



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
April 17, 2024

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 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.

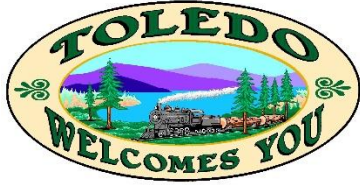
1. **Call to Order, Pledge of Allegiance and roll call**
2. **Presentations/Proclamations**
 - Meritorious Award – Police Chief Michael Pace
 - Proclamation – Public Safety Telecommunicators Week
 - Presentation – Lincoln County 2024 Report to Community
 - *Presentation – Oregon Coast Community College – Chris Rogers and Pat O'Connor*
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 executive sessions held March 20, March 27 and April 3, 2024 and the regular meeting held March 6, 2024
5. **Discussion Items**
 - Information for upcoming rate adjustment by Dahl Disposable Services
6. **Decision Items**
 - Lincoln County request for continuation funding support
 - Resolution No. 1547 authorizing the City to apply for a Parks Master Plan Grant
 - Approve the Planning Technician position and salary range
 - Contract Award – Pacific Excavation for SE Fir Street improvements
 - Ordinance No. 1420, an ordinance amending Title 12 of the Toledo Municipal Code creating a new Chapter 12.32
 - **Authorize Mayor Cross to sign a letter of interest on behalf of the City for an upcoming grant opportunity*

Comments submitted in advance are preferable. Comments may be submitted by e-mail at 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.

7. **Reports and Comments**
 - Committee updates
8. **Adjournment**

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City of Toledo

PROCLAMATION

Public Safety Telecommunicators Week

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and;

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and;

WHEREAS, the safety of our police officers, firefighters and paramedics is dependent upon the quality and accuracy of information obtained from citizens who telephone the Toledo Police & Dispatch Center and;

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and;

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers, firefighters and paramedics by monitoring their activities by radio, providing them information and ensuring their safety; and;

WHEREAS, Public Safety Telecommunicators of the Toledo Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and;

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

NOW THEREFORE, In support of this action and recognition of the importance of the important work done by 9-1-1- Telecommunicators for the City, Lincoln County and nationwide, I Mayor Rod Cross, do hereby proclaim **April 14-20, 2024** as

PUBLIC SAFETY TELECOMMUNICATORS WEEK

In honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Mayor Rod Cross

April 17, 2024
Date

**Lincoln County Health and Human Services
Community Shelter and Resource Center (Emergency Winter Shelter
Program)
Community Report and Funding Request**

The purpose of this report is two-fold: 1) To share with the community the activities and milestones of the emergency winter shelter program operated by Lincoln County Health and Human Services; and 2) to request new or continued funding for the operation of the emergency shelter program. A brief rationale for the continued operation of a winter shelter program is included as well.

Operational Report

Lincoln County Health and Human Services has operated a no/low-barrier emergency winter shelter program, the Community Shelter and Resource Center, for houseless individuals and their companion animals in Lincoln County since October 4, 2023. The program will close for the winter on March 31, 2024. The program has operated in close partnership with the Housing Authority of Lincoln County.

Winter shelter operations started in Newport, initially in spaces provided at St Stephens Episcopal Church and First Presbyterian Community Church, then moving to its permanent location at 351 SW 7th Street in November of 2023. In January 2024, the program added winter sheltering in a hotel in Lincoln City. A hotel was used to fulfill the intent of operating in two locations after it became evident that an appropriate site could not be identified in Lincoln City in time to provide support during the winter months. Fortunately, Health and Human Services has recently purchased a facility located at 1516 NE 14th Street in Lincoln City, which will provide a more appropriate, permanent location for Lincoln City winter shelter operations starting October 1, 2024. Collectively, the two shelters are the Community Shelter and Resource Center, with Newport and Lincoln City locations.

Shelter operations are tightly managed with a focus on the safety of staff and guests, along with the provision of vital services to our unhoused guests. The shelters are fully staffed by employees with additional support provided by volunteers. Guests are checked in to the shelters at or around 6 p.m. (depending on location) and provided with dinner, beds, and access to showers and toilet facilities. Access to laundry, while initially a challenge, has been added to the Newport location and is planned for Lincoln City.

Once checked in, guests surrender personal belongings to secure storage and are only allowed out for supervised smoking breaks until check out the following morning. All our staff and volunteers are trained in conflict de-escalation, first aid, bloodborne pathogen control and Narcan administration.

Transportation vouchers have been distributed throughout the county so that individuals living outside of Newport and Lincoln City could travel to and from the shelters for overnight support.

A surprise in the operation of the shelter has been the large number of adults over the age of 50 who are houseless (42% of guests). Additionally, we have seen guests in their 60s, 70s, and 80s (37 in total), many of whom have serious health conditions.

Based on the needs of the guests using the shelter, Health and Human Services in January added a Houseless Navigational team to link individuals to available resources. Initially the thought was that shelter staff would be able to make these linkages. However, the demands of operating the shelter program did not allow for the type of foot work and daytime support needed to facilitate resource navigation.

Utilization information for the shelter program, as of March 17, 2024, is as follows:

- Unique Individuals: 224
- Total nights of stay: 4,990
- Nightly Census Range: 23 to 51, depending on weather conditions
- 16 unique animals were sheltered for 1,440 nights of stay

Age ranges:

- Age 0-5: 2
- Age 6-9: 1
- Age 10-17: 4
- Age 18-29: 19
- Age 30-39: 44
- Age 40-49: 61
- Age 50-59: 56
- Age 60-69: 27
- Age 70-79: 8
- Age 80-89: 2

Location of Origin:

- Newport: 58
- Lincoln City: 49
- Waldport: 16
- Depoe Bay: 5
- Yachats: 6
- Toledo: 5
- Siletz: 10
- Corvallis: 5
- Eugene: 8

- Other in state: 36
- Out of state: 26

Race Identification

- Asian: 6
- American Indian: 35
- Black: 12
- Pacific Islander: 8
- White: 161
- Other – Romanian: 2

Ethnicity:

- Hispanic: 20

Gender Identification:

- Non-Binary: 5
- Female: 73
- Male: 138
- Transgender: 8

Milestones:

- Twenty-eight volunteers were trained and provided support in the shelter, including many who continuously volunteered one or more days per week
- Thirty-three individuals/organizations donated services, food, clothing, goods, blankets or transportation. The Housing Authority of Lincoln County donated a van.
- Multiple Lincoln County departments provided direct support (Human Resources, the County Jail, Community Justice, Transportation, the Office of the Board of Commissioners, the Office of the County Administrator, Public Works/Facilities Division, and Health and Human Services).
- While many guests found their own way to the shelters, 28 were escorted by law enforcement officers, 15 came after discharge from an emergency department, and 11 came as afterhours crisis placements.
- Only one call for law enforcement was made (and that call was made by a hotel reception staff versus shelter staff immediately after the guest was dropped off by law enforcement).
- Housing referrals were made for 55 individuals, with 24 achieving placement in transitional settings and one finding permanent housing.
- Funding support was provided by Lincoln County, ARPA funds, InterCommunity Health Plans, Samaritan Health Services Coastal Social Accountability Program,

City of Newport, City of Lincoln City, City of Siletz, City of Depoe Bay, and City of Yachats (promised).

- A facility was purchased by the Housing Authority of Lincoln County for the operation of the Newport shelter.
- A facility was purchased by Lincoln County Health and Human Services for the future operation of the Lincoln City shelter.
- During the winter ice storm in Jan 2024, the Shelter program handled all calls from the community for the first 24 hours of the event and assisted the Newport Community Recreation Center during the balance of the storm.
- A houselessness navigator program consisting of two fulltime navigators was added to the HHS Behavioral Health Division in January. One individual came on board in mid – January. In the past two months, 13 referrals have been received from the shelter program, the one navigator is working with 28 unique individuals, 5 unique individuals have obtained transitional housing, 8 have been linked to mental health services, collaboration efforts are underway with senior and disability services, and 2 individuals are in the contemplation phase to enter Detox/SUD treatment.

Of Interest:

- Focus groups are underway with guests and volunteers to evaluate operations and explore strategies for improving operations. Exit interviews with temporary staff are being conducted by the county’s Human Resources Department. A report from the first focus group is included as Attachment B.

Continuation Funding Needs

Based on the expenses incurred to date and projected through the end of the shelter program, it is estimated that the operation of two shelters will cost approximately \$819,884. Staff costs are higher than anticipated in the original proposal because staff have had to be hired/contracted through a temporary agency, as opposed to the county, for faster processing. This has increased expenses significantly. Additionally, we have learned that a second county employed staff member is needed to assist with oversight of the operation of the second shelter, handle many “boots on the ground” activities that can only be handled by a county employee (e.g., driving a county car, ordering and paying for supplies), and step in to cover shifts when contracted workers call off.

The county is prepared to contribute \$446,790 towards the overall cost, leaving a balance of \$373,094. The county is requesting that all municipalities consider a contribution towards the operation of the 2024-25 emergency shelter operation and commit to a defined annual contribution for the ongoing operation of the program into the future. Given their larger numbers using the shelter, both Lincoln City and Newport are requested to contribute \$100,000 to the program. An exact amount is not requested from the remaining municipalities at this time. Rather, the county suggests considering the percent of the shelter population using the shelter from the respective municipalities, compared to the total number served, and then apply that percentage to the remaining

balance, to determine a contribution level. The county will also continue to look for funding opportunities from other community partners and grant sources to secure the balance of the funding. All contributions, regardless of the amount, are needed and welcomed.

Apart from the county's significant contribution to the continued operation of the winter shelter, it will also contribute partial ARPA funding support to the renovation of the Newport shelter facility. Additionally, the Health and Human Services department has funded the Houseless Navigational team, which is estimated to cost \$225,000 for two full-time staff.

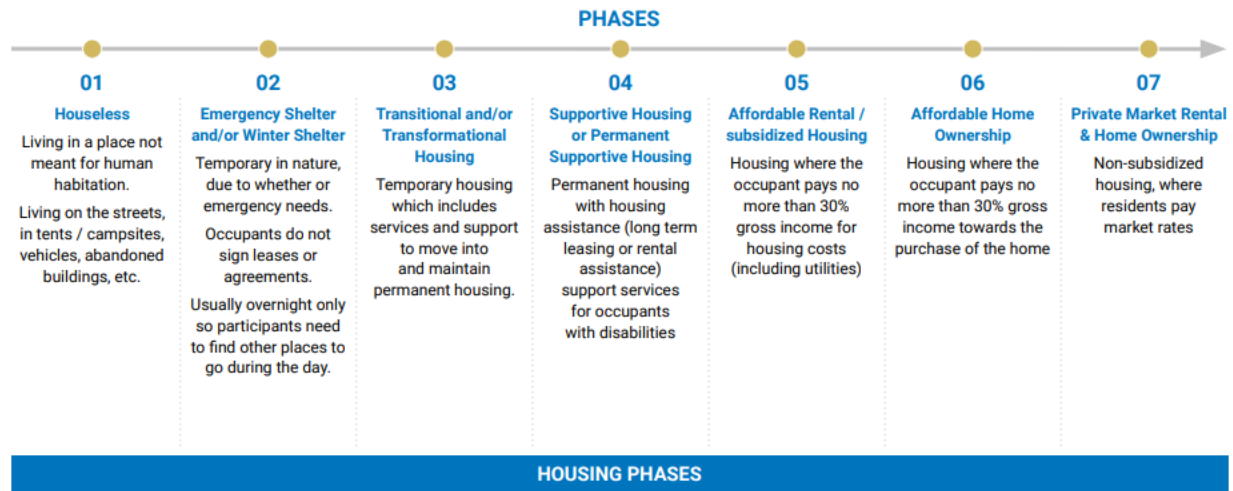
Brief Rationale for Continued Operation of the Emergency Shelter Winter Shelter Program

Houselessness continues to be a massive issue in the nation, the state, and the county. Research and analysis of the scope of the problem in Lincoln County has been carried out and reported in the Lincoln County, Oregon: Five-Year Strategic Plan to Provide a Regional, Coordinated Homelessness Response, March 1, 2024 (Lincoln County Homeless Advisory Board), and will not be restated herein for the sake of brevity other than to note its estimate of 2,000 unhoused residents, or 4% of the total county population.

It should be noted that the continuum of housing, beginning with living on the streets and ending with private market rental and home ownership, begins with "Emergency Shelter and/or Winter Shelter." See graph below for the full housing continuum.

While Lincoln County enjoys several well managed Transitional and/or Transformational Housing programs (number 03 in the graph below), it has just one Emergency Winter Shelter program. The low-barrier winter shelter program operated by Health and Human Services provides the first, essential step in the journey from the street to shelter and beyond. This funding request asks municipalities and community partners to contribute towards its continued operation.

