeting and it is a good opportunity to meet representatives from other cities and the League's Director.

**Mayor Comments**

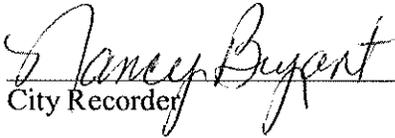
Mayor Grutzmacher commented on the following:

- The Confederated Tribe of Siletz Indians' Pow Wow event is August 9<sup>th</sup> through 11<sup>th</sup>. He asked if other Councilors are interested in walking in the parade.

**Adjournment**

Mayor Grutzmacher adjourned the meeting at 9:20pm.

ATTEST:

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

APPROVE:

  
\_\_\_\_\_  
Mayor

TOLEDO CITY COUNCIL MINUTES  
WORK SESSION  
August 13, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:15pm.  
Councilors present: Alma Baxter, Jill Lyon, Jack Dunaway, Michele Johnson.  
Councilors excused: Terri Strom and Jackie Kauffman

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, and City Recorder (CR) Nancy Bryant.

Visitors present: Deanne Dunlap, Dave Morgan, Sam Briseno, Paul Johnson, Don Amberg, and Chuck Willer.

### **Committee Updates**

There was none.

### **Discussion and Information Items**

#### **Placing Art in a Public Place**

Sam Briseno presented a proposal to City Council for placing an eight to ten foot screen in a flowing design that goes up Highway 20 to the North corner of Main Street. He provided sketches of the proposed design. The funding platform is "gofundme," a fundraising website where organizations can collect donations for community projects. The group will also seek local funding for the project. The project scope will depend on funding. Briseno stated that the design will probably be completed during the winter with artwork placement in the spring. He suggested that City Council's only role is to approve the artwork and placement in the City's right of way. Council agreed that it is in favor of the design and placement of the screen.

#### **Mill Creek Harvest Plan**

Mark Miller of Trout Mountain Forestry provided Council with Forest Management options for the Mill Creek Watershed. He noted, as indicated in the 2011 Forest Management Plan, the eleven acre stand of fir can be accessed easily and harvested as early as this winter. The estimated net value for harvest of the fir stand is \$78,000. The plan for harvest includes a 100-foot buffer to avoid erosion and protect the reservoir. Riparian enhancement will include understory treatment, hemlock/cedar planting, as well as snag creation to enhance wildlife habitat. He noted that grants are available from the Cascade Pacific Forest Stewardship Initiative fund to promote sustainable use and enhancement of natural resources. The application for this grant is due the first week of September and Trout Mountain will be available to manage the project. The 33-acre stand of alder will need road construction for access, has a higher reforestation cost, and the current market is low with an estimated net value of \$20,000. Immediate harvest of the 33-acre stand of alder is not recommended at this time.

By consensus, Council agreed that it will approve the harvest of the 11-acre stand of Fir and that Trout Mountain should proceed with the grant application process. Council will make an official approval of the grant application at the September 4, 2013 regular session.

### **Consider Disposition of City Owned Real Property (TIP)**

Staff reported that individuals have expressed an interest in the city owned real property located in the Toledo Industrial Park (TIP). Council directed staff to schedule an executive session to discuss the proposals.

By consensus Council directed staff to bring all proposals that have been received for discussion at an executive session on September 4, 2013.

### **Topics for the Future Joint Meeting with Lincoln County Commissioners**

Council reviewed the list compiled at its last work session and finalized as follows:

1. Follow up from City Council's visit/tour of the Lincoln County Jail
2. Status report on the Fair Grounds Property Plan
3. Transportation issues on Hwy 101
4. Briefing on Section 8 housing
5. Communication with the US Forestry Service in Lincoln County
6. Reformation of the Lincoln County Solid Waste Consortium Board
7. Ownership and repair of Wagon Road
8. State of the County (what are the biggest issues facing Lincoln County)
9. Preparation for the total solar eclipse of 2017

CR Bryant will forward the list of agenda topics and Council will meet with the Lincoln County Board of Commissioners at 6:00pm on September 4, 2013.

### **Review Park Exclusion Ordinance**

CA Chadwick noted that Council received the proposed ordinance at its last work session with the request to review and provide additional comments. A public notice of the ordinance will be posted on August 21, 2013 and placed on Council's agenda for September 4, 2013.

### **Additional Council Discussion Items**

Councilor Dunaway stated that he would like to have a Council discussion regarding the disposition of forest management revenues. Councilor Dunaway also requested a report on city owned real property that may no longer be of use to the City. Council agreed to add both items for discussion at its next work session.

Councilor Johnson stated that she will coordinate the cardboard boat building for Council members and follow up with an email.

Councilor Lyon reported that the Lincoln County Telecom Committee is working on a project to draft language for municipality consideration that would require placement of underground fiber optic cable conduit for new development.

Mayor Grutzmacher reported that he and Councilors Lyon and Kauffman participated in the Siletz Pow Wow parade.

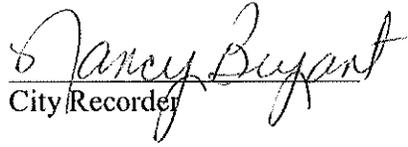
### **City Manager Comments**

CM Amberg reported that she will be out of town from Thursday through Monday.

### **Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:14 pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
September 4, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:11 pm. Councilors present: Jackie Kauffman, Jill Lyon, Jack Dunaway, Alma Baxter, Michele Johnson and Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, Public Works Director (PWD) Frank Anderson, Public Works Superintendent (PWS) Dave Inman, Library Director (LD) Deborah Trusty, Parks and Recreation Director (PRD) Joe Andrews, and City Recorder (CR) Nancy Bryant.

Visitors present: Paul Johnson, Don Amberg, Dennis Anstine, Ashley Boyle, Sharon Kanareff, Angie Allbee, Jodi Inman, Gael Johnson, and Dave Silwones.

**Introduction of Public Works Director**

CM Amberg introduced Frank Anderson who began employment with the City as the Public Works Director on August 28, 2013. Anderson explained that he has 33 years of experience working in water, wastewater, streets and parks for both municipalities as well as water districts. He said he is happy to be here in Toledo. Council welcomed PWD Anderson.

**Proclamations-Employee Recognition**

Mayor Grutzmacher recognized Lisa Miller's exemplary service to the City and expressed Council's gratitude for a job well done during the transition period of hiring a new Library Director.

Mayor Grutzmacher commended Dave Inman for his dedication to the Public Works Department and his valuable service to the City throughout the transition period of hiring a new Public Works Director.

**Visitors/Public Comment**

Angie Allbee, Chief of Staff for Representative David Gomberg, thanked the City for the outstanding communication with Representative Gomberg's office during the legislative session. She encouraged Council to continue communicating anything that the City might need support in.

**Consent Calendar**

**Motion-** It was moved and seconded (Strom/Dunaway) to approve the consent calendar consisting of the invoice list dated August 29, 2013, Council minutes of August 7<sup>th</sup> and August 13<sup>th</sup>, 2013, destruction of records dated August 30, 2013 and public works surplus property.

**Motion passed 7-0.**

**Discussion and Information Items**

**Committee Updates**

CM Amberg noted that vacancies exist on the Planning Commission, Public Utility Commission, Budget Committee, and Contribution Committee

### **Decision Items**

#### **Staff Recommendation of Appointment to the Library Advisory Board**

LD Trusty reported that Seanna Dahl and Sarah Gayle Plourde are interested in appointment to the Public Library Advisory Board. Also, Nita Rose is interested reappointment to an additional term.

Public Comment:

There was none.

**Motion-**It was moved and seconded (Lyon/Kauffman) to appoint Seanna Dahl to serve on the Toledo Public Library Advisory Board filling a vacant term ending June 30, 2016, Sarah Gayle Plourde to a four year term ending June 30, 2017 and reappoint Nita Rose to a four year term ending June 30, 2017. **Motion passed 7-0.**

#### **Appoint a Voting Delegate for the League of Oregon Cities Annual Conference**

Mayor Grutzmacher and Councilor Lyon stated that they will be attending the conference.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Lyon/Johnson) to appoint Mayor Grutzmacher as the voting delegate for the 2013 League of Oregon Cities annual conference. **Motion passed 7-0.**

#### **Request of Support for Hometown Holiday Event**

Paul Johnson stated that a group of Toledo merchants are making plans for a Hometown Holiday event in December. The plan includes placing holiday lights on the trees, light poles, and buildings along Main Street. The group is requesting placement of a 15 to 20 foot Christmas tree in the City's right-of-way at the South end of Main Street as well as electricity to light the tree. Councilor Dunaway suggested the group contact Plum Creek for a suitable tree. Mr. Johnson stated that the group will be grateful for any support that the City can provide. CM Amberg noted that electricity is not available at the proposed site and the installation of ground anchors will be needed to stabilize the tree. She also stated that Mr. Johnson has confirmed that he will clean-up any debris of fallen decorations caused by adverse weather. Council agreed to discuss additional means of support at its September 10<sup>th</sup> work session.

Public Comment:

Dave Silwones said that he is excited about this event and he would love to see a 30 foot tree at the end of Main Street.

**Motion-** It was moved and seconded (Lyon/Strom) to grant approval to the Hometown Holiday committee to decorate Main Street. **Motion Passed 7-0.**

#### **Park Exclusion Ordinance**

CA Chadwick explained that the proposed ordinance achieves Council's goal of providing a mechanism to exclude certain individuals which may be or are considered a danger to the public while at the city pool, parks, or other public facilities. Adopting this ordinance will help provide a safer and more enjoyable environment for individuals while in public places.

Mayor Grutzmacher requested an amendment to the proposed ordinance by adding “city facilities” to Section 4 Chapter 12.20.020 (B) “Public place”.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Lyon/Johnson) to adopt **Ordinance No. 1351**, An Ordinance which repeals Section 12.20.010 of the Toledo Municipal Code and adopts Chapter 12.20 of the Toledo Municipal Code relating to exclusions and criminal trespass from public places as amended; and declaring an Emergency. **Motion passed 7-0.**

#### **Bid Award for East Slope Road Paving Project**

PWS Inman reported that the bid opening for this project was held at 2pm on August 28<sup>th</sup> at City Hall. Two bids were received; Knife River Corporation and Road and Driveway Company. The low bid from Road and Driveway Company is \$109,881.20. The 2013/14 FY budgeted amount is \$100,000. If approved, the remaining funding will come from the Street Reserves Fund. The project area includes roadway from intersection of SE East Slope Road and Fir Street to near 10<sup>th</sup> Street. Council and staff discussed possible detour routes.

Public Comment:  
Sharon Kanareff stated that Georgia Pacific Toledo will work with the City to ensure that there is as little disruption as possible during the paving project.

**Motion-** It was moved and seconded (Dunaway/Johnson) to authorize Public Works to award bid for the East Slope Road paving project to the apparent low bidder, Road and Driveway Company and authorize the City Manager to execute any and all contracts and documents related to the project. **Motion passed 7-0.**

#### **Request of Street Closure for Main Street Block Party**

CM Amberg reported that the Toledo Downtown Association has applied for an event permit to close a one-block portion of South Main Street from East Graham to just North of 2<sup>nd</sup> Street SE. The event is scheduled for Friday September 6<sup>th</sup> from 5pm to 8pm. The request has been reviewed and approved by the Public Works Director, Police Sergeant, and City Manager subject to providing the City with a Certificate of Insurance.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Strom/Baxter) to approve the request for temporary closure of a one-block portion of S. Main Street between E. Graham and 2<sup>nd</sup> Street SE, from 5pm to 8pm on Friday, September 6, 2013 for a Block Party. **Motion passed 7-0.**

#### **Grant Application for the Mill Creek Riparian Improvement Project**

CM Amberg noted that Council discussed this item at the recent work session. Staff is recommending Council authorize the City Manager to execute all documents associated with the Coast Range Stewardship Fund Project grant application and project award as well as authorize an

expenditure of the \$5,000 grant match requirement. She noted that funding for the grant match will come from the Water Reserve Fund.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Dunaway/Lyon) to authorize the City Manager to execute all documents with the Coast Range Stewardship Fund Project grant application and project award and authorize an expenditure of the \$5,000 grant match requirement. **Motion passed 7-0.**

### **Invoice for Ace Hardware**

CM Amberg explained that the attached invoice list of expenditures for Toledo Ace Hardware is separate from the consent calendar. Separating the invoice from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the Ace Hardware invoice because of her actual conflict of interest as owner of Toledo Ace Hardware. Councilor Strom declared a direct conflict of interest as an owner of Toledo Ace Hardware.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Lyon/Baxter) to approve the invoice lists for Ace Hardware dated July 19, 2013 and August 29, 2013. **Motion passed 6-0**, noting that Councilor Strom abstained from voting.

### **Appropriation of Revenue from Coastal Resource Sharing Network**

CM Amberg reported that Coastal Resource Sharing Network (CRSN) dissolved having funds that were to be refunded to CRSN members. According to a formula listed in the interagency agreement, the amount refunded to the City of Toledo is \$5,402.74 in one-time, unbudgeted revenue. Four options were presented to Council. LD Trusty noted areas in need of repair/maintenance at the Public Library facility. After some discussion Council agreed upon option three; the one-time refund to be placed in the Property Maintenance Fund to build up reserves for repairs to the library.

Public Comment:

There was none.

**Motion-** It was moved and seconded (Lyon/Johnson) to direct the City Manager to allocate and appropriate the refund from the dissolution of the CRSN according to option three; the onetime refund to be placed in the Property Maintenance Fund to build up reserves for repairs to the library. **Motion passed 7-0.**

## **Reports and Comments**

### **Department Reports**

PWD Anderson reported the following:

- Installation of concrete pavers and signage will soon begin at the intersection area of South Main Street and 2nd Street.
- The Mill Creek valve repair project will be completed tomorrow.
- The new water storage tank project is moving forward with ground preparation at the site.

- The installation of the new pump station may cause some disruption of service as the system is in transition.
- The water line distribution projects are underway on several streets.
- There has been a temporary repair of the Roberts sewer line project. Completion of the project may not be until next spring.
- The department continues recruitment for a Lead/Senior Facility Operator for the Wastewater Treatment Plant facility.

CR Bryant reported that the League of Oregon Cities has posted its fall training schedule and some of the workshops will be held in Newport. She also noted that the City will be hosting a flu shot clinic at City Hall in October.

Police Sergeant Ruark reported that the Police department will be adding the new Ford Explorer to its fleet within the next week and the department is in the final process of filling one vacant patrol officer position.

