

TOLEDO CITY COUNCIL
REGULAR SESSION MINUTES
April 20, 2016

Mayor Billie Jo Smith called the Toledo City Council regular session to order at 7:00pm.
Councilors present: Michele Johnson, Terri Strom, Julie Rockwell, Jackie Kauffman, and Council President Jill Lyon. Councilors excused: Alma Baxter.

City Staff present: City Manager (CM) Jay Baughman, Police Chief (PC) Dave Enyeart, City Attorney/Planner (CA) Michael Adams, Public Works Director (PWD) Lee Ritzman, and City Recorder (CR) Nancy Bryant.

Visitors present: Officer Aaron Pitcher, Officer Matthew McCandless, Kevin Cool, Bekki Wagner, Gabbi Wagner, Carol Scillian, Geoff Wilkie, Stephanie Frenock, Alice Kaylor, Linda Brodeur, Sami Reid, Nita Rose, Michael Banks, Sana Banks, Merrick Kriz, Frank Mayfield, Joy Mayfield, Marilyn Manning, Ron Manning, Charlotte Sarantopoulos, Marcy Christensen, Ann Edmondson, Janice Watson, Kim Thompson, Carol Edwards, Jane Towsley, Laura Larson, Billie Conner, Heidi Rivers, Tony Rivers, Mereline Schneidecker, Bonnie Kentta, Melany Burchett, and Jamie Sawyer.

Swearing Oath of Office

CR Bryant administered the Oath of Office to newly hired Toledo Police Officer Matthew McCandless.

Visitor Comments:

Tony Rivers citizen of Toledo provided testimony in support of the Toledo Public Swimming Pool.

Charlotte Sarantopoulos provided testimony in support of the Swimming Pool.

Ron Manning of Toledo provided testimony in support of the Swimming Pool.

Sami Reid, student at Toledo Jr/Sr High School provided testimony in support of the Swimming Pool.

Linda Brodner of Toledo provided testimony in support of the Swimming Pool.

Bekki Wagner provided testimony in support of the Swimming Pool.

Kim Thompson provided testimony in support of the Swimming Pool.

Marilyn Manning provided testimony in support of the Swimming Pool.

Heidi Rivers of Toledo provided testimony in support of the Swimming Pool.

Carol Scillian of Siletz provided testimony in support of the Swimming Pool.

Sana Banks of Logsdon provided testimony in support of the Swimming Pool

Merrick Kriz of Toledo provided testimony in support of the Swimming Pool.

Frank Mayfield of Toledo provided testimony in support of the Swimming Pool.

Mayor Smith announced that a sign-up sheet is provided for those interested in participating in a community committee that will be tasked with developing a plan to save the Swimming Pool from closure.

Mayor Smith noted her appreciation for the public comment in support of the Swimming Pool. She stated that she personally supports the public sentiments of importance that it has to the community. She is hopeful that the community will come up with a creative way of keeping the facility open.

Proclamation: Arbor Day

Mayor Smith proclaimed April 29, 2016 as Toledo Arbor Day, in observance of Oregon Arbor Week and National Arbor Day.

Tree City USA Award

CA Adams congratulated the City of Toledo for being recognized as a Tree City USA for tree related activities in 2015. This is the 22nd consecutive year that Toledo has been recognized and it is an accomplishment that only 56 other Oregon communities and only 5500 other communities nation-wide share. This is the 40th anniversary of the Tree City USA program which was launched by the Arbor Day Foundation in 1975.

Consent Calendar

Motion- It was moved and seconded (Lyon/Kauffman) to approve the consent calendar consisting of the City Council minutes of April 6, 2016. **Motion passed 6-0**, noting the absence Councilor Baxter

Discussion and Information Items

Committee Updates

CP Lyon reported that on behalf of the Municipal Court Committee she has been working on the draft code of judicial ethics document. She will have the document ready for Council review in the near future.

Mayor Smith stated that closure of the Toledo Public Swimming Pool was discussed at Council's last work session and she asked CM Baughman to review the information.

CM Baughman reported that the discussion began with looking at the City Budget and the five year budget forecast which indicates an estimated a \$60,000 deficit in the next fiscal year and a \$400,000 deficit by the year 2020. That conversation led to balancing the City's budget and what services the city can continue to provide which became a discussion about closing the swimming pool by June 30, 2017. However, Council decided that if there is a viable plan put in place by December of 2016 to save the pool then the closure date can be reconsidered.