Applying the housing-first model gives us a basis for organizing services and economic supports



Attachment A

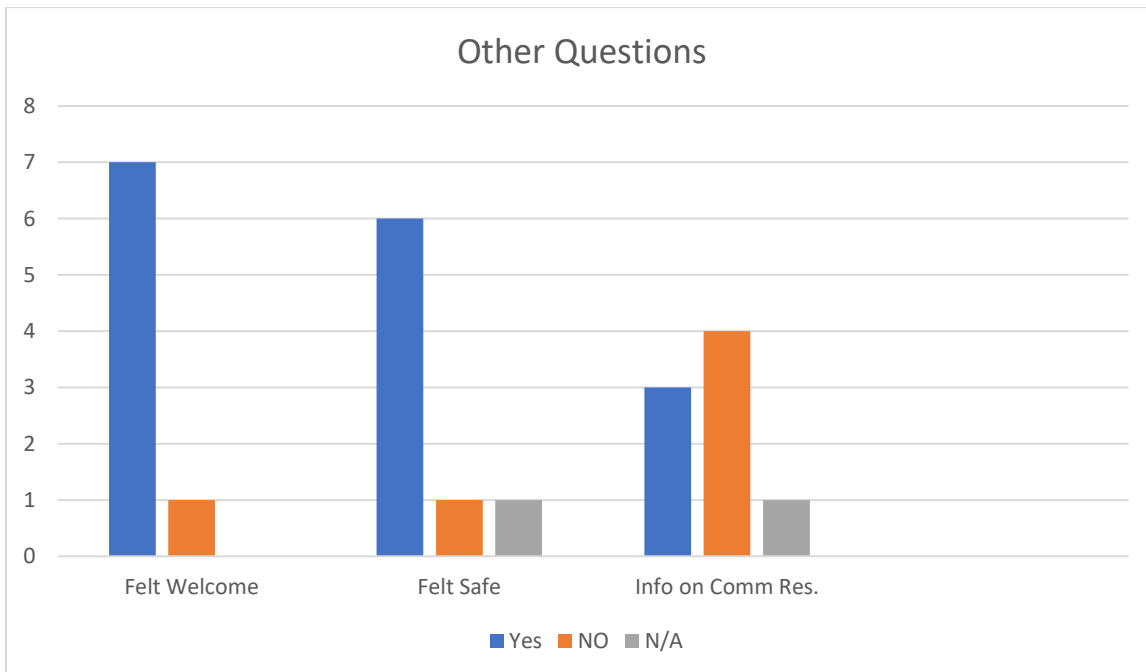
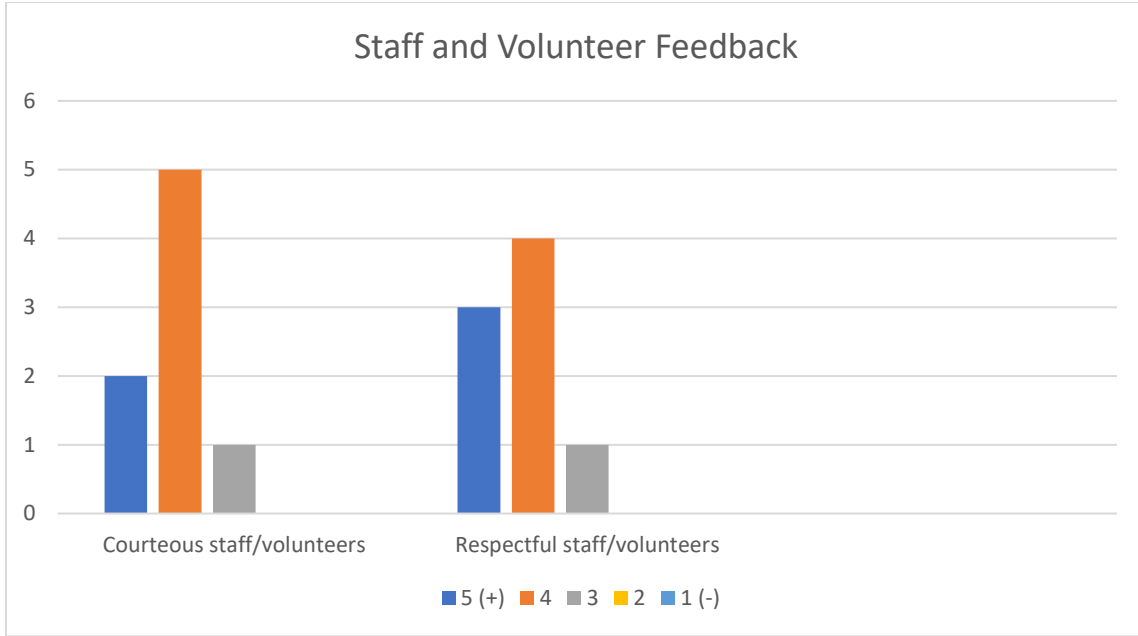
ORGANIZATIONS & COMMUNITY MEMBERS THAT DONATED TO THE WINTER SHELTER

Amy & Keith Amano
Angell Job Corps
Mindy Baxter
Kate Boves
City of Newport Parks & Recreation
Melinda Clark
Depoe Bakery
Monique Doornick-Freil
Barbara Doughery
First Presbyterian church of Newport
Food Share of Lincoln County
K & K Toilet Express
Lighthouse United Pentecostal Church
Lincoln County Parole and Probation
Lincoln County School District
Doris MacDenalds
Marine Resources Program
Andrea Myhre
Newport Elks Lodge
Newport Senior Center
News Times
NOAA Marine Operations Center
Joel & Vicki Norton
Cheryl Oldenburg
Ruby Pauton
Heidi Rasmussen
Fran Recht
Red Octopus Theater Company
Rustic Ridge Antique Mall
Samaritan Hospital
Tim Samples
St. Stephens Episcopal Church
TLC, a Division of Fibre Federal Credit Union

Attachment A

INDIVIDUALS WHO DONATED TIME TO THE WINTER SHELTER

Danielle Clark
Claire Hall
Jessica Hoffman
Jamie Holm
Mary Jacobs
Kaety Jacobson
Tim Johnson
Shelby Johnston
Kathleen Kellay
Brandy Ketcher
Melodie Kimball
Kenneth Krenzler
Lisa Krenzler
Gary Lahman
Kenneth Lipp
Michelle Maresco
Ann Martin
Faleen McCay
Diane Melendrez
John O'Leary
Brittany Pike
Heidi Rasmussen
Jeff Reed
Anne Rooney
Jane Russelle
Kristina Schaffner
Julia Stalcup
Susan Trachsel



Group Debrief Questions:

How did you hear about the shelter?

Chance, Connie, Sign Makers, Housing Authority

What worked well?

- “everything!”
- “Would recommend it to others.”
- Being able to leave some belongings in the room.
- 1 person in the hallway at a time
- Limited items with what you can carry/place in a tote, secured and documented
- Many consistent staff/volunteers, low turn over

What could we do to improve??

- Assigning a specialist/liaison/advocate/ case manager/point person to each occupant
 - The same person partnered with the occupant
 - Maybe this is a housing coordinator?
 - This person would help find jobs (day labor), be a resource guide and help connect to other services.
 - Getting help completing Social Security applications, getting a job, etc.
- Occupants did not like that they had to “turn out” their pockets upon entry.
- Group times to discuss resources
- Are there opportunities for occupants to also be volunteers?

Tell us about your experience with:

The Facilities/space?

- The space was fine.
- Liked where there was an option for washing clothes

Access/Hours open?

- Quiet hours at 10pm was fine, people liked this and were able to follow this
- Would like to see a day shelter or warming shelter especially during colder/bad weather days
- Check in was usually between 6-7pm, would like to see this earlier if the weather was especially bad that day or if it is dark out.
- Check out was at 7am each morning, would like to see this extended to 8:30 or 9am. Other spaces open around 8am and this would provide a place for folks to go to get out of the rain/weather.

Cleanliness?

- Yes, the space was always clean when occupants come in, however it got “trashed” quickly as people came into shelter.

Items provided (cot/blanket)?

- Would like another blanket
- The air filters in the room were really nice, especially the light and the noise.

Meals:

- There was always enough food and no one ever went hungry.
- Breakfast was *really* great. Heidi and the guy who worked 4 mornings a week were amazing cooks!
- Would like warm tea, especially when they come in from the day to warm up.

Pets:

- Pets were well embraced by occupants.
- Several comments about how dogs/cats “helped mentally”
- Folks who brought in animals treated them well and didn’t have problems with them.
- Animals stayed in crates in the rooms, this worked well

Anything else you think we should know?

- Occupants liked how this shelter was ran compared to other local shelters
- Occupants would like to have more meetings like this where they meet the people who put the shelter on, they liked seeing the faces. They think it would be great to have more administration come for breakfast.

Other items mentioned:

- Depending on the weather, have a warming shelter
- Need more resources/connection to resources/poster board of resources/disappointed about not getting additional resources
- Would like clock & Calendar, fans in rooms
- Damp clothes and shoe dry zone
- I have been moved from room to room and bed to bed too many times to count.
- I get very little sleep from about 1am to 4am.

**Trades Education
College Bond
Measure 21-224**





“...over **half** of all US jobs now require more than a high school diploma but less than a 4-year degree. This includes **millions of jobs** in IT, health, the manufacturing and **skilled trade sectors...**”

*Stanford Social Innovation Review,
June 2023*



OCCATT

The Oregon Coast Advanced Technology & Trades Center

\$33,165,000 proposed bond measure, to be repaid over 21 years.

Not a new idea.

...drawings first commissioned in 2017

...delayed by independent accreditation (2020) and the Pandemic

...launched in 2022, aiming for May 2023 election

...state match funding temporarily unavailable, led to
removal from '23 ballot and reintroduction for '24 ballot.





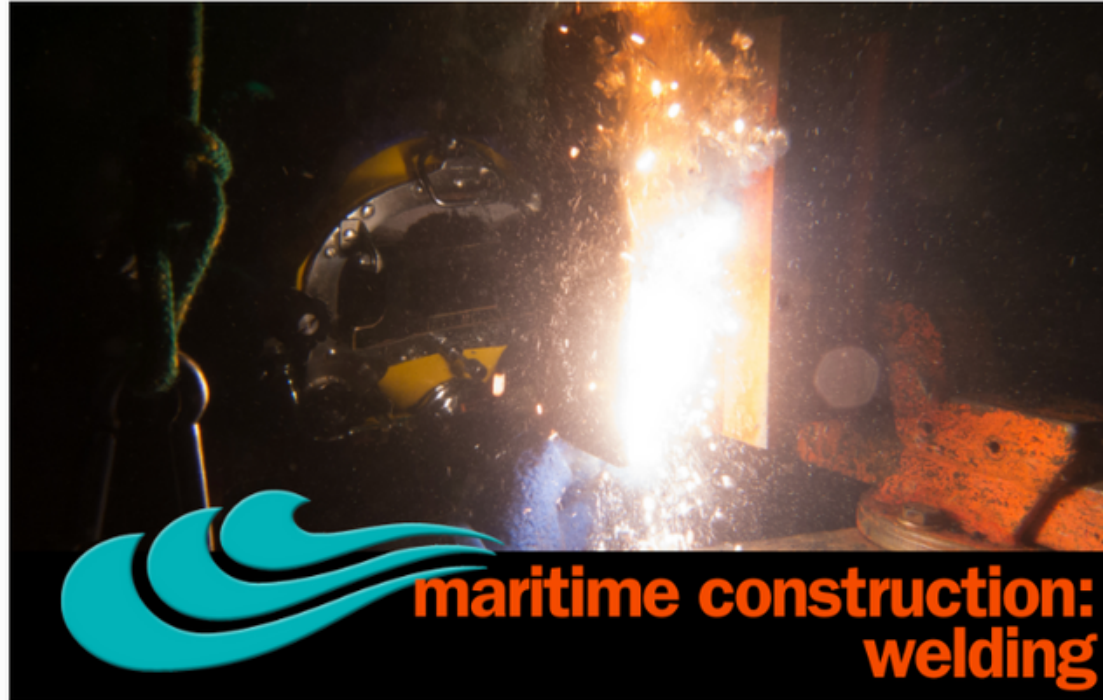
A Trades Education Facility (the OCATT) and Protection & Modernization of Existing Facilities

- Flexible trades-ed space (starting with welding and other pre-apprenticeship training) plus classrooms and community space
- Safety, tech, and operations upgrades county-wide on existing facilities to thrive for the **next** 20 years



Oregon Coast Advanced Technology & Trades (OCATT) Center

Programming under consideration





**pre-apprenticeship: manufacturing
& apprenticeship: welding**



**pre-apprenticeship:
maritime**



**apprenticeship:
marine technician**



**flexible space:
programming**



**apprenticeship: industrial
maintenance mechanic**



**apprenticeships:
facilities maintenance & maintenance technician**



**apprenticeship:
water/wastewater technician**



**commercial diving/
underwater welding**



OREGON COAST COMMUNITY COLLEGE

Community College Levy Rates across the State

| Community College | Net Assessed Value | 2023 Levy Rates | | | Total District Rate |
|------------------------|----------------------|-----------------|-------------------|---------------|---------------------|
| | | Permanent Rate | Local Option Rate | Bond Rate | |
| Treasure Valley | 2,635,468,166 | 1.2235 | - | - | 1.2235 |
| Lane | 39,703,855,494 | 0.6191 | - | 0.3290 | 0.9481 |
| Clatsop | 7,242,724,727 | 0.7785 | - | 0.1385 | 0.9170 |
| Chemeketa | 43,737,005,838 | 0.6259 | - | 0.2626 | 0.8885 |
| Blue Mountain | 12,931,714,286 | 0.6611 | - | 0.1886 | 0.8497 |
| Clackamas | 43,195,893,268 | 0.5582 | - | 0.2460 | 0.8042 |
| Linn-Benton | 20,980,646,617 | 0.5019 | - | 0.2268 | 0.7287 |
| Southwestern | 10,173,355,187 | 0.7017 | - | - | 0.7017 |
| Central Oregon | 35,591,229,358 | 0.6204 | - | 0.0767 | 0.6971 |
| Portland | 157,449,724,447 | 0.2828 | - | 0.3867 | 0.6695 |
| Columbia Gorge | 5,911,988,434 | 0.2703 | - | 0.3711 | 0.6414 |
| Rogue (Jackson Co) | 24,207,562,435 | 0.5128 | - | 0.0968 | 0.6096 |
| Rogue (Total District) | 33,447,045,705 | 0.5128 | - | 0.0523 | 0.5651 |
| Mt. Hood | 31,727,308,895 | 0.4917 | - | - | 0.4917 |
| Umpqua | 10,507,394,843 | 0.4551 | - | - | 0.4551 |
| Klamath | 6,349,120,100 | 0.4117 | - | - | 0.4117 |
| Tillamook Bay | 5,955,886,721 | 0.2636 | - | 0.1361 | 0.3997 |
| Oregon Coast | 8,882,171,705 | 0.1757 | - | 0.2145 | 0.3902 |




A Continuation Levy

The College's capital construction bond tax rate is estimated to **remain** at the current **21 cents per \$1,000** of assessed property value if the proposed bond measure passes. *That's because existing debt is retiring in 2025. Existing bonds approved by voters in 2004 to construct campus buildings.*



\$8 Million in Matching Funds Brought to the Project

The College **would receive an \$8 million state matching grant** if the proposed bond measure passes. *Oregon Coast Community College would receive an \$8 million grant from the Oregon Legislature to apply to the costs of construction of the trades education facility if the proposed bond measure passes in the May 2024 election. The College would not receive the matching grant if the proposed bond measure doesn't pass.*



If the proposed bond measure passes, funds would be used to:

- **Construct a new trades education facility** on land the College already owns at its Campus in Newport.
- **Repair and update existing buildings**, including roofs and HVAC systems and controls.
- **Increase safety and security** by updating security cameras and systems with modern versions, renovating common areas, replacing and upgrading backup generators and providing better-secured entry points.
- **Improve the learning environment** by modernizing classrooms where needed, to support modern learning modalities.
- **Increase access to career training**, with expansion of Aquarium Science Program with new aquaculture infrastructure.



What would the proposed measure cost if it passes?

- \$33,165,000 proposed bond measure, to be repaid over 21 years.
- Bond tax rate is estimated not to increase because existing bond is retiring in 2025
- Estimated bond tax rate would remain \$0.21 per \$1,000 of assessed property value
- The owner of a home assessed at \$200,000 would pay \$42 per year or \$3.50 per month.

What happens if the proposed bond measure does not pass?

- If the measure does not pass, the proposed projects and services would not be completed as planned and the proposed new \$0.21 per \$1,000 of assessed value tax would not be assessed.
- The current \$0.21 per \$1,000 of assessed property value tax expires in 2025.



