



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

TOLEDO CITY COUNCIL  
**Regular Meeting – also via Zoom Meeting Platform**  
December 20, 2023

**Virtual Meeting:** The City Council will hold the meeting for the City Council and staff in person as well as through the Zoom video meeting platform. The public is encouraged to attend the meeting electronically. Visit the meetings page on the city website for details including meeting login information.

**Public Comments:** The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to [lisa.figueroa@cityoftoledo.org](mailto:lisa.figueroa@cityoftoledo.org) 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

1. **Call to Order, Pledge of Allegiance and roll call**
2. **Proclamations/Presentations**  
Presentation – Employee recognition; Police Chief Mike Pace  
Interview(s) – Planning Commission applicants
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 three (3) minutes).
4. **Consent Agenda**  
Minutes from the work session held August 23, 2023
5. **Discussion Items**
  - Discussion of an Ordinance creating a Toledo Livability Code (*no materials for this packet, but you may refer to the Council packet from December 6, 2023*)
6. **Decision Items**
  - Consideration of applicants for Planning Commission vacancies
  - Resolution No. 1537, a resolution authorizing the city to participate in a Polyfluoroalkyl substance class action litigation
  - Contract approval for Phase 1 of the Public Safety Building Remodel – Richards Remodeling
  - Authorize payment related to the Toledo Cemetery Association
7. **Reports and Comments**
  - Committee updates
8. **Adjournment**

Comments submitted in advance are preferable. Comments may be submitted by e-mail at [lisa.figueroa@cityoftoledo.org](mailto:lisa.figueroa@cityoftoledo.org). The meeting 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.

Page 1

**TOLEDO CITY COUNCIL**  
**WORK SESSION**  
August 23, 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 Betty Kamikawa
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Kim Bush
X		Vacant
		Vacant

Staff present: City Manager (CM) Judy Richter, City Recorder (CR) Lisa Figueroa, City Attorney (CA) Mike Adams, Police Chief (PC) Michael Pace, Fire Chief (FC) Larry Robeson, Library Director (LD) Deborah Trusty

**2. VISITORS/PUBLIC COMMENT**

There were no comments.

**3. CONSENT AGENDA**

There were no items for consideration.

**4. DISCUSSION**

**Can the City afford to pay Council members a stipend**

Mayor Cross indicated he wanted to add this topic for discussion to consider whether the City should implement a stipend for Council members. He noted several other cities within the state offer stipends and said for example, the City of Halsey provides a stipend of \$300 per month to Council members and \$400 to the Mayor. He said the topic has been discussed at the League of Oregon Cities' meetings recently. The Council debated whether a stipend would improve volunteerism for Council vacancies. It was noted the stipend would be a taxable income and one Councilor suggested there be an option to opt out of receiving the stipend if it were available. After further discussion, the Council asked for the topic to be brought back at a future meeting for more consideration.

**5. DECISION ITEMS**

**Approve purchase of new vehicle for Public Works and surplus of trade in vehicle**

CM Richter said this item was held over from the last meeting after Council requested more information. She referenced the packet, which included information comparing an F150 with an F250. The Council inquired why the vehicle order was made before it came before the Council. CM Richter indicated it was her understanding former Public Works Director Bill Zuspan placed the order because of the long wait time for vehicles and stated she is not certain of the details. Councilor Mix referred to a handout she passed out before the meeting comparing a F150 to a F250 because it was not addressed in the packet materials. She expressed concern in regards to the vehicle order being placed before the request to Council because anything beyond the City Manager's authority must go before Council as a policy.

1 There was discussion in regards to when the vehicle would be delivered and Council members  
2 commented on whether the grounds vehicle would be needed for heavier tasks in the winter and  
3 appreciated the packet comparison.  
4

5 **Motion** – It was moved and seconded (Kamikawa/Kauffman) Motion to approve purchase of 2023  
6 Ford F150 SuperCab Pickup Truck and approve the surplus of a 2006 Ford F250 as a trade in  
7 vehicle and the motion carried four to one with Council Mix opposed.  
8

9 **Permit application, consideration to extend alcohol services to outdoor seating area; Elks**  
10 **Lodge**

11 CR Figueroa provided the council report and referenced the Council packet. She noted staff  
12 including Contract Planner Justin Peterson met with Barry Bruster of the Elks Lodge to clarify  
13 what was included in their request. She noted they want to extend their services to an outside patio.  
14 She commented there is currently no policy in the City in regards to a business requesting to  
15 expand services to serve alcohol and staff preferred to bring it to the Council for review. The  
16 Council reviewed the request, there was discussion about whether the services would impact the  
17 neighboring residences such and it was noted the Council could impose any conditions they feel  
18 would apply.  
19

20 **Motion** – It was moved and seconded (Mix/Kauffman) to approve the permit application to extend  
21 alcohol services for an outdoor seating for the Elks Lodge so long as they include an appropriate  
22 egress, and consideration for the neighbors such as noise and lights and the motion carried  
23 unanimously.  
24

25 **Approve a Contract with C-More Pipe Services for \$43,000**

26 CM Richter summarized the council report and indicated this is another project related to the  
27 inflow and infiltration mitigation. She said the contractor is ready to proceed with Council  
28 approval.  
29

30 **Motion** – It was moved and seconded (Kamikawa/Bush) to approve a contract with C-More Pipe  
31 Services for \$43,000 and authorizing the City manager to sign the contract.  
32

33 **6. REPORTS AND COMMENTS**

34 PC said the County was offering to the cities a class for a Medical Death Investigation certification  
35 and he said two employees were interested and will attend that class.  
36

37 CA Adams said he will work on a draft Livability Code for the Council to review in a future  
38 meeting.  
39

40 CM Richter thanked the Council and said she enjoyed serving as City Manager for the last three  
41 years.  
42

43 Councilor Mix commented about postings she has seen on social media regarding accessibility to  
44 the Police Department and she said she invited them to the Council meeting. She said she would  
45 really like to see more people volunteer in the City because she said she has learned a lot in her  
46 time serving the City.  
47

48 CP Kamikawa said Cascades West Area Commission on Transportation cancelled their meeting  
49 this month but they are proceeding with planning for future improvements to Highway 101.