LD Trusty reported that the Children's Librarian Michele Christiansen has retired after seven years of service to Toledo. The Library will hold a reception in her honor on a date to be announced.

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

CM Amberg reported the following:

- The City received four bids for the Integrator of Record quotes. The Public Works Director will establish a review panel and report back to Council.

#### **Council Comments**

Councilor Strom announced the last block party of the year will be on Friday evening.

Councilor Dunaway reported that he attended the Cascades West Area Commission on Transportation last week. The group made a priority recommendation on projects for the 2015-2018 project period. There were several areas in Lincoln County included in the recommendation. The safety bypass near Eddyville seems to be very near complete. He then suggested inviting Mark Volmert Transportation Planner for Cascade West Council of Governments to attend a Council work session.

#### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- The City of Toledo hosted the Region III League of Oregon Cities small cities meeting at the Port of Toledo's floating boat house. It was well attended by representatives of other cities within Region III.

Mayor Grutzmacher called for a brief recess at 8:43pm noting that an executive session will follow 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 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.

He then made the following statements: "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 in executive session at 8:55pm.

### **Executive Session**

Council and staff discussed mediation between the City and the Toledo Public Safety Association, a proposal for the Toledo Industrial Park (TIP) property as well as the litigation filed by Shannon Monroe. Council directed staff to advertise the TIP property for lease and provided direction to Local Government Personnel Institute Attorney Ashley Boyle, CM Amberg, and CA Chadwick regarding mediation with the Toledo Public Safety Association.

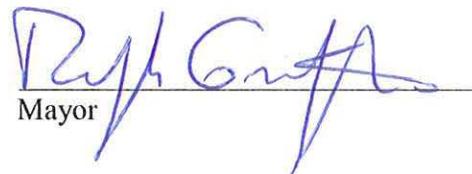
### **Adjournment**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 10:26pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
WORK SESSION  
September 10, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:16pm. Councilors present: Alma Baxter, Jill Lyon, Jack Dunaway, Michele Johnson, and Jackie Kauffman. Council President Terri Strom arrived at 7:33pm.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Parks and Recreation Director (PRD) Joe Andrews, and City Recorder (CR) Nancy Bryant.

Visitors present: Don Amberg, Dave Morgan, and Sharon Kanareff.

### **Committee Updates**

CM Amberg reported vacancies on the Planning Commission, Public Utility Commission, Budget Committee and Contribution Committee. Council discussed revising the structure of the Contribution Committee.

### **Discussion and Information Items**

#### **City Owned Property Recommendations**

CM Amberg provided Council with a list of City owned real property that identified parcels recommended to retain for City use as well as parcels that could be developed, leased, or sold. Councilor Dunaway suggested that the list include buildable parcels and public input should be sought on parcels that have interest to adjacent neighborhoods. Council agreed to pursue surplus of property that is no longer of use to the City and would have few obstacles to placing on the market.

CM Amberg suggested Council consider advertising for a Realtor of Record to market surplus real estate. Council directed CM Amberg to bring the item forth at the next Council regular session.

#### **Management Revenues**

Councilor Dunaway noted that he would like to see a strategic plan for the timber revenue from the Mill Creek Forest harvest. Council agreed that its desire is to place the revenue into a capital reserve fund. CM Amberg stated that a capital reserve fund can be addressed in the next fiscal year budget.

#### **Potential Property Abatement-927 SE 7<sup>th</sup> Street**

This item was tabled due to an emergency absence of Toledo's Code Enforcement Officer Dustin Kittel.

#### **Employee Passes to the Public Swimming Pool**

CM Amberg suggested that Council consider providing annual employee passes for use of the public swimming pool. She noted that providing annual swimming pool passes would be a benefit to the health and welfare of City employees. The pass would exclude instructional classes and basic swim lessons. Council agreed that providing an annual swimming pool pass to employees is beneficial and directed CM Amberg to bring the item forward for decision at the next regular session.

### **Public Swimming Pool Improvement Plan-RFQ**

PRD Andrews provided a draft Request for Quote (RFQ) for a Public Swimming Pool Improvement Plan. He noted that the objective of the RFQ is to solicit responses from firms qualified to develop a facilities improvement plan to update the City's public swimming pool facility. Funding for the project is included in the 2013/14 FY budget. Council and staff discussed the potential of expanding the facility to include additional physical fitness services. Council directed PRD Andrews to proceed with the RFQ process for a Public Swimming Pool Improvement Plan.

### **Lincoln County Solid Waste Advisory Committee**

Council agreed to nominate CM Amberg to apply to the Lincoln County Board of Commissioners for appointment to the County's Solid Waste Advisory Committee. Formal nomination is moved to the September 18<sup>th</sup> City Council regular session.

### **Hometown Holiday Event**

Council and staff discussed the request made by Paul Johnson on September 4, 2013 for support of a Main Street Hometown Holiday event. Council agreed that there are no available funds to award for this event. It was suggested that the group seek support from the Toledo Chamber of Commerce and the Toledo Downtown Association.

### **Additional Council Discussion Items**

Councilor Dunaway questioned whether the Georgia Pacific Toledo (GP) mill is charged a reasonable share of the Toledo road maintenance fees. He noted that the City's last two road improvement projects were within the truck route which is directly affected by trucks going to and from the mill. CM Amberg noted that the City receives \$102,000 annually from the road maintenance fees, \$1,800 in truck permits for the west junction, and the highway tax equals \$197,500. She also noted that the Lincoln County Public Utility District pays a franchise fee of \$416,000 per year which is predominately paid by GP. Mayor Grutzmacher stated that the only business not paying their fair share is the railroad.

The group discussed the need for local rail crossing improvements and how to get the railroad company to pay attention to the local crossing issues.

Councilor Lyon reported that the Economic Development Alliance of Lincoln County met last week. She informed the group that the City of Toledo will be entertaining proposals for lease of the TIP property. She also reported that she has provided CA Chadwick with the first draft of a document from the County Telecommunication Committee regarding ordinances that require new development to provide fiber optic cable conduit.

Councilor Baxter reported that the Toledo Arts Guild is unable to build all nine Golf Frisbee baskets. The group will now pursue grants to purchase the baskets.

### **City Manager Comments**

CM Amberg asked if Council would like to review the City's Management Compensation Plan. Mayor Grutzmacher suggested starting the review in November and directed staff to ask the non-represented group for their input.

CM Amberg also asked if Council members will be attending the annual League of Oregon Cities conference. Both Mayor Grutzmacher and Councilor Lyon provided their registrations for the conference.

CM Amberg then distributed a flyer for the Robert E. Flowerree Community Center community art mural project. She noted that the project planner Lawrence Adrian of Oregon Coast Children's Theatre is seeking community support for the project.

Mayor Grutzmacher called for a brief recess at 8:15pm noting that an executive session will follow according to ORS 192.660(2), concerning: (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

He then made the following statements: "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."

LGPI Attorney Ashley Boyle joined the meeting as it resumed in executive session at 8:18pm.

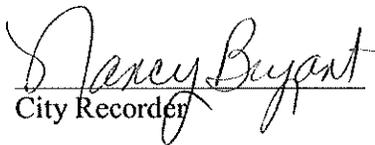
**Executive Session**

The group discussed labor negotiations with the Toledo Public Safety Association. Council provided Boyle with direction to proceed.

**Adjournment:**

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at 8:53pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
September 18, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7pm.  
Councilors present: Jackie Kauffman, Jill Lyon, and Council President Terri Strom.  
Councilors excused: Jack Dunaway, Alma Baxter, and Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, Public Works Director Frank Anderson,  
Parks and Recreation Director (PRD) Joe Andrews and City Recorder (CR) Nancy Bryant.

Visitors present: Don Amberg, Rex Krabbe, Dave Morgan and Jerry Seth.

### **Visitors/Public Comment**

Rex Krabbe announced that the Toledo Rotary Club is sponsoring fundraising events to support "Honor Flight", a program that funds an all-expense paid trip for local World War II Veterans to the Washington DC WWII Memorial. He noted a Veterans benefit golf tournament and barbeque at the Olalla Golf Course is scheduled for September 20, 2013.

Jerry Seth of the Toledo Planning Commission provided a 2013 annual report of the Planning Commission activities. Highlights were as follows:

- Completion of the Light Industrial Zone Ordinance, adopted by City Council.
- Resolution of the Olalla Center zone change.
- Completed variances, a building permit, and some minor partitions.
- The new Planner came on board in May. There were no Planning Commission meetings in March and April.
- The Toledo Transportation System Plan project has had a lot of people involved. Mr. Seth, representatives from CH2m Hill, Jack Dunaway, Dave Enyeart, Will Ewing, Adam Denlinger, Ann Learned Ellis as well as community stakeholders attended the public meetings. A Commission sub-committee worked with CH2m Hill and has produced a proposed plan. He suggested that the proposed plan be adopted by Council with the intent to review within five years.
- City Manager, Michelle Amberg, has an open door policy and is always approachable. City staff, Aneta Synan, Arlene Inukai, Polly Chavarria, Dave Inman, and Adam Denlinger have provided professional, courteous, and helpful service. They are an asset to the City.

### **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Kauffman) to approve the consent calendar consisting of the invoice list dated September 6, 2013 and Council minutes of September 4, 2013 and September 10, 2013. **Motion passed 4-0**, noting the absence of Councilors Dunaway, Baxter and Johnson.

### **Discussion and Information Items**

#### **Design Proposal for South Main Street**

This item was tabled to the October work session.

## **Committee Updates**

CM Amberg reported that vacancies continue on the Planning Commission, Public Utility Commission, Budget Committee, Contribution Committee, and Parks and Recreation Advisory Board.

## **Decision Items**

### **Nomination to the Lincoln County Solid Waste Advisory Committee**

CM Amberg noted that Lincoln County is restructuring the Solid Waste Advisory Committee and have asked that each city nominate a representative to serve.

Public Comment: none

**Motion-**It was moved and seconded (Kauffman/Lyon) to nominate City Manager Michelle Amberg to the Lincoln County Solid Waste Advisory Committee. **Motion passed 4-0**, noting the absence of Councilors Dunaway, Baxter and Johnson.

Mayor Grutzmacher noted that the nomination of a representative is not acceptance of the County's proposed changes.

### **Authorization to Issue a Request for Proposal for a Public Swimming Pool Facility Improvement Plan**

PRD Andrews reported that the proposed Request for Proposals is to seek a qualified consultant to develop an improvement plan for the City of Toledo Swimming Pool facility. The end product of this planning process will guide staff in how to best maintain the ability of the City to operate the pool facility. The focus is building preservation and to bring the facility up to modern health, safety, and accessibility standards. This study was recommended in the 2012 Building Facility Plan adopted by Council on October 3, 2012.

Public Comment: none

**Motion-** It was moved and seconded (Lyon/Strom) to authorize the issuance of a Request for Proposal for a Public Swimming Pool Facility Improvement Plan.

**Motion passed 4-0**, noting the absence of Councilors Dunaway, Baxter and Johnson.

## **Reports and Comments**

### **Department Reports**

Police Chief Enyeart reported that the department has hired a Police Officer who will start October 1<sup>st</sup> and be sworn in at the October 2<sup>nd</sup> City Council meeting.

PWD Anderson provided a Water Master Plan project update as follows:

- The installation of the water line on Beech Street is 75% complete.
- Installation of 725 feet of water line on Arcadia Drive is in progress.
- The installation of 480 feet of pipe on Skyline Drive is in progress and at 50% completion.
- The initial connections on Burgess Road are in progress to prepare for line installation.
- Conducting line locations on Sturdevant Road in preparation for line installations.
- The pipeline on Magnolia Road will be installed after the storage tank construction begins.
- The Wagon Road pump station-Skyline Drive booster pump construction will begin next week.

- Excavation at the Skyline Drive Water Storage tank site is in progress. Construction of the tank will begin the first of November.
- The plans for the Siletz River intake relocation project are 95% complete. The permits will not allow work in the water until July 1<sup>st</sup>. The Olalla crossing project will be bundled with the Siletz River Intake project to reduce costs.

PWD Anderson also reported that the East Slope Road paving improvements will begin tomorrow. There was an incident with the Butler Bridge Lift Station valves which caused a backup and flooding of the motors. A discharge was reported and the City of Newport helped to pump the overflow down. A bypass has been installed and is in use while the damaged motors are out for cleaning. The bids for the Integrator of Record are being reviewed. Staff projects the request for award to be presented to Council at its October 16th regular session.

Mayor Grutzmacher suggested that the City send a letter to Union Pacific Railroad regarding local rail crossing issues; they will forward it to their short line division and address railroad maintenance with Willamette and Pacific Railroad. He noted that another option may be to sub-contract with ODOT to improve the rail crossings in Toledo.

PRD Andrews reported that he attended the Oregon Recreation & Parks Association Conference. The City pool staff received an award of excellence for their swimming lesson programs. He congratulated Susan Lockler, Stephanie Frenock, Melanie Hicks and Samantha Green.

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

CM Amberg reported the following:

- The monthly Department Report was distributed.
- There will be intermittent street closures on September 19<sup>th</sup>, 25<sup>th</sup>, and 26<sup>th</sup>.
- The Transportation System Plan draft ordinance will be on Council's October 10<sup>th</sup> work session agenda and again for motion on the November 6<sup>th</sup> regular session agenda.

**Council Comments-** none

#### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- The recent Main Street Block Party was fun but not well attended. He would like to find a way to bring the youth into community events.

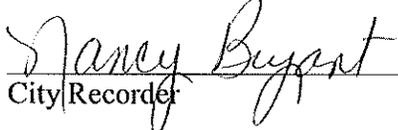
#### **Executive Session**

No executive session was held.

#### **Adjournment**

Mayor Grutzmacher adjourned the meeting at 7:41pm.

ATTEST:

  
City Recorder

APPROVE:  
  
Mayor

Toledo City Council Minutes 09/18/2013

TOLEDO CITY COUNCIL MEETING  
REGULAR SESSION  
October 2, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7pm. Councilors present: Michele Johnson, Alma Baxter, Council President Terri Strom, and Jill Lyon. Councilor Jackie Kauffman arrived at 7:03. Councilor excused: Jack Dunaway.

Staff Present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, Police Chief (PC) Dave Enyeart, Officer Desmond Harpster, Officer Brittney Crocker, Officer Michael Pace, Detective Tom Harrison, and Assistant City Recorder (ACR) Susan Thompson.