CM Baughman explained that the swimming pool's annual operation cost is \$250,000 and this year's maintenance needs have consumed one-half of the funding that was devoted to all city facilities. There have been catastrophic maintenance events just in the last 30 days including: a \$12,000 expense for property and equipment damage when roofing tiles were blown off of the

roof causing a leak and water damaged to a computer as well as a steady leak that has developed in a restroom which has been estimated to cost \$4,000 to repair. This facility has a history of being an expensive facility to keep in operation.

CM Baughman noted that deciding what can save the pool is a very important part that the community needs to understand. The City Engineer estimate to refurbish the pool is close to 2.5 million dollars so for a special district to acquire the swimming pool it would need roughly \$250,000 in annual operating funds as well as the funding to refurbish it. He does not believe that the facility can continue to operate in its current condition. He said the mechanical equipment is antiquated and parts are hard to find and are expensive, the roof structure has been determined to be unsafe during heavy rain, heavy wind or snow due to danger of collapse. The City Engineer has also estimated that to rebuild the pool the cost will be approximately 4.5 million dollars.

CM Baughman then noted that closing the pool is not a decision that Council or staff took lightly. He said no one wants to close the swimming pool.

CP Lyon stated that she believes that this Council agrees with all of the testimony of support this evening. No one wants Toledo to not have a swimming pool. The problem is a matter of a catastrophe waiting to happen. She said the matter of safety and liability is paramount: the City cannot have the issue decided because someone got hurt. She stated that this has to be removed from the City's budget because it can no longer subsidize the operation and it is too expensive to charge the patrons enough to cover the cost. CM Baughman noted that the swimming pool revenue from users is about \$40,000 per year and raising the pool fees is usually very contentious.

Mayor Smith noted that if there were a recreation district developed that encompassed a geographical area outside of the City then the cost would be less for individual households within the city limits. CP Lyon noted her appreciation that there are those in the audience from outside the city who may be interested in becoming part of a recreation district.

Councilor Johnson noted that a recreation district will need to consider the true cost for operating and maintaining the facility.

Councilor Johnson then expressed her disappointment that the city facilities have not been maintained in past years but the City is now setting funding aside to deal with the facility issues. CP Lyon stated that this is a consequence of the recent recession and that the City got through a rough period by laying off staff and deferring maintenance. The City has had good government and staff that have kept the city solvent and services continued but now it is time to pay for it.

Council directed staff to draft a motion for a future agenda to sunset the swimming pool closure.

CM Baughman announced that he is happy to meet with anyone in the community who would like more information about this issue.

Mayor Smith referred to a letter she shared with Council written by Cassie Dick of the Toledo Swim Team regarding support of the swimming pool.

Public Hearing

Mayor Smith opened the public hearing at 8:13pm regarding an ordinance amending Ordinance No. 1284 (which granted the Central Lincoln People's Utility District a franchise) and amending

Ordinance No. 1340 (which amended Ordinance No. 1284 and exercised the option to renew the franchise for another ten years); revising Section 2: Term, and Section 7: consideration.

At this time the majority of the visitors left the meeting.

Mayor Smith called for declaration of conflict of interest, ex-parte contact, or a bias by Councilors or have conducted a site visitation. Seeing none, the statement of rights and relevance and the right to appeal were read.

Staff Report

CM Baughman reported the recommendation from staff is that Council adopt Ordinance No. 1361 to increase the franchise electricity fee to five percent (5.0%) for both industrial and residential customers. This ordinance also clarifies the previous extension of an additional ten year period in Section 2, to make clear that upon the expiration of this second ten year term, the parties intend that a new franchise agreement will be negotiated by the parties. Staff estimates approximately \$180,000 in additional revenues. Electricity franchise revenues are split between General Fund and Street Fund in a 60/40 ratio, per Resolution No. 1305 adopted by City Council on June 2, 2011. CM Baughman noted that the rate increase has been reviewed by and recommended by the Toledo Public Utility Commission, which met on March 30, 2016 in a publicly noticed meeting.

Public Testimony

There was no public testimony.

Council Questions

There were no Council questions.

Public Hearing Closed-Mayor Smith closed the public hearing at 8:21pm.

Decision Items

Ordinance Increasing the Electric Franchise Fee

Council Deliberation

There was no Council deliberation.