1 Mayor Cross commented on how citizens can assist to make change in the community. He  
2 provided an example from several years ago when residents of a Toledo neighborhood would  
3 record video outside their homes and they would provide video to the Police Department when  
4 crimes were committed in their neighborhood and they were able to reduce the crimes that occurred  
5 in that area. He said he was in Salem recently discussing the tools needed to be able to build on  
6 the Coast. He said Chalk the Block happened over the weekend and some of the panels were  
7 amazing.  
8

9 **7. ADJOURNMENT**

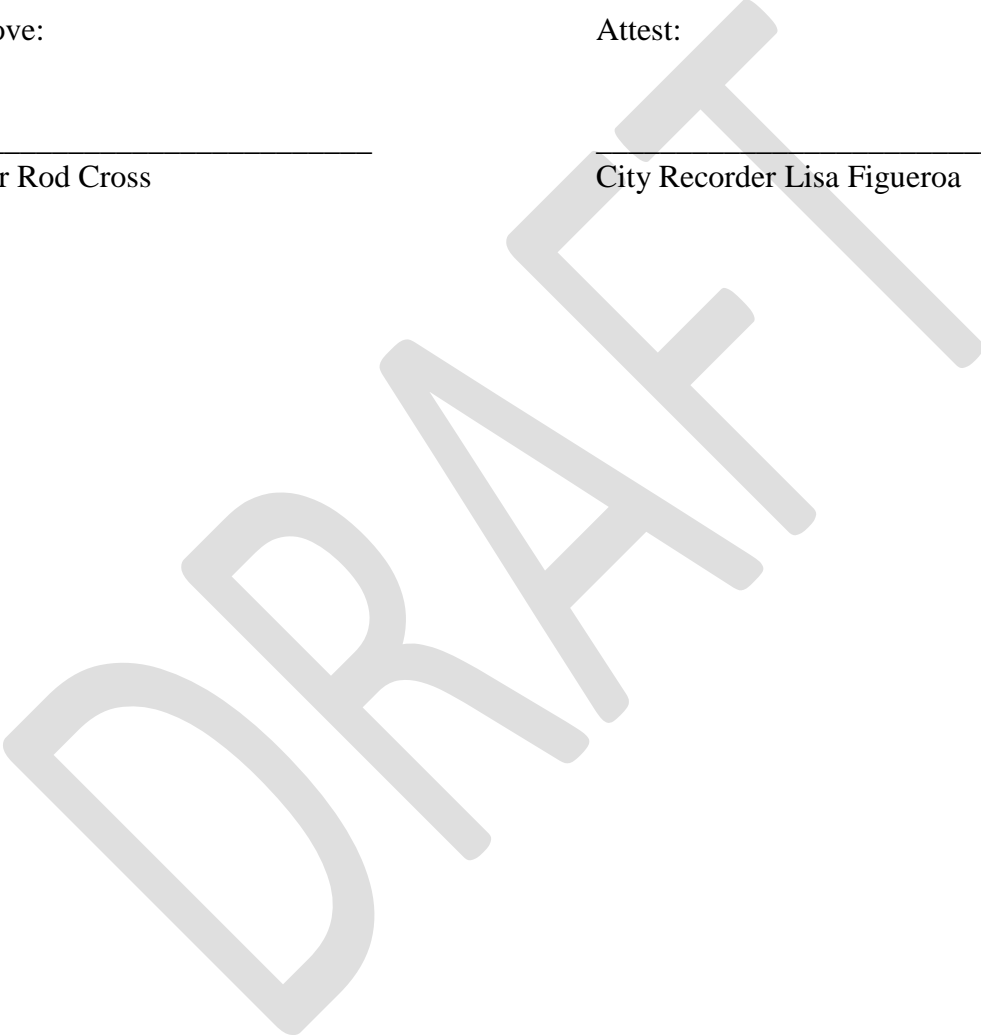
10 The work session adjourned at 8:30 p.m.

11  
12 Approve:


Attest:

13  
14  
15 \_\_\_\_\_  
16 Mayor Rod Cross

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



**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	December 20, 2023	Consideration of applicants for Planning Commission vacancies
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Not Applicable	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Recorder L. Figueroa	City Manager Doug Wiggins	City Manager Doug Wiggins

**Recommendation:**

Motion to appoint Ruth Anne Morris to the Planning Commission for one four-year term.

Motion to appoint Dennis Sutherland to the Planning Commission for one for one four-year term.

**Background:**

There are two Planning Commission seats whose terms will expire at the end of 2023. One seat has been vacant for several months following the resignation of former member Terri Neimann.

A recruitment for the vacant and expiring terms was available. The information about the vacancies was posted on the City website as well as the monthly newsletter and two applications were received. One was from Ms. Morris, an incumbent, who expressed interest in serving on the Planning Commission for another term. The second application is from Mr. Sutherland, who lives outside of the City limits. Per Toledo Municipal Code; Title 2, Chapter 2.04(.010), "...The commission shall consist of seven members appointed by the mayor of Toledo and of which not more than two members shall be nonresidents of the city of Toledo." One of the open seats is available for a non-resident of Toledo. Both applications are attached.

The applicants were invited to this meeting for interviews. Interviewing the incumbent would be at the discretion of the Council and a copy of the interview questions is attached. The interviews are scheduled at the beginning of the meeting with a decision later on the agenda under decision items.

