

TOLEDO CITY COUNCIL  
REGULAR SESSION MINUTES  
May 18, 2016

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

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, Library  
Director (LD) Deborah Trusty, and City Recorder (CR) Nancy Bryant.

Visitors present: Amanda Yount and Bill Farley.

Mayor Smith announced that with Council consent she will amend the agenda for tonight's  
meeting by adding an agenda item to consider a request for closure of Main Street made by the  
Toledo Chamber of Commerce. There were no Council objections to amending the agenda.

**Visitor Comments:**

There were no visitor comments.

**Proclamation- Emergency Medical Services Week**

Amanda Yount of Pacific West Ambulance recognized the tireless and sometimes thankless job  
that is done by the emergency responders of this community. Pacific West Ambulance will be  
hosting a celebration at the end of the week with a beach bash for all of the local public safety  
service providers.

**Mayor Smith proclaimed the week of May 15<sup>th</sup> – 21<sup>st</sup>, 2016 as Emergency Services Week in  
the City of Toledo and encouraged the community to observe this week with appropriate  
programs, ceremonies and activities.**

**Discussion and Information Items**

**Committee Updates**

Mayor Smith reported that community members held an informal meeting to form a committee  
that will try to continue having the Swimming Pool stay in Toledo.

**Decision Items**

**Recommendation to OLCC for Local Business Liquor License Renewals**

CM Baughman provided Council with a list of Oregon Liquor Licenses issued by the Oregon  
Liquor Control Commission which are eligible for renewal. The current licenses will expire June  
30, 2016. The City of Toledo has until June 3, 2016 to provide an unfavorable recommendation to  
OLCC for any or all of the renewal applicants on the list that it does not recommend for renewal.  
He noted that the Toledo Police Chief has reviewed all police department records for any issues  
involving the listed establishments and did not find any incidents or problems that would cause an  
unfavorable recommendation.

Public Comment: There was no public comment.

**Motion**-it was moved and seconded (Baxter/Johnson) to recommend renewal to the Oregon Liquor Control Commission (OLCC) for the list of Toledo businesses requesting liquor license renewals. **Motion passed 7-0.**

### **Resolution Setting the Street Lighting Utility Fee**

CM Baughman reported that on June 2, 2004, the City Council passed Ordinance No. 1303, which adopted a Street Lighting Utility Fee and established the requirements that the monthly fee be set by resolution before July of each year. The fee is currently \$7.50 per month and staff is not recommending an increase this year. With the fee set at \$7.50 an estimated \$114,000 will be generated in revenue and will offset approximately 91% of the cost of street lighting.

Public Comment: There was no public comment.

**Motion**-it was moved and seconded (Lyon/Kauffman) to adopt **Resolution No. 1374**, a resolution setting the Street Light Utility Fee for the 2016-2017 fiscal year. **Motion passed 7-0.**

### **Selling Treated Water to a Residence Outside the City Limits**

CM Baughman reported that Ilia Geltser, owner of 73 Thousand Line Road has approached City staff about the possibility of connecting to the City's water system. The property in question is outside city limits and outside the city's urban growth boundary (UGB). After several attempts to dig wells on the property, all efforts have failed to produce a reliable source of water. Mr. Geltser is appealing to the City for a solution to his water problems by being allowed to tie into the City's water system. According to City Resolution 1139, which allows water utility service outside city limits and UGB only under contractual obligations (Res. No. 1139 2.). The City Manager would negotiate a contract with the property owner that would include:

- An agreement to pay all fees and direct and indirect costs associated with the provision of water (Res. No. 1139 3.C.),
- Execute a binding agreement requiring the property to be annexed into the City once the property becomes adjacent to City limits (Res. No. 1139 3.D.),
- Agree to pay the same millage rate for any bonded indebtedness that the City residents pay for major improvements to the water system (Res. No. 1139 3.E.).

After discussing Mr. Geltser's plight at the May 10, 2016 City Council work session, the City Council directed staff to bring the issue back for an official Council vote.

CM Baughman noted that the City Attorney has drafted an agreement according to State law ORS 222.173 which prescribes a one year expiration period for annexation unless a separate agreement is executed that waives the one year period. CA Adams has prepared the separate agreement which will require annexation in perpetuity.

CM Baughman recommended that Council review Resolution No. 1139 at a later date to clarify Council's intentions for providing water service outside city limits.

Mayor Smith noted that the rate for water service outside the city limits is double what is paid by users within the city limits. CA Adams noted that the connection and installation fee is also double for connecting service outside the city limits.

Public Comment: There was no public comment.

**Motion**-it was moved and seconded (Lyon/Kauffman) to authorize the City Manager to enter into negotiations with the property owner at 73 Thousand Line Road, Mr. Ilia Geltser, for city water services at the aforementioned property, and authorize him to execute all related documents.

**Motion passed 7-0.**

### **Closure of Main Street for an Antique and Classic Car Show**

CM Baughman reported that the Chamber of Commerce has applied for an outdoor public event permit to authorize an Antique and Classic Car Show and to request that Main Street be closed to traffic from 3<sup>rd</sup> Street NW to 1<sup>st</sup> Street SE from 8am to 4pm on Saturday June 25<sup>th</sup>. He noted that the City has been waiting for a certificate of liability insurance coverage for the event but it has not been received to date.

