

**TOLEDO CITY COUNCIL
SPECIAL MEETING**

June 3, 2020

6:00 p.m.

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m.

Present	Absent	
<u> X </u>	<u> </u>	<u>Mayor Rod Cross</u>
<u> X </u>	<u> </u>	<u>Council President Joshua Smith</u>
<u> </u>	<u> X </u>	<u>Councilor Jackie Kauffman</u>
<u> X </u>	<u> </u>	<u>Councilor Heather Jukich</u>
<u> </u>	<u> X </u>	<u>Councilor Bill Dalbey</u>
<u> X </u>	<u> </u>	<u>Councilor Stu Strom</u>
<u> X </u>	<u> </u>	<u>Councilor Betty Kamikawa</u>

Staff present: City Manager (CM) Judy Richter, City Recorder (CR) Lisa Figueroa, City Attorney (CA) David Robinson, Police Chief (PC) Mike Pace, Contract Planner (CP) Justin Peterson, Co-Fire Chief (FC) Dave Inman, Staff Captain (SC) Greg Musil

Visitors: Wayne Burkland

2. VISITORS/PUBLIC COMMENT

There were no comments.

3. CONSENT AGENDA

Minutes from the Special Meeting held April 8, 2020

Resolution No. 1441, A Resolution authorizing Staff to apply for a grant for the Safe Routes to School Project Identification Program

It was moved and seconded (Strom/Jukich) to approve the minutes from the Special Meeting held April 8, 2020 as presented and the motion carried unanimously.

Mayor Cross moved Resolution No. 1441 to the decision items for discussion.

4. DISCUSSION ITEMS

Committee Updates

Mayor Cross indicated the Cascades West Council of Governments is recruiting for an Executive Director and they have made an employment offer to a candidate.

5. DECISION ITEMS

Resolution No. 1441, A Resolution authorizing Staff to apply for a grant for the Safe Routes to School Project Identification Program

CP Petersen provided the Council report. He said this grant is provided by the Oregon Department of Transportation (ODOT) specifically is a plan identification program, which would require a

consultant to visit and identify areas of improvement around the school. He said there would be staff time involved to write the grant and for future planning meetings. He indicated the City has already received a letter of support from the School.

It was moved and seconded (Jukich/Smith) to approve Resolution No. 1441, A Resolution authorizing Staff to apply for a grant for the Safe Routes to School Project Identification Program and the motion carried unanimously.

Public Hearing: Abatement of dangerous stairwell at apartment building located at 109-115 SE 1st Street

Mayor Cross opened the Public Hearing at 6:26 p.m. and asked for declarations of ex parte contact or conflicts of interest from members of the Council.

Mayor Cross and Councilor Strom declared they have visited the site. Mayor Cross reviewed the Public Hearing process.

SC Musil provided the Council report and noted the Fire Department has been to the location on several occasions. He said they had to transport a patient on a medical chair and noticed the deck was shaky, weak and the stairs were spongy. He said the Fire Department was concerned for the safety of the department and the patient. He said they tried to contact the property owner several times but did not get a response and had to include the City Attorney for the owner to address the issue. He noted the City hired a structural engineer to evaluate the deck, who provided a report that identified deficiencies, which is included in the packet.

FC Inman indicated he and FC Ammons were contacted by Mr. Burkland earlier this week to visit the property. He said they visited the site and took pictures of the improvements. He said the Fire Department recommends another evaluation of the deck be completed before Council makes a decision.

Mr. Burkland said he was in the hospital could not address the letters and then had to stay home due to the quarantine. He said when he received the Public Hearing notice he decided to drive down and repair the deck.

CA Robinson suggested the Council continue the hearing and conduct another engineer's report. There was a consensus of the Council to continue the hearing.

Mayor Cross closed the public hearing at 6:39 p.m. The Council inquired whether they could suspend the hearing until an engineer's report has been completed. CR Figueroa noted the Public Hearing process requires the hearing be continued to a specific date and time.

It was moved and seconded (Smith/Kamikawa) to continue the Public Hearing to June 17 pending the acquisition of an engineer's report on the work that has been done and the motion carried unanimously.

CM Richter asked for clarification as to who will provide the engineer's report and cover the cost of the report. CA Robinson recommended if the report notes the deck is safe and stable the City

could bear the cost but if the report indicates the deck is unsafe then the Mr. Burkland must make the repairs and incur the cost of the report. He included if the City is forced to make the repairs because Mr. Burkland does not do it, then the costs could be applied as a lien on his property. A consensus of the Council agreed with CA Robinson's recommendation.