The Council may vote to appoint one or both individuals to the Planning Commission for terms. Staff makes no recommendations, but motions are included for reference.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
N/A	2023-2024	N/A

**Attachment:**

1. Planning Commission applications
2. Interview questions

City of Toledo  
Committee Volunteer Application Form

Please indicate which Board or Committee you are applying for:

- Budget Committee
- Library Board
- Planning Commission

Name: Dennis Lee Sutherland

Home Address: [REDACTED]

Toledo                      Oregon                      97391  
City                                      State                                      Zip

Mailing Address: (if different) \_\_\_\_\_  
City                                      State                                      Zip

Home Phone: [REDACTED]                      Cell Phone: [REDACTED]

E-mail address: [REDACTED]

Residency and Eligibility

Do you reside within the City limits?                       Yes  No      Length of Time \_\_\_\_\_

Do you reside within the Urban Growth Boundary?                       Yes  No      Length of Time \_\_\_\_\_

Are you a registered voter in Lincoln County?                       Yes  No

Are you a Toledo business owner or Manager?                       Yes  No

If yes, please indicate which business you own/manage:                      Rentals

Have you worked for or previously been a volunteer for the City of Toledo?                       Yes  No

If yes, what was your position and when?                      fire Board 1990's

Comments of Interest

Please explain why you are interested in this position:

to be a Resource for the City in Growth for business and housing

Experience & Background

General Background

Please list any qualifications you feel would be of benefit in this position.

Land & Lot planning for my Rentals

List previous experience and/or current employment.

Logger Government Trapper Millwright Retired  
Landlord

Please list any current or previous community involvement.

Served on the Toledo Fire Board in the 90's  
I'm currently The Chairman of the Lincoln County  
Road Board Have been on Board since the 90's

Certification and Signature

Please initial:

DLS I understand that I may be subject to a criminal background check pursuant to Toledo Municipal Code Chapter 2.44 and if selected to complete one, I will be required to provide personal information to conduct the criminal background check.

By signing below, I certify that the information on the application is true and accurate and that I meet the necessary eligibility and/or residency requirements in accordance with Oregon State Law and/or the Toledo Municipal Code to serve on a Committee for the City of Toledo.

  
Signature

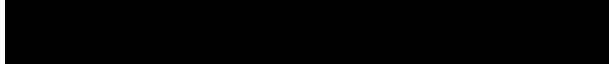
12-6-23  
Date

City of Toledo  
Committee Volunteer Application Form

Please indicate which Board or Committee you are applying for:

- Budget Committee
- Library Board
- Planning Commission

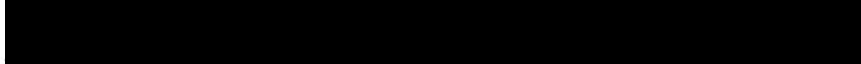
Name: Ruthanne Morris

Home Address: 

Toledo OH 97391  
City State Zip

Mailing Address: same  
(if different) City State Zip

Home Phone: \_\_\_\_\_ Cell Phone: 

E-mail address: 

Residency and Eligibility

Do you reside within the City limits?  Yes  No Length of Time \_\_\_\_\_

Do you reside within the Urban Growth Boundary?  Yes  No Length of Time \_\_\_\_\_

Are you a registered voter in Lincoln County?  Yes  No

Are you a Toledo business owner or Manager?  Yes  No retired

If yes, please indicate which business you own/manage:

Have you worked for or previously been a volunteer for the City of Toledo?  Yes  No

If yes, what was your position and when?

Comments of Interest

Please explain why you are interested in this position:



Experience & Background

General Background

Please list any qualifications you feel would be of benefit in this position.

*currently*

List previous experience and/or current employment.

Please list any current or previous community involvement.

Certification and Signature

Please initial:

\_\_\_\_\_ I understand that I may be subject to a criminal background check pursuant to Toledo Municipal Code Chapter 2.44 and if selected to complete one, I will be required to provide personal information to conduct the criminal background check.

By signing below, I certify that the information on the application is true and accurate and that I meet the necessary eligibility and/or residency requirements in accordance with Oregon State Law and/or the Toledo Municipal Code to serve on a Committee for the City of Toledo.

*Rethanne Mann*

Signature

*11-8-23*


Date

**CITY OF TOLEDO**  
**PLANNING COMMISSION INTERVIEW QUESTIONS**



1. Why are you interested in serving on the Planning Commission?
  
2. What experiences have you had that enable you to contribute to the Planning Commission?
  
3. What do you think is the role of the Planning Commission?
  
4. The Planning Commission meets monthly and needs a quorum to conduct business. Will you be able to commit to 12 meetings per year?
  
5. In your opinion, what are the two most critical planning issues facing Toledo?
  
6. What sort of growth do you think should Toledo seek and how could the City attract that kind of expansion or development?

**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	December 20, 2023	Resolution No. 1537, a resolution authorizing the city to participate in a Polyfluoroalkyl substance class action litigation
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Maintain and improve public infrastructure and facilities	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Attorney M. Adams	City Manager Doug Wiggins	City Manager Doug Wiggins

**Recommendation:**

Motion to approve Resolution No. 1537, a resolution of the Toledo City Council authorizing the City to participate in a pfas class action litigation.

**Background:**

The Toledo Water Department is a member of a class of claimants in class action lawsuits filed against the manufacturers of certain firefighting foams containing PFAS, otherwise known as “forever chemicals.” The lawsuits claim that PFAS manufactured by these defendants contaminated public drinking water sources.

Two of the defendants – 3M Company and DuPont de Nemours, Inc. – have agreed to settle the claims filed against them in these lawsuits in return for payments to impacted water systems. The settlement terms require the City to decide whether to participate in or opt out of the settlement. A decision to participate in the settlements qualifies the City for payments to offset the costs of remediating its impacted drinking water sources, but in return will release certain future claims against 3M and DuPont.

A decision to opt out of the litigation preserves potential claims the City might have in the future against those two defendants, but will disqualify the City from settlement payments. According to feedback provided on the Oregon City Attorney Association listserv, the City of Portland is the only City opting out, to preserve their ability to bring their own lawsuit against defendants.

