



City Hall Council Chambers  
206 N. Main St.  
Toledo, Oregon 97391  
6:00 p.m.

TOLEDO CITY COUNCIL  
**Work Session – Virtual Meeting via Zoom platform**  
April 22, 2020

The City Council Chambers will **not** be open to members of the public. The public is welcome to attend the meeting electronically.

If you would like to listen in on the meeting or submit comments in writing on any agenda item, please contact City Recorder Lisa Figueroa at 541-336-2247 extension 2060 or by e-mail at [lisa.figueroa@cityoftoledo.org](mailto:lisa.figueroa@cityoftoledo.org) for meeting login information.

- 1. Call to Order**
- 2. Presentations**  
Proclamation – National Library Week
- 3. Visitors/Public Comment**  
(The public comment period provides the public with an opportunity to address the City Council regarding items not on the agenda. Please limit your comments to five (5) minutes).
- 4. Consent Agenda**  
There are no items for discussion
- 5. Discussion/Decision Items**
  - Committee updates
  - Code enforcement update
  - Ordinance No. 1382, An ordinance of the Toledo City Council updating Toledo Municipal Code; Title 8, Uniform Fire Code; Chapter 8.20.010 Documents Adopted; amending Ordinance 1229 and declaring an emergency
  - Resolution No. 1436, A resolution of the Toledo City Council declaring a State of Emergency
- 6. Adjournment**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.



**City of Toledo**  
**PROCLAMATION**  
**National Library Week**

**WHEREAS**, today's libraries are less about what they have on the shelves and more about what they can do with and for their communities, whether it's through virtual services or in-person visits;

**WHEREAS**, libraries have long served as trusted and treasured institutions for people of all ages, interests and backgrounds;

**WHEREAS**, libraries of all types are at the heart of their cities, towns, schools and campuses;

**WHEREAS**, libraries offer members of the community opportunities to explore new passions through technology, programs and services;

**WHEREAS**, libraries and librarians help patrons find tools and resources to help improve the quality of their life;

**WHEREAS**, libraries, which promote the free exchange of information and ideas for all, are cornerstones of democracy;

**WHEREAS**, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve;

**WHEREAS**, libraries and librarians work to create an equitable society by providing free access to accurate information to all people;

**WHEREAS**, in times of crisis, libraries play a critical role in continuing to support their communities when they need it the most;

**WHEREAS**, libraries are a resource for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status, by offering services and educational programming that transform lives and strengthen communities;

**WHEREAS**, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

**NOW, THEREFORE**, be it resolved that I Mayor Rod Cross do hereby proclaim April 19-25, 2020 as

**NATIONAL LIBRARY WEEK**

During this time, I encourage all residents to visit their library's website to access resources and services remotely.

\_\_\_\_\_  
Mayor Rod Cross

April 22, 2020

\_\_\_\_\_  
Date

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	April 22, 2020	Code Enforcement Update
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Assure and provide services that protect the public.	Discussion and Information	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

The Council asked for an update of code enforcement activity regarding 333. 355 & 359 N. Main Street. Property owned by Phil Krause.

**Background:**

The City has a Code Enforcement Committee composed of representatives from Police, Fire, Legal, Public Works and Administration. This team approach has worked well with to bring properties into compliance with current building codes around safety issues. The property on N. Main was inspected about a year ago. Multiple deficiencies were noted and the first letter sent to the owner. Other issues took focus away from the property for a time. We believe there are people living in more than one of the properties owned by Mr. Krause in violation of TMC.

Code enforcement has recently been in contact with Mr. Krause and he hasn't committed to any action to remedy the situation.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
N/A	2019-2020	N/A

**Attachment:**

1. Letter dated March 27, 2019
2. Letter dated March 19, 2020



March 27, 2019

Phillip Krause  
10109 Yaquina Bay Road  
Newport, Oregon 97365

RE: Residential Use in Commercial Buildings at 333, 355 & 359 N. Main Street, Toledo, Oregon

Mr. Krause,

On February 14, 2019, we inspected the above properties you own. During the inspections we became aware of commercial mercantile occupancies at the above addresses being used as private residences. Necessary building permits and structural changes have not occurred authorizing the conversion of these structures to a residential occupancies.

This places the people using these building spaces as residences in danger of fire and other life safety hazards. The spaces lack the proper egress escape windows and doors to exit in the event of a fire. In one of the spaces, the occupant is living on a loft which increases that risk even more. Other hazards in the spaces may include environmental, sanitation, and electrical issues to the occupants.