Public Hearing: Temporary Use Permit Renewal 161– SE 2nd Street

Mayor Cross opened the Public Hearing at 6:47 p.m. and asked for declarations of ex parte contact or conflicts of interest.

Councilor Jukich said she served as a volunteer of the Eagles in the past but is no longer a member and she used to live near the property. Councilor Strom declared he is an Eagles Member but not the Toledo Chapter and he visited the site. Mayor Cross reviewed the Public Hearing process.

CP Petersen provided a report and said this is a request for an extension. He said the previous approval was a six month approval in October of 2019. He said the Municipal Code allows for a one-time six-month extension with City Council approval. He said notifications were mailed out to adjacent property owners but staff received no comments. He indicated Public Works and the Fire Department also reviewed the request.

Mayor Cross opened the floor for public testimony. After hearing no comments, he closed the Public Hearing at 6:51 p.m.

It was moved and seconded (Strom/Smith) to approve the request to extend the deadline for Temporary Use Permit #TTP-1-19 for up to six months and the motion carried unanimously.

Ordinance No. 1383, An Ordinance amending ordinance 1306, the City of Toledo Police Property Inventory Code, to comply with change in law

CA Robinson provided the Council report and indicated the law has changed to prohibit police from searching closed containers during a property inventory search. He noted the proposed amendments strike any reference to searching closed containers.

PC Pace said policies change frequently and while Lexipol is up to date, the Municipal Code has not been updated for some time.

It was moved and seconded (Smith/Jukich) to adopt Ordinance No. 1383, An Ordinance of the City of Toledo Amending Ordinance Number 1306, the Toledo Property Inventory Code and declaring an emergency [Mayor Cross read the title twice] and the motion carried unanimously.

Parade & Procession permit request – Toledo High School Graduation Parade

CR Figueroa summarized the Council report and indicated the 2020 high school graduation ceremony has been cancelled due to the COVID-19 pandemic but the high school would like to host a graduation procession instead. She said it would include approximately 50 cars and the route will travel along Sturdevant Rd, a portion of Business Highway 20 and Main Street. She said staff would notify Georgia-Pacific of the time and route as a courtesy since it may impact the truck route along Sturdevant Road.

It was moved and seconded (Smith/Jukich) to approve the street closures for the High School graduation for June 3, 2020.

Councilor Kamikawa noted the date should be June 6, 2020. Councilor Smith amended his motion, Councilor Jukich seconded the amended motion and it carried unanimously.

Resolution No. 1442, A Resolution authorizing expenditures from the City Council Strategic Fund, making funds available for local business loans

CM Richter provided the report and noted she had not received the agreement when she wrote the report. She said she learned of a non-profit, Community Lending Works that manages loan funds. She said they will manage an emergency loan fund for a city for \$100,000. She said Toledo does not have \$100,000 however, Lincoln County, Lincoln City and the City of Yachats have agreed to let Toledo participate [piggy-back] onto their fund with \$43,000 for businesses within Toledo. She noted a couple of questions she had in regards to whether the funds are available as grants or loans. There was discussion about the agreement and whether the pool will be applied to Toledo businesses after two-weeks. There was a consensus of the Council to get more clarification before they make a decision.

6. REPORTS AND COMMENTS

PC Pace reported Officer Wigham graduated from the Academy today and his class received the Director's Award. He said the Award is given to classes who excel in academics, defensive tactics and other criteria but they have to meet all four categories.

PWD Zuspan indicated all the banners for the high school students have been posted. He said the crew has been out striping several streets.

CM Richter announced a new Utility Billing Clerk has been hired and there are several job announcements that will be available on the website soon.

Councilor Strom asked if staff will address any concerns that were expressed by Budget Committee members who did not vote to approve the budget. CM Richter indicated she cannot make any changes to the approved budget before it goes to Council. Mayor Cross noted there was clarification from CIS Insurance, which indicated the City Attorney/Planner position must remain in the budget open and funded while an employee is on USERRA leave.

There was discussion about having a monthly report for Council to review projects and/or estimated actuals but the Council did not provide any direction to staff.

Mayor Cross expressed excitement over the banners for the high school students. He commented on Councilor decorum and how they present themselves to the public. He read a statement and expressed the statement is his own personal view.

7. ADJOURNMENT

The meeting adjourned at 7:36 p.m.

ATTEST:

APPROVE:

/s/City Recorder Lisa Figueroa

/s/Mayor Rod Cross