Property Tax is Based on Assessed Value, Rather than Real Market Value

- Lincoln County home example, data pulled Jan. 26, 2024
 - RMV 2024, **\$526,050**
 - Assessed 2024, **\$180,020**
 - **Impact of levy:**
 - 72.7 cents per week; \$37.80/year

Look up **any** home in Lincoln County: **propertyweb.co.lincoln.or.us**



Please encourage
your friends
to learn more!



OREGON COAST
COMMUNITY COLLEGE

Proposed College Bond Information Meetings

Please join President Birgitte Ryslinge at one of four meetings
to learn more about proposed Measure 21-224.

- **Tuesday, April 9** – OCCC Welding Lab, Port of Toledo, 5:30-6:15pm
- **Tuesday, April 16** – OCCC Central County Campus, Newport, 5:30-6:15pm
- **Tuesday, April 23** – OCCC South County Center, Waldport, 5:30-6:15pm
- **Tuesday, April 30** – OCCC North County Center, Lincoln City, 5:30-6:15pm

Learn more about the proposed \$33,165,000 college
bond measure that will be on the May 21 ballot.

If passed, the proposed bond measure would:

- Fund construction of a new trades education facility
- Upgrade safety and security of existing facilities
- Expand access to career training
- Estimated to not increase current bond tax rate
- Qualify the College to receive an \$8 million state matching grant. The College would receive the matching grant only if the proposed measure passes.

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oregoncoast.edu



oregoncoast.edu/ocatt

Thank you!
Questions?



**TOLEDO CITY COUNCIL
REGULAR MEETING
March 6, 2024**

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

Councilor Jackie Kauffman arrived at 6:05 p.m.

2. PROCLAMATIONS/PRESENTATIONS

Presentation – Veterans of Foreign Wars

Veterans of Foreign Wars Trustee Jim Buisman recognized Officer Conor Ringwald with an award for his commitment in the community. PC Pace commented on Officer Ringwald’s work and commended him.

(Topic added to the agenda) **Proclamation** – Mayor Cross read a proclamation and recognized the Toledo High School wrestling team for their 2A-1A team championship this year and declared the week of March 4 – March 10, 2024 as Champions Week.

3. VISITORS/PUBLIC COMMENT

There were no comments.

4. CONSENT AGENDA

Minutes from the meeting held on November 15, 2023 and the executive session held on December 20, 2023.

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

1 **5. DISCUSSION ITEMS**

2 **Draft resolution creating a City Charter review committee**

3 CR Figueroa provided the council report and reviewed the draft resolution. She highlighted the
4 committee members and the timeline for when the committee would provide a recommendation to
5 the Council. She implied the date for final approval would be at one of the July meetings. The
6 Council recommended an amendment in regards to how the vacancies were filled and asked staff
7 to clarify that statement in the final draft. They also preferred the have the final recommendation
8 from the Committee by July 3.

9
10 Following discussion, there was a consensus of the Council to bring back the resolution for
11 adoption on March 20 with the recommended changes.

12
13 **6. DECISION ITEMS**

14 **Review the General Services Agreements for City Engineering Services (Engineer of Record)**
15 **with The Dyer Partnership, Engineers & Planners, Inc., and Civil West Engineering**
16 **Services, Inc.**

17 CM Wiggins provided the council report and the agreements with both companies expired some
18 time ago. He indicated there was an open call for bids and both companies submitted bids. He said
19 PWD Lorimor is out for training, but stated he would like to retain both companies for a period of
20 time as he becomes more familiar with processes and could consult between the two companies.

21
22 **Motion** – It was moved and seconded (Kauffman/Mix) to approve the General Services agreements
23 for City Engineering Services (Engineer of Record) with The Dyer Partnership, Engineers & Planners,
24 Inc., and Civil West Engineering Services, Inc. and the motion carried unanimously.

25
26 **Approve an expenditure of up to \$1,000 to produce informational materials for the**
27 **Ammon Tank replacement**

28 CR Figueroa presented the council report. She indicated it would cost approximately \$900 based
29 on research to prepare a mailer to residents within the City. The Council discussed the mailers and
30 there was a consensus of the Council to increase the funds to \$1,500.

31
32 CR Figueroa noted there will be a page on the website with the mailer and the most recent
33 inspection report of Ammon Tank. She said she could post frequently asked questions to the page.
34 The Council inquired what would happen if the tank were to fail. CM Wiggins responded Ammon
35 Tank would have an immediate effect on Georgia-Pacific Mill, the South side of town and Seal
36 Rock Water District and there are several areas in town that would see a severe reduction of water
37 pressure throughout the City.

38
39 **Motion** – It was moved and seconded (Mix/Silvia) to approve an expenditure of up to \$1,500 to
40 produce informational materials for the Ammon Tank replacement and the motion carried
41 unanimously.

42
43 **Approve the Accounting Clerk position and salary range**

44 CM Wiggins provided the council report. He said the job description has been re-evaluated to
45 include payables, which was not included previously. He said because it was not included before,
46 the position would often times have to be paid an out-of-classification pay. He said with the

1 addition of increased responsibilities, the proposed salary has increased. He noted the budget
2 accounted for a Finance Director, an Accounting Supervisor, an Accounting Clerk and a Utility
3 Billing clerk but they consolidated the position with the Utility Billing and Accounting Clerk.
4

5 **Motion** – It was moved and seconded (Silvia/Bush) to approve the position and salary range for the
6 Accounting Clerk position and the motion carried unanimously.
7

8 **7. REPORTS AND COMMENTS**

9 PC Pace indicated to the Council there have been several difficult cases recently and he plans to
10 open a recruitment for the detective position internally.
11

12 CA Adams said he plans to present a nepotism policy to the Council in a future meeting and he is
13 reviewing other policies as well.
14

15 CM Wiggins reported there was a House Bill for improvements to Sturdevant Road, which would
16 include a traffic survey. He said if approved it would help with the development of Olalla
17 Meadows. He indicated there was also a request for funding for the Public Safety Building, but it
18 has not been determined yet.
19

20 Councilor Strom said he went to the Solid Waste Advisory Committee, but did not have much to
21 report. He said he attended a meeting in Waldport in regards to wells and referred to a website that
22 inventories all wells within the state.
23

24 Councilor Silvia reported on the Cascades West Area Commission on Transportation meeting and
25 said they have a carbon emissions program for cities, which he forwarded to CM Wiggins. He said
26 he donated several seeds for the Library seed program.
27

28 Mayor Cross said he will be traveling to Washington D.C. soon to meet with Senators for funding
29 requests. He commented on meetings he attended to address several key issues that affect smaller
30 communities in regards to housing, buildable lands and urban growth boundaries.
31

32 **8. ADJOURNMENT**

33 The meeting adjourned at 7:20 p.m.
34

35 Approve:

Attest:

36
37
38 _____
39 Mayor Rod Cross

City Recorder Lisa Figueroa

**TOLEDO CITY COUNCIL
EXECUTIVE SESSION
March 20, 2024**

1. EXECUTIVE SESSION

Mayor Rod Cross called the Executive Session to order at 5:42 p.m. electronically via Zoom in Toledo, Oregon. He read the declaration of meeting in Executive Session under the provisions of ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

Representatives of the news media and designated staff were allowed to attend the Executive Session. All other members of the audience were prohibited. Representatives of the news media were specifically directed not to report on any of the deliberations except to state the general subject of the session as previously announced.

| Present | Absent | |
|---------|--------|---|
| X | _____ | Mayor Rod Cross |
| X | _____ | Council President Kim Bush |
| _____ | _____ | Councilor Jackie Kauffman |
| X | _____ | Councilor Tracy Mix |
| X | _____ | Councilor Frank Silvia |
| _____ | _____ | Councilor Jackie Burns |
| X | _____ | Councilor Stu Strom |
| X | _____ | City Manager Doug Wiggins |
| _____ | _____ | Finance Director/Assistant City Manager Amanda Carey |
| X | _____ | City Recorder Lisa Figueroa |
| X | _____ | City Attorney Mike Adams |
| _____ | _____ | Fire Chief Larry Robeson |
| _____ | _____ | Police Chief Mike Pace |
| _____ | _____ | Interim Library Director Harrison Baker |
| _____ | _____ | Public Works Director Brian Lorimor |

Councilor Jackie Kauffman arrived at 5:45 p.m.

No decisions were made in Executive Session.

2. ADJOURNMENT

The Executive Session adjourned at 5:58 p.m.

APPROVE:

ATTEST:

Mayor Rod Cross

City Recorder Lisa Figueroa

**TOLEDO CITY COUNCIL
EXECUTIVE SESSION
March 27, 2024**

1. EXECUTIVE SESSION

Mayor Rod Cross called the Executive Session to order at 6:16 p.m. electronically via Zoom in Toledo, Oregon. He read the declaration of meeting in Executive Session under the provisions of ORS 192.660(2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Representatives of the news media and designated staff were allowed to attend the Executive Session. All other members of the audience were prohibited. Representatives of the news media were specifically directed not to report on any of the deliberations except to state the general subject of the session as previously announced.

| Present | Absent | |
|---------|--------|--|
| X | _____ | Mayor Rod Cross |
| _____ | _____ | Council President Kim Bush |
| X | _____ | Councilor Jackie Kauffman |
| X | _____ | Councilor Tracy Mix |
| X | _____ | Councilor Frank Silvia |
| X | _____ | Councilor Jackie Burns |
| X | _____ | Councilor Stu Strom |
| X | _____ | City Manager (CM) Doug Wiggins |
| X | _____ | City Recorder Lisa Figueroa |
| X | _____ | City Attorney Mike Adams |
| X | _____ | Finance Director/Assistant CM Amanda Carey |
| _____ | _____ | Fire Chief Larry Robeson |
| _____ | _____ | Police Chief Mike Pace |
| _____ | _____ | Interim Library Director Harrison Baker |
| X | _____ | Public Works Director Brian Lorimor |

Others Present:

Lane County Council of Governments Local Government Personnel Services Principal Attorney Pierre Robert

No decisions were made in Executive Session.

2. ADJOURNMENT

The Executive Session adjourned at 7:20 p.m.

APPROVE:

ATTEST:

Mayor Rod Cross

City Recorder Lisa Figueroa

**TOLEDO CITY COUNCIL
EXECUTIVE SESSION
April 3, 2024**

1. EXECUTIVE SESSION

Mayor Rod Cross called the Executive Session to order at 5:32 p.m. electronically via Zoom in Toledo, Oregon. He read the declaration of meeting in Executive Session under the provisions of ORS 192.660(2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Representatives of the news media and designated staff were allowed to attend the Executive Session. All other members of the audience were prohibited. Representatives of the news media were specifically directed not to report on any of the deliberations except to state the general subject of the session as previously announced.

| 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 |
| X | | City Manager (CM) Doug Wiggins |
| X | | City Recorder Lisa Figueroa |
| X | | City Attorney Mike Adams |
| X | | Finance Director/Assistant CM Amanda Carey |
| | | Fire Chief Larry Robeson |
| | | Police Chief Mike Pace |
| | | Interim Library Director Harrison Baker |
| X | | Public Works Director Brian Lorimor |

Others Present:

Lane County Council of Governments Local Government Personnel Services Principal Attorney Pierre Robert

No decisions were made in Executive Session.

2. ADJOURNMENT

The Executive Session adjourned at 5:50 p.m.

APPROVE:

ATTEST:

Mayor Rod Cross

City Recorder Lisa Figueroa

March 22, 2024

City of Toledo
Attn: Doug Wiggins, City Manager
206 N Main Street
Toledo, OR 97391

2023-24 Rate Review Report

Dear Mr. Wiggins –

Enclosed please find our Annual Report of Operations as required in Section 18.16.140 (g)(6) of the City of Toledo Code. We have included an annual report of results of operations prepared by our CPA for the year ended 12/31/2023 (Exhibit A). In addition, we have included an annual report of results of operations for the year ended 12/31/2023 (Exhibit B). We have also included a schedule of all additional allowable expenses that we anticipate for the current year and a calculation of the Operating Ratio for last year and the current year (Exhibit B).

As our Operating Ratio is projected to be inside the allowable range of 85% to 91%, we are proposing to apply the CPI-based adjustment allowed for in our agreement. We are proposing to apply 85% of the one-year change in the CPI-U (West, B/C) from May of 2023 to April of 2024. This index will be released in mid-May, and we will submit that information along with a rate sheet showing this adjustment by June 1st. We are estimating this adjustment to be approximately 3%.

We have included the schedule from our company Certified Public Accountant of the revenue and expenses subject to rate regulation in this packet (Exhibit A). It is produced along with an entire company Reviewed Financial Statement. We have provided the entire Reviewed Financial Statement to the City Manager to allow verification of the data provided while maintaining the proprietary nature of the information included in the entire Statement.

We are pleased to report that we delivered 16,618 tons of material to the Juno project for additional processing in 2023, including just over 10,000 tons from Lincoln County sources. Without this project, all this material would have been delivered to landfills. Juno staff have estimated the diversion from this project at 50%. We also recycled over 2,700 tons of scrap metal, 1,900 tons of mixed compostables/yard debris, and 713 tons of other materials.

The biggest change in our operations last year was the addition of food waste to our compostables program in September. Many of our customers have asked for this expansion of

our yard debris service, and we were happy we could deliver for them. In addition, from September through December, we saw an increase of 27 tons in material collected versus the same period last year. With this change, some customers may be able to switch to a smaller garbage cart and/or less frequent service, saving them money every month.

We also added a customer education newsletter to our outreach efforts, which was mailed to all current customers. This brochure featured information about the services we offer, proper preparation of recyclable materials, and the benefits to the community and the environment of these efforts. While this is not technically required by the state for the cities we serve, we wanted to bring our program into line with the requirements for cities over 4,000 population in anticipation of the major changes to the recycling system we are expecting to come into effect on July 1 of 2025.

As always, if you have any questions or concerns, we are happy to discuss this submittal at your convenience. In addition, if any issues are to be discussed at a public meeting, please inform us so that we can plan to attend.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dave Larmouth".