After conferring with the City Attorney and Utilities staff to evaluate the pros and cons of participating in the settlements in executive session, staff recommends the City participate in the 3M and DuPont settlements in the In re: Aqueous Film-Forming Foams Product Liability Litigation currently consolidated in South Carolina federal court. Staff also seeks direction from Council to take steps necessary to participate in the settlement and claims process, including but not limited to preserving the City’s rights in the claims administration process.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
Unknown	2023-2024	N/A

**Attachment:**

1. Resolution No. 1537

**CITY OF TOLEDO  
RESOLUTION NO. 1537**

**A RESOLUTION OF THE TOLEDO CITY COUNCIL AUTHORIZING THE CITY  
TO PARTICIPATE IN A PFAS CLASS ACTION LITIGATION**

**WHEREAS**, The Toledo Water Department is a member of a class of claimants in nation-wide class action lawsuits filed against the manufacturers of certain firefighting foams containing Polyfluoroalkyl substance (PFAS), otherwise known as “forever chemicals.” The lawsuits claim that PFAS manufactured by these defendants contaminated public drinking water sources; and

**WHEREAS**, two of the defendants – 3M Company and DuPont de Nemours, Inc. – have agreed to settle the claims filed against them in these lawsuits in return for payments to impacted water systems. The settlement terms require the City to decide whether to participate in or opt out of the settlement. A decision to participate in the settlements qualifies the City for payments to offset the costs of remediating its impacted drinking water sources, but in return will release certain future claims against 3M and DuPont; and

**WHEREAS**, a decision to opt out of the litigation will preserve potential claims the City might have in the future against those two defendants, but will disqualify the City for settlement payments; and

**WHEREAS**, after conferring with the City Attorney’s Office and Utilities staff and evaluating the pros and cons of participating in the settlements in executive session, the City has decided to participate in the 3M and DuPont settlements in the In re: Aqueous Film-Forming Foams Product Liability Litigation currently consolidated in South Carolina federal court and direct and authorize staff to take steps necessary to participate in the settlement and claims process, including but not limited to preserving the City’s rights in the claims administration process.

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

- Section 1. The Council authorizes staff to contact Eurofins or other laboratory accredited or certified by a state government or federal regulatory agency for PFAS analysis that uses any state or federal agency-approved or -validated PFAS analytical method that is consistent with (or stricter) than the requirements of UCMR-5; and
- Section 2. The Council authorizes staff to enter into a contract to test the City’s two water sources; and
- Section 3. The Council directs staff to submit or cause the testing laboratory to submit detailed PFAS test results to the Claims Administrator on a Claims Form **within forty-five (45) calendar days after receiving the test results**, absent what the Claims Administrator deems in writing to be an extraordinary circumstance, and **no later than July 1, 2026**.
- Section 4. The Council directs City of Toledo staff to complete the Phase 2 claims forms, found on online at the Settlement website, and submit them to the Claims Administrator electronically or on paper without further action of the City Council; and

Section 5. That this Resolution shall be effective immediately upon passage by the Toledo City Council.

That this resolution is hereby adopted by the Toledo City Council on this 20<sup>th</sup> day of December, 2023.

APPROVED

ATTEST


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Mayor Rod Cross

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City Recorder Lisa Figueroa

**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	<b>December 6, 2023</b>	Contract approval for Phase 1 of the Public Safety Building Remodel – Richards Remodeling
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Make progress toward financing and completing the Toledo Public Safety Building	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Attorney M. Adams	City Manager Doug Wiggins	City Manager Doug Wiggins

**Recommendation:**

Motion to 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.

**Background:**

As with the notice of intent to award the original bid on the project was for \$1.288 million. Council allowed the City Manager to negotiate with Richards Remodeling to come within a manageable budget for the project. After negotiations and some small changes in the scope, management was able to arrive at a number manageable to its budget. There are still a few additional areas to save with Public Works’ ability to do some of the demolition work gaining some additional savings. This bid will provide the public safety building with new siding, windows, a few seismic upgrades and new roof. The Finance Department will be bringing forward a couple budget adjustments to allot for this budgeted amount at a later time.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
<b>\$1,009,300</b>	<b>2023-2024</b>	<b>080-850-620560 080-850-620570</b>

**Attachment:**

1. Contract Richards Remodeling
2. Value Engineering Proposal
3. Bid Form

**CONTRACT**

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THIS CONTRACT, made between the **CITY OF TOLEDO**, an Oregon Municipal Corporation, hereinafter called "Owner," and **RICHARDS REMODELING L.L.C.**, hereinafter called "Contractor".

TERMS:

The Contractor, in consideration of the sums to be paid and other covenants herein contained, agrees to perform and complete the work herein described and to furnish all necessary machinery, tools, apparatus, equipment, supplies, materials, and labor and perform all work on the **Toledo Public Safety Building Roofing and Siding Replacement Project** in accordance with the Project Plans; Specifications Manual, Divisions 01-09, Toledo Public Safety Facility, prepared by Scott Edwards Architecture; and Structural Calculations, prepared by Engineer Douglas E. Paola, and in accordance with such alterations or modifications of the same as may be made by the City, and according to such directions as may from time to time be made or given by the City under the authority and within the meaning and purpose of this Contract. This agreement shall be binding upon the heirs, executors, administrators, successors, and assigns of the Contractor.