Visitors: Dave Morgan, Don Amberg, Dianne Crocker, and Mike Crocker.

Oath of Office, Toledo Police Officer Brittney Crocker was sworn.

**Visitors/Public Comment:** None.

**Consent Calendar:**

**Motion** – It was moved and seconded (Baxter/Kauffman) to approve the Consent Calendar consisting of the invoice list dated September 27, 2013 and Council Minutes of September 18, 2013. **Motion passed 6-0**, noting the absence of Councilor Dunaway.

**Committee Updates**

(CM) Amberg stated that no applications for any of the vacant positions have been received. Vacancies remain in the following Committees: Public Utility Commission, Budget Committee, Contribution Committee, Planning Commission, and Parks and Recreation Advisory Committee.

**Discussion and Information Items:**

**Presentation – Mark Volmert, Transportation Planner for Cascade West Council of Governments**

Mark Volmert explained that the Cascade West Area Commission on Transportation (ACT) was commissioned by the Oregon Transportation Commission about ten years ago to act as a liaison between local jurisdictions and the State Transportation Commission. Each regional jurisdiction has a representative and about half of the membership has a representative on the Technical Advisory Committee. Region Two includes Lincoln/Linn/Benton Counties as well as Marion and Lane County. ACT recently completed its recommendation to the State Transportation Commission Improvement Plan for improvements funded in 2016 through 2018. The recommendation includes funding through both State and Federal funds. Oregon Transportation Commission has also asked ACT to make recommendations for potential projects for 2017 through 2020. The recommendation will be used to inform members of the legislative assembly of important projects that are not being funded. The two Highway 20 intersections near Toledo have been noted as important items.

Councilor Lyon noted that one of the local needed improvements is the Willamette & Pacific Railroad track between Toledo and Philomath. Mr. Volmert stated that a project like that would not be eligible for the Highway Trust Fund but would be eligible for the Connect Oregon Funding.

Mayor Grutzmacher and Mr. Volmert discussed the manner in which State gas tax revenue is distributed as well as the importance of maintenance/replacement of the Yaquina Bay Bridge and other areas of US Highway 101 along the coast.

Council thanked Mr. Volmert for his attendance and the information that he provided.

**Decision Items:**

**Invoice for Ace Hardware**

CM Amberg explained that the attached invoice list of expenditures for Toledo Ace Hardware is separate from the consent calendar. Separating the invoice from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the Ace Hardware invoice because of her actual conflict of interest as owner of Toledo Ace Hardware. Councilor Strom declared a direct conflict of interest as an owner of Toledo Ace Hardware.

**Public Comment:**

There was none.

**Motion-** It was moved and seconded (Lyon/Baxter) to approve the invoice lists for Ace Hardware dated September 25, 2013. **Motion passed 5-0-1**, noting the absence of Councilor Dunaway and that Councilor Strom abstained from voting.

**Appoint Frank Anderson to serve as an Alternate to the CWACT and serve as a Technical Advisory Committee Representative.** CM Amberg noted that Frank Anderson should be appointed to the Committee as our former PW Director had held that position.

**Public Comment:**

There was none.

**Motion-** It was moved and seconded (Lyon/Johnson) to appoint Frank Anderson (PWD) to serve as an Alternate to the CWATC and be a Technical Advisory Committee Representative. **Motion passed 6-0**, noting the absence of Councilor Dunaway.

**Reports and Comments**

**Department Reports**

(PWD) Anderson reported the progress of Capital Improvement projects. Magnolia water line project is on hold. Sturdevant Road paving starts next week. All water line projects are on schedule as expected. Wagon Road and Magnolia Drive pump station improvement projects are more complex and there will be transition times when the pumps will need to be shut down for a short period of time, PW Dept. employees are trying to notify the public with door hangers and the media. The excavation for the Skyline Drive Water storage tank is complete and they are now bringing up material to construct the base. The Mill Creek Reservoir intake repair is complete. The Siletz River intake project is in the permit phase. The Oregon Health Authority conducted an inspection at the City's water treatment plant which is done

approximately every three years. The City will receive a written report. The wastewater treatment plant was also inspected by a Security Agency with positive results.

**City Manager's Report**

(CM) Amberg held up the Silver Safety Award that was presented to the City of Toledo and received by Mayor Grutzmacher at the League of Oregon Cities Annual Conference (LOC). She stated the award represents an injury frequency rate of 1.84 in fiscal year 2012-2013. City employees should all be very proud.

**Council Comments**

Councilor Lyon stated that she attended the League of Oregon Cities Annual Conference which was well attended by approximately 800 people. She was pursuing the economic development track and felt she had come away with some good ideas. She also reminded everyone it is "First Weekend" this weekend and to visit an art gallery.

**Mayor Comments**

Mayor Grutzmacher informed everyone that he had come back from the LOC Conference with a whole packet of stuff. One item in particular is the Healthy Eating Active Living or HEAL City designation. Toledo would be only the seventh City in Oregon to become a HEAL City. He would like to put it on the Agenda for the October 8<sup>th</sup> Work Session for Discussion.

**Executive Session:**

No Executive Session was held.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:03pm.

ATTEST:

  
Assistant City Recorder

APPROVE:

  
Mayor Grutzmacher

TOLEDO CITY COUNCIL MINUTES  
WORK SESSION  
October 8, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:16pm.  
Councilors present: Alma Baxter, Jill Lyon, Jack Dunaway, Michele Johnson, and Jackie Kauffman. Excused: Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, Planning Secretary Arlene Inukai, Contract Planner (CP) Anita Synan, Contract Code Enforcement Officer Dustin Kittel, and City Recorder (CR) Nancy Bryant.

Visitors present: Don Amberg, Dave Morgan, Jerry Seth, David Helton, and Ann Learned-Ellis.

### **Discussion and Information Items**

Mayor Grutzmacher called for a motion to add "Property Abatement of 927 SW 6<sup>th</sup> Street, Toledo" to the Discussion and Information Items of this meeting. Moved by Councilor Dunaway and Seconded by Councilor Baxter. Motion passed 6-0, noting the absence of Council President Strom.

### **Committee Updates**

CM Amberg noted vacancies in the following committees: Public Utility Commission, Budget committee, Contribution Committee, Planning Commission, and Parks and Recreation Advisory Committee.

### **Property Abatement- 927 SW 6<sup>th</sup> Street, Toledo**

Dustin Kittel, Toledo's Contract Code Enforcement Officer reported a potential abatement for nuisance of real property located at 927 SW 6<sup>th</sup>. Kittel stated that for the previous year the City has been working with the property owner regarding code violations. The structure is collapsing, there are exposed electrical components, and water has been allowed to get inside the building. There is also miscellaneous debris located throughout the property. The owner has been cited several times and has appeared before Toledo's Municipal Judge. Judge Parsons found the owner guilty of code violations and fined him several hundred dollars. The owner has indicated that he does not have the financial or physical means to do anything with this property. Kittel stated that continued fines will serve no purpose and the City may now take the issue to the next level. The owner has been notified that the City will consider abatement of the property as a nuisance. Kittel estimated that the cost for a total abatement will be \$15,000 unless the Fire Department is willing to use the 'Learn to Burn' program, which would reduce the cost to approximately \$6,000. He noted that if the city does nothing, it may set a precedent that, if a property violation is ignored long enough, the City will discontinue to seek compliance.

In answer to Council questions Kittel stated the following:

- The next step is to seek a warrant from the Toledo Municipal Judge. Fire Department personnel can then get a closer look at the property to determine if the Learn to Burn program can be used.
- The owner is disabled and lives in another area. The owner has not indicated that he is willing to wash his hands of the property but may agree to the abatement.

- If the City chooses to abate the property a lien will be filed and placed on the property.

Mayor Grutzmacher stated that the City may want to suggest an exchange of ownership if the City is going to incur \$15,000 in costs. Kittel agreed to discuss the issue further with the owner.

### **Toledo Transportation System Plan Ordinance Review**

CA Chadwick reported that the City was awarded a Transportation and Growth Management (TGM) grant administered jointly by the Oregon Department of Transportation (ODOT) and Department of Land Conservation and Development. The TGM grant funded the contract services of professional consulting firm CH2M Hill to provide assistance to study and prepare a Transportation System Plan for transportation modes within the City limits and Urban Growth Boundary. Before Council is an amendment to the goals in the 2000 Toledo Comprehensive Land Use Plan. He explained that the Comprehensive Plan includes an inventory of land, goals and objectives, and a map which is the governing document in which the City uses for land use decisions. CH2M Hill has been working with Toledo's Planning Commission to develop the proposed Transportation System Plan and to amend the Comprehensive Plan to reflect the Transportation System Plan.

Anita Synan, Toledo's Contract Planner, stated that the Plan provides goals for the City's transportation system, including streets, transit, walkways, bicycle routes, water, and rail service. It also identifies implementation objectives including ways to implement the goals that are listed as well as several projects that were prioritized for the City to implement in the next five to 20 years. The city is not mandated to implement any of the projects but having them in an adopted plan makes them more attractive for future grant funding. She noted that the Planning Commission voted to recommend approval of the proposed ordinance.

David Helton of ODOT provided a summary of the proposed Transportation System Plan as follows:

- **How it will be used-** as guidance for residents, developers, and city staff on the future transportation system. The project timeframe or priorities are a suggestion, based on current information. It is also used as a way to pursue transportation funding to implement projects important to the City. The plan can be amended as the need occurs. He suggested that the City review the plan and set annual priorities during annual goal-setting sessions. He also suggested adding language regarding communication with the railroad company for rail crossing improvements.
- **Goals and objectives-** will provide guidance on how the community envisions the future transportation system. The proposed TSP provides for goals and objectives in Street System, Bicycle/Pedestrian, Port/Water System, Transit, Air/Pipeline, and Rail. He encouraged the City to make any changes in the goals or objectives now, before it is approved or to delete them if not needed.
- **Plan and Code Amendments-** The recommended code amendments are not adopted when the plan is adopted. The 2000 Toledo Comprehensive Plan amendments will include the TSP as the transportation element, with the TSP policies incorporated in Article 12 and a reference to the TSP in Article 14 (Urbanization and Livability). The proposed Municipal Code amendments include the following:
  - Chapter 16.14-adds Transportation Facility Standards. These are based on the 2009 Toledo Public Works Standards
  - Chapter 16.16-add TSP reference in the planned development criteria
  - Chapter 17.20-17.36 Zoning-adds transportation facilities as allowed uses and defines transportation improvements

- Chapter 17.44 Parking-adds bicycle parking requirements/standards, and bicycle parking credit
- Chapter 17.48 Access- adds driveway and public street spacing standards
- **Functional Classifications**-will create a balanced system that moves people within and through the City and provides access to land uses. He noted that the plan does not identify any of the City Streets as 'arterial' because the City expressed concern that if so designated, the City may be required to set increased speed limits and increase driveway spacing which may interfere with commercial development.

**Other Comments-** Mayor Grutzmacher requested a count of transit stops without shelters located in Toledo. Councilor Lyon said, outside of reading the document she sees no reason to hold back on a decision. Planning Commission President Jerry Seth stated that he sees nothing harmful in the plan and would like to see it approved. CP Synan noted that the Planning Commission spent a lot of time reviewing the initial proposal in an effort to make it relevant to Toledo. Anne Learned-Ellis thanked CP Synan for her work on the project. Councilor Dunaway stated that he liked the process used to develop this plan. Mayor Grutzmacher noted that there doesn't seem to be any controversy and staff should move forward with any text amendments. Staff agreed to bring the proposed ordinance for a formal decision by Council on November 6, 2013.

Mayor Grutzmacher called for a brief recess at 8:09pm. The meeting resumed at 8:19 pm.

### **City Owned Property**

CM Amberg provided Council with a copy of Ordinance No. 1342 which provides for a process to dispose of City owned property. She also provided Council with a draft request for proposal (RFP) for a Real Estate Agent of Record. She suggested bringing a Real Estate Agent on board to aid Council in strategizing the disposal of real estate properties. Councilor Dunaway suggested declaring some of the unused properties surplus while the City is seeking a Real Estate Agent of Record. Council agreed that they would like to decide which properties to surplus as soon as possible. Staff agreed to place the Real Estate Agent of Record on the October 16<sup>th</sup> agenda for an official decision.

### **Street Utility Fee**

CM Amberg provided a copy of Ordinance No. 1325, an ordinance establishing the road maintenance regulatory program and adopting fees for road maintenance services. Councilor Dunaway stated that he has been concerned about whether heavy industry is paying its fair share in Street Utility fees and has asked for this discussion. He noted that if other Council members are satisfied with the rate schedule then he is not interested in pursuing the issue further. Council members and staff agreed that the property inventory on the fee schedule may need to be updated to reflect current businesses.

### **Completion of the 2012 Summer Paving Project & Pedestrian Grant**

PWD Anderson reported that as part of the waterfront connectivity plan, the south end of Main Street was examined regarding the speed of traffic, lack of ADA compliance access, poor transition to 2<sup>nd</sup> Street and Butler Bridge Road, and the lack of enhanced aesthetics and visitor information. In 2011 the City received a Bicycle/Pedestrian grant from ODOT in the amount of \$180,000 with a City and Port of Toledo match of \$10,000 each. A part of that grant project was to pave Butler Bridge Road and realign the South Main Intersection. He noted that the grant funding has been expended but that the enhanced aesthetics and visitor information public space portion of the project remains incomplete. He said the City and Port arrived at a conceptual design

of the area which included a hardscape inside the concrete. Initially the estimated cost for completion of the public space was \$50,000. After some changes in the design elements staff estimates the project can be completed at a cost of \$28,000. By consensus, council directed PWD Anderson to move forward with the project.

**Neighborhood Park Enhancements**

Councilor Lyon reported through her involvement with economic development issues she has come up with a few ideas to boost the community and its attitude about itself. She suggested placing covered shelters in neighborhood parks for people to use as gathering sites. She also suggested that City employees of various departments visit the local schools and provide information about the City government. Council and staff discussed the possibility of financing and installing structures in City parks. Council agreed to discuss the issue again in December or January.

**H.E.A.L. (Healthy Eating Active Living) City**

Mayor Grutzmacher reported that he is on the advisory committee for the Healthy Eating Active Living initiative and he would like Toledo to adopt the program. By consensus Council agreed that Mayor Grutzmacher will draft a resolution to come before Council on November 6<sup>th</sup>.

**Additional Council Discussion Items**

Councilor Lyon reported that the Lincoln County Telecom Committee approved a draft ordinance that will be distributed to the County and local municipalities for their consideration. The ordinance will require installation of fiber optic conduit for new construction and major renovations in both commercial and residential development.