Dave Larmouth
Outreach Manager

Dahl Disposal Service 2023 Results 2024 Projections

| | | DAHL DISPOSAL SERVICE TOTAL | | TOLEDO | | |
|------|-------------------------------------|-----------------------------|------------|---------------------|------------------|---------------------|
| | | 2023 | ALLOCATION | 2023 | | 2024-25 |
| | | ACTUAL | FACTOR | ACTUAL | CHANGE | PROJECTED |
| | | | | Rate Adj. % | est. CPI>> | 3.00% |
| | Revenues | | | | | |
| 1001 | Collection Operations | \$ 5,676,960 | Actual | \$ 1,198,057 | \$ 7,375 | \$ 1,205,432 |
| | Revenue from Rate Adjustment | | | | | \$ 36,163 |
| 1002 | misc | \$ 131,399 | Actual | \$ 6,088 | \$ (6,088) | \$ - |
| | Total Revenues | \$ 5,808,359 | | \$ 1,204,145 | \$ 37,450 | \$ 1,241,595 |
| | Labor Expense | | | | | |
| 100 | Labor & Labor Costs | \$ 1,261,713 | Route Time | \$ 214,012 | \$ (16,784) | \$ 197,228 |
| | Total Labor | \$ 1,261,713 | | \$ 214,012 | | \$ 197,228 |
| | Operation Expense | | | | | |
| 201 | Bad Debt | \$ 8,314 | Route Time | \$ 1,410 | \$ 2,661 | \$ 4,071 |
| 202 | Business Taxes/PUC | \$ 83,137 | Route Time | \$ 14,102 | \$ 341 | \$ 14,442 |
| 203 | Closure | \$ 65,726 | Closure | \$ 38,192 | \$ (28,782) | \$ 9,410 |
| 204 | Depreciation | \$ 312,981 | Route Time | \$ 53,088 | \$ 13,741 | \$ 66,829 |
| 205 | Amortization | \$ - | Route Time | \$ - | \$ - | \$ - |
| 206 | Disposal Charges | | | | | |
| 207 | - MSW | \$ 958,923 | Weights | \$ 224,443 | \$ 27,212 | \$ 251,655 |
| 208 | - Recycling | \$ 45,282 | Weights | \$ 10,599 | \$ 1,726 | \$ 12,324 |
| 209 | - Green Waste | \$ 148,474 | Weights | \$ 34,751 | \$ 3,634 | \$ 38,385 |
| 210 | Franchise Fees | \$ 205,035 | Actual | \$ 60,577 | \$ 1,503 | \$ 62,080 |
| 211 | Fuel | \$ 255,021 | Route Time | \$ 43,257 | \$ 4,407 | \$ 47,663 |
| 212 | Insurance Expense | \$ 47,571 | Route Time | \$ 8,069 | \$ 11,522 | \$ 19,591 |
| 213 | Management & Admin fees | \$ 704,804 | Calculated | \$ 119,549 | \$ 29,443 | \$ 148,991 |
| 214 | Operational Lease/Rent | \$ 115,264 | Route Time | \$ 19,551 | \$ (19,136) | \$ 416 |
| 215 | Safety | \$ 3,200 | Route Time | \$ 543 | \$ 51 | \$ 594 |
| 216 | Other | \$ 2,127 | Route Time | \$ 361 | \$ 2,773 | \$ 3,134 |
| 217 | Rent | \$ 288,193 | Route Time | \$ 48,883 | \$ (3,676) | \$ 45,207 |
| 218 | Repairs & Maintenance | \$ 333,761 | Route Time | \$ 56,613 | \$ 925 | \$ 57,537 |
| 219 | RV Project | \$ 106,943 | Program | \$ - | \$ - | \$ - |
| 225 | Total Operational | \$ 3,684,755 | | \$ 733,986 | | \$ 782,329 |
| | Administrative Expense | | | | | |
| 301 | Advertising | \$ 17,070 | Customers | \$ 3,149 | \$ (2,411) | \$ 738 |
| 302 | Business M & E | \$ 21,972 | Customers | \$ 4,053 | \$ (79) | \$ 3,974 |
| 303 | Interest | \$ 61,830 | Customers | \$ 11,405 | \$ (7,347) | \$ 4,058 |
| 304 | Community Ed & Sup. | \$ 23,956 | Customers | \$ 4,419 | \$ (1,099) | \$ 3,320 |
| 305 | Donations | \$ 13,618 | Customers | \$ 2,512 | \$ (372) | \$ 2,140 |
| 306 | Dues & Subscriptions | \$ 18,612 | Customers | \$ 3,433 | \$ (562) | \$ 2,871 |
| 307 | Ed & Travel | \$ 25,833 | Customers | \$ 4,765 | \$ (330) | \$ 4,435 |
| 308 | Licenses and Fees (Visa) | \$ 78,075 | Customers | \$ 14,402 | \$ (4) | \$ 14,397 |
| 309 | Bank Charges | \$ 4,177 | Customers | \$ 771 | \$ (37) | \$ 733 |
| 310 | Office Expense | \$ 102,712 | Customers | \$ 18,946 | \$ 74 | \$ 19,020 |
| 311 | Postage | \$ 61,775 | Customers | \$ 11,395 | \$ 595 | \$ 11,990 |
| 312 | Professional Fees | \$ 120,426 | Customers | \$ 22,214 | \$ (10,903) | \$ 11,311 |
| 313 | Other | \$ 5,184 | Customers | \$ 956 | \$ 292 | \$ 1,248 |
| 314 | Utilities | \$ 20,409 | Customers | \$ 3,765 | \$ (497) | \$ 3,267 |
| 325 | Total Administrative | \$ 575,649 | | \$ 106,183 | | \$ 83,502 |
| 500 | Total Expenses | \$ 5,522,117 | | \$ 1,054,182 | | \$ 1,063,059 |
| 503 | Net Income | \$ 286,242 | | \$ 149,963 | | \$ 178,536 |
| | ROR | 4.93% | | 12.45% | | 14.38% |

Dahl Disposal Service 2023 Results 2024 Projections

| | | DAHL DISPOSAL SERVICE TOTAL | | TOLEDO | | |
|--|--|-----------------------------|-------------------|--------|--------|-----------|
| | | 2023 | ALLOCATION FACTOR | 2023 | CHANGE | 2024-25 |
| | | ACTUAL | | ACTUAL | | PROJECTED |

| ALLOCATION FACTORS | | TOLEDO | | |
|--------------------|-----------------|--------|--------|--------|
| 2023 | Revenue | | 20.69% | 20.69% |
| 2023 | Route Time | | 16.96% | 16.96% |
| 2023 | Weights | | 23.41% | 23.41% |
| 2023 | Customer Counts | | 18.45% | 18.45% |
| SAME | Closure | | 58.11% | 58.11% |

Calculate Operating Ratio

Total Expenses:

| | | | |
|----------------------|--------------|--------------|--------------|
| Total Labor | \$ 1,261,713 | \$ 214,012 | \$ 197,228 |
| Total Operational | \$ 3,684,755 | \$ 733,986 | \$ 782,329 |
| Total Administrative | \$ 575,649 | \$ 106,183 | \$ 83,502 |
| Total | \$ 5,522,117 | \$ 1,054,182 | \$ 1,063,059 |

Less Non Allowable Expenses:

| | | | |
|-------------------------------|-------------|------------|------------|
| Interest & Professional Fees | \$ (13,349) | \$ (2,751) | \$ (2,751) |
| Related to Shareholder buyout | | | |

Less "Pass Through Expenses" \$ -

| | | | |
|--------------------|--------------|--------------|--------------|
| Allowable Expenses | \$ 5,508,768 | \$ 1,051,430 | \$ 1,060,308 |
|--------------------|--------------|--------------|--------------|

Revenue

| | | | |
|---------|--------------|--------------|--------------|
| Revenue | \$ 5,808,359 | \$ 1,204,145 | \$ 1,241,595 |
|---------|--------------|--------------|--------------|

Less Non Allowable Expenses: \$ (13,349) \$ (2,751) \$ (2,751)

| | | | |
|-------------------------------|--------------|--------------|--------------|
| Revenue (net of Pass Through) | \$ 5,795,010 | \$ 1,201,394 | \$ 1,238,844 |
|-------------------------------|--------------|--------------|--------------|

Operating Ratio:

| | | | |
|-------------------------------|--------------|--------------|--------------|
| Allowable Expenses | \$ 5,508,768 | \$ 1,051,430 | \$ 1,060,308 |
| divided by | | | |
| Revenue (net of Pass Through) | \$ 5,795,010 | \$ 1,201,394 | \$ 1,238,844 |

Calculated Operating Ratio 95.1% 87.5% 85.6%

| | | | |
|-----------------------|----------|----------|----------|
| Operating Ratio Range | 85 - 91% | 85 - 91% | 85 - 91% |
|-----------------------|----------|----------|----------|

DAHL DISPOSAL SERVICE, INC.

Review Report

Year Ended December 31, 2023

DAHL DISPOSAL SERVICE, INC.

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Title Page

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INDEPENDENT ACCOUNTANTS' REVIEW REPORT

February 15, 2024

To Management and the Board of Directors
Dahl Disposal Service, Inc.
Toledo, Oregon

We have reviewed the accompanying financial statements of Dahl Disposal Service, Inc. (an S corporation), which comprise the balance sheet as of December 31, 2023, and the related statements of income and retained earnings and cash flows for the year then ended, and the related notes to the financial statements. A review includes primarily applying analytical procedures to management's financial data and making inquiries of management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error.

Accountant's Responsibility

Our responsibility is to conduct the review in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. Those standards require us to perform procedures to obtain limited assurance as a basis for reporting whether we are aware of any material modifications that should be made to the financial statements for them to be in accordance with accounting principles generally accepted in the United States of America. We believe that the results of our procedures provide a reasonable basis for our conclusion.

We are required to be independent of Dahl Disposal Service, Inc. and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our review.

Accountant's Conclusion

Based on our review, except for the issues noted in the Known Departures from Accounting Principles Generally Accepted in the United States of America paragraphs, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in accordance with accounting principles generally accepted in the United States of America.

Known Departures from Accounting Principles Generally Accepted in the United States of America

Accounting principles generally accepted in the United States of America require the primary beneficiary of a variable interest entity to consolidate the variable interest entity in its financial statements. Management has informed us that, as disclosed in Note C, the Company's financial statements do not include the accounts of Dahl & Dahl, Inc., New Ventures Enterprises, LLC, and South Lincoln Landfill, Inc., which the Company has determined are variable interest entities and in which the Company holds variable interests and is the primary beneficiary. The effects of this departure from accounting principles generally accepted in the United States of America on the financial position, results of operations, and cash flows have not been determined.

Supplemental Information

The accompanying supplementary information included in the Supplemental Schedule is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from, and relates directly to, the underlying accounting and other records used to prepare the financial statements. The supplementary information has been subjected to the review procedures applied in our review of the basic financial statements. We are not aware of any material modifications that should be made to the supplementary information. We have not audited the supplementary information and do not express an opinion on such information.

Guyer & Associates
Certified Public Accountants
A Professional Corporation
Baker City, Oregon

DAHL DISPOSAL SERVICE, INC.
BALANCE SHEET
December 31, 2023

ASSETS

Current Assets

| | | |
|------------------------------|----|-----------|
| Cash & cash equivalents | \$ | 231,543 |
| Accounts receivable, net | | 901,925 |
| Dahl & Dahl, Inc. receivable | | 291,008 |
| Total current assets | | 1,424,476 |

Capital Assets

| | | |
|----------------------------|--|-----------|
| Land | | 35,148 |
| Buildings & equipment, net | | 1,003,716 |
| Total capital assets | | 1,038,864 |

Other Assets

| | | |
|--|----|-----------|
| Goodwill | | 779,650 |
| Receivable - New Ventures Enterprises, LLC | | 45,000 |
| N/R - Dahl & Dahl, Inc. | | 22,586 |
| Right-of-use Lease | | 927,303 |
| Investment - LC Hauler's Assoc. | | 1,227 |
| Total other assets | | 1,775,766 |
| Total Assets | \$ | 4,239,106 |

See accompanying notes and independent accountants' review report.

DAHL DISPOSAL SERVICE, INC.
BALANCE SHEET (continued)
December 31, 2023

LIABILITIES AND EQUITY

Current Liabilities

| | | |
|--|----|-----------|
| Accounts payable | \$ | 468,503 |
| Deferred revenue | | 320,321 |
| Accrued franchise fee | | 17,641 |
| Accrued insurance expense | | 14,852 |
| Accrued state tax | | 150 |
| Current portion of lease liability | | 195,431 |
| Current portion of long term liabilities | | 112,622 |
| Total current liabilities | | 1,129,520 |

Long Term Liabilities

| | |
|---|-----------|
| Lease liability | 927,303 |
| Note payable - Santiam Escrow | 466,624 |
| Note payable - Dahl & Dahl, Inc. | 1,647,820 |
| Less current portion of lease liability | (195,431) |
| Less current portion of long term liabilities | (112,622) |
| Total long term liabilities | 2,733,694 |

Shareholders' Equity

| | |
|--|--------------|
| Common stock, no par, 500 shares authorized, 75 shares issued | 834 |
| Additional paid-in capital | 145,207 |
| Retained earnings | 229,851 |
| Total shareholders' equity (deficit) | 375,892 |
| Total liabilities & shareholders' equity | \$ 4,239,106 |

See accompanying notes and independent accountants' review report.

DAHL DISPOSAL SERVICE, INC.
STATEMENT OF INCOME AND RETAINED EARNINGS
Year Ended December 31, 2023

| | |
|---|----------------------|
| Revenue: | |
| Income - net of adjustments and credits | \$ 5,808,359 |
| Income - LQG | 8,888,467 |
| Total Income | <u>14,696,826</u> |
| Operational Expenses: | |
| Disposal costs: | |
| Disposal LQG LOB | 7,596,766 |
| Municipal solid waste | 958,923 |
| Recycling | 45,282 |
| Green waste | 148,474 |
| Medical waste | 2,088 |
| RV Project | 106,943 |
| Labor & labor costs | 1,261,713 |
| Management fees | 1,016,439 |
| Franchise fees | 649,028 |
| Equipment lease | 115,264 |
| Rent facilities | 288,193 |
| Repairs & maintenance | 288,158 |
| Freight | 552 |
| Fuel | 255,021 |
| Depreciation | 312,981 |
| Insurance | 47,571 |
| Business taxes and PUC | 48,137 |
| Closure fees | 65,726 |
| Tools and supplies | 91,603 |
| Total Operating Expenses | <u>\$ 13,298,862</u> |

See accompanying notes and independent accountants' review report.

DAHL DISPOSAL SERVICE, INC.
STATEMENT OF INCOME AND RETAINED EARNINGS, Continued
Year Ended December 31, 2023

| | |
|---|------------|
| Administrative Expenses: | |
| Advertising & promotion | \$ 17,070 |
| Bank service charges | 82,252 |
| Dues & subscriptions | 18,612 |
| License & fees | 998 |
| Interest | 61,830 |
| Office supplies | 102,712 |
| Postage and printing | 61,775 |
| Professional services | 120,426 |
| Utilities | 20,409 |
| Other | 89,565 |
| Total Administrative Expenses | 575,649 |
| Net Income before Other Income (Expenses) | 822,315 |
| Other Income (Expense): | |
| Tax refund | 10,236 |
| PTE tax | (60,532) |
| Total Other Income (Expense) | (50,296) |
| NET INCOME | 772,019 |
| RETAINED EARNINGS (DEFICIT) - Beginning of year | (482,168) |
| Shareholder distributions | (60,000) |
| RETAINED EARNINGS - End of year | \$ 229,851 |

See accompanying notes and independent accountants' review report.