*Following are options to remedy these fire and life safety hazards and come into compliance:*

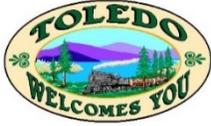
- *Discontinue using the mercantile occupancies as residences. This needs to happen within 30 days of this notice.*
- *The other option is to obtain the services of a building design profession such as an architect. The building design professional will need to create plans that address the code requirements to legally convert the spaces for residential use. This includes building, mechanical, electrical and plumbing codes. Plans would need to be submitted to the City of Toledo at 206 N. Main Street. Once this occurs, the plans will be forwarded to the Lincoln County Building Division for review and issuance of permits.*

Please let us know what your intentions are to address this as soon as possible.

Regards,

Greg Musil  
Staff Captain

CC: Al Eames, Lincoln County Building Official  
CC: City of Toledo Planning Department



March 19, 2020

Phillip Krause  
10109 Yaquina Bay Road  
Newport, Oregon 97365

**RE: Illegal Use of Commercial Buildings as Residences at 333, 355 & 359 N. Main Street - Toledo**

Mr. Krause,

In February 2019, we inspected the above properties you own. During the inspections we became aware of commercial mercantile occupancies at the above addresses being used as private residences. An order to discontinue having people living in these spaces was issued. Necessary building permits and structural changes have not occurred authorizing the conversion of these structures to a residential occupancies.

**The City of Toledo orders to discontinue using the mercantile occupancies as residences. This needs to happen within 30 days of this notice.**

This places the people using these building spaces as residences in danger of fire and other life safety hazards. The spaces lack the proper egress escape windows and doors to exit in the event of a fire. In one of the spaces, the occupant is living on a loft which increases that risk even more. Other hazards in the spaces may include environmental, sanitation, plumbing and electrical issues to the occupants.

If you wish to use these spaces in the future as residences, you will need to obtain the services of a building design profession such as a licensed architect or engineer. The building design professional will need to create plans that address the code requirements to legally convert the spaces for residential use. This includes building, fire, mechanical, electrical and plumbing codes. Plans would need to be submitted to the City of Toledo at 206 N. Main Street. Once this occurs, the plans will be forwarded to the Lincoln County Building Division for review for proper occupancy codes and issuance of building permits.

We appreciate your assistance and cooperation in the matter.

Regards,

Tony Bour  
Code Enforcement Officer  
Phone 541-961-6673

Greg Musil  
Staff Captain  
Phone 541-336-3311 Ext. 5206

CC: Al Eames, Lincoln County Building Official  
CC: City of Toledo Planning Department

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	April 22, 2020	Ordinance No. 1382, An ordinance of the Toledo City Council updating Toledo Municipal Code; Title 8, Uniform Fire Code; Chapter 8.20.010 Documents Adopted; amending Ordinance 1229 and declaring an emergency
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Assure and provide services that protect the public.	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Attorney D. Robinson and City Recorder Figueroa	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

Motion to have the second reading and adopt Ordinance No. 1382, an ordinance of the Toledo City Council updating Toledo Municipal Code; Title 8, Uniform Fire Code; Chapter 8.20.010 Documents Adopted; amending Ordinance 1229, Ordinance 1128 and declaring an emergency by title only.

**Background:**

The Toledo Fire Code has not been updated since 1994. Having an outdated fire code exposes the City to liability for having inconsistent and conflicting standards ‘on the books’ as opposed to what the Toledo Fire Department staff are enforcing. The first reading of the proposed Ordinance was held on April 15, 2020 by the City Council.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
N/A	2019-2020	N/A

**Attachment:**

1. Ordinance No. 1382

**CITY OF TOLEDO  
ORDINANCE NO. 1382**

**~~AN ORDINANCE OF THE TOLEDO CITY COUNCIL TO UPDATE THE CITY OF TOLEDO FIRE CODE AND AMENDING ORDINANCE 1229~~ *UPDATING TOLEDO MUNICIPAL CODE; TITLE 8, UNIFORM FIRE CODE; CHAPTER 8.20.010 DOCUMENTS ADOPTED; AMENDING ORDINANCE 1229 AND DECLARING AN EMERGENCY***

**WHEREAS**, The City of Toledo maintains a well-run Fire Department; and

**WHEREAS**, the City has in its Code a fire code that is old and in conflict with present day standards; and

**WHEREAS**, Ordinance 1229 allows for amendments that may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law; and

**WHEREAS**, the City Council finds it advisable to declare an emergency and make the ordinance effective immediately upon adoption.

**NOW, THEREFORE, THE CITY OF TOLEDO ORDAINS AS FOLLOWS:**

Section 1. That the City Council amends Ordinances 1229 § 3, 1994 and Ord. 1128 § 1, 1981, which appear as section A and B of TMC 8.20.010

Section 2. That the City repeal section B of TMC 8.20.010.

