

**TOLEDO CITY COUNCIL
REGULAR MEETING
December 6, 2023**

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:01 p.m. also via Zoom in Toledo, Oregon.

Present	Absent	
X		Mayor Rod Cross
X		Council President Kim Bush
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Stu Strom
X		Councilor Frank Silvia
X		Councilor Jackie Burns

Staff present: City Manager (CM) Doug Wiggins, City Recorder (CR) Lisa Figueroa, City Attorney (CA) Mike Adams, Finance Director/Assistant CM (FD) Amanda Carey, Police Chief (PC) Michael Pace, Fire Chief (FC) Larry Robeson, Contract Planner (CP) Justin Peterson

2. PROCLAMATIONS/PRESENTATIONS

Proclamation – Fiscal Year 2022/2023 Financial Audit presentation, Hanford and Associates
Teresa Hanford and Sara Marshall of Hanford and Associates presented the financial audit. Ms. Marshall highlighted several funds within the audit and said overall the City is doing well financially. Ms. Hanford said City staff continues to make improvements in many areas, which is reflected in the audit.

3. Public Hearing (Legislative) – Ordinance No. 1417, an ordinance amending Toledo Municipal Code Chapter 1.08 to adopt the 2023 Toledo Comprehensive Land Use Plan

Mayor Cross opened the public hearing at 6:17 p.m. and presented the council report. He asked Council members for any declarations of conflicts of interest or bias and there were none. He reviewed the process of the public hearing process including the public comment and appeal process.

CP Peterson provided the council report. He said this is a legislative public hearing for the 20 year Comprehensive plan [2043 Vision] (Plan) update. He said the City was overdue to update the plan and the effort was to modernize it. He said the Planning Commission has worked on the Plan update for two years, going through each of the chapters to consider updates to the Plan. He said the Planning Commission recommends the Council approve the Plan. He reviewed the criteria and noted page 5 lists various outreach methods the Planning Commission used to engage community involvement and solicit feedback. He noted there were a couple of properties along East Slope Road that were annexed in the 1990’s but there are some discrepancies with the final approval of those properties with the state. He said it is not directly related to the Plan and staff is working to sort out that issue. He said a local wetlands inventory was conducted in 1995, which will be

updated with a new wetlands inventory. He said the planning staff consulted with the Department of Land Conservation and Development (DLCD), who reviewed and offered text edits on the Plan.

CP Peterson reviewed Article 7 and indicated the City does not currently have a Parks Master Plan, however it is possible to seek a grant from the state Oregon Parks and Recreation Department for a grant to develop one. He continued through the Plan and highlighted several minor updates. He proceeded to Article 14 and noted there is a policy now in regards to an Urban Growth Boundary (UGB) swap. He said the policy would support a future UGB swap. He referenced Articles 16 and 17 and indicated Lincoln County is the lead in regards to an Estuary Management Plan (EP). He said the County has to adopt an EP, which will be adopted by the City as well. He said staff provided notice to Lincoln County about the Plan, but did not receive any comments. He said staff requests the Council adopt the Plan.

The Council inquired whether there would be significant future changes required to the Plan if the Federal Emergency Management Agency (FEMA) adopted their proposed building restrictions.

Mayor Cross opened the floor for public comment but there were no comments.

Motion – It was moved and seconded (Strom/Silvia) to close the public hearing and the motion carried unanimously.

Mayor Cross closed the public hearing at 6:39 p.m.

Motion – It was moved and seconded (Kauffman/Bush) to approve the proposed amendment to the Toledo Municipal Code based on the testimony received, the findings within the staff report, and the evidence and arguments before the City Council at the public hearing on December 6, 2023. The City Council determines that the request by the City of Toledo (PA-1-23) to amend the Toledo Comprehensive Plan, complies with the criteria identified in TMC 19.20.070(A)-(D) as stated in the findings contained in the Staff Report. The City Council hereby adopts the staff report as findings and the other evidence in the record as findings supporting its decision and approves application PA-1-23. In addition, the City Council adopts Ordinance No. 1417 by reading by title twice: "An Ordinance Amending Toledo Municipal Code Chapter 1.08 to adopt the 2023 Toledo Comprehensive Land Use Plan and the motion carried unanimously.