DAHL DISPOSAL SERVICE, INC.
STATEMENT OF CASH FLOWS
Year Ended December 31, 2023

| | |
|---|-------------------|
| Cash Flows from Operating Activities | |
| Net income | \$ 772,019 |
| Adjustments to reconcile net income to net cash provided by operating activities: | |
| Depreciation | 312,981 |
| Past Development Costs | 13,425 |
| Past Closure fees | 45,000 |
| Decrease (increase) in operating assets: | |
| Accounts receivable, net of deferred revenue | 419,874 |
| Increase (decrease) in operating liabilities: | |
| Accounts payable | (994,034) |
| Accrued franchise fees | (21,912) |
| Accrued insurance expense | 14,852 |
| Dahl & Dahl, Inc. receivable | <u>(232,154)</u> |
| Net cash provided by operating activities: | 330,051 |
| Cash Flows from Financing Activities | |
| Principal payments on debt | (109,831) |
| Shareholder contributions | 138,520 |
| Shareholder distributions | <u>(60,000)</u> |
| Net cash used by financing activities: | (31,311) |
| Cash Flows from Investing Activities | |
| Increase in note receivable | (45,000) |
| Capital expenditures | <u>(267,795)</u> |
| Net cash used by investing activities: | (312,795) |
| Net increase (decrease) in cash & cash equivalents | (14,055) |
| Cash & Cash Equivalents - Beginning of year | <u>245,598</u> |
| Cash & Cash Equivalents - End of year | <u>\$ 231,543</u> |

Supplemental Disclosures:
Income taxes paid \$ 150

Noncash information:

The Right-of-use assets and the corresponding liability have been adjusted.

The Company released the \$45,000 South Lincoln Landfill receivable, the Company has realized, they will not be reimbursed.

The Company released a \$13,425 of development expenses.

See accompanying notes and independent accountants' review report.

DAHL DISPOSAL SERVICE, INC.
Notes to Financial Statements
Year Ended December 31, 2023
(See independent accountants' review report)

NOTE A – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Business Activity

Dahl Disposal Service, Inc., located on the Central Oregon Coast, provides residential, commercial, and roll-off solid waste and recycling services through franchise agreements to local residents in Toledo, Siletz, Waldport, Yachats and the Lincoln County unincorporated surrounding areas, as well as some contract solid waste and recycling services with large customers under separate agreements. The Company's offices are located at 380 NW 1st Street, Toledo, OR 97391.

Basis of Accounting

The accompanying financial statements are prepared on the accrual basis of accounting in conformity with accounting principles generally accepted in the United States of America. The accrual basis of accounting recognizes revenues in the accounting period in which revenues are earned regardless of when cash is received, and recognized expenses in the accounting period in which they are incurred regardless of when cash is disbursed.

Cash and Cash Equivalents

For purposes of preparing the statement of cash flows, the Company considers highly liquid deposits with an initial maturity of ninety days or less to be cash equivalents.

Accounts Receivable

Trade accounts receivable are stated at the amount management expects to collect from outstanding balances. Management provides for probable uncollectible amounts through a charge to earnings and a credit to a valuation allowance based on its assessment of the current status of individual accounts. Balances that are still outstanding after management has used reasonable collection efforts are written off through a charge to the valuation allowance and a credit to trade accounts receivable. At year end, the estimated allowance for doubtful accounts is \$18,735.

Capital Assets

All property is carried at its original acquisition cost. Expenditures for repairs and maintenance are charged to expense as incurred. When depreciable assets are sold or retired, the cost and the related accumulated depreciation are removed from the records with the resulting gain or loss credited or charged to income.

Depreciation is provided using the straight-line method based on the following lives:

| | |
|-----------------------|-----------|
| Buildings | 39 years |
| Machinery & Equipment | 3-7 years |

DAHL DISPOSAL SERVICE, INC.
Notes to Financial Statements
Year Ended December 31, 2023
(See independent accountants' review report)

NOTE A – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, continued

Goodwill

Goodwill, related to the purchase of Lindsay Sanitary Service, Inc., was initially capitalized and originally amortized over 15 years. Effective December 31, 2021 previously amortized goodwill in the amount of \$779,650 was restored to the Company's balance sheet (see note M). Generally accepted accounting principles ("GAAP") requires annual review for impairment in certain situations which are currently not applicable.

Revenue Recognition

Operating revenues are primarily generated from fees charged for our collection and disposal of Municipal Solid Waste (MSW), Recycling Commodities and Green Waste. Revenues from collection operations are influenced by factors such as container size, frequency of collection and cost per ton to dispose of the materials collected. Rates for these services are regulated in most cases by local jurisdictions and are set to generate revenues sufficient to cover all expected costs with a margin for potential profit. The expected costs include labor, disposal, maintenance and other operational costs as well as administrative costs of the Company. In previous years the Company reported revenues from the sale of recycling materials. However since mid-2018 the recycling markets worldwide have changed and there is now a cost to dispose of these materials and in rare cases, certain materials may have some value, however generally not in excess of the cost to get the material to market.

Revenue is generally recognized as services are performed, for example as waste or recycling commodities are collected or received at transfer stations. Certain services are billed prior to performance, primarily residential collection services. These advance billings are included in deferred revenues and recognized as revenue in the period service is provided.

Collection service contracts are generally considered long-term. The length of an individual contract is dependent on the customer's continued occupancy of the collection site and continued use of services. The Company's right to consider long-term service contracts corresponds directly to the value provided to the customer for services completed to date. All future considerations are allocated to wholly unsatisfied performance obligations.

Deferred Revenues

Deferred revenues are recorded when cash payments are received or due in advance of the Company's performance, and are classified as current since they are earned within a year and there are no significant financing components. Substantially all deferred revenues during the year are realized as revenues within one to three months, when the related services are performed.

Advertising

The Company expenses advertising costs as they are incurred. Advertising expense for the current year is \$17,070.

DAHL DISPOSAL SERVICE, INC.
Notes to Financial Statements
Year Ended December 31, 2023
(See independent accountants' review report)

NOTE A – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, continued

S Corporation Income Tax Status

The Company, with the consent of its shareholders, has elected under the Internal Revenue Code (“IRC”) to be an S Corporation. In lieu of corporation income tax, the shareholders of an S Corporation are taxed on their proportionate share of the Company’s taxable income; therefore, no provision or liability for federal income taxes is included in these financial statements. The prior three tax years remain subject to examination by major tax jurisdictions. The Company is subject to the Oregon Corporate Activities Tax. The tax is calculated on sales over \$1,000,000 at a rate of 0.57%. The Company files a consolidated CAT return with Dahl & Dahl, Inc. The Company has elected to be subject to the State of Oregon’s Pass-Through Entity Elective Tax. This tax is a Company deduction on the federal tax return.

Use of Estimates

Management uses estimates and assumptions in preparing financial statements. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities and the reported revenues and expenses. Actual results may differ from these estimates.

Recently Adopted Accounting Pronouncements

On January 1, 2022, the Company adopted ASC 842, *Lease*. This ASC requires private companies to recognize and measure leases at the beginning of the earliest period presented, using a modified retrospective approach. It requires a lessee to recognize the assets and liabilities that arise from leases, whether operating or financing. For leases with terms of 12 months or less, a lessee is permitted to make an accounting policy election not to recognize lease assets and lease liabilities.

The Company adopted ASC 842, right of use leasing option. The adoption did not result in a change to the income statement. The adoption only affected the balance sheet for assets and liabilities. The Company has elected to not capitalize leases of 12 months or less, which includes the equipment leases.

On January 1, 2019, the Company adopted ASC 606, *Revenue from Contracts with Customers*. This ASC replaced most existing revenue recognition guidance in U.S. GAAP, and creates a single framework for recognizing revenue from contracts with customers that fall within its scope. The core principle of ASC 606 is that revenue will be recognized when promised goods or services are transferred to customers in an amount that reflects consideration for which entitlement is expected in exchange for those goods or services. The majority of the Company’s revenues come from waste collection and disposal activities which fall within the scope of ASC 606 and are recognized as revenue as the Company satisfies its performance obligation(s) to the customer.

The Company adopted ASC 606 using the modified retrospective method for all ongoing customer contracts. The adoption of ASC 606 did not result in a change to the accounting for any of the in-scope revenue streams; as such, no cumulative effect adjustment was recorded. The adoption of ASC 606 also did not have an impact on recognized revenues for the year ended December 31, 2023.

DAHL DISPOSAL SERVICE, INC.
Notes to Financial Statements
Year Ended December 31, 2023
(See independent accountants' review report)

NOTE B – CONCENTRATION OF CREDIT RISK

Financial instruments that subject the Company to potential concentrations of credit risk consist principally of temporary cash investments and a note receivable with related parties.

Deposits

The Company places its cash with financial institutions and limits the amount of credit exposure to any one financial institution. Cash balances periodically exceed the federal deposit insurance coverage (“FDIC”) level. At year end, none of the Company’s accounts exceeded the FDIC limit. The bank accounts had no significant concentrations of credit risk with deposits covered under FDIC.

NOTE C – RELATED PARTIES

The ownership of Dahl Disposal Service, Inc. is 100% owned by Zachary Dahl. The shareholder also owns 100% interest in Dahl & Dahl, Inc., New Ventures Enterprises, LLC, and South Lincoln Landfill, Inc. Below is a summary of related party transactions:

Operating Expenses

Dahl & Dahl, Inc. provides a variety of services for Dahl Disposal Service, Inc., including all waste hauling and disposal, recycling efforts, labor and management. Below is a summary of these related party costs incurred by the Company during the current year:

| | Dahl & Dahl, Inc. | South Lincoln Landfill |
|--------------------------------|-------------------|---------------------------|
| Closure fees | \$ - | \$ 17,000 |
| Disposal LQG | 7,596,766 | - |
| Green waste disposal | 148,474 | - |
| Municipal solid waste disposal | 958,923 | - |
| Recycling disposal | 45,282 | - |
| Labor & labor costs | 1,261,713 | - |
| Management fees - franchise | 704,804 | - |
| Management fees - LQG | 311,635 | - |
| | \$ 11,027,597 | \$ 17,000 |

DAHL DISPOSAL SERVICE, INC.
Notes to Financial Statements
Year Ended December 31, 2023
(See independent accountants' review report)

NOTE C – RELATED PARTIES, continued

Leases

For the current year, Dahl Disposal Service, Inc. has the following included in lease transactions with the following related parties:

| | Dahl & Dahl, Inc. | New Venture Enterprises, LLC |
|-----------------|-------------------|---------------------------------|
| Facility lease | \$ 199,200 | \$ 60,000 |
| Equipment lease | 105,754 | - |
| | \$ 304,954 | \$ 60,000 |

Accounts Receivable

The Company will receive \$291,008 from Dahl & Dahl, Inc. This amount is from the disposal work with Dahl & Dahl, Inc. in which the two companies work closely together.

Note Receivable

The Company holds a non interest bearing note receivable due from Dahl & Dahl, Inc. in the amount of \$36,011.

The Company holds a non interest bearing note receivable due from New Ventures Enterprises, LLC in the amount of \$45,000.

Accounts Payable

The Company owes Dahl & Dahl, Inc. for services performed, in the amount of \$321,811. Current operating payables of \$321,811 are reported in Accounts Payable.

The Company owes New Venture Enterprises, LLC for services performed in the amount of \$5,000, which is current operating payables reported in Accounts Payable.

Note Payable

The Company owes Dahl & Dahl, Inc. \$1,647,820 for the buyout of former shareholders. See Note K for more note information.

Consolidation

Under GAAP, consolidated financial statements are required when a company has a controlling financial interest in another company based on variable interests. Dahl Disposal Service, Inc. is identified as a primary beneficiary of variable interests in Dahl & Dahl, Inc., New Venture Enterprises, LLC, and South Lincoln Landfill, Inc. These entities have not been consolidated with Dahl Disposal Service, Inc. to present consolidated financial statements. The effects of this departure on the financial position, results of operations, and cash flows have not been determined.

DAHL DISPOSAL SERVICE, INC.
Notes to Financial Statements
Year Ended December 31, 2023
(See independent accountants' review report)

NOTE D – CAPITAL ASSETS

Capital assets at year-end consist of the following:

| | <u>January 1</u> | <u>Additions</u> | <u>Disposals</u> | <u>Transfers</u> | <u>December 31</u> |
|-----------|------------------|------------------|--------------------------------|------------------|--------------------|
| Land | \$ 35,148 | \$ - | \$ - | \$ - | \$ 35,148 |
| Buildings | 136,651 | - | - | - | 136,651 |
| Equipment | 2,368,249 | 267,795 | - | - | 2,636,044 |
| | \$ 2,540,048 | \$ 267,795 | \$ - | \$ - | 2,807,843 |
| | | | Less: accumulated depreciation | | (1,768,979) |
| | | | Net capital assets | | \$ 1,038,864 |

Depreciation expense for the year is \$312,981.

NOTE E – INVESTMENTS

The Company is a 33.33% partner in Lincoln County Hauler's Association, LLC which provides work on solids waste issues that impact disposal services to Lincoln County. Because the Company is a general partner, the investment is accounted for under the equity method.

NOTE F – FRANCHISE AGREEMENTS

The Company provides residential, commercial, and industrial solid waste and recycling services through franchise agreements with Lincoln County and the Cities of Toledo, Siletz, Waldport, and Yachats. The franchise agreements provide for rates based on projection of allowable expenses and pre-tax return allowed within a range which rewards efficiencies, discourages inefficiencies and provides oversight of the operation to provide for the public interest. The life of the franchise agreements with renewals are as follows:

| | |
|----------------|----------|
| Lincoln County | 10 years |
| Yachats | 6 years |
| Siletz | 7 years |
| Toledo | 10 years |
| Waldport | 10 years |

DAHL DISPOSAL SERVICE, INC.
Notes to Financial Statements
Year Ended December 31, 2023
(See independent accountants' review report)

NOTE G – REVENUES

The following table disaggregates the Company's operating revenue based on the major lines of business for the year ended December 31, 2023:

| | | |
|--------------------------|----|---------------|
| Residential | \$ | 3,865,306 |
| Commercial | | 1,227,517 |
| Drop box | | 584,137 |
| Other | | 131,399 |
| Large Quantity Generator | | 8,888,467 |
| | | \$ 14,696,826 |

NOTE H – COMMITMENTS AND CONTINGENCIES

The Company has a franchised haul that started in 2018 with a Large Quantity Generator (LQG) of waste material. The Company collects the large quantities of the customer's material at Customer's facility and transports the solid waste to an approved DEQ subtitle D landfill. The Company provides all equipment to transport and dispose of the solid waste. The Company refers to this contract as LQG – or the LOB (line of business) agreement.