The Fire Code will read as follows:

Chapter 8.20 – Adoption of State Fire Code

8.20.010 - Documents adopted.

A. The State of Oregon Fire Code (OFC) 2019, including the Table of Contents Appendices B, C, D, H, I, K, N, Q, R, S, and T and the Index together which prescribe regulations safeguarding life, health, property and public welfare to a reasonable degree from the hazards of fire explosion and panic except such other portions thereof are hereinafter deleted, herein modified or amended is hereby adopted and by this reference made a part hereof with the same force and effect as though set forth herein in full. The foregoing is referred to as the "this Code" and is composed of the 2018 edition of the International Fire Code as published by the International Code Council and amended by the Oregon State Fire Marshal said Fire Code. All referenced standards in OFC are hereby adopted and are on file and open to public inspection at the Fire Department.

(Ord. 1229 § 3, 1994; Ord. 1128 § 1, 1981; Ord. \_\_\_\_\_1382)

B. Repealed

C. The city also adopts the standardized-costs schedules for transportation route response, unprotected area response, and apparatus cost that are contained in the State Fire

Marshal's Oregon Fire Mobilization Plan and the volunteer firefighter reimbursement rate that is contained in the State Fire Marshal's Oregon Fire Service Mobilization Plan. All responses billed under these plans are subject to a thirty (30) minute minimum response charge.

(Ord. 1229 § 3, 1994; Ord. 1128 § 1, 1981; Ord. \_\_\_\_\_1382)

8.20.020 - Violation—Penalty.

A. Violation of any section of this chapter, or failure to comply with any order issued under this chapter, or building in violation of specification or plans submitted and approved under this chapter, is a Class A infraction.

B. This remedy is not intended to be exclusive, and the city of Toledo may pursue any other remedy available to it by law, including the removal of the prohibited conditions.

(Ord. 1229 § 3, 1994; Ord. 1128 § 1, 1981; Ord. \_\_\_\_\_1382)

*Section 3. This Ordinance shall be effective immediately and upon its passage by the Toledo City Council.*

This Ordinance is adopted by the City Council this 22<sup>nd</sup> day of April, 2020.

APPROVED:

\_\_\_\_\_  
Mayor Rod Cross

ATTEST:

\_\_\_\_\_  
City Recorder Lisa Figueroa

**CITY OF TOLEDO  
RESOLUTION NO. 1436**

**A RESOLUTION OF THE TOLEDO CITY COUNCIL DECLARING A STATE OF EMERGENCY**

**WHEREAS**, ORS 401.309 and Toledo Municipal Code (TMC) 2.40.050 provides authority for The City of Toledo to declare a state of emergency; and

**WHEREAS**, the Governor of the State of Oregon declared a state-wide state of emergency; and

**WHEREAS**, Lincoln County, Oregon declared a state of emergency; and

**WHEREAS**, the provisions of ORS 401.165 to 401.236 supersede the provisions of a local resolution to declare a local state of emergency when the Governor declares a state of emergency within any area in which such an ordinance or resolution applies; and

**WHEREAS**, the Emergency Program Director declared a state of emergency on March 18, 2020, which will expire on April 30, 2020; and

**WHEREAS**, the Emergency Program Director will extend the state of emergency to May 8, 2020; and

**WHEREAS**, the City Council agrees with the Emergency Program Director's declaration.

**NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:**

- Section 1. The Emergency Program Director's declaration, dated April 22, 2020, declaring a local state of emergency on the City of Toledo as a result of the COVID-19 pandemic, attached hereto as Exhibit 1, is hereby ratified.
- Section 2. The City Council adds the following specific emergency powers for the duration of the emergency period set forth in the declaration:
- (a) All non-essential city commissions, committees, task forces and city sponsored events are cancelled during the state of emergency;
  - (b) At the discretion of the Council, City Council Meetings may be cancelled, rescheduled, or nonessential agenda items removed and rescheduled.

This Resolution shall be effective upon passage by the City Council this 22<sup>nd</sup> day of April, 2020.