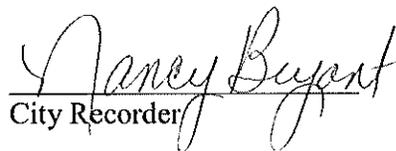
**City Manager Comments**

CM Amberg reported that she will be away from the office beginning October 25<sup>th</sup> through November 9<sup>th</sup>. She will be attending a FEMA Incident Command Training at the National Emergency Training Center in Emmitsburg, Maryland. CA Chadwick will be in charge during her absence.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 9:19pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
October 16, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jackie Kauffman, Jack Dunaway, Alma Baxter, Michele Johnson and Council President Terri Strom. Councilors excused: Jill Lyon.

Staff present: City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, Parks and Recreation Director (PRD) Joe Andrews, Police Chief (PC) Dave Enyeart, and City Recorder (CR) Nancy Bryant.

Visitors present: Dave Morgan, Dani Palmer, Cynthia Beirut, Bianca Dale and Don McDonald.

**Visitors/Public Comment**

**Presentation by Partnership Against Alcohol & Drug Abuse**

Don McDonald, Coordinator of Partnership Against Alcohol & Drug Abuse (PAADA) explained that the group is a non-profit organization that has been in the Newport area since 1994. The agency recently received federal funding for an additional five years for a drug free communities coalition which will allow the agency to provide services throughout Lincoln County. McDonald stated that PAADA staff have been charged with visiting local City Councils to provide information regarding changes in the legislation for medical marijuana dispensaries and the potential legalization of recreational use of marijuana.

PAADA Outreach Specialist Bianca Dale provided Council with a pamphlet which included the organization's mission statement. She stated that PAADA has served Lincoln County raising awareness about alcohol and drug abuse, empowering youth, parents and community to make healthy decisions regarding the use of tobacco, alcohol and other drugs, as well as partnerships with prevention coalitions and recovery programs on a local and statewide basis. Current initiatives include a prescription drug take back program, policy reform, teen justice panels, recovery & prevention events, community education and youth leadership academies. She noted that they have had a great representation of Toledo Jr/Sr High students; to date they have trained 32 Toledo High students.

Don McDonald provided Council with a brief history of medical marijuana in the State of Oregon. He noted that on March 1, 2014, HB 3460 legislation becomes operative; law will allow medical marijuana facilities where medical marijuana patients in Oregon will be able to procure their doctor-recommended medicine. McDonald stated that there are currently 918 medical marijuana card holders residing in Lincoln County. He said in Washington State, cities are responding in a variety of ways including enacting moratoria, prosecuting dispensaries, establishing regulations, and simply taking no action. In addition, the City of Seattle recently passed an ordinance that would require any commercial medical marijuana operation to comply with all applicable laws including city business licensing and taxing requirements. The Association of Washington Cities has recommended that cities consult with their legal counsel to carefully weigh the risks before taking any action. McDonald stated that PAADA would like the City of Toledo to consider it as a resource when needed.

## **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Baxter) to approve the consent calendar consisting of the invoice list dated October 11, 2013. **Motion passed 6-0**, noting the absence of Councilor Lyon.

## **Discussion and Information Items**

### **Committee Updates**

There were none.

### **Quarterly City Council Goals Update**

The third quarter City Council Goals update was provided to Council in their meeting packets.

## **Decision Items**

### **Consider Appointment of an Integrator of Record**

PWD Anderson reported that the City solicited statements of qualifications from system control firms to provide general system control services to the City and to serve in the role of Integrator of Record. The support services will include the City's Supervisory Control and Data Acquisition (SCADA) systems. Projects may include Water/Wastewater System SCADA evaluation, systems upgrades to connect City Hall with satellite locations such as Police, Fire and Public Works facilities, new Siletz River intake system with SCADA upgrade, review plans and specifications for development in the City, troubleshoot City facilities, and respond to all manner of general information system requests. Four firms submitted proposals which were evaluated by three internal staff members and one member from the City of Newport. The Automation Group, Inc. was determined the most qualified with the quickest response time to Toledo related to SCADA controls. The agency has previously performed jobs for the City of Toledo and has a good rapport with staff. The Agreement does not commit the City of Toledo to financial obligation; the agreement establishes a fee structure for consultant technical, design and integration services on an as-needed basis.

### **Public Comment:**

There was none.

**Motion-**It was moved and seconded (Dunaway/Kauffman) to authorize the Public Works Director to negotiate an agreement and fee structure with the Automation Group, Inc. **Motion passed 6-0**, noting the absence of Councilor Lyon.

### **Authorize the City Manager to Request Proposals for a Real Estate Agent of Record.**

CA Chadwick reported that Council has expressed a desire to obtain services of a licensed professional realtor to assist with advice on real property management and transactions. Toledo does not have a realty office located in its city limits. A draft request for proposal was provided to City Council at the October 8, 2013 work session.

### **Public Comment:**

There was none.

**Motion-** It was moved and seconded (Strom/Johnson) to authorize the City Manager to issue a Request for Proposal for a Real Estate Agent of Record for the City of Toledo. **Motion passed 6-0**, noting the absence of Councilor Lyon

### **Recommendation to OLCC for a Liquor License Application filed by McBarons Tavern**

CR Bryant reported that Jeff Davis of McBarons Tavern has applied to the Oregon Liquor Control Commission for an annual license for Full On-Premises Sales at its new location of 578 W. Hwy 20, Toledo. The Toledo Police Department has no objections to recommending approval of the application and the required City of Toledo Liquor License fee is paid in full.

Cynthia Beirut spoke on behalf of McBarons Tavern explaining that the vision for the business at its new location includes family dining. The business' focus is moving from the tavern as the primary service to family friendly dining. She noted that there were issues of impropriety at its previous location on Main Street and they have taken measures to eliminate those issues at the new location. The owner is hoping to open for business by mid November.

Councilor Kauffman noted that she has questions and would like to move the item to the November 6<sup>th</sup> council meeting. Mayor Grutzmacher noted that there is a discrepancy between the information on the application and common knowledge within the community. Councilor Dunaway stated that he is not aware of a discrepancy. Council discussed tabling the item until further investigation from PC Enyeart. Beirut noted that it would cause Mr. Davis a financial hardship to wait any further on the recommendation to OLCC. PC Enyeart suggested approval pending an investigation by the Toledo Police Department. Council agreed.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Strom/Kauffman) to recommend approval of the application to OLCC for an annual Liquor License made by McBarons Tavern pending approval of the Chief of Police. **Motion Passed 6-0**, noting the absence of Councilor Lyon.

### **Outdoor Permit Application to Close Main Street for One Hour on Halloween**

CA Chadwick reported that a request has been made by Deanne Dunlap on behalf of the Toledo Downtown Association requesting temporary closure of Main Street for the safety of the participants in a Halloween Merchants Trick-or-Treat event. The request is to close Main Street from 4pm to 5pm on October 31, 2013. Mayor Grutzmacher suggested extending the Main Street closure to 6pm. Council agreed.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Kauffman/Strom) to approve the request for temporary closure of Main Street from 4pm to 6pm on October 31, 2013 for the safety of the event goers. **Motion passed 6-0**, noting the absence of Councilor Lyon.

## **Reports and Comments**

### **Department Reports**

PRD Andrews reported that the Swimming Pool's new computer software check-in system is in operation and they are pleased with the software. The County School District's student adaptive

PE program is underway serving students from Jr. High to High School. The private school swim programs have begun and the Toledo Elementary School swim program has been scheduled for this year. There will be a life guard training class in November. He noted that he is evaluating the Swimming Pool programs and services to determine future improvement priorities.

PWD Anderson reported the following:

- The transition continues for the Wagon Road pump station upgrade. There may be one to two shut-downs before the transition is complete.
- The City is waiting for approval from Georgia Pacific Toledo for the Olalla crossing pipe replacement project.
- Work on the South Main Street pedestrian crossing project will begin later this week.
- Staff met with representatives of the Department of Environmental Quality regarding the Wastewater Facility Master Plan.
- Civil West will provide a projects update to City Council in November.
- Staff is working with ODOT Rail regarding local rail road crossing issues.

Councilor Baxter thanked PWD Anderson for the department's public outreach with public groups and individuals in the areas affected by the water improvement projects.

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

There was no City Manager report.

#### **City Attorney**

CA Chadwick noted that the monthly Department Report was distributed to Council in their meeting packets.

#### **Council Comments**

Councilor Strom announced that the last block party of the year will be on Friday evening.

Councilor Baxter reported that equipment for the Disk Golf Course is expected to be completed and ready to install by spring.

#### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- The Celtic Heritage Alliance will host its fall event at the Floweree Center on November 2<sup>nd</sup>.

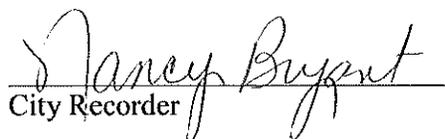
#### **Executive Session**

There was no executive session.

#### **Adjournment**

Mayor Grutzmacher adjourned the meeting at 7:54pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
November 6, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jill Lyon, Jack Dunaway, Jackie Kauffman, Alma Baxter, Michele Johnson and Council President Terri Strom.

Staff present: City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, City Recorder (CR) Nancy Bryant, Planning Technician/Assistant Planner Arlene Inukai, and Contract Planner (CP) Aneta Synan.

Visitors present: Terra Lingley, David Helton, Planning Commission President Jerry Seth, Dave Morgan, Stuart Strom, Wayne Plourde, and Sharon Kanareff.

### **Visitors/Public Comment**

Wayne Plourde proposed that the City finance an advertisement on the billboard located at the West Junction of Hwy 20. He stated that the billboard has become available and that it would be an opportunity for the community to represent itself. The annual cost is \$6,350 with an additional charge of \$350 each time the information is changed. Councilor Johnson suggested that local businesses be contacted regarding their interest in participating with funding of the billboard advertisement. Mayor Grutzmacher noted that this issue will be on the November 12<sup>th</sup> Council work session agenda and he invited Mr. Plourde to participate at that meeting.

Stuart Strom of 361 Graham Street requested that the City consider restriping the parking area along Graham Street and above Main Street. He noted that the parking stripes could be placed at an angle which will avoid the current issue of vehicles sticking out into the roadway. PWD Anderson stated that he will look into this issue.

### **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Baxter) to approve the consent calendar consisting of the invoice list dated November 1, 2013, and City Council minutes of October 2<sup>nd</sup>, 8<sup>th</sup>, and 16<sup>th</sup>, 2013. **Motion passed 7-0.**

### **Discussion and Information Items**

#### **Committee Updates**

Councilor Dunaway provided Council with a written summary of the October 24, 2013 meeting of Cascade West Area Commission on Transportation. He noted that the Yaquina Bay Bridge is getting attention because the amount of vehicles traveling on the bridge exceeds its capacity.

Councilor Lyon reported that the Council of Governments is moving forward with hiring a new Executive Director and will be making a decision tomorrow.

Mayor Grutzmacher reminded the audience that there are vacancies on four boards and commissions. He encouraged all interested persons to apply.

## **PUBLIC HEARING**

Mayor Grutzmacher opened the public hearing at 7:12 pm regarding an Ordinance amending Ordinance 1285 (Toledo Municipal Code Chapter 1.08) to update the 2000 Toledo Comprehensive Land Use Plan and policies to adopt the 2013 Toledo Transportation System Plan as an element of the 2000 Toledo Comprehensive Land Use Plan.

Mayor Grutzmacher then called for declaration of conflict of interest, ex-parte contact, or a bias by Councilors or those who have conducted a site visitation. Seeing no conflict of interest of Council members, the statement of rights and relevance and the right to appeal were read.

### **Staff Report**

CP Synan reported that this is a proposal by the City to adopt a 20 year Transportation System Plan (TSP) for the City of Toledo. If approved the Plan will guide the development and management of the transportation facilities and services inside the Toledo Urban Growth Boundary and will revise the goals and objectives in Article 12 (Transportation) and Article 14 (Urbanization) of the 2000 Toledo Comprehensive Land Use Plan. She stated that the proposed Plan was funded in part by a grant from Oregon Department of Transportation (ODOT) and drafted by consultant CH2M Hill using a public involvement process that began in 2012. CP Synan also noted that the project required an extensive amount of work by the City Planning Commission as well as a TSP Project Advisory Committee. The full staff report is on file at City Hall. CP Synan then noted that page four of Attachment C (TPR Findings for Compliance) does not address compliance with the Statewide Planning Goals and Guidelines. A continuation of this public hearing to December will allow time to address those findings, which is proposed. Staff recommends, after testimony and discussion, that this public hearing be continued to allow the record to remain open and the new findings to be submitted.

Terra Lingley, Project Manager of CH2M Hill, explained that the TSP suggests ideas, priorities and clear goals and objectives for Toledo's future transportation system. She noted that some projects may not be implemented in the 20-year time frame but it will provide a "roadmap" for what the community envisions for future transportation in Toledo. Having the TSP is the first step in pursuing funding and implementing transportation projects. She then provided a review of the TSP project process. She explained that once the TSP is adopted; the City will adopt code changes in Appendices E and F to support the document. The City may then pursue funding through county, state, and federal sources to implement high priority projects and move forward with longer-range projects that are important to the community. The City will update the TSP in five to ten years to make any changes based on new information and update the project list with those that have been completed or are underway.

### **Applicant Testimony**

There was none.

### **Proponent Testimony**

There was none.

### **Opponent Testimony**

Nancy Bryant of 1751 NW Hwy 20 testified for the record that the draft TSP includes improvements to the West Junction of U.S. Hwy 20 that would have an adverse impact to her residence and the ingress/egress to her property.

CP Synan then read a comment into the record submitted by Ms. Bryant of 1751 NW Hwy 20 as follows: I attended all of the public forums regarding Toledo's TSP and each time I addressed issues of access onto the Hwy 229 Spur from my residential driveway. I don't see that the issues have been addressed in the draft TSP. Both of the options chosen in the draft TSP that the City Council will review on November 6<sup>th</sup> will have a major impact on access to and from my driveway. My residence is the only one that will be affected by widening the roadway on the spur or adding traffic lights at the junction but exiting the Dairy Queen drive-through may also be affected. Installing traffic lights will cause a back-up of traffic and loss of field of vision for vehicles trying to access or leave my driveway. I understand that the decision to make a change to that intersection will be done by ODOT and not the City of Toledo but I also understand that having the current options in the plan will in some way indicate that the City is on board with those changes. I would like my comment to be included in the record of opposition to the two traffic signal options listed in the draft TSP for the West Junction of Hwy 20.