The above franchised haul is approved by the City of Toledo under the existing agreement: The City of Toledo and the Company have agreed that a lower than expected return on the agreement could significantly impact the overall rates to the residents of Toledo. It was agreed that the likelihood of beating expectations on the project was far less likely than the potential for higher rates. The City does not include the operations in the revenues or expenses when applying operation ratio. However, because the waste material, is in fact subject to the regulation by the solid waste franchise the Company does pay applicable franchise fees as well as other county wide assessments and surcharges that are billed and assessed per ton of waste delivered to the landfill by the Company.

The tonnage fees charged are subject to and adjusted annually for COLA as well as changes in disposal fees that the Company is required to pay to its vendors. This solid waste haul is renewable each year thereafter and has been renewed for 2024.

As disclosed in Note C Related Parties, the Company pays closure fees to South Lincoln Landfill, Inc. These payments are for costs incurred by South Lincoln Landfill, Inc. for post closure care and maintenance of the landfill. The Company anticipates continuing the payment of closure fees as such costs continue to be incurred by South Lincoln Landfill. Subject to DEQ approval, the Company can receive reimbursement of previously paid closure fees from trust funds held by South Lincoln Landfill, Inc.

NOTE I – DEFERRED REVENUE

Deferred revenue for the Company consisted of \$320,321 as of December 31, 2023 for unearned solid waste and recycling services which were billed in 2023 for services to be performed in 2024.

DAHL DISPOSAL SERVICE, INC.
Notes to Financial Statements
Year Ended December 31, 2023
(See independent accountants' review report)

NOTE J – LEASES

The Company leases its Waldport and Toledo facilities under non-cancelable leases with Dahl & Dahl, Inc., a related party. The lease agreements include renewable options and a five-year rollover term. Total lease expense for the current year is \$199,200. See also Note C.

The following is a schedule of future minimum lease payments required under the current option renewal:

| | | | | |
|--|------------------------------------|----|---------------------------------|--|
| | 2024 | \$ | 201,870 | |
| | 2025 | | 222,057 | |
| | 2026 | | 244,262 | |
| | 2027 | | 268,689 | |
| | 2028 | | 295,558 | |
| | Thereafter | | <u> -</u> | |
| | Total Lease Payments | | 1,232,436 | |
| | Less Interest | | <u>(112,030)</u> | |
| | Present value of Lease Liabilities | | 1,120,406 | |
| | Less current Obligation | | <u>(193,103)</u> | |
| | Long-term Obligation | \$ | <u><u> 927,303</u></u> | |

The Company also leases equipment from Dahl & Dahl, Inc. The lease agreements do not have a guaranteed minimum term, and allow for the Company to terminate the leases with 90 days' written notice. Total lease expense for the current year is \$105,754. See also Note C.

The following is a schedule of future minimum lease payments required under the current option renewals:

| | | | | |
|--|------------------------------------|----|-------------------------------|--|
| | 2024 | \$ | 2,328 | |
| | 2025 | | 2,287 | |
| | 2026 | | 2,287 | |
| | 2027 | | 1,597 | |
| | 2028 | | 886 | |
| | Thereafter | | <u> 191</u> | |
| | Total Lease Payments | | 9,576 | |
| | * Less Interest | | <u> -</u> | |
| | Present value of Lease Liabilities | | 9,576 | |
| | Less current Obligation | | <u>(2,328)</u> | |
| | Long-term Obligation | \$ | <u><u> 7,248</u></u> | |

* Discounts have been determined to be immaterial

DAHL DISPOSAL SERVICE, INC.
Notes to Financial Statements
Year Ended December 31, 2023
(See independent accountants' review report)

NOTE K – LONG TERM LIABILITIES

Long-term liabilities of the Company as of December 31, 2023 are as follows:

| | 2023 |
|--|--------------|
| Note payable to former shareholder, via Santiam Escrow, non-secured. Payable in monthly installments of \$2,755 including interest at a rate of 4.75%. Loan matures on March 27, 2047. | \$ 466,624 |
| Note payable to Dahl & Dahl, Inc., non-secured. Payable in annual installments of \$138,520 including interest at a rate of 2.25%. Loan matures on April 27, 2037. | 1,647,820 |
| Total Long-Term Notes Payable | \$ 2,114,444 |

Expected maturities of the long-term notes payable along with estimated interest payable on outstanding balances are as follows:

| | Santiam Escrow | Dahl & Dahl, Inc. | Total |
|------------|----------------|-------------------|--------------|
| 2024 | \$ 11,178 | \$ 101,444 | \$ 112,622 |
| 2025 | 11,721 | 103,726 | 115,447 |
| 2026 | 12,290 | 106,060 | 118,350 |
| 2027 | 12,886 | 108,446 | 121,332 |
| 2028 | 13,512 | 110,887 | 124,399 |
| Thereafter | 405,037 | 1,117,257 | 1,522,294 |
| Total | \$ 466,624 | \$ 1,647,820 | \$ 2,114,444 |

Interest paid during 2023 was \$61,830.

NOTE L – OTHER DISCLOSURES

Contingent Liabilities

On November 30, 2022 the Company received a Notice of Representation from a property owner claiming to have been sprayed with a chemical. The matter has been referred to the Company's insurance carrier. The insurance provider will be providing any defense that is needed. Management believes there will be no financial impact to the company.

Subsequent Events

Management has evaluated subsequent events through February 15, 2024, the date which the financial statements were available to be issued.

Other Supplemental Information

DAHL DISPOSAL SERVICE, INC.
Supplemental Schedule
Income Subject to Application of Operating Ratio and Net Income
December 31, 2023


| | |
|--|-------------------|
| Revenue: | |
| Income - net of adjustments and credits | \$ 5,808,359 |
| Operational Expenses: | |
| Disposal costs: | |
| Municipal solid waste | 958,923 |
| Recycling | 45,282 |
| Green waste | 148,474 |
| Medical waste | 2,088 |
| RV Project | 106,943 |
| Labor & labor costs | 1,261,713 |
| Management fees | 704,804 |
| Franchise fees | 205,035 |
| Equipment lease | 115,264 |
| Rent facilities | 288,193 |
| Repairs & maintenance | 288,158 |
| Freight | 552 |
| Fuel | 255,021 |
| Depreciation | 312,981 |
| Insurance | 47,571 |
| Business taxes and PUC | 48,137 |
| Closure fees | 65,726 |
| Tools and supplies | 91,603 |
| Total Operating Expenses | <u>4,946,468</u> |
| Administrative Expenses: | |
| Advertising & promotion | 17,070 |
| Bank service charges | 82,252 |
| Dues & subscriptions | 18,612 |
| License & fees | 998 |
| Interest | 61,830 |
| Office supplies | 102,712 |
| Postage and printing | 61,775 |
| Professional services | 120,426 |
| Utilities | 20,409 |
| Other | 89,565 |
| Total Administrative Expenses | <u>575,649</u> |
| Income Subject to Application of Operating Ratio | <u>\$ 286,242</u> |

(Continued)

DAHL DISPOSAL SERVICE, INC.
 Supplemental Schedule
 Income Subject to Application of Operating Ratio and Net Income, Continued
 December 31, 2023

| | |
|--|--------------------------|
| Large Quantity Generator Franchise Line of Business Revenue (Expenses): | |
| Project Revenue | \$ 8,888,467 |
| Franchise fee | (443,993) |
| Management fee | (311,635) |
| Haul disposal | <u>(7,596,766)</u> |
| Total Large Quantity Generator Franchise Line of Business Revenue (Expenses) | 536,073 |
| Other Income (Expense): | |
| Tax refund | 10,236 |
| PTE tax | <u>(60,532)</u> |
| Total Other Income (Expense) | <u>(50,296)</u> |
| NET INCOME | <u><u>\$ 772,019</u></u> |

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

| | | |
|--|---------------------------|---|
|  | Meeting Date: | Agenda Topic: |
| | December 6, 2023 | Resolution No. 1547 authorizing the City to apply for a Parks Master Plan Grant |
| Council Goal: | Agenda Type: | |
| Complete a strategic plan to help guide city investment of financial and staff resources | Decision Items | |
| Prepared by: | Reviewed by: | Approved by: |
| City Manager Doug Wiggins | City Manager Doug Wiggins | City Manager Doug Wiggins |

Recommendation:

Motion to approve Resolution No. 1547, a resolution of the Toledo City Council authorizing the City of Toledo to apply for a local government grant from the Oregon Parks And Recreation Department to develop a Parks Master Plan.

Background:

Attached is a resolution allowing the City to apply to the Oregon Parks and Recreation Department for a Parks Master Plan for \$48,000. The grant will require the City to match with \$8,000, which can be in either in kind or cash match. This would be for our next fiscal year to accomplish the goal allocated from our 24-25 Goal setting session.

| | | |
|-----------------------|---------------------|-------------------|
| Fiscal Impact: | Fiscal Year: | GL Number: |
| \$48,000 | 2024-2025 | N/A |

Attachment:

1. Resolution No. 1547

**CITY OF TOLEDO
RESOLUTION NO. 1547**

A RESOLUTION OF THE TOLEDO CITY COUNCIL AUTHORIZING THE CITY OF TOLEDO TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT TO DEVELOP A PARKS MASTER PLAN

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and

WHEREAS, the City of Toledo desires develop a comprehensive Parks Master Plan for the management and long-term planning of its parks, facilities, and open spaces; and

WHEREAS, the Toledo City Council has identified a need to coordinate and align all of its parks, facilities, and open spaces management to a single Parks Master Plan; and

WHEREAS, the City of Toledo has available local matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded.

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

- Section 1. The Toledo City Council demonstrates its support for the submittal of a grant application to the Oregon Parks and Recreation Department for the development of its Parks Master Plan
- Section 2. The City of Toledo will include \$8,000 in the 2023-2024 budget as required grant match and this project.
- Section 3. 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 17th day of April, 2024.


APPROVED

ATTEST

Mayor Rod Cross

City Recorder Lisa Figueroa

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

| | | |
|---|---------------------------|---|
|  | Meeting Date: | Agenda Topic: |
| | April 17, 2024 | Approve the Planning Technician position and salary range |
| Council Goal: | Agenda Type: | |
| Not Applicable | Decision Items | |
| Prepared by: | Reviewed by: | Approved by: |
| City Attorney M. Adams | City Manager Doug Wiggins | City Manager Doug Wiggins |

Recommendation:

Motion to approve the position and salary range for the Planning Technician position.

Background:

As the job description for the Planning Technician position has not been updated since 2013, and the duties of the position have expanded, the City Council is requested to approve the updated position, and a new pay range, to reflect the responsibilities of the position. The current Grade 19, Step 6 has been maxed out for many years. In the past, permitting duties were added to the position, separating them from the code enforcement officer position, without the city providing a raise but with an increase in duties. This position is also adding non-confidential administrative support to assist the City Attorney. The salary range is being elevated by two grades, from Grade 19 to Grade 23, and in part, due to the employee becoming full-time in next budget year. Your approval will increase the position from Grade 19, Step 6 (\$4,274/month), to Grade 23, Step 3 (\$4,337/month), which would also mean a raise for three more years (on the current salary schedule, Grade 23, Step 6 is \$4,740/month). The request would be that it be effective as of the new budget year on July 1, 2024.

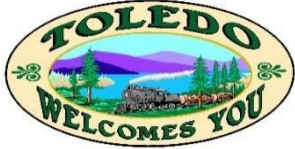
This position is critically important to the day-to-day functioning of the both the Planning Department and Public Works Department. Based on the responsibilities and duties performed in the position, really keeping both Departments running, staff would respectfully suggest that this position and salary are appropriate.

Following Council approval, the Toledo Employee Association will be notified for their approval. Once approved, it will remain a represented position for the City of Toledo.

| | | |
|-----------------------|---------------------|-------------------|
| Fiscal Impact: | Fiscal Year: | GL Number: |
| Unknown | 2023-2024 | N/A |

Attachment:

1. Draft Job Description

| | | |
|---|--|---|
|  | City of Toledo Planning Technician Job Description | |
| | Salary Range: Grade 23 (\$4,087-\$4,740/month) | Department: Planning Department |
| | Classification: FLSA Non-Exempt | Supervisor: Public Works Director |
| | Representation: Toledo Employee's Association | Location: City Hall |

General Roles and Responsibilities

The Planning Technician provides oversight and monitoring of the continuity of processes and procedures for the effective day-to-day operation of the City of Toledo's Planning Department, and performs additional duties essential to the functioning of the Public Works Department; providing written and oral information on permit requirements, Zoning and Subdivision Ordinance requirements, and related planning rules, regulations and procedures; provides assistance to citizen by processing permit requests, calculating SDC's, water meter installation and other fees, assigning addresses, and responding to questions from the general public; provides technical and graphic/mapping support to the City Planner.

The Planning Technician is expected to have experience and knowledge in land use and related rules, regulations, and procedures as well as a comprehensive knowledge of office processes and procedures in performing research and making decisions necessary to review and approve routine land development permit applications, and gathering data for use in the review of complex land use applications. Duties include researching property files, deeds and other recorded instruments, and property boundaries.

Provides clerical support to the Public Works Director. Assists the Public Works Department staff with preparing reports, conducting research, tracking reports and permits for public works operations, and special projects as assigned. Assists in revisions of the city's sewer, water, storm water and parks master plans.

Provides staff support to City Planner. Assists the City Planner in preparing staff reports to go to the Planning Commission and City Council, and participates in discussions involving complex interpretations of factual and legal issues necessary to arrive at the correct interpretations of land use matters. Conducts pre-application meetings with potential land use applicants in the absence of the City Planner. Coordinates with outside agencies for required reports or submittals. Provides assistance in municipal code revisions, including, but not limited to, drafting documents, submittals to regulating agencies, and meeting all posting and publication requirements.

Assists with collecting information for grant requests, monitoring progress, and submitting grant reports for approval.

Manages the City's annual truck permit program. Applies standards and provides input on issuance of truck permits necessary for implementing the transportation permit ordinance.

Updated March 19, 2024
Page 1 of 4

Provides staff support to the Toledo Planning Commission. Attends Planning Commission meetings, has knowledge and experience in the proper conduct of public meetings, and keeps an accurate record of all proceedings of the Planning Commission

Provides back-up staff support to other departments, as needed. Provides some administrative (non-confidential) duties for the City Attorney.

Must have some experience and knowledge to interpret and apply applicable law, including the city's ordinances, and applicable Oregon Revised Statutes, Oregon Administrative Rules, United State Code, and federal regulations. Individuals in this position are expected to prepare a variety of mapping products for use in presentations, staff reports, or for the general public utilizing a geographic information system (GIS) format and word processing software.

Supervision Received and Exercised

- Persons in this position are expected to perform with little supervision. Receives general supervision from the Public Works Director and the City Planner.
- Supervisory functions are not an expectation of this position.

