

**TOLEDO CITY COUNCIL
REGULAR MEETING**

June 17, 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>X</u>	<u> </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, Police Chief (PC) Michael Pace, Public Works Director (PWD) Bill Zuspan, Fire Chief (FC) Larry Robeson, City Attorney (CA) David Robinson, Library Director (LD) Deborah Trusty, Captain (C) Musil, Co-Fire Chief (FC) Joe Ammons

Visitors present: Nancy Bryant, Craig Lash, Chuck Lerwick, Joe Cook

2. OATH OF OFFICE

Oath of Office – Swear in Detective Michael Henderson

PC Pace announced Officer Michael Henderson has been promoted to Detective and performed an Oath of Office.

3. VISITORS/PUBLIC COMMENT

There were no comments.

4. CONSENT AGENDA

Minutes from the Work Sessions held January 22, 2020 and May 27, 2020 and the Regular Meeting held June 3, 2020

Motion – It was moved and seconded (Strom/Smith) to approve the Consent Agenda as presented and the motion carried five to one with Councilor Jukich opposed.

5. DISCUSSION ITEMS

Discussion regarding mandatory face coverings being worn in public places

CM Richter indicated she included this on the Agenda in anticipation of consideration at the County level on Friday, June 19 and wanted to provide the Council an opportunity to discuss it before the discussion on Friday. The Council discussed the issue and considered whether it would be enforceable. There was a consensus of the Council to not mandate face coverings in public

places but to highly recommend the use of face coverings. Following this discussion the Mayor asked Council members if they were in favor of reducing the social gathering limit from 25 to 10 people and a consensus of the Council indicated they would leave it at 25 and decrease it to 10.

Review Insurance renewal report for insurance agent, Gary Eastlund

CM Richter provided the Council report and said this is for information only. She said a majority of the claims were no fault of the City. She indicated Mr. Eastlund receives a commission from what the City pays. The Council asked clarification questions in regards to the services provided.

6. DECISION ITEMS

Resolution No. 1446, a resolution approving a rate increase for Solid Waste Disposal Services provided by Dahl Disposal

CM Richter summarized the Council report and said she prepared a resolution in case the Council decided to adopt an increase and noted Dahl provided an option to not raise the rates due to the pandemic. Operations Manager Chuck Lerwick and General Manager Joe Cook addressed the Council and said they considered waiting some time before implementing an increase. CP Smith asked if the Council could amend the Resolution to adopt the rate increase as of September 1, 2020. Mr. Lerwick replied yes.

Motion – It was moved and seconded (Smith/Kamikawa) to adopt Resolution No. 1446, a resolution of the Toledo City Council approving a rate increase for Solid Waste Disposal Services provided by Dahl Disposal and that rate is to become effective September 1, 2020 and the motion carried four to two with Councilors Jukich and Kauffman opposed.

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

Mayor Cross opened the Public Hearing at 6:52 p.m. and asked members of the Council if they wish to declare any conflicts of interest or ex parte contact since the last meeting. CM Richter provided the report and said a structural report was conducted and provided to the Council yesterday by e-mail. Captain Musil reviewed the repairs that were done to the deck/stairway and said there were still some exposed areas and the wood used was not pressure treated as required in the engineer's report. He indicated he confirmed with the engineer that the wood must be pressure treated. The Council reviewed the information.

Mayor Cross closed the Public Hearing at 7:02 p.m.

The Council deliberated options and conditions and believed the property owner should complete the repairs by August 1, 2020 including paying for one of the inspections or a lien would be assessed on the property. CP Smith referenced the letter submitted by the property owner, which stated safety is their top priority. He said this is the responsibility of the business owner; now the issue is going through a third inspection and the taxpayers should not subsidize the repairs needed on this property.

After further discussion, Mayor Cross outlined the conditions of the Order for the property owner:

- A dangerous condition exists located at 109-115 SE 1st St. Toledo, OR 97391.

- That the stairs must be rendered safe within 42 days and must meet inspection by the engineer on or before August 1, 2020.
- The property owner will incur the costs of the initial inspection and the second inspection. If the stairwell passes the third inspection, the City will pay for the third inspection. Otherwise all costs belong to the property owner.
- Violation of this order constitutes a class A infraction punishable by a fine of \$1,000 and will be deemed as a continuing violation pursuant to Toledo Municipal Code 1.20.150 if the stairs are not rendered safe within 42 days, the Council will impose this fine.

Motion – It was moved and seconded (Cross/Smith) that the Council declare the stairs are a nuisance in accordance with Toledo Municipal Code 15.12.020 and the evidentiary findings are adopted as listed previously.

CA Robinson noted:

- If the property owner, Wayne Burkland fails to do any remediation then the City Council may order an Abatement and Assessment by the City pursuant to Toledo Municipal Code Chapters 15.12.070 – Abatement by City and 15.12.080 – Assessment to determine the total cost of the work performed, including an administrative cost of twenty (20) percent if the city performs the work, and assess that cost against the property on which the building is situated. The assessment shall be declared by resolution, entered in the docket of city liens, and shall then become a lien against the property.

Mayor Cross amended his motion to include that the cost of abatement will be assessed as a lien against the property and CP Smith seconded the amended motion. Following discussion, the motion carried unanimously.