**Other Interested Parties Testimony**

There was none.

**Rebuttal by Applicant**

There was none.

**Questions by Council**

Councilor Lyon asked Ms. Bryant if the previously considered improvement options to the West Junction of Hwy 20 would also impact her property. Ms. Bryant answered yes.

**Council Deliberations**

There were none.

**Motion-**It was moved and seconded (Dunaway/Lyon) to continue the public hearing to the December 4, 2013 City Council regular session. **Motion passed 7-0.**

**Decision Items**

**Consider Adoption of Ordinance No. 1352, An Ordinance Amending Ordinance 1285 (Toledo Municipal Code Chapter 1.08) To Update The 2000 Toledo Comprehensive Land Use Plan and Policies to Adopt The 2013 Toledo Transportation System Plan As An Element Of The 2000 Toledo Comprehensive Land Use Plan.**

No action was taken. The Public hearing is continued to December 4, 2013.

**Consider Approval of an Invoice for Ace Hardware**

CA Chadwick explained that the expenditures for Ace Hardware is separate from the consent calendar. Separating the invoice list from the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the Ace Hardware invoice list because of her actual conflict of interest as the owner of Ace Hardware. Councilor Strom declared an actual conflict of interest because she is an owner of Toledo Ace Hardware.

**Motion-** It was moved and seconded (Lyon/Kauffman) to approve the invoice list for Ace Hardware dated October 25, 2013. **Motion passed 6-0**, noting that councilor Strom abstained from voting.

## **Reports and Comments**

### **Department Reports**

PWD Anderson reported the following:

- Garret Palo of Civil West will provide Council with a Water Master Plan Projects update on November 20<sup>th</sup>.
- The bidding process for both the Siletz River Intake and the Olalla Lake water line is scheduled to begin the first of next year.
- Staff is working with DEQ regarding language in the Wastewater Facility Plan.
- The Sturdevant Road water line project should be completed next week and the Arcadia water line project shortly after.
- The Magnolia Street water line project should start in a couple of weeks.
- The Wagon Road pump station project will have one more shut down before the project is complete.
- The trenches for the new water tank concrete base have been dug, compacted and tested. Concrete should be placed within two weeks. The panels will be shipped in within the next two months.
- A recent OSHA health inspection of the Wastewater Treatment Plan resulted in a report that nothing was needed for improvement.
- The Oregon Health Authority conducted a water system survey of Toledo's Water Treatment Plant. The plant received an outstanding performance award.
- A deep water line break on 3<sup>rd</sup> and Cedar Streets occurred on November 4<sup>th</sup> and was repaired that day.

CR Bryant reminded Council to record their time spent on official Council business.

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

There was no City Manager report.

### **Council Comments**

Councilor Johnson stated that she has had conversations with people from other parts of Lincoln County and they are commenting about how Toledo is changing and that it has better weather.

Councilor Baxter stated that she will be away during the December 18<sup>th</sup> Council meeting.

Councilor Strom thanked Council for extending the Halloween Main Street closure for an additional hour. She also thanked the merchants for participating in Main Street Trick-or-Treat.

Councilor Lyon thanked Jerry Seth for the African Violets presented to members of Council. She also noted that Toledo came in second in Terry Richard's "Best Newport Neighborhood" poll in the Oregonian which prompted Mr. Richard to write an additional article about the strengths of Toledo.

### **Mayor Comments**

Mayor Grutzmacher commented on the following:

- He is pleased that Toledo did so well in the Oregonian poll.
- Last week the Yaquina Railroad Museum had visitors from New Zealand who targeted Toledo in their trip plans.
- Lincoln County Mayors meet every month which presents opportunities to be informed of what is happening in each community. He volunteered in Waldport for the Inaugural Oregon Coast Gravel Epic, which was a bicycle race through the woods. He encouraged others to seek opportunities to volunteer within local communities.
- Current volunteer opportunities include a Celtic Music Festival scheduled for November 8-10<sup>th</sup> in Yachats and Turkey Bingo at the Toledo Elementary School on November 22<sup>nd</sup>.

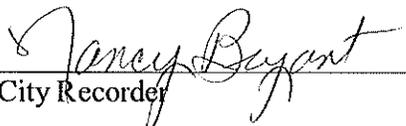
**Executive Session:**

The executive session was cancelled.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 7:57pm.

ATTEST:

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

APPROVE:

  
\_\_\_\_\_  
Mayor

TOLEDO CITY COUNCIL MINUTES  
WORK SESSION  
November 12, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:16pm.  
Councilors present: Alma Baxter, Jill Lyon, Jack Dunaway, Michele Johnson, and Jackie Kauffman, Councilor excused: Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, and City Recorder (CR) Nancy Bryant.

Visitors present:  
There was none.

### **Discussion and Information Items**

#### **Committee Updates**

CM Amberg noted vacancies in the following committees: Public Utility Commission, Budget Committee, Contribution Committee, Planning Commission, and Parks and Recreation Advisory Committee. No applications have been received to date. Mayor Grutzmacher noted that he is recruiting youth from the High School for the Parks and Recreation Advisory Committee.

#### **Request for Funding of West Junction Billboard Advertisement**

Wayne Plourde stated that he would like the City to pay for the billboard advertisement located on Hwy 20 near the Dairy Queen. Councilor Lyon suggested that Mr. Plourde contact the Toledo Development Association for funding of this project. Councilor Baxter noted that the Chamber is applying for a grant that may also be used for this project. Councilor Baxter also noted that long term funding should be considered. She suggested that Mr. Plourde provide a visual presentation to push forward in the funding requests. CM Amberg noted that there are no City funds budgeted for this request. Mayor Grutzmacher stated that the City cannot pay for advertisement for any single business. Councilor Baxter agreed to meet with Mr. Plourde to help him seek funding for the billboard advertisement.

#### **River Road Property Transfer**

CA Chadwick provided Council with a letter, dated January 10, 2010, from David Howard proposing the purchase of lot #200 on SE River Road. The purpose of Mr. Howard's attempt to purchase the property is to straighten out the west boundary of his property; lot #100.

CA Chadwick explained that Lincoln County conveyed Lot #200 to the City for public purposes with reversionary language which prohibits the sale of the property by the City. A letter, dated May 20, 2013, from Lincoln County Counsel, states that the County is prepared to assist the City in its request by signing off on a property line adjustment that would retain a portion of the conveyed property in City ownership for public purposes by combining it with adjacent City property. Any cash exchange for a portion of the property will go to the County's property management program.

The City currently has a raw water pump station situation on lot #300 and may have use for a portion of lot #200 for future water infrastructure improvements. Staff recommends selling the triangle portion of lot #200 adjacent to lot #100 retaining the remaining portion. Council and staff

discussed the pros and cons of reducing the size of lot #200 to allow for conveyance of the triangle portion of lot #200 to straighten the property line between lots #100 and #200. Councilor Dunaway asked for assurance that if the triangle portion is sold it will not hurt the remaining portion of that lot. CA Chadwick stated that it will not harm the remaining portion.

Council agreed to negotiate conveyance of the easterly triangle portion of the property identified as Lincoln County Map #11-10-20 AB, Tax Lot #200.

**Additional Council Discussion Items**

Councilor Johnson asked how she can find out what is the right of way distance on her business property along Business Hwy 20. CM Amberg stated that the City Planning Department has that information.

Councilor Dunaway asked for the status on City owned real estate. CM Amberg noted that the request for proposal for a Real Estate Agent of Record closes on November 14<sup>th</sup>.

PWD Anderson reported that the landscape project and the South end of Main Street is underway with the delivery of large rock, next will be the placement of steel art pieces, placement of a tree holder, and then pavers. Staff is working to provide a base for a holiday tree this season.

Councilor Baxter reported that she would like to see a company like Next Adventure, a Portland based company that provides Kayak instruction and trips, come to Toledo for their programming. Mayor Grutzmacher noted that OMSI does slack water tours in South Beach. He suggested that OMSI might be interested in Toledo as well. Councilor Dunaway said he likes that idea because Toledo would be an excellent place for both of those activity supported businesses.

Mayor Grutzmacher reported that he and Councilor Lyon received information at the League of Oregon Cities conference regarding LED lights that Toledo may be able to integrate into its street lights. With general consensus from Council, Councilor Lyon and Mayor Grutzmacher will make a proposal to PUD.

There was a general discussion regarding the vacant bank building on Business Hwy 20.

**City Manager Comments**

CM Amberg made the following comments:

- There were none.

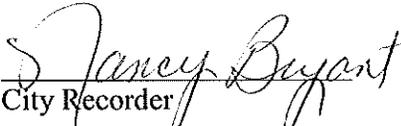
**Executive Session**

There was no executive session.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 7:35 pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
November 20, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jill Lyon, Jack Dunaway, Jackie Kauffman, and Council President Terri Strom. Councilors excused: Alma Baxter and Michele Johnson.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, Police Chief (PC) Dave Enyeart, Police Officer Mike Pace, Sergeant Robert Ruark, Recreation Director (RD) Joe Andrews, and City Recorder (CR) Nancy Bryant.

Visitors present: Garret Palo, Ralph Wenziger, Chris Lopez, Don Amberg, and Dave Morgan.

### **Visitors/Public Comment**

There were none.

### **Employee Recognition**

Mayor Grutzmacher recognized the Toledo Police Department for its great communication and teamwork which led to solving a recent burglary with arrests and the return of stolen property. He thanked the men and women of the Toledo Police Department on a job well done.

### **Consent Calendar**

CM Amberg reported that the invoice list provided in the Council packets is amended as follows: a list of invoices for electricity and water system improvements is added and an invoice for Silke Communications, Inc. is removed.

**Motion-** It was moved and seconded (Lyon/ Kauffman) to approve the consent calendar consisting of the invoice list dated November 15, 2013, as amended. **Motion passed 5-0**, noting the absence of Councilors Baxter and Johnson.

### **Discussion and Information Items**

#### **Committee Updates**

CM Amberg reported that no applications were received for the current committee vacancies.

#### **Civil West Engineer's Water Master Plan Projects Update**

Garrett Palo announced that Civil West has opened a new office in Newport. He provided an update on Toledo's Water Master Plan Improvement Phases 1 and 2 as follows:

##### Phase 1

- Phase 1 improvements include pipeline upgrades, pump station upgrades and a new water tank all located within the City and at an estimated cost of \$3,000,000. The following contracts were awarded with the cumulative bid amounts of just under \$2,000,000.

- Schedule 1 of Phase 1 is anticipated to be completed by the end of this year. The projects include the following improvements:
  - Replacement of approximately 3000 feet of new twelve inch water line. The pipe line improvement project was awarded to Ray Wells, Inc. of Florence.
  - Replacement of Pump Station valves, water hydrants and other system components. The Pump Station improvements were awarded to DSL Builders of Portland.
- Schedule 2 of Phase 1 is on schedule as follows:
  - The two million gallon water storage tank construction is moving forward and is about 30% complete. Excavation and placement of steel reinforcement on the site off Skyline Drive is complete and ready for the tank construction. This project was awarded to Shearer & Associates.

#### Phase 2

- Phase 2 projects include a new intake pump station facility on the Siletz River, a new water line crossing under the Olalla Reservoir and modest upgrades, all located outside the City at an estimated cost of \$4,500,000. These projects will be open for bid within the next few months with the anticipated completion date of mid 2015.

Palo summarized by saying that the Water Master Plan improvement projects are funded through the City's recent bond sale. The project is moving forward on track and within budget. Civil West is compiling an album of record to provide to the city once the projects are complete. Civil West will also continue to assist the City in negotiating required permits.

### **Decision Items**

#### **Surplus Property Trade**

PWD Anderson reported that the property requested for surplus is no longer needed for the operation of the Public Works Department. The property has not been claimed by another city department and is ready for sale or disposal. One of the Toledo Police Department's goals is to install a flag pole in front of the station. Staff proposes trading the surplus equipment to the Port of Toledo for a Port-surplused 30-foot flag pole to be installed at the Police Station.

A City-owned John Deer, backhoe was previously declared surplus on September 19, 2012. This unit has been identified as beneficial for Public Works operations. Placing this equipment into active service would allow for more efficient operation of day-to-day public works activity as well as emergency operations during waterline breaks and winter road repair. This unit is operational and will benefit the department.

**Motion-** It was moved and seconded (Dunaway/Lyon) to declare one (2000) H & H diesel powered hydraulic pump drive model 4BT3.9 and one (2005) Quincy Model 310 stationary compressor, Serial #6111604, surplus and authorize the transfer of said City-owned equipment as well as one previously declared surplus item (a Western vehicle hoist Model WLO-90, Serial #B3380P), to the Port of Toledo in accordance with City policy 113-B Disposition of City Property. **Motion passed 5-0**, noting the absence of Councilors Baxter and Johnson.

**Motion-** It was moved and seconded (Dunaway/Kauffman) to rescind one previously declared surplus John Deere 410 Backhoe, ID #T0410DG799530, equipment back into regular service. **Motion passed 5-0**, noting the absence of Councilors Baxter and Johnson.

### **Reports and Comments**

### **Department Reports**

PWD Anderson reported the following:

- Olalla water line crossing-Staff is waiting for a permit to be approved by Georgia Pacific.
- There was a raw water line break on Monday along River Road. A contractor was called in to repair the leak.
- The landscape area at the south end of Main Street is moving forward. Rocks have been installed and next the crew will install a sleeve to hold a Christmas tree.
- The department is working with an asset management software program for the wastewater site. The program will help to memorialize activities and may be of use to other departments.
- Staff is assessing the large trees and lighting at the Public Library.
- Staff is working with an architect engineer regarding repair of the street in front of the Post Office.
- Staff is continuing contact with railroad personnel regarding railroad crossing issues.
- The department is preparing for winter weather; sandbags are filled and stockpiled.

PC Enyeart reported the following:

- Toledo Police Sergeant Robert Ruark has resigned as of December 13<sup>th</sup>. The department will be down three personnel including one officer who is currently attending the Oregon Police Academy.
- He is happy to get the flag pole that will be placed at the Police Department.