Knowledge and Skills Required

Minimum Education

- High school diploma or equivalent; however an Associate's or Bachelor's Degree in planning, environmental science or a closely related field is preferred.
- Additional education may substitute for office experience and additional office experience may substitute for college course work.

Experience

- Three years (3) of increasingly responsible experience, preferably in a municipal or regional planning office.

Certifications/Licenses

- Must have valid Oregon Driver's License or the ability to obtain one upon acceptance of the position.

Required Knowledge

- Principles and practices of land use planning, terms used in recorded documents and legal descriptions of property, symbols and techniques used in cartography, and the operation of public meetings. Preferably, also have knowledge of laws relating to Oregon land use system and development permits.
- Principles and practices of public administration as applied to issuing of municipal permits.
- Principles and practices of effective English usage and grammar, spelling, and punctuation; general office practices and procedures and accurate file maintenance
- Strong human relations and communication skills.
- Ability to perform arithmetic computations accurately and quickly.
- Strong research and digital proficiencies, including use of planning software, GIS, recorded documents, and their application in land use planning.
- Conflict resolution and problem solving skills.

- Strong collaborative skills to establish effective working relationships with city employees, governmental agencies, land developers/surveyors/engineers, building contractors, and the general public.
- Ability to work under pressure and/or frequent interruptions.
- Ability to use maps, land use data, and other planning materials. Ability to develop a considerable knowledge of City’s development codes and ordinances, and the City’s infrastructure system.

Primary/Essential Responsibilities

- A. Follows the established City of Toledo Municipal Code and policies and procedures at all times.
- B. Maintains confidentiality of materials and conversations.
- C. Provides information to the public in person, by telephone and in writing, regarding land use planning regulations and application procedures.
- D. Receives and logs a variety of permit applications and reviews them for completeness and accuracy.
- E. Evaluates permit applications to determine whether they meet criteria for approval; approves permit applications, within assigned scope of authority, as appropriate.
- F. Writes and posts land use meeting and hearing notices.
- G. Attends monthly Planning Commission meetings, prepares agendas and packets, takes and transcribes minutes, attends related meetings and maintains appropriate records.
- H. Drafts maps and prepares related graphs and illustrations to describe current and proposed land uses, zoning or comprehensive plan designations.
- I. Updates and maintains office maps.
- J. Updates Planning and Public Works Department webpages to provide information, as directed.
- K. Writes letters and conducts research of property records in order to notify landowners of proposed land use changes.
- L. Enters data into computers and utilizes word processing software to prepare reports, letters, and other documents.
- M. Enters data into computers and utilizes database software for inclusion of information, land parcels in reports, plans, and various planning documents.
- N. Enters data into computers and utilizes geographical information systems (GIS) software in the preparation of map products related to a variety of land use planning applications.
- O. Assigns addresses according to adopted City ordinances, policies and procedures.
- P. Must be able to deal well with difficult and sometimes verbally abusive customers.
- Q. Must follow all safety rules and procedures established for work areas.
- R. Provides staff assistance to the Public Works Director to include word processing, proof reading, preparation of correspondences, reports, message-taking, records and schedules, public inquiries and coordination and prioritization of projects.
- S. Distributes reports and public announcements, as assigned.
- T. Works independently and is a good time manager.
- U. Performs other related work as may be required.

(Tasks listed are intended to be descriptive and not restrictive. An employee in this classification may perform any of the tasks listed; however, these examples do not include all the tasks which an employee may be expected to perform.)

Working Conditions

The work characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

This level has a work environment with only occasional (10-30%) hazards or obstacles. There is a moderately low level of personal risk encountered while performing assigned work. Work is performed primarily in an office environment and involves sitting, standing, talking and keyboarding. Job conditions are occasionally uncomfortable relative to noise, temperature, dirty conditions, or interactions with angry or hostile individuals, exposure to contagious disease, etc. Positions with some responsibility for driving are to be placed at least at this level. Performs highly complex and varied tasks requiring independent knowledge, its application to a variety of situations as well as exercise of independent judgment. The noise level in the work environment is generally quiet.

Physical and Mental demands

The physical demands described here are representatives of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Position(s) at this level function with a continual (80%+) mental demand. Priorities and demands on self and organization unit are continual. Interruptions are constant and can often impact whole work schedule. Risk and adverse impact must be considered regarding most decisions where there is often incomplete information.


Positions at this level require some (20-40%) physical efforts or manual labor such as lifting, carrying or constant movement. While performing the duties of this job the employee is frequently required to reach with hands and arms, stand, walk, sit, kneel, crouch, use hands to finger, grasp, handle, feel or operate objects, talk and hear. The employee must occasionally lift and/or move up to 20 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

Typical Work Hours

Monday through Friday, 8:00am-5:00pm, plus evening Planning Commission meetings, and other hours or meetings as assigned.

Revisions: 03/20/2024 – Substantive (Updating Position)

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

| | | |
|---|---------------------------|--|
|  | Meeting Date: | Agenda Topic: |
| | April 17, 2024 | Contract Award – Pacific Excavation for SE Fir Street improvements |
| Council Goal: | Agenda Type: | |
| Not Applicable | Decision Items | |
| Prepared by: | Reviewed by: | Approved by: |
| Public Works Director B.Lorimor | City Manager Doug Wiggins | City Manager Doug Wiggins |

Recommendation:

Motion to approve the contract award bid to Pacific Excavation in the amount of \$462,925.00 for street improvements to SE Fir Street and authorizing the City Manager to sign and execute the contract.

Background:

As previously touched upon with Council, SE Fir Street is in dire need of a water line upgrade to prevent reoccurring water line breaks and to prevent unnecessary damages to the roadway, sidewalks and adjacent properties.

| | | |
|-----------------------|---------------------|----------------------------------|
| Fiscal Impact: | Fiscal Year: | GL Number: |
| \$462,925.00 | 2023-2024 | 043-430-802000 041-410-608100 |

Attachment:

1. Intent to Award
2. Bid sheets with Engineer’s Opinion of Total Cost

April 10, 2024

Attn: All Plan Holders/Bidders

**RE: City of Toledo
SE Fir St Waterline Improvements
Project No. 2902-050
Notice of Intent to Award**

The Bid opening for the City of Toledo SE Fir St Waterline Improvements project was held and read aloud at 2:00 pm on April 3, 2024 at City Hall, City of Toledo, Lincoln County, Oregon.

We appreciate the efforts by all who submitted bids, thank you. Based on the determination of responsible bidders per ORS 279C.375 and the results of the above-mentioned Bid opening and observations, this letter is to inform you it is the Intent of the City of Toledo to award the project to Pacific Excavation, Inc. in the amount of \$462,925.00

This letter is not a Notice of Award and does not constitute the formation of a contract between the Owner and apparent successful bidder but is to serve only as a Notice of Intent to Award.

OAR 137-049-0450 requires any protest to this Notice of Intent to Award be filed with the City of Toledo within seven (7) calendar days after the date this notice was issued. Any protest of this Intent to Award must be in writing and specifically identify the grounds for the protest as provided in OAR 137-049-0450 (4). The contract may be awarded upon the later of the following: seven (7) calendar days after the date this Notice of Intent to Award was issued or after the Owner provides a written response to all timely-filed protests that deny the protest and affirms the award.

Respectfully,

Civil West Engineering Services, Inc.

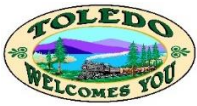


Chris Janigo, PE

cc: City of Toledo
File

| Item No. | Item Description | Unit | Quantity | Engineer's Opinion of Total Cost | | Pacific Excavation | | Laskey-Clifton Corporation | | Trenchline | |
|----------|--|------|----------|---|---------------|-------------------------------|---------------|-------------------------------|---------------|-----------------------|---------------|
| | | | | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price |
| 1 | MOBILIZATION, BONDING AND INSURANCE | LS | 1 | \$ 74,662.50 | \$ 74,662.50 | \$ 38,000.00 | \$ 38,000.00 | \$ 151,000.00 | \$ 151,000.00 | \$ 93,006.03 | \$ 93,006.03 |
| 2 | CONSTRUCTION FACILITIES AND TEMPORARY CONTROLS | LS | 1 | \$ 12,443.75 | \$ 12,443.75 | \$ 25,000.00 | \$ 25,000.00 | \$ 60,900.00 | \$ 60,900.00 | \$ 28,000.00 | \$ 28,000.00 |
| 3 | DEMOLITION AND SITE PREPARATION | LS | 1 | \$ 4,977.50 | \$ 4,977.50 | \$ 15,000.00 | \$ 15,000.00 | \$ 11,900.00 | \$ 11,900.00 | \$ 13,011.00 | \$ 13,011.00 |
| 4 | 6-IN HDPE SDR 17 Pipe (Owner Provided Pipe, Contractor Installation) (Class B Backfill) | LF | 35 | \$ 75.00 | \$ 2,625.00 | \$ 80.00 | \$ 2,800.00 | \$ 550.50 | \$ 19,267.50 | \$ 98.00 | \$ 3,430.00 |
| 5 | 12-IN HDPE SDR 11 Pipe (Owner Provided Pipe, Contractor Installation) (Class B Backfill) | LF | 789 | \$ 100.00 | \$ 78,900.00 | \$ 85.00 | \$ 67,065.00 | \$ 280.75 | \$ 221,511.75 | \$ 122.00 | \$ 96,258.00 |
| 6 | 4-IN PVC C900 (Class B Backfill) | LF | 11 | \$ 90.00 | \$ 990.00 | \$ 115.00 | \$ 1,265.00 | \$ 71.00 | \$ 781.00 | \$ 122.00 | \$ 1,342.00 |
| 7 | 6-IN PVC C900 (Class B Backfill) | LF | 71 | \$ 150.00 | \$ 10,650.00 | \$ 125.00 | \$ 8,875.00 | \$ 48.50 | \$ 3,443.50 | \$ 116.00 | \$ 8,236.00 |
| 8 | 8-IN PVC C900 (Class B Backfill) | LF | 5 | \$ 400.00 | \$ 2,000.00 | \$ 275.00 | \$ 1,375.00 | \$ 137.00 | \$ 685.00 | \$ 371.00 | \$ 1,855.00 |
| 9 | 12-IN PVC C900 (Class B Backfill) | LF | 3 | \$ 600.00 | \$ 1,800.00 | \$ 650.00 | \$ 1,950.00 | \$ 383.75 | \$ 1,151.25 | \$ 767.00 | \$ 2,301.00 |
| 10 | CONNECTION TO EXISTING WATER METER | EA | 13 | \$ 4,000.00 | \$ 52,000.00 | \$ 3,000.00 | \$ 39,000.00 | \$ 2,725.00 | \$ 35,425.00 | \$ 2,527.00 | \$ 32,851.00 |
| 11 | 4-IN ROMAC MACRO HP TRANSITION COUPLING | EA | 2 | \$ 400.00 | \$ 800.00 | \$ 700.00 | \$ 1,400.00 | \$ 336.75 | \$ 673.50 | \$ 4,553.00 | \$ 9,106.00 |
| 12 | 6-IN ROMAC MACRO HP TRANSITION COUPLING | EA | 5 | \$ 600.00 | \$ 3,000.00 | \$ 800.00 | \$ 4,000.00 | \$ 445.00 | \$ 2,225.00 | \$ 4,811.00 | \$ 24,055.00 |
| 13 | 8-IN ROMAC MACRO HP TRANSITION COUPLING | EA | 1 | \$ 800.00 | \$ 800.00 | \$ 850.00 | \$ 850.00 | \$ 504.00 | \$ 504.00 | \$ 4,876.00 | \$ 4,876.00 |
| 14 | 12-IN ROMAC MACRO HP TRANSITION COUPLING | EA | 1 | \$ 1,200.00 | \$ 1,200.00 | \$ 1,250.00 | \$ 1,250.00 | \$ 917.00 | \$ 917.00 | \$ 5,172.00 | \$ 5,172.00 |
| 15 | 4-IN GATE VALVE FLG X MJ | EA | 1 | \$ 1,125.00 | \$ 1,125.00 | \$ 1,300.00 | \$ 1,300.00 | \$ 1,175.00 | \$ 1,175.00 | \$ 1,325.00 | \$ 1,325.00 |
| 16 | 6-IN GATE VALVE FLG | EA | 1 | \$ 2,000.00 | \$ 2,000.00 | \$ 1,600.00 | \$ 1,600.00 | \$ 1,617.00 | \$ 1,617.00 | \$ 1,798.00 | \$ 1,798.00 |
| 17 | 6-IN GATE VALVE FLG X MJ | EA | 3 | \$ 2,000.00 | \$ 6,000.00 | \$ 1,700.00 | \$ 5,100.00 | \$ 1,636.00 | \$ 4,908.00 | \$ 1,612.00 | \$ 4,836.00 |
| 18 | 12-IN GATE VALVE FLG | EA | 4 | \$ 4,000.00 | \$ 16,000.00 | \$ 4,000.00 | \$ 16,000.00 | \$ 4,135.00 | \$ 16,540.00 | \$ 4,521.00 | \$ 18,084.00 |
| 19 | 6-IN X 4-IN REDUCER FLG X MJ | EA | 1 | \$ 1,800.00 | \$ 1,800.00 | \$ 600.00 | \$ 600.00 | \$ 419.00 | \$ 419.00 | \$ 462.00 | \$ 462.00 |
| 20 | 12-IN X 6-IN REDUCER FLG | EA | 3 | \$ 2,000.00 | \$ 6,000.00 | \$ 750.00 | \$ 2,250.00 | \$ 523.00 | \$ 1,569.00 | \$ 788.00 | \$ 2,364.00 |
| 21 | 12-IN X 6-IN REDUCER MJ | EA | 1 | \$ 2,000.00 | \$ 2,000.00 | \$ 950.00 | \$ 950.00 | \$ 1,030.50 | \$ 1,030.50 | \$ 848.00 | \$ 848.00 |
| 22 | 12-IN X 8-IN REDUCER FLG | EA | 1 | \$ 2,100.00 | \$ 2,100.00 | \$ 800.00 | \$ 800.00 | \$ 637.00 | \$ 637.00 | \$ 881.00 | \$ 881.00 |
| 23 | 12-IN X 4-IN DI TEE FLG | EA | 1 | \$ 1,800.00 | \$ 1,800.00 | \$ 1,950.00 | \$ 1,950.00 | \$ 1,810.00 | \$ 1,810.00 | \$ 1,183.00 | \$ 1,183.00 |
| 24 | 12-IN DI TEE FLG | EA | 3 | \$ 2,000.00 | \$ 6,000.00 | \$ 2,200.00 | \$ 6,600.00 | \$ 2,183.00 | \$ 6,549.00 | \$ 1,437.00 | \$ 4,311.00 |
| 25 | 12-IN DI TEE FLG X FLG X MJ | EA | 1 | \$ 2,100.00 | \$ 2,100.00 | \$ 1,650.00 | \$ 1,650.00 | \$ 1,786.00 | \$ 1,786.00 | \$ 1,463.00 | \$ 1,463.00 |
| 26 | 8-IN FLG x MJ ADAPTER | EA | 1 | \$ 1,000.00 | \$ 1,000.00 | \$ 750.00 | \$ 750.00 | \$ 298.00 | \$ 298.00 | \$ 384.00 | \$ 384.00 |
| 27 | 6-IN HDPE SDR 17 IPS FLANGE ADAPTER | EA | 2 | \$ 800.00 | \$ 1,600.00 | \$ 700.00 | \$ 1,400.00 | \$ 725.00 | \$ 1,450.00 | \$ 222.00 | \$ 444.00 |
| 28 | 12-IN HDPE SDR 11 IPS FLANGE ADAPTER | EA | 16 | \$ 1,200.00 | \$ 19,200.00 | \$ 1,000.00 | \$ 16,000.00 | \$ 905.00 | \$ 14,480.00 | \$ 319.00 | \$ 5,104.00 |
| 29 | 12-IN X 6-IN DI CROSS FLG | EA | 1 | \$ 500.00 | \$ 500.00 | \$ 2,000.00 | \$ 2,000.00 | \$ 2,125.00 | \$ 2,125.00 | \$ 1,768.00 | \$ 1,768.00 |
| 30 | 6-IN DI ELBOW 45-DEGREE BEND FLG | EA | 2 | \$ 600.00 | \$ 1,200.00 | \$ 800.00 | \$ 1,600.00 | \$ 370.00 | \$ 740.00 | \$ 238.00 | \$ 476.00 |
| 31 | 6-IN DI ELBOW 90-DEGREE BEND MJ | EA | 1 | \$ 600.00 | \$ 600.00 | \$ 800.00 | \$ 800.00 | \$ 488.00 | \$ 488.00 | \$ 331.00 | \$ 331.00 |
| 32 | 12-IN DI ELBOW 90-DEGREE BEND FLG | EA | 2 | \$ 1,300.00 | \$ 2,600.00 | \$ 1,500.00 | \$ 3,000.00 | \$ 1,650.00 | \$ 3,300.00 | \$ 900.00 | \$ 1,800.00 |
| 33 | 12-IN DI SPOOL FLG | EA | 1 | \$ 2,000.00 | \$ 2,000.00 | \$ 1,500.00 | \$ 1,500.00 | \$ 930.00 | \$ 930.00 | \$ 1,219.00 | \$ 1,219.00 |
| 34 | ROADWAY DIGOUT (GEOTEXTILE, 12-IN 3/4-IN MINUS AGG. BASE ROCK) | SF | 7670 | \$ 11.00 | \$ 84,370.00 | \$ 4.00 | \$ 30,680.00 | \$ 4.65 | \$ 35,665.50 | \$ 6.80 | \$ 52,156.00 |
| 35 | WHITE THERMOPLASTIC STOP BARS AND CROSSWALKS | SF | 154 | \$ 10.00 | \$ 1,540.00 | \$ 17.50 | \$ 2,695.00 | \$ 20.75 | \$ 3,195.00 | \$ 22.00 | \$ 3,388.00 |
| 36 | YELLOW DASHED LONGITUDINAL PAINT MARKINGS | LF | 866 | \$ 5.00 | \$ 4,330.00 | \$ 2.00 | \$ 1,732.00 | \$ 1.80 | \$ 1,558.80 | \$ 3.05 | \$ 2,641.30 |
| 37 | ASPHALT CONCRETE PAVEMENT LEVEL 3 | TON | 588 | \$ 170.00 | \$ 99,960.00 | \$ 160.00 | \$ 94,080.00 | \$ 126.00 | \$ 74,088.00 | \$ 176.80 | \$ 103,958.40 |
| 38 | 2"-6" DEPTH GRIND | SY | 3477 | \$ 5.00 | \$ 17,385.00 | \$ 8.00 | \$ 27,816.00 | \$ 5.60 | \$ 19,478.20 | \$ 6.46 | \$ 22,461.42 |
| 39 | CONCRETE VALLEY GUTTER | LF | 100 | \$ 75.00 | \$ 7,500.00 | \$ 80.00 | \$ 8,000.00 | \$ 173.00 | \$ 17,300.00 | \$ 275.50 | \$ 27,550.00 |
| 40 | TYPE C CURB | LF | 10 | \$ 50.00 | \$ 500.00 | \$ 180.00 | \$ 1,800.00 | \$ 225.00 | \$ 2,250.00 | \$ 317.00 | \$ 3,170.00 |
| 41 | FOUNDATION STABILIZATION (3 FT DEPTH) | SF | 137 | \$ 75.00 | \$ 10,275.00 | \$ 16.00 | \$ 2,192.00 | \$ 15.00 | \$ 2,055.00 | \$ 127.00 | \$ 17,399.00 |
| 42 | CONNECTION TO EXISTING HYDRANT CONNECTION | EA | 2 | \$ 5,000.00 | \$ 10,000.00 | \$ 6,500.00 | \$ 13,000.00 | \$ 3,430.00 | \$ 6,860.00 | \$ 6,368.25 | \$ 12,736.50 |
| 43 | MINOR STRUCTURE ADJUSTMENT | EA | 17 | \$ 500.00 | \$ 8,500.00 | \$ 250.00 | \$ 4,250.00 | \$ 460.00 | \$ 7,820.00 | \$ 444.00 | \$ 7,548.00 |
| 44 | SURVEY MONUMENTS REPLACEMENT AND COUNTY RECORD SUBMISSION | LS | 1 | \$ 8,000.00 | \$ 8,000.00 | \$ 500.00 | \$ 500.00 | \$ 10,232.00 | \$ 10,232.00 | \$ 6,095.00 | \$ 6,095.00 |
| 45 | LANDSCAPE RESTORATION & CLEANUP | LS | 1 | \$ 15,000.00 | \$ 15,000.00 | \$ 2,500.00 | \$ 2,500.00 | \$ 5,425.00 | \$ 5,425.00 | \$ 5,861.00 | \$ 5,861.00 |
| | | | | Subtotal | \$ 589,833.75 | Pacific Excavation Bid | \$ 462,925.00 | Laskey-Clifton Co. Bid | \$ 758,157.00 | Trenchline Bid | \$ 637,544.65 |
| | | | | Contingency (10%) | \$ 58,983.38 | | | | | | |
| | | | | Engineer's Opinion of Total Cost | \$ 648,817.13 | | | | | | |