Compensation. As consideration for the performance of all terms and conditions set forth in this Contract, City promises to pay the total sum of total compensation, including reimbursement for expenses incurred, upon receipt of a statement to be submitted by Contractor, which shall not exceed One Million Nine Thousand and Three Hundred Dollars (\$1,009,300), except the City agrees to additionally pay Contractor, by Unit or Cost Per Square Foot, for demolition and replacement of an unknown amount of **Wall Sheeting** and **Roof Sheeting**, not apparent and yet to be discovered, due to previous water damage, in the amounts immediately below:

<b>Unit or Cost Per Square Foot</b> for demolition and replacement of an unknown amount of <b>Wall Sheeting</b> due to previous water damage:	<b><u>\$109 per unit</u></b>
<b>Unit or Cost Per Square Foot</b> for demolition and replacement of an unknown amount of <b>Roof Sheeting</b> due to previous water damage:	<b><u>\$124 per unit</u></b>

The RPF, applicable Drawings, the Project Plans; Specifications Manual, Divisions 01-09, Toledo Public Safety Facility, prepared by Scott Edwards Architecture; and Structural Calculations, prepared by Engineer Douglas E. Paola, the payment, performance and bid bonds submissions, the bid, executed by Christopher Vejnaska and John Vejnaska, and notarized on October 23, 2023, as amended by the Value Engineering Proposal, dated December 26, 2023 (collectively called the "Contract Documents"), are hereby specifically referred to and by reference made a part hereof, and shall by such reference have the same force and effect as though all of the same were fully inserted herein.

The Contractor shall faithfully complete and perform all of the obligations of this Contract, and in particular, shall promptly, as due, make payment of all just debts and obligations incurred in the performance of said Contract and shall not permit any lien or claim to be filed or prosecuted against the City. The Contractor agrees to perform work according to the highest industry standards for their profession.

The Contractor, its subcontractors, if any, and all employers working under this Contract are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

The Contractor agrees to protect, indemnify, and hold harmless the Owner, its officers, agents, and employees harmless against any and all loss, claims, or suits (including costs and attorney's fees) for or on account of injury to or death of persons, damage to, or destruction of property belonging to either the Owner or others occurring by reason of the act or neglect of the Contractor, Contractor's employees, or agents (including subcontractors) in connection with the performance of this Contract.

It is expressly understood that this Contract shall be governed by the laws of the State of Oregon. The statutes of the State of Oregon for public improvement contracts, specifically but not exclusively ORS 279C, as amended or

superseded, including the latest additions and revisions, are incorporated by reference as part of the Contract Documents, and the party contracting with the Owner hereby covenants and agrees to comply with all of the obligations and conditions applicable to public contracts pursuant to ORS 279C as though each obligation or condition were set forth fully herein. In addition, if the contract identified above calls for a public improvement as that term is defined by ORS 279A.010, the party contracting with the Owner further agrees to comply with all obligations and conditions applicable to public contracts for public improvements pursuant to ORS 279C as though each obligation or condition were set forth fully herein.

The Contractor agrees that the SPECIAL PROVISIONS I – STANDARD TERMS, and SPECIAL PROVISIONS II – OREGON PUBLIC CONTRACTING PROVISIONS, attached hereto and by this reference incorporated herein, are hereby specifically referred to and by reference made a part hereof, and shall by such reference have the same force and effect as though all of the same were fully inserted herein.

The Contractor further declares by the signing of this Contract that all the provisions required by ORS 279A to 279C relating to Public Contracts, Purchasing, and Prevailing Wage Rates for work performed under the Contract with the Owner are made part of this Contract as completely as if the same were fully set forth herein.

In consideration of the faithful performance of all of the obligations herein set out and in consideration of the faithful performance of this Contract, the Owner agrees to pay to the Contractor the amount earned, as determined from the actual quantities of work performed and prices and other basis of payment specified, taking into consideration any amounts that may be deductible, under the terms of the Contract.

The Contractor agrees to complete the work within the time specified herein and to accept as full payment hereunder the amounts computed as determined by the Contract Documents and based on the said bid.

Said improvements shall be completed by the date specified in said Contract Documents and if not so completed, unless said time for completion is extended, as provided in the Contract Documents, or if extended, if the same is not completed within the time extended, the City will be caused to incur liquidated damages as specified in the Contract Documents. Liquidated damages shall be retained out of any monies due or to become due under this agreement.

Payments shall be made as provided in the Contract Documents.

Should suit or action be undertaken to enforce any of the terms of this agreement or to seek damages for its breach, the prevailing party shall be entitled to an award of its reasonable attorney fees, including those incurred on appeal.

IN WITNESS WHEREOF the parties hereto have executed or caused to be executed by their duly authorized officials, the Contract and affixed their respective official seals.

**OWNER:**  
**CITY OF TOLEDO**, an Oregon Municipal Corporation

**CONTRACTOR:**  
**RICHARDS REMODELING L.L.C.**, an Oregon Domestic Limited Liability Company

By: \_\_\_\_\_  
Rod Cross, Mayor

By: \_\_\_\_\_  
Christopher Vejnaska, Manager

By: \_\_\_\_\_  
Doug Wiggins, City Manager

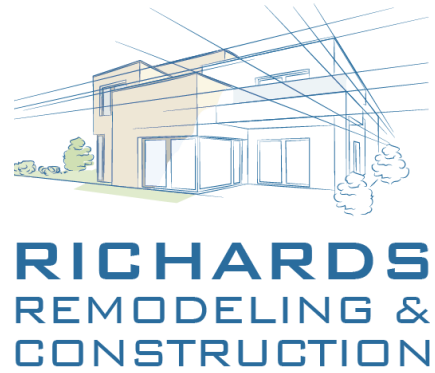
By: \_\_\_\_\_  
John Vejnaska, Manager

APPROVED AS TO CONTENT AND FORM:

By: \_\_\_\_\_  
Mike Adams, City Attorney



Richards Remodeling & Construction  
Value Engineered Proposal  
December 6th, 2023



City of Toledo  
PO Box 220,  
Toledo, Oregon 97391

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**Project**

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<b>Solicitation / RFQ #</b>	23026
<b>Project Name</b>	Toledo Public Safety Building Roofing and Siding Replacement Project
<b>Project Location</b>	222 NE Hwy 20, Toledo, OR 97391

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## Value Engineered Proposal

Richards Remodeling is pleased to present the following value-engineered proposal.

