

**TOLEDO CITY COUNCIL
REGULAR MEETING
December 20, 2023**

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 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 Frank Silvia
X		Councilor Jackie Burns
X		Councilor Stu Strom

Staff present: City Manager (CM) Doug Wiggins, City Recorder (CR) Lisa Figueroa, Finance Director/Assistant City Manager (ACM) Amanda Carey, City Attorney (CA) Mike Adams, Police Chief (PC) Michael Pace, Fire Chief (FC) Larry Robeson, Interim Library Director (LD) Harrison Baker

2. PROCLAMATIONS/PRESENTATIONS

Presentation – Employee recognition

PC Pace recognized employees for their years of service in the Police Department. He said certification from the Department of Public Safety Standards and Training (DPSST) follows the officer wherever they go.
 Aaron Pitcher, 12 years in law enforcement
 Dalynn Shinholster, 8 years in law enforcement and 10 years as a dispatcher
 Wendy Pickell, 5 years as a dispatcher
 Molly Vaughn, 5 years as a dispatcher
 Katie Pimentel, 15 years as a dispatcher
 He noted he provides a gift of service to employees for their 5 year anniversary.

CM Wiggins recognized PC Pace for his 18 years of service. The Council thanked them all for the service.

CM Wiggins introduced Brian Lorimor as the Public Works Director.

Interview(s) – Planning Commission applicants

The Council interviewed a new applicant, Dennis Sutherland to serve on the Planning Commission.

3. VISITORS/PUBLIC COMMENT

There were no comments.

4. CONSENT AGENDA

Minutes from the work session held August 23, 2023

Motion – It was moved and seconded (Kauffman/Strom) to approve the consent agenda as presented and the motion carried unanimously.

5. DISCUSSION ITEMS

Discussion of an Ordinance creating a Toledo Livability Code

CM Wiggins updated the Council on the status of the draft ordinance. He indicated the ordinance has been brought to the Council for review, he said there have been many comments from several public members and the copy is not in the packet but available on the website.

CA Adams noted a clarification in the definition ‘receptacle trailer’ to make the tenant responsible for trash due to the current franchise agreement. CM Wiggins indicated if a landlord removed trash for the tenant, by definition, they become a hauler which is already established within the franchise agreement. The Council asked what would happen if a tenant left without disposing their trash, would the landlord be able to remove it from the property. CM Wiggins indicated that would become abandoned property, and could be removed by the landlord at that time.

CA Adams referenced Section 8.24.180 (residential interior conditions), and said a standard has been added for common/reasonable efforts. He said Section 8.24.550(B)(3) was clarified to stipulate a civil penalty on a person who is not an owner of the property can be referred to a collection company to seek payment. He said Section 8.24550(B)(2) addresses the same matter with the landlord. Staff answered clarification questions in regards to the changes mentioned. There was a consensus of the Council in agreement to include an emergency clause on the ordinance so it could be adopted immediately.

6. DECISION ITEMS

Consideration of applicants for Planning Commission vacancies

CR Figueroa presented the council report. She noted there are two seats that will expire at the end of the year. She said one application was submitted by incumbent Ruthanne Morris and said Dennis Sutherland was a new applicant, whom they interviewed earlier in the meeting.

Motion – It was moved and seconded (Strom/Silvia) to appoint Ruthanne Morris and Dennis Sutherland to the Planning Commission and the motion carried unanimously.

Resolution No. 1537, a resolution authorizing the city to participate in a Polyfluoroalkyl substance class action litigation

CA Adams provided the council report. He said there have been a number of lawsuits dealing with Polyfluoroalkyl (PFAS) chemicals. He said three defendants have agreed to settle for payments to water systems that were impacted. He said there were hundreds of cities and counties listed as claimants and recommended the Council direct staff to participate in the claims process. He said it would allow staff to test the water and fill out the necessary forms. Council inquired what would happen if it were determine there were PFAS in the water. CM Wiggins replied it would move the city into a different category in the litigation n, which may result in a larger settlement claim. CA Adams indicated the City would have to meet the criteria for any settlement.

The Council asked whether participation in the claim would be revoked if the tests come back negative and CA Adams replied it would not. He said all active (non-impacted) water systems in America could still receive some sort of [undetermined] settlement.

Motion – It was moved and seconded (Silvia/Bush) to approve Resolution No. 1537, a resolution of the Toledo City Council authorizing the City to participate in a PFAS class action litigation and the motion carried unanimously.

Contract approval for Phase 1 of the Public Safety Building Remodel – Richards Remodeling
CM Wiggins summarized the council report. He said when the original bid came in Council directed staff to negotiate the price, which has been reduced the cost from \$1.2 million to \$1,009,300.00 and there is a contingency budget of approximately \$150,000. He said there may be some tasks that can be done by the public works staff. He noted two changes; 1. The doors will have to be replaced at another time and 2. The entryway at front of the building will be delayed and included in a future construction phase. He said the project is slightly behind the projected schedule according to the contract, which may mean the project could proceed into another fiscal year.

Motion – It was moved and seconded (Kauffman/Bush) approve a construction contract with Richards Remodeling for Phase 1 of the Public Safety Building Remodel not to exceed \$1,009,300 and authorizing the City Manager to sign the contract and the motion carried unanimously.

Authorize payment related to the Toledo Cemetery Association

CA Adams presented the council report. He said in December of 2023 the City received approval of the property line adjustment from Lincoln County. He said the City is taking a portion of the rock buttress the City installed on the Toledo Cemetery Association's (TCA) property. He indicated following mediation, the City agreed to pay \$30,000 to the TCA. He said the TCA requested the second payment of \$10,000 be paid before the end of the year and staff felt it necessary to bring the request to Council. He answered clarification questions in regards to the history of the issue for Council members who were not on the Council when the agreement was established.

Motion – It was moved and seconded (Silvia/Bush) to authorize a payment of \$10,000 per the settlement agreement with the Toledo Cemetery Association, and the remaining \$10,000 upon recording of the deeds at closing and the motion carried with five in favor and Councilor Kauffman opposed.

7. REPORTS AND COMMENTS

The Council commented the reports provided by the Police and Fire Departments.

CM Wiggins indicated there will be new lighting installed at the library. He said there will be some corrections to pipelines where bottlenecking has been identified. The roof at the Wastewater Treatment Plant was re-roofed and is almost paid off.

CR Figueroa indicated she attended a recent training in regards to Council guidelines and would like to bring the Council's guidelines back for review after the first of the year. She indicated the

last time the guidelines were reviewed was pre-pandemic and the procedures could use an update to include procedures that address virtual attendance and processes. There was discussion in regards to the goal setting for January 24.

Several Council members commented on the various projects/issues staff addressed and expressed thanks.

8. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Approve:

Attest:

/s/Mayor Rod Cross

/s/City Recorder Lisa Figueroa