

TOLEDO CITY COUNCIL
WORK SESSION MINUTES
May 10, 2016

Mayor Billie Jo Smith called the Toledo City Council work session to order at 6:15pm.
Councilors present: Jackie Kauffman, Terri Strom, Alma Baxter and Council President (CP) Jill Lyon. Councilors excused: Julie Rockwell.

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

Visitors present: Dave Howard.

Visitor Comments:

There were no visitor comments.

Discussion and Information Items
Committee Updates

There were no committee updates.

Overdue Utility Bill Collection Revision

CA Adams reported that staff is in the process of amending an ordinance and he asked Council for feedback on the following recommendations:

- Cap the credit that the City would reimburse someone for errors at 18 months.
- Delete the sentence "After a charge has been unpaid for ninety (90) days an administrative fee of twenty-five (25) percent shall be added to the charge and interest shall accrue at nine percent per annum." in Chapter 13.12.440 of the Toledo Municipal Code. He suggested keeping the overdue amount accrual at 9 percent per annum.
- Currently a deposit is required that can be waived if the customer provides a twelve month good credit history report from another public utility. Staff would like to add that to the ordinance.
- Decrease the amount of time before a shut off notice is provided for a delinquent account by sending a mailed notice of delinquency by the end of the month that the account is in arrears. The customer would then have 15 days to respond to the shut off notice. If payment is not received after the 15th day the customer would need approval from the property owner to continue service with a payment arrangement.

Council and staff discussed changing the shut off notification process. Council had no suggested changes to the staff recommendations.

Mill Creek Riparian Project

CA Adams provided Council with a copy of a consultant agreement between the City of Toledo and Trout Mountain Forestry, LLC for the implementation of the Forest Stewardship Plan for the Toledo Forest within the Mill Creek Forest. He noted that the agreement does not obligate the City to continue with phase two of the plan.

CA Adams stated that he will bring the agreement to Council at the next regular session for an official approval and any suggested revisions from Council may be emailed to him.

Request for Water Service- Outside City Limits

CA Baughman reported that Mr. Iliia Geltser is requesting that Council consider making an exception or to amend the city's standing resolution and allow the purchase of treated water service for his property located at #73 Thousand Line Road (Parcel 111029C). He said that Mr. Geltser is renting the property to a family of five and it has been difficult to achieve an independent water supply for the property.

CM Baughman noted that #73 Thousand Line Road is located outside of the city limits as well as outside the urban growth boundary. He said that he believes the City could accommodate Mr. Geltser's request while looking out for the City's best interest; the City can require an agreement that the property be annexed into the City limits once the property becomes adjacent to the City limits and that the water meter is removed when Mr. Geltser is no longer the property owner.

Council and staff discussed issues that may arise from allowing the request. CP Lyon noted that it is appropriate to reconsider the current policy because of an emergency request for water service as well as placing conditions on approving the request.

PWD Ritzman reported that the waterline would connect to the city's mainline located on the South Bay Road. The City would place the meter at the road and it would be the owner's responsibility and expense to place the water line from the South Bay Road to the residence. He also noted that water system development charges would apply.

CM Baughman agreed to bring the subject to Council for an official decision at the next regular session.

Municipal Court Rules

CA Adams requested that Council table this item as he is waiting for Judge Demarest to respond to the proposed service contract. By consensus, Council agreed to table the topic until Judge Demarest has responded to the proposed service contract.

Video Production of City Council Regular Sessions

CM Baughman reported that videographer Peter Vince informed him that he will not be available to provide video of Council meetings beyond the next few meetings. He said the Lincoln County School District is looking at resuming the program in the Fall but there will be no video recording service throughout the summer.

By consensus Council agreed to wait until the Fall to see if the School District resumes the video production program and there will be no video recordings of Council meetings during the summer months.

Potential Conveyance of City Owned Property to Dave & Tammy Howard

CA Adams reported that this is an issue that Mr. Howard and the City have been working on for a long time. He noted that Mr. Howard submitted a request to purchase a portion of city owned property identified as Lincoln County Map #11-10-20-AB Tax Lot 200. The City intended to do a property line adjustment along the portion of lot 200 that is adjacent to Mr. Howard's property. In 2010 Council directed the City Attorney to enter into negotiations for that purpose. Also in 2010

the City Attorney requested that Mr. Howard get an appraisal of the property. In November of 2013 the City Attorney reported that the Lincoln County Legal Counsel had advised that tax lot 200 was conveyed to the City for public purposes with reversionary language which prohibits the sale of the property. A letter from Lincoln County Counsel dated May 20, 2013 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 for city ownership for public purposes. Any cash exchange for the property would go to the County property management program.

CA Adams noted that at this time he believes that Mr. Howard is interested in purchasing the triangle portion of tax lot 200 that is located adjacent to his property. He said that if Council chooses to move forward with the conveyance there will need to be a zone change from public land to residential and a lot line adjustment to tax lot 200.

CA Adams stated that Mr. Howard has indicated an interest in conveying a portion of his property along the slough in a trade. He said if the property is traded the County will need to consent.

Council directed staff to determine the value per square foot, based on the appraisal of tax lot 200, and apply the appropriate value to the triangle portion of the tax lot 200 minus the \$750 that Mr. Howard paid for the appraisal and to negotiate the sale of property.

Mr. Howard then asked if Council would be willing to add ten more feet to the sale if it doesn't impact the remainder of tax lot 200 as a buildable lot. He also noted that he is willing to pay for the lot line adjustment survey. Council agreed that it may be willing to negotiate an additional ten feet of conveyance if tax lot 200 retains the minimal size to be a buildable lot.

CA Adams agreed to bring this back to Council to complete the negotiation.

Additional Council Comments

Mayor Smith announced the Summer Festival Committee's banquet and auction is scheduled for May 14th at the Toledo Elks.

City Manager Comments

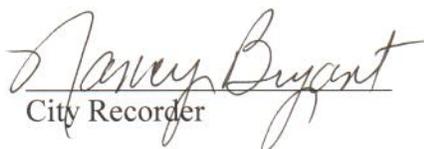
CM Baughman reported the following:

- He asked if Council would prefer starting the first budget next year at 5:45. Council agreed to begin the first budget meeting next year at 5:45pm.
- Staff has been working on the budget document for the last few weeks. The final document represents a lot of time and effort and he hopes that the budget committee finds it useful.

Adjournment:

Mayor Smith adjourned the meeting at 7:29pm.

ATTEST:


City Recorder

APPROVE:


Mayor