<b>Division #</b>	<b>Description of Work</b>	<b>Total Price</b>
*	Original Lump Sum Bid	\$1,288,349
DIV 03	Deduct Concrete	-14,389
DIV 05	Deduct Metal Stairwell and Framing	-134,780
DIV 06	Deduct Structural Framing Carpentry at Front Entry	-68,518
DIV 08	Deduct Doors, Frames & Hardware	-31,875
DIV 08	Deduct Storefront Glazing	-29,487
	<b>New Lump Sum Total</b>	<b>\$1,009,300.</b>

Additionally removing performance and payment bonding we may deduct an additional \$11,130. In Richards' Remodeling 44 years of business, we are proud to affirm that there has never been an occasion where these bonds were breached or a client found it necessary to claim against them.

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**Company Information**

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**Business Name:** Richards Remodeling LLC

**Address:** 72A Centennial Loop, Suite 140

Eugene, OR 97401

**CCB #** 30422

**Federal ID # :** 93-1254542

**Phone:** (541) 345-3836

**Name:** John Vejnaska

**Signature:**



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**BID**

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To the Honorable Mayor and City Council  
City of Toledo, Oregon 97391

**BIDDER'S DECLARATION AND UNDERSTANDING**

The undersigned Bidder declares that the Contract Documents for the construction of the proposed improvement have been carefully examined; that the site has been personally inspected; that the Bidder is satisfied as to the quantities of materials, items of equipment and conditions or work involved including the fact that the description of the quantities of work and materials as included herein is brief and is intended only to indicate the general nature of such items and to identify the said quantities with the detailed requirements of the Contract Documents, including the Project Plans; Specifications Manual, Divisions 01-09, Toledo Public Safety Facility, prepared by Scott Edwards Architecture; and Structural Calculations, prepared by Engineer Douglas E. Paola; and that the bid is made according to the provisions and under the terms of the Contract Documents, which documents are hereby made a part of this bid.

The minimum bid submittal requirement for this project shall include this Bid form and schedule(s) of prices, bid bond as required, first-tier subcontractor form and all other required attachments. All Contract Documents are included in this Bid by reference, whether attached or not.

The Bidder further declares that the only persons or parties interested in this bid are those named herein: that this bid is in all respects fair and without fraud: that it is made without collusion with any official of the City of Toledo, and that the bid is made without any connection or collusion with any person making another bid on this Contract.

The Bidder further declares that the provisions required by the Oregon Revised Statutes ORS 279C.800 relating to Prevailing Wage Rates shall be included in and made a part of the Contract. The Bidder further declares that all applicable sections relating to Public Contracts as set forth in ORS 279A to 279C have been complied with in making this bid, and, as required, shall be made a part of the Contract Documents as completely as if the same were fully set forth herein.

The Bidder further declares that they are registered, or shall become registered if awarded a contract, with the Construction Contractor's Board, and possess such additional licenses and certifications as required by law for the performance of the Work proposed herein as required by OAR 812.

The Bidder further agrees that its own judgment has been exercised regarding the interpretation of subsurface information and all data, which it believes pertinent from the Plans, Owner, and other sources in arriving at these conclusions, have been utilized.

**CONTRACT EXECUTION, BONDS AND CERTIFICATES OF INSURANCE**

The Bidder agrees that if this bid is accepted, a Contract with the City of Toledo, Oregon, will be executed within ten (10) days after the date of the Notice of Award, in the form of Contract annexed hereto, and will at that time, deliver to the City of Toledo the Performance and Payment Bond, the certificates of insurance as specified in these documents, and will, to the extent of this bid, furnish all machinery, tools, apparatus, and other means of construction and do the work and furnish all of the materials necessary to complete the work in the manner, in the time, and according to the methods as specified or shown in the Contract Documents.

It is the intent of the City of Toledo to award the Contract to the lowest responsible Bidder, provided the Bid has been submitted in accordance with the requirements of the Contract Documents and does not exceed the funds available. The City of Toledo shall have the right to waive informalities or irregularities in a Bid received and to accept the Bid which, in the City of Toledo's judgment, is in the City of Toledo's own best interest. In submitting this Bid, it is understood that the City of Toledo reserves the right to accept or reject in part or in whole, any and all bids received, to adjust the scope of the work within reasonable limits, to postpone award for a reasonable time, or award to the selected firm or contractor any subsequent engineering design and construction services contract, part or in whole, for recommended capital projects as allowed by law. This RFP does not commit the City of Toledo to pay any costs incurred to prepare a bid.

**BIDDING, CONSTRUCTION, AND COMPLETION DATES**

Mandatory pre-bid meeting will be held at City Hall, 206 N. Main, Toledo, Oregon, then proceed to the Toledo Public Safety Building at 222 NE HWY 20, Toledo

2:00pm on Wednesday, October 18, 2023

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Deadline for submitting written questions for inclusion in addenda:

2:00pm on Wednesday, October 11, 2023

(Time & Date)

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Sealed bids will be received at the Toledo City Hall, 206 N. Main Street, PO Box 220, Toledo, OR 97391 until

2:00pm on Monday, October 23, 2023

(Time & Date)

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with 1<sup>st</sup> Tier Subcontractor Disclosure Forms until

4:00pm on Monday, October 23, 2023

(Time & Date)

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The Bidder agrees to begin work within 30 calendar days after the date of the Notice to Proceed issued on or near;

November 1, 2023

(Date)

and, to complete the construction, in all respects by;

June 1, 2023

(Date)

Completion schedule – if not defined to certain date above – shall be set per #s of days as follows:

(Days)

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Calendar days that inclement weather or adverse site conditions preclude normal construction activities shall be considered exempt.