APPROVED:

\_\_\_\_\_  
Mayor Rod Cross

ATTEST:

\_\_\_\_\_  
City Recorder Lisa Figueroa



**EXHIBIT 1 TO RESOLUTION NO. 1436  
DECLARATION OF A LOCAL STATE OF EMERGENCY IN  
THE CITY OF TOLEDO AS A RESULT OF CORONAVIRUS  
(COVID-19) PANDEMIC**

The Emergency Program Director, as designated in Toledo Municipal Code Chapter 2.40 finds that:

- A. The following conditions exist that require the need to declare a local state of emergency:
1. The nature of the emergency is a world-wide pandemic caused by the Coronavirus (COVID-19). It was declared a pandemic by the World Health Organization March 11, 2020. Oregon announced its first presumptive case of Coronavirus (COVID-19) on February 28, 2020. Through March 17, 2020 there were 66 confirmed cases of Coronavirus (COVID-19) in Oregon. The Governor of the State of Oregon and the Lincoln County Commissioners declared states of emergency (Executive Order 20-03, Lincoln County Resolution #20-18-3A). State of Oregon Executive Orders have prohibited gatherings of more than 25 people, ordered the closure of bars and restaurants dine-in service (Executive Order 20-07), and ordered that schools be closed until April 28, 2020.
  2. The designated geographical boundaries of the area subject to the emergency controls is the City Limits of Toledo.
  3. The duration of time during which the area so designated shall remain an emergency area is **May 8, 2020**. This duration may be extended in two-week increments so long as the emergency continues to pose an ongoing, immediate, and substantial threat to life, safety, health, or property in the City of Toledo.
  4. Special regulations imposed as a result of the state of emergency are as follows:
    - **Toledo City Hall:** Public contact/communication is limited; in-person services provided electronically or by appointment
    - **Toledo Fire Department:** Closed to the public
    - **Toledo Library:** Closed to the public and in-person services have been suspended
    - **Toledo Municipal Court:** Deferred until May 28
    - **Toledo Police Department:** Public contact/communication is limited to front lobby phone, no fingerprinting and no notary services
- B. The ratification by the Council may also authorize additional specific emergency powers for the duration of the emergency period set forth in the declaration.

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Judy Richter, City Manager, Emergency Program Director

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April 22, 2020

Date



# Toledo Police Department

250 West Highway 20 • Toledo, Oregon 97391

Phone: 541.336.5555

Fax: 541.336.2123

## Department Stats March 2020

### Citations

Careless Driving	1
Driving Uninsured	18
Driving W/O Lights	1
Driving W/O Privileges	4
DWS-Violation	26
Fail Carry Proof Insurance	2
Failure to Drive w/in Lane	5
Failure to Register Vehicle	6
Failure Yield Emergency Vehicle	1
Illegal Alteration/Display Plate	1
Improper Display of Sticker	5
Open Container	4
Operating MV Using Mob Com Dev	1
Violation of Posted Speed	15
<b>Total</b>	<b>90</b>

**Average MPH over 23.5**

	<u>Citations</u>	<u>Warnings</u>	<u>Total</u>	<u>Average Warning</u>
<b>Total</b>	<b>90</b>	<b>228</b>	<b>315</b>	<b>72%</b>

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Michael Pace • Chief of Police



# Toledo Police Department

250 West Highway 20 • Toledo, Oregon 97391

Phone: 541.336.5555

Fax: 541.336.2123

## Person

Harassment	2
Menacing	1
Reckless Endangering	1
<b>Total</b>	<b>4</b>

## Property

Fraud	2
Hit and Run - Property	2
Theft	5
Trespass	1
Unlawful Use of Motor Vehicle	1
<b>Total</b>	<b>11</b>

## Society

Disorderly Conduct	2
Drugs	6
DUII	3
DWS - Misdemeanor	4
Escape	1
Fail to Carry and Present License	3
Interfere w/ Police Officer	3
Parole/Probation Detainer	6
Reckless Driving	2
Warrant	7
<b>Total</b>	<b>37</b>

Total Crimes	52
Total Cleared Crimes	46
Cleared by Arrest	88%

*Michael Pace • Chief of Police*



# Toledo Police Department

250 West Highway 20 • Toledo, Oregon 97391

Phone: 541.336.5555

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## COVID 2020 2019 TO 2020 COMPARISON

	<u>Mar-19</u>	<u>Mar-20</u>	<u>Decrease/Increase</u>	<u>Percentage of Change</u>
<b>Person Crimes</b>	6	4	-2	-33.33%
<b>Property Crimes</b>	14	11	-3	-21.43%
<b>Society Crimes</b>	47	37	-10	-21.28%
<b>Total Crimes</b>	67	52	-15	-22.39%

<u>Crime</u>	<u>Mar-19</u>	<u>Mar-20</u>	<u>Decrease/Increase</u>	<u>Percentage of Change</u>
Suicide Calls	2	1	-1	-50.00%
Police Officer Hold	5	0	-5	-100.00%
Mental Health Calls	3	0	-3	-100.00%
Theft	10	5	-5	-50.00%
Drugs	10	6	-4	-40.00%
DUII	7	3	-4	-57.14%

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Michael Pace • Chief of Police