4. VISITORS/PUBLIC COMMENT

Outreach Manager Dave Larmouth of Dahl Disposal Services addressed the Council. He reported food waste can now be mixed with yard debris and that mixed compostable program is going well. He noted the holiday season schedule for Christmas and New Year's Day service will be one day late, except for Friday. He indicated with the upcoming severe weather, there may be instances they will not be able to pick up trash/recyclables.

Barry Bruster, citizen, inquired whether there are any plans for property located along Graham Street and the Council indicated there were no plans.

5. CONSENT AGENDA

Minutes from the regular meeting held August 16, 2023, the 2024 Master Meeting Calendar and accept the certified results of the November 7, 2023 Special Election

Councilor Strom requested the calendar be removed for discussion. He commented on hosting three meetings a month and whether the Council could host two meetings instead or adding a work session before a meeting.

Motion – It was moved and seconded to (Mix/Bush) to adopt the consent agenda as amended and the motion carried unanimously.

The Master Meeting calendar was moved to discussion items for further consideration.

6. DISCUSSION ITEMS

Discussion of an Ordinance creating a Toledo Livability Code

CA Adams presented the council report for discussion. He reviewed several changes within the Code based on discussions he had with various citizens. The Council referenced page 176 in the packet and inquired about Section 8.24.420(d). CA Adams referred to provision (e) regarding responsible party and elaborated on the meaning behind responsible party. CM Wiggins clarified, the language was added to ensure a landlord would not be able to claim they are a tenant because their LLC/Corporation is designated as the landlord. Staff answered additional clarification questions.

CM Wiggins said there is a \$75 appeal fee but indicated if they are not found in violation, they would be refunded the fee. He noted Section 8.24.090 addresses violations for untruthfulness.

Kate Orr, citizen, addressed the Council. She said several citizens have met with Mr. Bruster because of several concerns they have with Section 8.24. She expressed concern in regards to the drafts that were available to the public for review and commented she could not keep up to the current draft as they kept getting revised so frequently.

2024 Master Meeting Calendar

Councilor Strom inquired whether the Council would entertain reducing the number of work sessions on the proposed calendar. Mayor Cross proposed the calendar remain as proposed but the Council could review the upcoming calendar before a work session and if there were no items for consideration, then the Council could cancel the meeting. The Council debated the necessity of the dates designated on the calendar. Councilor Mix asked if the first budget committee meeting (April 16) could be pushed back to April 18. There were no comments in opposition of the date.

Motion – It was moved and seconded (Kauffman/Bush) to accept the 2024 master meeting calendar as amended and the motion carried unanimously.

7. DECISION ITEMS

Adoption of the City of Toledo 2023 Drinking Water Protection Plan

CM Wiggins presented the council report he indicated it completed the public comment period and came back from the Oregon Health Authority (OHA) with no comments. He said it meets all the Oregon Administrative Rules (OAR) requirements. He said the Plan addressed public outreach, municipal policies and watershed management amongst other conservational and restoration issues. He said it was approved by OHA and the Department of Environmental Quality.

Motion – It was moved and seconded (Kauffman/Bush) to adopt the City of Toledo 2023 Drinking Water Protection Plan and the motion carried unanimously.

Resolution No. 1536, a resolution of the City Council receiving the audit as presented by Hanford & Associates

FD Carey presented the council report and indicated the resolution accepts the audit that was presented. She noted the only “finding” identified by the auditor is that staff did not prepare their own financial statements, which is common in smaller cities that do not have enough staff to manage it themselves.

Motion – It was moved and seconded (Bush/Strom) to adopt Resolution No. 1536, A Resolution of the Toledo City Council receiving the 2022-2023 Fiscal Year Financial Audit for the City of Toledo as presented by Hanford & Associates.

8. REPORTS AND COMMENTS

CA Adams indicated he hosted several ethics training classes for employees.

CM Wiggins updated the council on the status of the meetings between the City and the Greater Toledo Pool District in regards to the recreation center. He said there may be some intergovernmental agreements that will come before the Council in the future for the recreation center and there would be a separate one presented for with the Urban Renewal Agency as well. He said he has been in negotiations with the contractor for the public safety building and will present a contract to the Council in a future meeting. He said the City issued a public safety announcement in regards to some overflow due to the recent rains. He said it is currently on City property and is not a health or safety issue but the City is still required to provide a public notice.

There were discussions about the recent community events including the upcoming Community Appreciation Parade.

9. ADJOURNMENT

The meeting adjourned at 8:12 p.m.

Approve:

Attest:

/s/Mayor Rod Cross

/s/City Recorder Lisa Figueroa