City staff has reviewed the permit application and recommends approval of the request pending proof of liability insurance before the event occurs.

CP Lyon noted that the application is requesting that the City notify all who live in commercial properties on Main Street regarding the closure. She asked that, in recognizing that the City does not have the staff to fulfill the request, does that require a change in the application. Council agreed that the change will be included in the following motion.

Council and staff discussed the removal of vehicles prior to the street closure. It was determined that the event coordinators do not have authority to contact a towing company to remove vehicles. Council then discussed the requested closure time and determined that the allowable closure of Main Street will be from 12:01am to 4pm on June 25<sup>th</sup> for this event.

Councilors Johnson and Strom stated that the applicant will post the closure times at least a week in advance.

Public Comment: There was no public comment.

**Motion**-it was moved and seconded (Kauffman/Baxter) to approve the request for closure of a portion of Main Street from 3<sup>rd</sup> Street NW to 1<sup>st</sup> Street SE on Saturday June 25<sup>th</sup> from 12:01am to 4pm for an Antique and Classic Car Show, contingent on proof of liability insurance. Applicant will be responsible for notifying surrounding tenants and businesses of the street closure.

**Motion passed 7-0.**

### **Department Reports**

PWD Ritzman reported the following:

- The City has requested quotes from seven different contractors who work with stamped concrete or pavers to complete Heritage Plaza. Two bids were received; the lowest, in the amount of \$18,500, was submitted by Tradenet of Lincoln County. The proposed bid includes exposed aggregate concrete with a glossy finish that looks like a stream bed and the rest of the plaza will be done in a different stamped colors and textures. A spontaneous performance feature will be installed in the north eastern portion of the plaza with an electric outlet included. The request for quotes went to seven different electric contractors with one response. The City will provide the excavation for installing the conduit from the utility pole to the plaza to reduce costs. The Total cost for providing electricity will be \$3,582.
- The "A" Street handrail will be replaced with stainless steel panels. Three fabricators were contacted and two responded. The panels will be installed by City personnel to save costs. An

insurance payment was received but it did not cover the full amount of the replacement cost because the old fence is different from what it is being replaced with.

- A new Lincoln County Transit bus shelter has been installed at JC Market.
- The City Dog Park is ready for use. A bag dispenser and garbage can will be installed tomorrow. Temporary park-use rules will be posted until a permanent sign is designed. Also, a water faucet will be installed at a later date.

Councilor Johnson offered to design and donate the park-use sign.

Councilor Baxter suggested a park agreement with interested citizens who would like to take ownership of the park maintenance.

CP Lyon asked if the park can be expanded to a larger size. PWD Ritzman stated that it probably can. He said that he liked the size because when it gets too big people can't keep control of their dog. He asked if Council is interested in a leash cutting ceremony. Council agreed that it should be done in June. Councilor Rockwell stated that she would agree to cut the leash.

CP Lyon inquired about the signs about Forest Products and Maritime Heritage that were removed from the end of Main Street when the street was realigned. She believes that they were to be reinstalled along with a sign about the Railroad Heritage. PWD Ritzman stated that the signs will be reinstalled.

CA/CP Adams reported that the Planning Commission has discussed a revision to the public lands zone. He also reported that an annexation survey and map was mailed to properties located outside the city limits and within the Urban Growth Boundary.

LD Trusty reported that the recent book sale at the Library went well. She noted that the library will continue to sell books that are located in the Library basement.

Mayor Smith stated that the new landscape in front of the Library looks nice.

CP Lyon thanked Peter Vince for his time and for bringing students to record the Council meetings. She said she hopes that the School District will continue with the service beyond his retirement.

### **City Manager Comments**

CM Baughman reported the following:

- The City has moved through the budget process. The budget committee and staff met yesterday and the proposed budget was recommended to Council for adoption. The document represents a lot of effort from staff. The goals for next year are ambitious but achievable.

### **Council Comments**

Councilor Rockwell stated that this is her last meeting for six weeks. She thanked PWD Ritzman for a great job.

Councilor Strom announced the Toledo Chamber of Commerce luncheon will be held at the Toledo Fire Hall. Jerry Wolcott of Oregon Department of Transportation (ODOT) will provide a presentation regarding the Highway 20 project closure.

## **Mayor Comments**

Mayor Smith commented on the following:

- She received a letter from ODOT regarding City Council's concerns about the closure times for the Highway 20 project. She noted that the road will be open on Friday nights and all closures will be posted well in advance and as consistently as possible.
- The Cascadia Subduction presentation is scheduled for May 26<sup>th</sup> at the Toledo Fire Station at 6pm.
- "Chat with the Mayor" will be at the Yaquina Museum of Art on Wednesday and at the Toledo Chamber of Commerce booth during the summer street market.

Mayor Smith then called for a recess at 8:14 pm and announced that an executive session will follow.

She 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: (a) To consider the employment of a public officer, employee, staff member or individual agent and (b)

## **Executive Session:**

Council and staff discussed a contract with the interim Municipal Judge Joan Demarest as well as negotiations for a bargaining agreement with the Toledo Employee Association.

## **Adjournment:**

The group returned to regular session and Mayor Smith adjourned the meeting at 9:51pm.

ATTEST:

  
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City Recorder

APPROVE:

  
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Mayor