Resolution No. 1442, authorizing the expenditure of funds from the City Council Strategic Reserve Fund to make small business loans available to businesses in Toledo

CM Richter reported she has not received the answers to the questions the Council had from the previous discussion and recommended this be moved to the next meeting. A consensus of the Council concurred with CM Richter.

Motion – It was moved and seconded (Smith/Jukich) to move the item to the next meeting and the motion carried unanimously.

Resolution No. 1443, a resolution to transfer funds to correct Budget appropriations for Fiscal Year 2019-2020

CM Richter summarized the Council report and said this will transfer some dollars within the current fiscal year. She said in some instances contract services were used instead of payroll costs for example the Contract Planner and noted there is no net effect.

Motion – It was moved and seconded (Smith/Kamikawa) to approve Resolution No. 1443, A resolution to transfer funds to correct budget appropriation for Fiscal Year 2019-2020 and the motion carried unanimously.

Public Hearing: Resolution No. 1444, a resolution declaring the City’s election to receive State Shared Revenues for Fiscal Year 2020-2021

Mayor Cross opened the Public Hearing at 7:36 p.m.

CM Richter provided a staff report and reviewed the resolution. Mayor Cross opened the floor for public comment. After hearing no comments, he closed the Public Hearing at 7:38 p.m.

Motion – It was moved and seconded (Strom/Smith) to adopt Resolution No. 1444, a resolution of the Toledo City Council declaring the City’s Election to receive State Shared Revenues for fiscal 2020-2021 and the motion carried unanimously.

Public Hearing: Resolution No. 1445, a resolution adopting the Budget appropriating funds and levying taxes for Fiscal Year 2020-2021

Mayor Cross opened the Public Hearing at 7:39 p.m.

CM Richter provided a staff report and noted for the record that there was scrivener’s error within the Library Department budget. She said it does not affect the total dollar amount of the budget. She reviewed the two changes of \$10,000 each in the adoption of the budget. She said one was under General Fund, Library Department, the total of the transfers should be \$35,000 and the other is under the General Fund, Unappropriated Surplus total should be \$610,149. Mayor Cross opened the floor for public comment. After hearing no comments, he closed the Public Hearing at 7:41 p.m.

Motion – It was moved and seconded (Smith/Jukich) to accept the amendments as presented and the motion carried unanimously.

Motion – It was moved and seconded (Smith/Strom) to adopt Resolution No. 1445, a resolution of the Toledo City Council adopting the Budget, appropriating funds and levying taxes for the Fiscal Year 2020-2021 and the motion carried five to one with Councilor Jukich opposed.

Resolution No. 1447, extending the state of emergency declaration to July 1, 2020

CM Richter indicated the current declaration will expire today and recommended it be extended. The Council concurred and suggested it be extended to August 1.

Motion – It was moved and seconded (Smith/Jukich) to approve Resolution No. 1447, a resolution of the Toledo City Council extending the state of emergency declaration to August 1, 2020 and the motion carried unanimously.

Surplus Fire vehicles and equipment for disposition

FC Ammons provided the Council report and the Council asked clarification questions. FC Ammons said any money received for the surplus equipment could be used to update any outdated equipment for the Fire Department.

Motion – It was moved and seconded (Smith/Kamikawa) to declare fleet vehicles surplus and dispose of them as allowed within the adopted City of Toledo Purchasing Manual and the motion carried unanimously.

7. REPORTS AND COMMENTS

LD Trusty reported the Library continues to provide curbside service. Councilor Strom asked if the Library provides books to the small library along Main Street. LD Trusty said they do not but would be willing to supply some books.

FC Ammons reported the City received 4,000 masks from Lincoln County to be distributed to City staff and/or the public. It was noted there will be another mask distribution event soon, date to be determined.

PC Pace noted there will be professional standards webinars provided by the DPSST. He recommended Council members sign up even if they cannot attend so they can access the recorded webinars. He said a neighborhood watch group has started in the community.

PWD Zuspan said ballards will be installed in front of the Police department this week and there was a broken line last night near SE 5th Street. Mayor Cross thanked the Public Works staff for posting the banners along Main Street and Business 20 for the graduating class.

CR Figueroa reported the General Election is scheduled for November 3, 2020, there will be three Council positions and the Mayor position up for election. She noted the filing period for candidacy is currently open and there are two ways to file; by fee or by signature petition. She said information is available on the City website along with her contact phone number for anyone who has questions.

CM Richter reminded the Council there are two openings on the Planning Commission. The Council inquired whether a person can reside within the Urban Growth Boundary (UGB). CR Figueroa noted the Code says two Commissioners may be non-residents, but it does not specify they must reside within the UGB. She noted one of the terms is currently occupied by a non-resident.

The Council discussed whether they will continue to host meetings via Zoom if City Hall opens up and meetings happen in person again. CM Richter indicated she is not considering opening City Hall unless the County enters Phase 2.

CP Smith said he will not be available for the next meeting.

Councilor Kamikawa reported on the community gardens and indicated another location has been selected.

Mayor Cross commented on being able to assist the community and local businesses, which is a struggle for many other small communities. He said the League of Oregon Cities has announced the annual conference and said it will be virtual. He said the Lincoln County School District determined they will begin the next school year in a hybrid format.

8. ADJOURNMENT

The meeting adjourned at 8:24 p.m.

ATTEST:

APPROVE:

/s/City Recorder Lisa Figueroa

/s/Mayor Rod Cross