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

CM Amberg reported the following:

- A copy of the monthly department report was distributed.
- The Realtor of Record RFP closed on November 14<sup>th</sup>. The City received one proposal. She asked for Council's preference on moving forward. Council agreed to reopen the RFP for two weeks.
- Toledo Elementary will hold Turkey Bingo on Friday. The proceeds will help fund the Toledo Elementary student swim program.
- The Lincoln County Commissioners will hold a special public meeting on January 28, 2014 at the Toledo City Council Chambers to hear the recommendation from consultants regarding the Lincoln County Fair Grounds.
- A letter of appreciation to the Toledo Police Department from Wes and Judy Riegelmann was distributed.
- She also distributed a letter from Charter Communications outlining their fee increases.
- She thanked Peter Vince and Toledo Jr./Sr. High students for recording this council meeting.

### **Council Comments**

Councilor Lyon announced that the "First Weekend" event is coming up December 7<sup>th</sup> & 8<sup>th</sup>. The theme is "Promise" and this month's sponsor is the Michael Gibbons Gallery. Other galleries in the community will have nice exhibits as well.

### **Mayor Comments**

Mayor Grutzmacher had no additional comments.

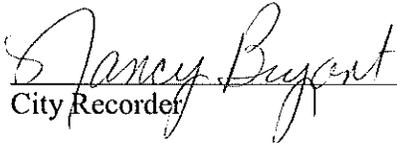
**Executive Session:**

The executive session was cancelled.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 8:07 pm.

ATTEST:

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

APPROVE:

  
\_\_\_\_\_  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
December 4, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:01pm. Councilors present: Jill Lyon, Jack Dunaway, Jackie Kauffman, Alma Baxter, Michele Johnson and Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, City Recorder (CR) Nancy Bryant, Planning Technician/Assistant Planner Arlene Inukai, Police Chief (PC) Dave Enyeart, Lead Dispatcher Maria Waldrip, Recreation Director (RD) Joe Andrews.

Visitors present: Jerry Seth, David Helton, Don Amberg, Dave Morgan, Bill Rendall, Amy Becksted, and Paulina Gralow.

### **Visitors/Public Comment**

There was none.

### **Consent Calendar**

**Motion-** It was moved and seconded (Baxter/Kauffman) to approve the consent calendar consisting of the invoice list dated November 27, 2013, Council minutes of November 6<sup>th</sup>, 12<sup>th</sup>, and 20<sup>th</sup>, 2013 and a surplus property request from the Swimming Pool. **Motion passed 7-0.**

### **Discussion and Information Items**

#### **Homeless Education and Literacy Program**

Amy Becksted explained that (H.E.L.P) is a Homeless Education and Literacy Program designed to strengthen families through education and literacy activities. The East County HELP center serves students and families at Eddyville, Siletz, and Toledo schools. Paulina Gralow stated that local projects include the East County Backpack Program, Tutoring/21st Century Programs, Family Nights, Monthly Read and Feed program, and a Clothing Closet. Currently the HELP center provides 53 backpacks each week to students in need. The program continues seeking volunteers and donations for the different projects. Council and guests discussed statistics and potential solutions to the homelessness issue for students and families.

#### **Committee Updates**

CM Amberg reported that Jerry Seth has applied for the Budget Committee vacancy. She noted that Jerry held the position that is currently vacant and Council may consider suspending Council Rules and re-appoint him.

**Motion-**It was moved and seconded (Lyon/Baxter) to add Appointment to the Budget Committee Vacancy to the end of this meeting agenda. **Motion passed 7-0.**

CM Amberg also reported that Derrick Anderson has applied for the Parks and Recreation Advisory Committee vacancy. Council will review the application at the next work session.

Other committee vacancies were discussed; Council will discuss the membership structure of the Contribution Committee at its December work session.

### **CopDots Antitheft Tool**

PC Enyeart provided Council with a presentation about Copdots; a new antitheft tool. He explained that the tool is in a pen form which can be used to apply DNA numbers to important items for identification. CopDots will provide law enforcement with a way to track, recover and return property. The DNA glue like mixture is applied onto an item; the owner then registers a specific number on the ([www.copdots.com](http://www.copdots.com)) website and the property is then identified with the website registered owner's information. It is currently only sold at Lowes but the Police Department will look into purchasing some to sell at the station. He asked that Council and the community support the devise and inform others of its existence.

### **Fire Training Update**

FC Ewing reported that the Toledo Fire Department was involved with the Waldport High School demolition fire hosted by Central Coast Fire. He explained that this was an extremely useful and educational activity which involved 191 personnel from twelve different agencies from six different counties. The team utilized the structure to the fullest potential conducting both cold and hot training. The Toledo team received 824 training hours and provided the planning, overhead staff, food, fire engine, expertise, trainees and motivation to the event. He stated that it was a positive event; it was a great opportunity for collaboration and cooperation.

Mayor Grutzmacher congratulated Chief Ewing for taking advantage of the training opportunity. He noted that Chief Ewing is a recognized trainer within Lincoln County and beyond.

### **Continued PUBLIC HEARING**

Mayor Grutzmacher continued the public hearing at 7:56 pm regarding an Ordinance amending Ordinance 1285 (Toledo Municipal Code Chapter 1.08) to update the 2000 Toledo Comprehensive Land Use Plan and policies to adopt the 2013 Toledo Transportation System Plan as an element of the 2000 Toledo Comprehensive Land Use Plan.

The statement of rights and relevance and the right to appeal, a call for declaration of conflict of interest, ex-parte contact, or a bias by Councilors or those who have conducted a site visitation was read at the public hearing on November 6, 2013 and no conflict of interest of Council members was declared.

### **Staff Report**

CM Amberg read a staff report prepared by Contract Planner Anita Synan as follows: "This is a proposal to adopt the Toledo Transportation System Plan (TSP) as an element of the 2000 Toledo Comprehensive Land Use Plan (TCLUP) and by revising the goals and objectives in article twelve and fourteen of that plan. This is a continuation of a public hearing concerning the adoption of the TSP that was held by City Council November 6, 2013. At the November 6<sup>th</sup> meeting presentations were made by staff and CH2M Hill about the development of the TSP and public testimony was solicited and provided by one person in attendance. The City Council voted to continue the hearing at the request of staff to allow sufficient time to develop findings of compliance with City and Statewide planning goals and guidelines. Findings of fact are now completed and are attached to the staff report as attachment A. Staff has not received any written testimony concerning the plan since the hearing on November 6<sup>th</sup>. The only other update to the report is concerning the work session held by the Planning Commission at their November meeting to begin their review of the proposed code amendments that will implement the TSP. During that work session a discrepancy

was noticed between the development standard and the definition of a multi use pathway. Language in the TSP requires a hard surfacing for a multi use pathway. However the definition of a multi use pathway to be incorporated into the code allows for gravel surfacing. It was the consensus of the Planning Commission that the staff address this in the recommendation to the City Council this evening to allow gravel surfacing of multi-use pathways in the TSP. There being no other updates, staff is recommending that the Council approve PA-1-13, and adopt Ordinance No. 1352 based on the findings of fact that are identified in the staff report and in Attachment A to the staff report with the following revisions;

- The design standards for a multi-use path in Table 4-3 shall read: 12' total width (10' Trail with 1' shoulders)."

Applicant Testimony: There was none.

Proponent Testimony: There was none.

Opponent Testimony: There was none.

Other Interested Parties Testimony: There was none.

Rebuttal by Applicant: There was none.

Questions by Council: There was none.

Council Deliberations: There was none.

Mayor Grutzmacher closed the public hearing at 8:00pm.

Councilor Dunaway asked if ODOT is satisfied with the plan. David Helton answered yes.

### **Decision Items**

**Consider Adoption of Ordinance No. 1352, An Ordinance Amending Ordinance 1285 (Toledo Municipal Code Chapter 1.08) To Update The 2000 Toledo Comprehensive Land Use Plan and Policies to Adopt The 2013 Toledo Transportation System Plan As An Element Of The 2000 Toledo Comprehensive Land Use Plan.**

**Motion**-It was moved and seconded (Dunaway/Strom) "Based on the testimony received, the staff report, and the evidence and arguments before the City Council at the public hearings on November 6, 2013 and December 4, 2013, with the following revision: The design standard for a Multi-Use Path in Table 4-3 shall read: 12' total width (10' trail with 1' shoulders), that the request by the City of Toledo to amend Article 12 (Transportation) and Article 14 (Urbanization) of the 2000 Toledo Comprehensive Land Use Plan and to adopt the Toledo Transportation System Plan as an element of the 2000 Toledo Comprehensive Land Use Plan in compliance with the Toledo Municipal Code Section 19.20.070, Oregon Statewide Planning Goals, OAR 660-12, and the 2000 Toledo Comprehensive Land Use Plan that the City Council adopt the staff report and other evidence in the record as findings supporting its decision and approve application PA-1-13.  
**Motion passed 7-0.**

Councilor Lyon thanked everyone who took part in the project; it is a culmination of a lot of work.

**Motion-** It was moved and seconded (Dunaway/Lyon) to adopt **Ordinance No.1352** by reading of the title twice which is an ordinance amending Ordinance 1285 (Toledo Municipal Code Chapter 1.08) to update the 2000 Toledo Comprehensive Land Use Plan and policies to adopt the 2013 Toledo Transportation System Plan as an element of the 2000 Toledo Comprehensive Land Use Plan. **Motion passed 7-0.**

#### **Approval of 911 Software Upgrades**

PC Enyeart reported that the Toledo Public Safety Dispatch Center continues to strive to have the most up to date technology. In 2006 the dispatch center upgraded to new radio consoles which also included a radio console at the fire hall. The software for the consoles is a Microsoft Windows application that enables a PC with a full duplex sound card and a network connection to monitor and control two-way radios that are connected to the network. The software upgrade is bringing the system up to date. The new County wide simulcast system will require five additional channels to be added to the existing dispatch system and there are only three available channels without the upgrade. The department is anticipating the addition of Public Works to the system in the future.

**Motion-**It was moved and seconded (Lyon/Kauffman) to authorize the upgrade of the computer software for the Toledo Public Safety Dispatch radio consoles and expand the radio consoles from 12 to 24 frequencies capability. **Motion passed 7-0.**

#### **Authorize the City Manager to Sign a Contract for Integrator of Record**

CM Amberg reported that on October 16, 2013 the City Council authorized the Public Works Director to negotiate a contract with The Automation Group, Inc. However, the motion neglected to authorize the City Manager to sign the contract. Passing the motion will correct this oversight.

**Motion-** It was moved and seconded (Strom/Baxter) to authorize the City Manager to sign the contract with The Automation Group, Inc. to perform the duties of Integrator of Record for the City of Toledo. **Motion Passed 7-0.**

#### **Request for Temporary Closure of a Portion of Main Street for a Tree Lighting Event**

CM Amberg reported that Paul Johnson on behalf of the Hometown Holiday Dickens Christmas has applied for an Outdoor Public Event Permit to close the intersection of S. Main Street, 2<sup>nd</sup> St., SE and Butler Bridge Road for the lighting of a Christmas tree. The event is scheduled for Saturday December 14, 2013 from 5:30pm to 7pm. The request has been reviewed by the Public Works Superintendent, Police Chief, Fire Department, Recreation Director and City Manager conditional to Mr. Johnson obtaining a work in the right of way permit for placement of the tree. She noted that the tree will be placed this coming weekend with the ceremony on the 14<sup>th</sup>.

**Motion-** It was moved and seconded (Lyon/Kauffman) to approve the request for temporary closure of the intersection of S. Main Street, Butler Bridge Road, and 2<sup>nd</sup> Street SE from 5:30pm to 7pm on Saturday December 14, 2013 for a Christmas Tree Lighting Ceremony and also waive the \$40.00 work in the right-of-way permit fee. **Motion Passed 7-0.**

#### **Approval of an Invoice for Ace Hardware**

CM Amberg explained that the expenditures for Ace Hardware is separate from the consent calendar. Separating the invoice list form the consent calendar allows Councilor Strom to vote on the consent calendar while refraining from voting on the Ace Hardware invoice list because of her

actual conflict of interest as the owner of Ace Hardware. Councilor Strom declared an actual conflict of interest because she is an owner of Toledo Ace Hardware.

**Motion-** It was moved and seconded (Dunaway/Johnson) to approve the invoice list for Ace Hardware dated November 25, 2013. **Motion passed 6-0**

### **Resolution Fixing the Rates and Charges to be Paid by the Seal Rock Water District for the Purchase of Treated Water**

CM Amberg reported that Seal Rock Water District contracts with the City of Toledo for treated water. The contract requires the City to set the water rate to be charged to the district on an annual basis, before the end of the calendar year. The rates have been calculated in accordance with the formula contained within the contract and have been performed by Toledo's Finance Director. The calculated rate for 2014 is \$3.30 per 1000 gallons of water delivered. The rate for 2013 was \$2.73 per 1000 gallons of water delivered. CM Amberg also stated that representatives of the Seal Rock Water District have reviewed the proposed rate.

**Motion-** It was moved and seconded (Kauffman/Strom) to adopt **Resolution No. 1345, A Resolution Fixing the Rates and Charges to be paid by the Seal Rock Water District for the Purchase of Treated Water and repealing Resolution No. 1333. Motion passed 7-0**

### **Budget Committee Member Appointment**

**Motion** It was moved and seconded (Kauffman/Strom) to suspend council rules and appoint Jerry Seth to the Budget Committee vacancy. **Motion passed 7-0**

### **Reports and Comments**

#### **Department Reports**

RD Andrews reported that the pool has received little interest in the lifeguard training program from students at the Toledo High School but there are three participants from schools outside Toledo in the program. He has continued promoting the Swimming Pool programs including the open kayak night, and the 50/50 Swim program for residents of Toledo age 50 or older (noon and 12 :45 on Tuesdays and Thursdays at the cost of \$.50 cents). He said staff continues to work on providing the best services in Lincoln County and he thanked Council and the community for their support. He also noted that City Employees will be offered a free annual pass to the pool as of January 1, 2014.

PWD Anderson reported the following:

- The Arcadia Lane water line project should be near completion in a couple of weeks.
- The Wagon Road Pump Station project is moving forward. Construction of the building is underway.
- The Skyline Drive Reservoir base has been poured.
- Siletz River Intake project is moving forward.
- The approved permit to proceed with the Olalla Reservoir water line project has been received and the project is now ready to prepare for bid.
- A water main break on Lauren Lane during Thanksgiving morning was quickly repaired by the crew.
- A raw water line leak was discovered near the pump station on River Road and was repaired.

- Central Lincoln PUD provided an auger to drill a hole in the South Main Street landscape area for placement of the Christmas tree requested by Paul Johnson.