Motion-it was moved and seconded (Lyon/ Rockwell) to adopt Ordinance No. 1361 (by reading the title twice) An ordinance amending ordinance No. 1284 (which granted the Central Lincoln People's Utility District A Franchise) and amending Ordinance No. 1340 (which amended Ordinance No. 1284 and exercised the option to renew the franchise for another 10 years); revising Section 2: Term, and Section 7: Consideration.

Public Comment: There was no public comment.

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

CM Baughman noted that the increased revenue will be included in the 2016/17 proposed budget.

Contract for Municipal Court Judge Services

CA Adams reported that the contract before Council is a contract for Municipal Court Judge services. The consideration paid under this contract is \$400 per month, for a term of six months, from March 1st – August 31st, 2016. Under the proposed contract there is no other fiscal impact to the City.

He noted that once approved, this contract will be delivered to Judge Demarest for the first time and if she has any recommended changes it will be brought back to Council for consideration.

He also noted that prior to the six month term of this contract, a recruitment process for a municipal court judge will need to occur, or if the Council chooses, the personal services contract may be extended by a written contract amendment, or this personal service contract just re-executed for a longer period.

After some discussion Council agreed to amend the proposed contract as follows:

- Paragraph 8-Termination, the second sentence should read: The City may, at any time, terminate this Agreement, with or without cause, upon thirty (30) days' written notice, in which event the Pro Tem Municipal Court Judge shall be entitled to all compensation then due.

Public Comment: There was no public comment.

Motion-it was moved and seconded (Kauffman/Lyon) based on the City Council having reviewed the contract, and being fully advised by staff, and finding that pursuant to ORS 270A.055 that said contract is excluded from the public contracting contract, I make a motion to approve the personal services contract as amended in paragraph 8 to be presented to Joan Demarest to provide judicial services in the Toledo Municipal Court as pro tem/temporary judge.

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

Department Reports

CA Adams reported that staff has posted a volunteer annexation information on the City website as well as an online survey. Also, a letter and survey will be mailed to property owners located in the Urban Growth Boundary. He also reported that he may attend the Spring Planner Conference tomorrow in Tillamook.

PWD Ritzman informed Council that staff has requested three quotes for a 2400 square foot street patching project and only two quotes were received; one quote from Road and Driveway in the amount of \$29,148.56 and one from Gettis Paving Inc. in the amount of \$21,700.

PWD Ritzman reported that Road and Driveway received notice to proceed today on the "A" Street improvement project. They have asked for flexibility in the schedule if May is a rainy month. If that happens, a change order will be recommended to allow them to work through mid June.

City Manager Comments

CM Baughman reported the following:

- City Administration now has an official Facebook page. It will be used as an additional source to inform the community of City government information and activities.
- Staff has balanced the proposed budget for fiscal year 2016/17 which will be presented to the Budget Committee on May 10th.
- The legal landscape for recreational immunity has recently changed. The City's insurer has recommended that we take steps to ensure the safety of city parks. There may be a few city parks that will be closed until they can be maintained to safety standards.

Council Comments

CP Lyon reported that she has submitted a column for Council's article in the May issue of the City Newsletter.

Councilor Strom expressed her appreciation to those who showed up in support of the swimming pool.

Councilor Strom reported that she has composed a letter from this Council to ODOT regarding suggested closure times during the Pioneer Mountain/Eddyville Hwy 20 project and it is ready for Council review and signatures.

Councilor Rockwell also expressed her appreciation for tonight's visitor comments regarding the swimming pool. She said the number of visitors was encouraging and she hopes they will get other community members involved in the process.

Councilor Johnson said that she hopes that the community realizes just how bad a shape the facility is in and the true cost to take it over.

Mayor Comments

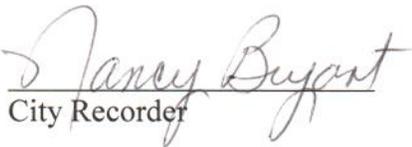
Mayor Smith commented on the following:

- The Sam Briseno Art dedication and memorial event at the Port of Toledo's main office will be April 23rd at noon.
- She will hold the Chat with the Mayor event on Wednesday at the Methodist Thrift Shop and next month she will be at the Yaquina River Museum of Art on Alder Street from 1:30pm to 3:30pm.
- There will be a community presentation regarding the Cascadia Subduction on May 26th at the Toledo Fire Station at 6pm.

Adjournment:

Mayor Smith adjourned the meeting at 8:56pm.

ATTEST:


City Recorder

APPROVE:


Mayor