**RETAINAGE**

To ensure the proper performance of the Contract, the City shall retain five (5%) of the amount of each progress payment until final completion and acceptance of all work covered by this contract.

**LIQUIDATED DAMAGES**

Time is of the essence in this Project. In the event the Bidder is awarded the Contract and shall fail to complete the work within the time stated above or extended time agreed upon, as more particularly set forth in the Contract Documents, liquidated damages, if required as specified in the Special Provisions I portion of this contract documents, shall be paid to the City of Toledo, Oregon.

**BID BOND**

Accompanying this bid is a certified check, cashier’s check or Bidder’s Bond in the sum of

10%

Dollars & Cents (\$

), (10% of total contract price)

according to the General Requirements of the Contract Documents which is to be forfeited as liquidated damages, if, in the event that this bid is accepted, and the Bidder shall fail to execute the Contract and furnish satisfactory Performance and Payment Bond under the conditions and within the time specified in the Contract Documents; otherwise said check or bond is to be returned to the Bidder.

**SURETY**

If the Bidder is awarded a construction Contract on this bid, the Surety which will provide the Performance and Payment Bond will be:

**Old Republic Surety**

(Name)

**18500 W Corporate Drive**

(Address)

**Brookfield, WI 53045**

(City, State)

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**LUMP SUM OR UNIT PRICE WORK, MANNER of PAYMENT**

The Bidder further proposes to accept as full payment for the work proposed herein the amounts computed under the provisions of the Contract Documents, and based on the following lump sum or unit price amounts, it being expressly understood that the unit prices are independent of the exact quantities involved. The Bidder agrees that the lump sum prices and the unit prices represent a true measure of the labor and materials required to perform the work, including all allowances for overhead and profit for each type and unit of work called for in these Contract Documents. The amounts shall be shown in both words and figures. In the case of a discrepancy, the amount

Toledo Public Safety Building Roofing  
and Siding Replacement Project

Contract Documents

Page 6 of 34



shown in words shall govern.

**BID – SCHEDULE OF PRICES**

(Total Price) <b>BASE BID - FOR TOTAL PROJECT – To include stainless steel stairway:</b>	\$1,288,349
(Alternate Total Price) <b>DEDUCTIVE BID ALTERNATE – To replace stainless steel stairway with painted galvanized stairway:</b>	(\$18,350)
(Plus Price for Unknown) Unit or Cost Per Square Foot for demolition and replacement of an unknown amount of <i>Wall Sheeting</i> due to previous water damage:	\$109 per unit
(Plus Price for Unknown) Unit or Cost Per Square Foot for demolition and replacement of an unknown amount of <i>Roof Sheeting</i> due to previous water damage:	\$124 per unit

**BIDDER**

The name of the Bidder submitting this bid is:

Richards Remodeling	<i>(Name)</i>
72A Centennial Loop, ste 140	<i>(Address)</i>
Eugene, OR 97401	<i>(City, State, Zip)</i>
541-345-3836	<i>(Telephone)</i>
chris@richardsremodeling.com	<i>(Email)</i>
93-1254542	<i>(Federal Tax ID No)</i>
30422	<i>(Construction Contractor Board No)</i>
SAIF	<i>(Workers' Comp Ins. Co.)</i>
100051274	<i>(Workers' Comp Policy/Binder No)</i>

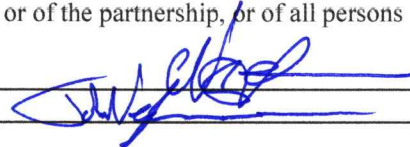
The above Bidder's name and address is the address to which all communications concerned with this bid and with the Contract shall be sent.

In accordance with ORS 279C.365, Bidder hereby declares that it (circle correct designation) is is not a resident Bidder. If the bidder is non-resident, indicate \_\_\_\_\_ % preference of your state resident bidders.

In accordance with ORS 279C.800 to 279C.870, Bidder hereby declares that it complies with provisions for labor, materials, Industrial Accident Fund, liens, withholding taxes, and employee drug testing.

The names of the principal officers of the corporation submitting this bid, or of the partnership, or of all persons interested in this bid as principals, are as follows:

Chris Vejnaska  
John Vejnaska  
 \_\_\_\_\_

  
 \_\_\_\_\_  
 \_\_\_\_\_

**If Sole Proprietor of Partnership:** IN WITNESS hereto the undersigned has set his/her hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*(Signature of Bidder)*  
\_\_\_\_\_  
*(Title)*

**If Corporation:** IN WITNESS WHEREOF the undersigned corporation has caused this instrument to be executed and its seal affixed by its duly authorized officers this **23rd** day of **October**, 20**23**.

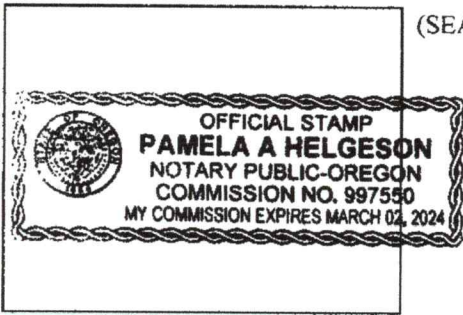
\_\_\_\_\_  
**Richards Remodeling** *(Name of Corporation)*

\_\_\_\_\_  
*(By)*


\_\_\_\_\_  
**Member** *(Title)*

\_\_\_\_\_  
*Pamela A Helgeson* *(Attest)*  
**Secretary (Mandatory Signature)**

(SEAL)



**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	December 20, 2023	Authorize payment on the Settlement Agreement with Toledo Cemetery Association
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Not Applicable	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Attorney M. Adams	City Manager Doug Wiggins	City Manager Doug Wiggins

**Recommendation:**

Motion 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.