Mayor Grutzmacher noted that a Public Works Crew member found a piece of art along the roadway and returned it to its rightful owner.

FC Ewing reported that a Toledo Fire vehicle is currently parked at All Star Electric in Newport for repair of some electrical issues. Toledo's new Fire Engine was used in Waldport School burn; it pumped for 24 hours and came back with approximately four gallons in the tank. The vehicle will be online sometime in January. A volunteer is developing an instruction plan for those who will be involved with the vehicle. He also noted that he will be away during the month of December.

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

CM Amberg reported the following:

- Staff received a phone call from a resident on Lauren lane who expressed appreciation to the crew of the Public Works Department for fixing the recent water leak.
- She thanked the volunteers who decorated Main Street as well as those who decorate their homes around town.
- The City received the two final Siletz River water rights permits.
- She thanked Peter Vince and students for video taping this meeting.
- A special children's performance is scheduled for December 14<sup>th</sup> at the public Library.
- The summer flower basket program is soliciting donations.
- Selecting dates for Council's annual Goal Setting Session will be on the agenda next week.

### **Council Comments**

Councilor Lyon reported that Mr. Sears, a state business recruiter was recently in the area and spent most of Monday in Newport and Toledo. He saw the TIP property; he met with the City Manager and Councilor Lyon as well Thomas Karwaki, Economic Development Director for the Siletz Tribal Business Corporation, and Denny Houle from Business Oregon. He is touring the entire state looking for industrial areas to provide business leads for those seeking business spaces in Oregon. He provided some marketing suggestions for the TIP property. She also reported that the Dickens Christmas event on Main Street will be featured in Oregon Coast Today magazine next week.

### **Mayor Comments**

Mayor Grutzmacher had no comment.

### **Executive Session**

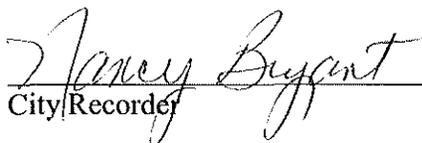
The executive session was cancelled.

Adjournment:

Mayor Grutzmacher adjourned the meeting at 8:40 pm.

ATTEST:

APPROVE:

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

  
\_\_\_\_\_  
Mayor

TOLEDO CITY COUNCIL MINUTES  
WORK SESSION  
December 10, 2013

Mayor Ralph Grutzmacher called the Toledo City Council work session to order at 6:16pm. Councilors present: Alma Baxter, Jill Lyon, Jack Dunaway, Michele Johnson, and Jackie Kauffman, Councilor excused: Council President Terri Strom.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, Police Chief (PC) Dave Enyeart, Library Director (LD) Deborah Trusty, Finance Director (FD) Polly Chavarria, Parks and Recreation Director (PRD) Joe Andrews, and City Recorder (CR) Nancy Bryant.

Visitors present: Don Amberg, Dave Morgan, and Dani Palmer.

### **Discussion and Information Items**

#### **Emergency Cache to be Located at the Toledo Elementary School**

Sue Graves of Lincoln County School District explained that the Lincoln County Board of Commissioners has announced the continuation of the Emergency Preparedness Matching Grant Program for 2013-2014. The grant requires a match of \$2,500 per entity. She proposed that the City of Toledo/Toledo Rural Fire Protection District and the Lincoln County School District partner in an application for the purpose of setting up a post-disaster cache at the Toledo Elementary School. The supplies will be located in a shipping container and will provide shelter and water for 750 people. No food storage is proposed at this time and the water will have a shelf life of five years; water filters will also be included. The Toledo Elementary School is currently designated as a Red Cross assembly area but there are not a lot of community members who have Red Cross training. The City's cost in the grant match will be \$5,000 and the application is due January 1, 2014.

In answer to Council questions Graves stated that the supplies will be primarily for students and staff at the Elementary and Jr/Sr High schools. If Sturdevant Road is unavailable for travel the Jr/Sr High students and staff will travel through a trail behind the schools to get to the Elementary school. If a post-disaster cache is needed during a time that school is not in session the City will have full control and use of the supplies.

CM Amberg noted that there may be funds in Emergency Reserves Fund to cover the grant match. Council agreed to bring the matter forward at the December 18<sup>th</sup> meeting for final decision.

#### **Overdue Utility Bill Collection Process**

FD Chavarria explained that her report is in response to concerns from owners of rental properties regarding the dollar amount of utility bills that become their responsibility when delinquent. She reported that both the policy about owner's responsibility for a tenant's unpaid utility bills and the time frame for billing and shut offs are set by ordinance of the City Council. The current ordinance states that "the property owner of record shall be responsible for payment of all charges prescribed in this chapter. If the property is rented, the owner will be billed for water/sewer usage, unless the owner executes an agreement requesting the renter be billed directly and agrees to assume responsibility of all unpaid billings." (Municipal Code section 13.12.430-Responsibility for payment of bills)

Utility bills are due the first day of each month and if not paid by the tenth day of the following month a door hanger is delivered at the property. The current average water/sewer bill is approximately \$145 per month. Even at the average usage a customer could owe \$500 at the time of shut off. A high consumption user could owe \$800 - \$1,000 at shut off. Currently the property owner is notified of the delinquency when the final billing is mailed to the customer.

Council and staff discussed options for notifying the property owners of delinquency water bills. Council agreed to the following option:

- Mail the shut off notice to the customer on the last day of the month with a copy to the property owner. Charge \$15.00 for mailing this notice. Require that the entire balance on the account be paid by the 15<sup>th</sup> of the month. If not paid by the 17<sup>th</sup> of the month, shut off the service without further notice.

CA Chadwick agreed to revise the ordinance for Council approval at a future date.

### **Committee Updates**

CM Amberg noted vacancies in the following committees: Public Utility Commission, Contribution Committee, Planning Commission, and Parks and Recreation Advisory Committee. Derek Anderson has applied for a position on the Parks and Recreation Advisory Committee. Council agreed to make a formal appointment at its December 18<sup>th</sup> meeting.

Council and staff discussed the Contribution Committee and the structure of its membership. The Mayor noted that currently the two citizens at large and one citizen from the budget committee positions are vacant. CM Amberg agreed to write a letter to the citizen members of the Budget Committee to see if there is an interest in serving on the Contribution Committee.

### **Toledo Public Library Staffing Plan**

LD Trusty reported that the Children's Specialist resigned leaving a vacancy at the library that has not been filled. During the interim she has reviewed the library needs and the structure of staffing and is recommending a new position titled "Library Technical Services Operator". The recommendation includes a new hire for this position in lieu of filling the Children's Specialist position. She stated that the new structure will enable staff to process materials onto shelves more efficiently. Staff will provide Council with a salary schedule for the Library Technical Services Operator position at its December 18<sup>th</sup> meeting.

### **2014 City Council Goal Setting Session**

Council and staff agreed on January 7<sup>th</sup>, from 10am to 5pm at the Toledo Fire Station for the 2014 City Council Goal Setting Session.

### **Tree Recommendations for the Toledo Public Library**

PWD Anderson reported that the City's Building Facility's Plan includes deficiencies found at the Library that include; tree roots that are lifting and breaking the sidewalk, trees near the entrance are too large and need to be removed. Three of the trees recommended for removal are a large Black Walnut tree located in the raised lawn surrounded by a retaining wall, a Black Walnut located closer to "A" Street at the edge of the parking lot, and a Maple tree located near the retaining wall at the back side of the Library. Additionally staff consulted a certified arborist, Vernon L. Esplin, ISA, for a professional tree risk assessment. Based on Mr. Esplin's recommendations staff recommends that both the Walnut trees in front of the Library and the Maple tree behind the Library be removed. The Walnut is nearing the declining stages of its life-cycle, and large limbs have the potential to fall on the Library building and or into the parking and

pedestrian areas. The Maple tree's root structure will soon begin to impact the retaining wall. PWD Anderson stated that there is a cost to removing the trees. Staff is looking for opportunities to have the trees removed through a local value-added trade. Staff recommendation is to follow the recommendations from the arborist. LD Trusty noted that the Toledo Tree Board has reviewed the recommendation and recommends approval by Council.

Council and staff discussed removal costs and the potential value in the Walnut tree recommended for removal. Councilor Dunaway noted that the Oregon Department of Forestry will help as consultants when replacing trees in the area.

### **Intergovernmental Agreement with Cascades West Council of Governments**

CA Chadwick reported that the City of Toledo sold the Cascades West Center building to COG in 2002 under a contract of sale. The City has held ownership of the attached wooden deck until the payments for the property are made in full. COG has indicated that they will be paying the balance on the note; when that happens, the deck will belong to that property. The contract contains a provision that if the seller exercises its option to continue using the deck area, the parties will enter into a ten year lease with ten-year renewal options to continue so long as the building exists. CA Chadwick noted that if the City wants to negotiate a lease it will be responsible for maintenance of the deck. He stated that representatives of COG have indicated that they will entertain an intergovernmental agreement as opposed to a lease. Council agreed to authorize CA Chadwick to negotiate an agreement for the use of the deck.

### **Swimming Pool Design-Request for Proposal**

PRD Andrews stated that he has received four proposals which are still in the review process. He stated that he will provide more information at Council's January work session.

### **Additional Council Discussion Items**

Councilor Lyon inquired about the draft cable conduit ordinance from the Lincoln County Telecommunication Committee. CA Chadwick noted that he will bring information forward at the January Council work session.

Councilor Dunaway stated that he gets spam in his City email account. CR Bryant noted that all City email addresses are public record therefore it is difficult to stop unwanted email.

Mayor Grutzmacher asked that CM Amberg check on the building permit status for the undeveloped land near the entrance to Toledo. Councilor Johnson agreed to contact the owner to discuss the plans for that property.

### **City Manager Comments**

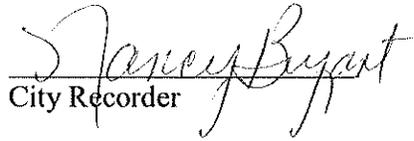
CM Amberg made the following comments:

- The upstairs apartment area in City Hall has been cleaned out. There are still some items left in the space and staff will determine how it will be disposed.
- An update on the 927 SE 7<sup>th</sup> Street property abatement issue- Mr. Jacobson only owns 5% interest in the property. Code Enforcement Officer Dustin Kittel has made contact with the owner and he is working with her to get the property abated. Also the Fire Chief has determined that the building can be used for the Burn to Learn program.
- The City is working with the Lincoln County Building and Safety Department
- on two other property issues in Toledo.
- A training regarding the flood insurance requirement changes is coming up. She encouraged anyone interested to attend.

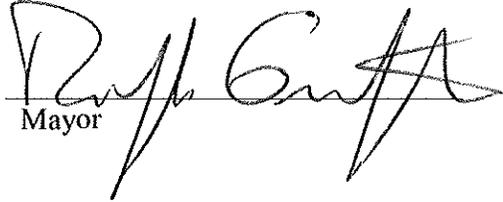
**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 7:56pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
REGULAR SESSION  
December 18, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 7:00pm. Councilors present: Jill Lyon, Jack Dunaway, Jackie Kauffman, Michele Johnson and Council President Terri Strom. Excused: Councilor Alma Baxter.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, City Recorder (CR) Nancy Bryant, Police Chief (PC) Dave Enyeart, and Library Director (LD) Deborah Trusty.

Visitors present: Derek Anderson, Cheryl Anderson, Dave Morgan, Freddy Saxton, and Don Amberg.

### **Visitors/Public Comment**

There was none.

### **Consent Calendar**

**Motion-** It was moved and seconded (Strom/Kauffman) to approve the consent calendar consisting of the invoice list dated December 12, 2013. **Motion passed 6-0**, noting the absence of Councilor Baxter.

### **Discussion and Information Items**

#### **Committee Updates**

Mayor Grutzmacher noted the vacancies on the Public Utility Commission, Contribution Committee, Planning Commission, and Parks and Recreation Committee. CM Amberg also noted that the two City representatives on the Cascades West Area Commission on Transportation will expire on December 31, 2013.

**Motion-** It was moved and seconded (Kauffman/Lyon) to appoint Jack Dunaway as the primary representative and PWD Anderson as the alternate representative on the Cascades West Area Commission on Transportation. **Motion passed 6-0**, noting the absence of Councilor Baxter.

Mayor Grutzmacher appointed Derek Anderson to the Parks and Recreation Advisory Committee. Anderson stated that he looks forward to working on this committee.

### **Decision Items**

#### **Designation of Realtor of Record**

CM Amberg reported that the City Council directed staff to advertise for a Realtor of Record to assist the City with various real estate matters. A Request for Qualifications (RFQ) was prepared and reviewed by City Council. The RFQ was advertised in local media including the News Times. The advertisement was held open for an extended period because only one proposal was received by the City. Despite the additional time no additional proposals were received. The bid received was from Freddy Saxton with Advantage Real Estate in Newport.

**Motion-** It was moved and seconded (Lyon/Strom) to direct the City Manager to negotiate a contract with Freddy Saxton with Advantage Real Estate to act on behalf of the City as its designated Realtor of Record. **Motion passed 6-0**, noting the absence of Councilor Baxter.

Council thanked Saxton for his proposal and interest in Toledo.

### **Surplus of City Property**

PC Enyeart reported that the department is requesting surplus of one 2003 Ford Crown Victoria vehicle. The mileage on this vehicle is at 130,441 and it will need extensive mechanical repairs to remain in operation. The vehicle has reached its usefulness within the department.

**Motion-**It was moved and seconded (Strom/Dunaway) to declare one 2003 Ford Crown Victoria Vehicle Identification No. 2FAFP71W13X125912 for surplus and available for sale or disposal in accordance with City policy 113-B Disposition of City Property and authorize the Police Chief to surplus the vehicle. **Motion passed 6-0**, noting the absence of Councilor Baxter.

### **Salary Schedule for Library Technical Services Operator**

LD Trusty stated that with recent changes in Library staffing an evaluation of the staffing needs of the Toledo Public Library was performed. The evaluation revealed that the Library staffing configuration which would best serve patrons would be to leave the Children's Librarian position vacant and to create a new position that would focus on the technological needs of the library. Staff drafted an appropriate job description with a recommended salary range and presented the proposal to the Toledo Employee Association (TEA) for comment as required by the agreement between TEA and the City of Toledo. The recommended salary is based on the salary survey conducted by LGPI in 2011 as well as an informal review of the salaries of similar positions throughout the state. It is anticipated that this will be a 20 hour a week position and therefore will be represented by TEA. In answer to Council questions LD Trusty stated that the proposed salary range is the same as the current Library Assistant position salary range.

**Motion-** It was moved and seconded (Lyon/Dunaway) to approve of the proposed salary range for the Library Technical Services Operator position. **Motion passed 6-0**, noting the absence of Councilor Baxter.

### **Authorize Grant Match for Emergency Preparedness Grant**

PC Enyeart reported that Lincoln County Board of Commissioners has announced the continuation of the matching grant program for emergency preparedness and disaster recovery. Funding is available for cities of Lincoln County, rural fire protection districts and Lincoln County School District to stockpile emergency supplies and equipment or to undertake other appropriate purchases related to emergency preparedness or post-disaster relief. The Toledo Fire Department, Lincoln County School District and the City of Toledo would like to partner to develop a disaster cache of basic survival supplies for use after a large earthquake and tsunami or other disaster requiring resources. The cache will be located at the Toledo Elementary School; designated for use by the 750 students and staff at Toledo Elementary and Toledo Jr/Sr High Schools if school is in session during a disaster. The cache will be used by surviving community members if the school is not in session. This is a first come first serve grant that opens for applications January 1, 2014. He stated that the Toledo Fire Department, the City of Toledo, and Lincoln County School District recognized that preparing in advance for an earthquake and tsunami with basic survival supplies will greatly reduce suffering and promote resiliency during and after a disaster.

Councilor Dunaway voiced his concern that the Toledo Elementary School may not be the best location for storing the emergency cache. Mayor Grutzmacher reiterated Councilor Dunaway's concerns. He added that the School District is only contributing one third of the match and the proposed supplies may not be the most appropriate items.

PC Enyeart stated that this is only the first step to providing the emergency cache and he agreed to continue research regarding what is in the cache.

**Motion**-It was moved and seconded (Dunaway/Strom) to authorize the Toledo Police Chief with assistance from the Lincoln County School District Safety Coordinator to apply for an Emergency Preparedness Matching Grant for a Toledo Disaster Cache Project that will be stored at the Toledo Elementary School. **Motion passed 6-0**, noting the absence of Councilor Baxter.

#### **Authorize Expenditure from City Council Strategic Reserve Fund**

CM Amberg stated the City Council expressed interest in rehabbing the apartment over the City Council Chambers so that it is habitable. The first step in the process is clearing out all of the items that have been stored in the apartment. A temporary employee hired through Barrett Business Services was held over after completing another job at the City to clean out the apartment. This invoice is for that specific work. There remains a considerable amount of repair, possible remodeling, and furnishings to make the apartment habitable. The funding will come from the City Council Strategic Reserve Fund.

**Motion**- It was moved and seconded (Strom/Kauffman) to approve payment of the invoice for \$322 from Barrett Business Services for temporary labor used to clean out the apartment above City Council chambers. **Motion passed 6-0**, noting the absence of Councilor Baxter.

#### **Appointment to City Planning Commission**

CR Bryant reported that Paul Johnson and Anne Learned Ellis each hold a position on the Toledo Planning Commission that will expire on December 31, 2013. Both have expressed an interest in being re-appointed to the Commission. The new terms will begin January 1, 2014 and expire December 31, 2017. Staff recommends suspending Council rules and the Mayor reappoint Paul Johnson and Anne Learned Ellis to the Planning Commission. Councilor Dunaway noted he served on the Planning Commission in the early 90's and Anne Learned Ellis was a seasoned member at that time. He said he appreciates her dedication to serving on the Planning Commission.

**Motion**- It was moved and seconded (Lyons/Johnson) to suspend Council rules and the Mayor reappoint Paul Johnson and Anne Learned Ellis each to a term on the Planning Commission which will expire on December 31, 2017. **Motion passed 6-0**, noting the absence of Councilor Baxter.

Mayor Grutzmacher reappointed Anne Learned Ellis and Paul Johnson to the City Planning Commission.

#### **Reports and Comments**

##### **Department Reports**

PWD Anderson reported the following:

- The Arcadia water line replacement project should be connected within the next two days.

- The water line replacement on Magnolia Drive should be completed by the end of the week.
- The construction of the Wagon Road Pump Station is near completion; the pumps are ordered and should be here by first of the year.
- Staff continues to work with the regulatory agencies regarding permits for the Siletz River intake.
- The new Skyline Reservoir – the concrete base is in place, panels are being installed, bolted and sealed.
- Public Works staff did the best that they could to mitigate road conditions during the recent snow event. He is looking at deicing devices for future use.
- The department is in the process of reviewing the next fiscal year budget.

Mayor Grutzmacher asked if the railroad company will be compensating the City for the use of city crew for the aid in clean up of a spill that happened yesterday. PWD Anderson said that he will look into it.

LD Trusty reported that the library received the first payment from the Lincoln County Library District. The 2014 payment will be short \$8,000 as anticipated however because of savings within the department's expenditures it will not affect the library's budget as much as anticipated. The library has also received some very generous donations during the holiday season which is appreciated. She also reported that during the Home Town Holiday event the Library hosted the "A Christmas Carol" play, provided by the "Traveling Lantern". It was a huge success with at least 82 people attending.

CR Bryant wished everyone a Merry Christmas.

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

CM Amberg reported the following:

- The Council goal setting session location was moved to the Library meeting room. By consensus Council agreed to move the location.
- The monthly report was distributed.
- She announced that she has accepted a position with the City of Creswell and provided Council with a letter of resignation effective January 18, 2014.
- The Lincoln County Board of Commissioners has asked for a date for the 2014 joint meeting. By consensus Council chose August 27, 2014.
- She thanked Frank and Derek Anderson for decorating Business Hwy 20 on Saturday and Sunday.
- Lincoln County Board of Commissioners will hold a special meeting at Toledo City Hall Council Chambers on January 28<sup>th</sup> at 2pm regarding the future of the Lincoln County Fair Grounds.
- There will be no City Council meeting January 1, 2014. The next is January 7<sup>th</sup> for a goal setting session at the Library.
- She wished everyone a Merry Christmas and Happy New Year.
- She thanked Peter Vince and crew for video services at this meeting.

Mayor stated that on behalf of council he is sorry to hear that CM Amberg is going and wished her well in the new position. He thanked her for the things she has done for Toledo.

Council discussed how they wish to proceed regarding the City Managers resignation and chose to hold a special meeting on December 23<sup>rd</sup> at 6pm to discuss the matter. The meeting will be held in the City Hall Council Chambers. CM Amberg will contact Councilor Baxter who has been out of town.

**Council Comments**

Councilor Strom wished everyone a Merry Christmas and safe travels.

Councilor Lyon thanked all of those who organized the Hometown Holiday event. She said it was well attended with a lot of people in costume.

Councilor Dunaway thanked CM Amberg for her service to the City and wished her well in her new endeavor.

**Mayor Comments**

Mayor Grutzmacher reported the following:

- The News Times covered the Dickens Holiday event in Toledo in the recent newspaper issue. It is a very positive coverage of the event.

**Mayor Comments**

Mayor Grutzmacher commented on the following:

- The United Way Day of Caring is coming up on June 29<sup>th</sup>. He encouraged all to participate.

Mayor Grutzmacher called for a brief recess at 7:53 pm noting that an executive session will follow according to ORS 192.660(2), concerning: (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

He then made the following statements: "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.

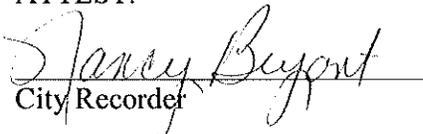
**Executive Session**

Council and staff discussed the ratification of the Employee Bargaining Contract between the City of Toledo and the Public Safety Union.

Adjournment:

Council returned to regular session and Mayor Grutzmacher adjourned the meeting at **8:18 pm**.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor

TOLEDO CITY COUNCIL MINUTES  
SPECIAL SESSION  
December 23, 2013

Mayor Ralph Grutzmacher called the regular meeting of Toledo City Council to order at 6:06pm. Councilors present: Jill Lyon, Jack Dunaway, Michele Johnson and Council President Terri Strom. Excused: Councilors Alma Baxter. Councilor absent: Jackie Kauffman.

Staff present: City Manager (CM) Michelle Amberg, City Attorney (CA) Wes Chadwick, Public Works Director (PWD) Frank Anderson, City Recorder (CR) Nancy Bryant, Police Chief (PC) Dave Enyeart, Library Director (LD) Deborah Trusty, Parks and Recreation Director (PRD) Joe Andrews, and Finance Director (FD) Polly Chavarria.

Visitors present: Jerry Seth, Julie Rockwell, Bud Shoemake, Brenda Brown, Bill Brown, Mary Young, Lisa Miller, Dani Palmer, Bill Montgomery, Carma McCaslin, Dave Morgan, Larry Coonrod and Don Amberg.

### **Visitors/Public Comment**

Bud Shoemake of the Port of Toledo thanked Michelle Amberg for her service to the City of Toledo and her attendance at the Port of Toledo meetings. She has helped develop collaboration within the local economic development community.

### **Decision Items**

#### **Outdoor Event Permit Application for a Religious Display**

CM Amberg explained that Norman Halsey has requested the use of city right-of-way along Business Highway 20 (at Orphan Park) for a religious display, of "Wise Men" and public caroling on December 29<sup>th</sup>, 2013. The display will be removed on December 30<sup>th</sup>. This request was presented to the City on December 16, 2013 and because of the imminent nature of the event it comes before Council at this time.

Public Comment:  
There was none.

**Motion-** It was moved and seconded (Strom/Lyon) to direct the City Manager to approve the outdoor public event permit made by Norman Halsey for the "Wise Men" display at Orphan Park. **Motion passed 5-0**, noting the absence of Councilor Baxter.

#### **Process and Procedure for Hiring an Interim City Manager**

CM Amberg stated that she has given notice that her last day of employment with the City will be January 17, 2013. She noted that Section 20 (3), and (7) provide of the City Charter provide direction for hiring a Manager Pro Tem. She also noted that unsolicited resumes have been received by the City in recent days. She suggested that Council hire a Manager Pro Tem to be in the office by January 18, 2014.

Councilor Lyon stated that the City should advertise for the Manager Pro Tem as soon as practical. Councilor Johnson stated that the holiday will make it difficult to act timely. CP Strom stated that she trusts CM Amberg to help in the process of looking at the current resumes received. CA Chadwick noted that Council could appoint a staff member, an informal advertisement, or chose from the resumes on hand.

Mayor Grutzmacher stated that he is putting his name in as a candidate and recused himself from the conversation.

CP Strom presided over the remainder of this discussion.

Councilor Lyon declared an apparent conflict of interest because of her relationship with Mayor Grutzmacher and noted that ethics laws prohibit her from voting on this issue.

Council discussed advertising for the Manager Pro Tem, setting a deadline for receiving resumes, and selecting a sub-committee to review the candidate applications. Councilor Dunaway asked CA Chadwick if he would be willing to serve as interim until the Manager Pro Tem is hired. CA Chadwick stated that he would be willing to serve only for a few days. CM Amberg stated that she is willing to extend her last day if needed. Councilor Dunaway noted that he doesn't want to rush the decision without a plan. Councilor Johnson stated that she would like the subcommittee to include department heads. Councilor Lyon suggested the committee review all of the applications received by next Friday.

By consensus Council agreed to direct CM Amberg to conduct an informal advertisement for a Manager Pro Tem with a closing date of January 3, 2014.

**Public Comment:**

Mary Young of Toledo stated that she is a small business owner and serves on the Planning Commission. She is concerned that Mayor Grutzmacher is applying for the Manager Pro Tem position while Councilor Lyon is serving on the Council. She asked if Councilor Lyon would resign if Mayor Grutzmacher is hired.

Councilor Lyon stated that she and Mayor Grutzmacher have both been on council for more than two years and there have been no issues. She noted that she has reviewed ethic rule requirements and will follow the law.

**Motion-**It was moved by Councilor Johnson that City Council form a sub committee of three council members and four department heads for the hiring of an interim City Manager and to direct the City Manager to solicit and receive resumes until January 3, 2014.

**Discussion:**

Councilor Dunaway stated that he does not want the department heads to out-number the council members on the committee. He would prefer three council members and two department heads on the committee. CP Strom stated that she would prefer three council members and three department heads to serve on the committee.

**The motion died for lack of second.**

**Motion-**It was moved and seconded (Dunaway/Lyon) that Council appoint a sub-committee of three City Councilors and two Department Heads to recommend an interim candidate and direct

the city staff to conduct an advertising campaign for selection to be completed by January 3, 2014 at 5pm.

**Discussion:**

CP Strom asked for other opinions on the number of department heads to serve on the committee. Bill Montgomery, city employee and Toledo resident stated that he recommends three department heads to serve. It is important to keep the department heads involved to keep the city running as smoothly as possible. FD Chavarria suggested appointing three department heads to serve as non-voting members of the committee.

**No vote was taken and Councilor Dunaway withdrew the motion.**

**Motion**-it was moved and seconded (Dunaway/Lyon) to form a subcommittee with three Council members and three department heads who will work in an advisory capacity to City Council to recommend an interim to City Council and to direct the City Manager to solicit and receive resumes until January 3, 2014.

**Motion passed 4-0**, noting that Mayor Grutzmacher recused himself from the conversation and action and the absence of Councilors Baxter and Kauffman.

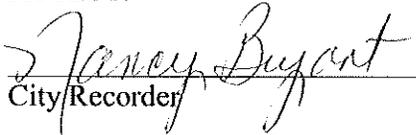
CP Strom appointed the Interim City Manager Recommendation Sub-Committee members as follows: Councilors Johnson, Strom, and Baxter, and Department Heads; FD Chavarria, PWD Anderson, and CR Bryant.

Jerry Seth, resident of Toledo and Planning Commission member stated that he was interviewed by the recruitment team from Creswell and he was very impressed with their process and questions. It was his pleasure to answer all of their questions regarding Michelle Amberg in a positive manner. He also noted that he concurs with Mary Young regarding the issue of Councilor Lyon serving on the Council if Mayor Grutzmacher is hired as Manager Pro Tem. He said it may not be illegal but the perception of people within the city will be that it is a conflict of interest. He asked that Councilor Lyon please consider that. Councilor Lyon stated that if the situation arises she will consider the statements.

**Adjournment:**

Mayor Grutzmacher adjourned the meeting at 6:55 pm.

ATTEST:

  
City Recorder

APPROVE:

  
Mayor