**Background:**

This request was made on behalf of the Toledo Cemetery Association (TCA). The separate tolling agreement is about to expire at the end of the year and the TCA does not wish to pay for it to be extended. On Tuesday, December 14, 2023, the City Attorney received an email containing the tentative approval of the property line adjustment, by Lincoln County, with two conditions of approval: (1) the recording of the survey, and (2) preparation and recording of the deeds.

Staff recommends approval.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
\$30,000	2023-2024	N/A

**Attachment:**

None





Toledo City Council Dashboard – November 2023

**Police**

Citations	
Driving Uninsured	4
DWS-Violation	9
Fail Carry Proof Insurance	2
Failure to Display/Switch Plate	1
Failure to Renew Vehicle Registration	2
Failure to use Ignition Interlock Device	1
Improper Display of Sticker	2
Open Container	1
Violation of Posted Speed	3
Violation of Posted Truck Route	1
Wrong Way One Way	1
<b>Total</b>	<b>26</b>

	Citations	Warnings	Total	Average Warning	DUII
Total	26	41	67	61%	2

**Overtime**

Chief	45.25	Non-Compensated
Dispatch	179	
Patrol	118	
<b>Total</b>	<b>342.25</b>	Compensated
	297	

**Crimes**

Person	
Assault	4
Child Abuse	1
Coercion	1
Harassment	2
Kidnap	2
Menacing	1
Reckless Endangering	2



Sex Offense	1
Strangulation	2
Telephonic Harassment	1
<b>Total</b>	<b>17</b>

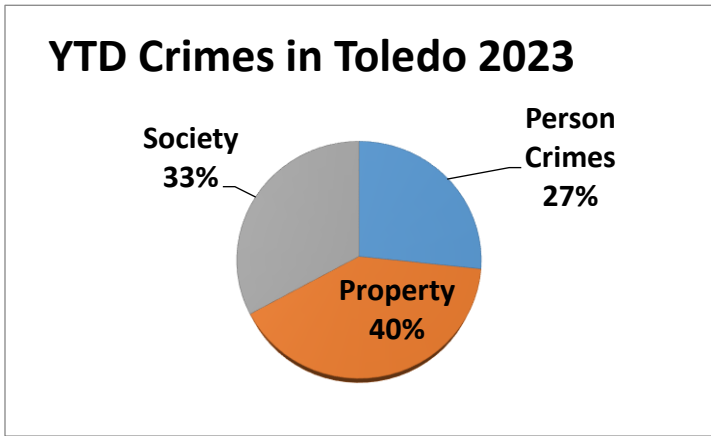
**Property**

Burglary	1
Fraud	1
Theft	2
Trespass	1
Unlawful Use of Motor Vehicle	1
<b>Total</b>	<b>6</b>

**Society**

DUII	2
DWS - Felony	1
Escape	2
Parole/Probation Detainer	1
Reckless Driving	1
Warrant	2
<b>Total</b>	<b>9</b>

Total Crimes	32
Total Cleared Crimes	23
Cleared by Arrest	72%





**Library**

<b>Circulation of Library Materials</b>	3474
Hotspots	15
Laptops	7
In person visits	1254
<b>Programs</b>	
Childrens Programs	255
Podcast	73
Computers sessions	172
Reference	91
<b>Facebook Viewings</b>	
Post reach	4,283
Post Engagement	966
New Page Likes	7
Volunteer Hours	37.25
Community Room Use	44
Upstairs conference room	2

**Fire**

Total Calls:	92	Apparatus Deployed : 188	Personnel on Scene: 305	Standby Personnel: 65	Total Personnel: 370	Total Medic al : 50	Fire : 16	Motor Vehicle Accident : 14	Public Assistance : 12	Check sum totals
Calls in City:	46	87	129	17	146	28	12	2	4	46
Calls in District:	37	90	154	35	189	18	3	10	6	37
Calls Out of District:	9	11	22	13	35	4	1	2	2	9
Date	Run Number	District	# of Units	# personnel on units	station standby	# of total people	Type of Call	Type of call details		

**Municipal Court**



## Administration

	Services Billed	Consumption Totals	Current Billing Totals	Adjustments
Water	1,404	6,864,335.00	106,211.08	0.00
Sewer	1,274	5,707,449.00	103,508.53	0.00
SF	1	0.00	16.00	0.00
Pen	0	0.00	0.00	0.00
Dep	0	0.00	0.00	0.00
St Light	1,307	0.00	12,581.56	0.00
Road Fee	1,307	0.00	8,807.25	0.00
H2O	4	0.00	50.00	0.00
Report Sub Total:			231,174.42	0.00
Grand Total:			231,174.42	

## Public Works

### New Construction Applications:

- Manufactured home at 1578 NW Spruce
- Interior renovations at 1746 NE Arcadia Drive
- Sprinkler monitoring system at 740 SE 6<sup>th</sup> Street
- Work in the Right-of-Way permit to close lane for tree removal at 1253 NW Spruce Street
- Work in the Right-of-Way permit to install pedestal and riser at 740 SE 6<sup>th</sup> Street
- Work in the Right-ow-Way permit to bore for service line at 615 NW Hwy 20
- Water service installation at 680 W Hwy 20
- Water/sewer service installation at 1787 W Hwy 20
- Work in the Right-of-Way permit to install aerial cable at 1105 SE Fir Street

### Land Use Applications:

No land use applications were submitted in November, 2023.

Application update: Toledo Planning Commission recommended approval of the Comprehensive Plan Amendment (PA-1-23) to adopt the 2023 Comprehensive Land Use Plan document. Toledo City Council will review the application on December 6, 2023.



Annual Department Statistics				
Type of Permit	November	2023	2022	2021
Building Permit	3	30	21	27
Other Permits*	6	38	38	20
Land Use Application	0	18	23	29
Truck Permit	0	14	14	13
Value of Construction Improvements	\$65,600	\$2,070,889	\$2,267,667	\$4,167,776

\*includes permits for excavation, work in the right-of-way, demolition, and water/sewer connections.