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

| | | |
|---|---------------------------|--|
|  | Meeting Date: | Agenda Topic: |
| | April 17, 2024 | Ordinance No. 1420, an ordinance amending Title 12 of the Toledo Municipal Code creating a new Chapter 12.32 |
| Council Goal: | Agenda Type: | |
| Not Applicable | Decision Items | |
| Prepared by: | Reviewed by: | Approved by: |
| City Attorney M. Adams | City Manager Doug Wiggins | City Manager Doug Wiggins |

Recommendation:

On **first** reading: I move for a first reading of the ordinance, by title only, (with specified changes, if any): “An ordinance of the Toledo City Council amending Title 12, Streets, Sidewalks and Public Places, of the Toledo Municipal Code, creating a new Chapter 12.32, liability limited for the City of Toledo and other parties from private claims resulting from use of trails in public easements or unimproved Rights-of-Way under ORS 105.668.”

On **second** reading: I move for a second reading of the ordinance, by title only, (with specified changes, if any): [Read same title, above].

Background:

Senate Bill 1576 (2024) requires the City of Toledo to affirmatively “opt-in” to receive the immunity protections under ORS 105.668. Opting into ORS 105.668 immunity is recommended because ORS 105.668 immunity is broader than the recreational immunity already extended to the City through ORS 105.682. ORS 105.668 will provide immunity for negligence claims arising out of personal injuries or property damage resulting from any use, so long as the use is of a trail or structure in an unimproved right of way or easement.

ORS 105.668’s language also explicitly extends immunity to a city’s officers, employees, and agents, whereas the Oregon Supreme Court has held that ORS 105.682 recreational immunity only applies to the “owner” of the land, which may not include officers, employees, and agents of a city¹. Therefore, ORS 105.688 fills a gaps left open by the “recreational” limitation of ORS 105.682.

Additionally, ORS 105.668 offers landowners an incentive to grant public easements and rights of way by providing increased protections from liability in the same manner as it does cities and their officers, employees, and agents. It also grants immunity to an owner of land abutting a public easement and unimproved right-of-way as well as a non-profit corporation and volunteers for construction and maintenance.

ORS 105.668 only grants immunity for personal injuries or property damage arising from negligence, not from all causes of action. Therefore, the City and the other entities could still be

¹¹ *Johnson v. Gibson*, 358 Or 624, 630, 638, 369 P3d 1151 (2016) (holding that, because “only persons with authority to control and exclude from the land qualify as ‘owner[s]’ of the land [for the purposes of ORS 105.682],” employees who repaired and maintained city-owned recreational lands were not owners of that land and were therefore not immune from liability under ORS 105.682).

CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION

held liable for some personal injury or property damage claims, such as claims arising from intentional acts or activities for which a person is strictly liable.

| Fiscal Impact: | Fiscal Year: | GL Number: |
|-----------------------|---------------------|-------------------|
| Unknown | 2023-2024 | N/A |

Attachments:

1. Ordinance No. 1420

**CITY OF TOLEDO
ORDINANCE NO. 1420**

AN ORDINANCE OF THE TOLEDO CITY COUNCIL AMENDING TITLE 12 OF THE TOLEDO MUNICIPAL CODE, CREATING A NEW CHAPTER 12.32, LIABILITY LIMITED FOR THE CITY OF TOLEDO AND OTHER PARTIES FROM PRIVATE CLAIMS RESULTING FROM USE OF TRAILS IN A PUBLIC EASEMENT OR UNIMPROVED RIGHT-OF-WAY UNDER ORS 105.668; AND DECLARING AN EMERGENCY

WHEREAS, ORS 105.672 to 105.688 provide certain immunities for owners of publicly and/or privately-owned land when landowners allow such land to be used for recreational purposes; and

WHEREAS, ongoing litigation relating to recreational immunity has severely limited the statutory protections afforded to local jurisdictions, including the City of Toledo; and

WHEREAS, the Oregon Legislature approved and Governor signed into law Enrolled Senate Bill (SB) 1576 (2024); and

WHEREAS, ORS 105.668, as amended by SB 1576, automatically applies only to cities with a population greater than 500,000; and

WHEREAS, ORS 105.668, as amended by SB 1576, authorizes cities with a population less than 500,000 to take advantage of the immunities provided in ORS 105.668 by adopting either an ordinance or resolution to affirmatively “opt-in” to the provisions under ORS 105.668; and

WHEREAS, a City’s trails are an important public amenity that provide recreational opportunities and supports a healthy community; and

WHEREAS, the City desires to adopt the immunities from liability provided under ORS 105.668 to further the public interest by protecting and supporting efforts and activities of City, property owners, and parties that create and maintain trails and make such trails available for public use; and

WHEREAS, due to the recent case law developments relating to the applicability of recreational immunity to local jurisdictions, and the potential liability exposure to the City of Toledo, the City Council believes that a state of emergency exists and this Ordinance should become effective immediately upon passage.

NOW THEREFORE, THE CITY OF TOLEDO ORDAINS AS FOLLOWS:

Section 1. The above-referenced findings contained in the “Whereas” Statements are hereby adopted by the City Council.

Section 2. Sections 3 through 5 of this ordinance are added to Title 12 and made a part of the Toledo Municipal Code, creating Chapter 12.32, “Liability Limited for the City of Toledo and Other Parties from Private Claims Resulting from Use of Trails in a

Public Easement or Unimproved Right-of-Way Under ORS 105.668”, to read as follows:

Section 3. Section § 12.32.010 is added, to read as follows:
12.32.010 – Definitions.

As used in this chapter, the following definitions apply:

A. **Public easement** means a platted or dedicated easement for public access that is accessible by a user on foot, horseback, bicycle or other similar conveyance, but does not include a platted or dedicated public access easement over private streets.

B. **Structures** means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, horseback, bicycle or other nonmotorized vehicle or conveyance.

C. **Trail** means a travel way for pedestrians and bicycles that is separate from automobiles, and includes a multi-use path or multi-use trail, but does not include a bike lane, shoulder bikeway, or shared roadway.

D. **Unimproved right-of-way** means a platted or dedicated public right-of-way over which a street, road or highway has not been constructed to the standards and specifications of the City with jurisdiction over the public right-of-way and for which the City has not expressly accepted responsibility for maintenance, but does not include a platted private street.

Section 4. Section § 12.32.020 is added, to read as follows:
12.32.020 - Liability limited.

A. A personal injury or property damage resulting from use of a trail that is in a public easement or an unimproved right-of-way, or from use of structures in a public easement or unimproved right-of-way, by a user on foot, on a horse, on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:

1. The City of Toledo;
2. The City of Toledo’s officers, employees or agents to the extent the officers, employees or agents are entitled to defense and indemnification under ORS 30.285;
3. The owner of land abutting the public easement or unimproved right-of-way; or
4. A nonprofit corporation and its volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right-of-way.

B. The immunity granted by this section from a private claim or right of action based on negligence does not grant immunity from liability:

1. Except as provided in subsection A(2) of this section, to a person that receives compensation for providing assistance, services or advice in relation to conduct that leads to a personal injury or property damage;
2. For personal injury or property damage resulting from gross negligence or from reckless, wanton or intentional misconduct; or
3. For an activity for which a person is strictly liable without regard to fault.

Section 5. Section § 12.32.030 is added, to read as follows:

12.32.030 – Severability; Effective date.

For purposes of this Ordinance, the singular includes the plural and the plural includes the singular; the word “or” is not exclusive and the words “include,” “includes,” and “including” are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this ordinance. This ordinance will be in full force and effect from and after its approval and adoption.

Section 6. This Ordinance, being necessary for the immediate preservation of public peace, health, and safety of the City of Toledo, an emergency is declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

This Ordinance adopted by the Toledo City Council this 17th day of April, 2024.

APPROVED:

ATTEST:

Mayor Rod Cross

City Recorder Lisa Figueroa



Toledo City Council Dashboard – March 2024

Police

No report.

Library

Total Circulation of Library Materials: 2,813

Hotspots: 8

Laptops: 2

In-Person Visits (derived): 1,298

Community Room Use: 33

AV Room users: 2

Volunteer hours: 52.5

Children's Program Attendance: 110 (in-house) + 34 @ Head Start

Podcast Downloads: 111

Public Computer Sessions: 141

Reference questions: 130

Volunteer hours: 52.5

Facebook

Post Reach: 4,165

Post Engagement: 1,189

New Page Likes: 36

New followers: 43

Fire

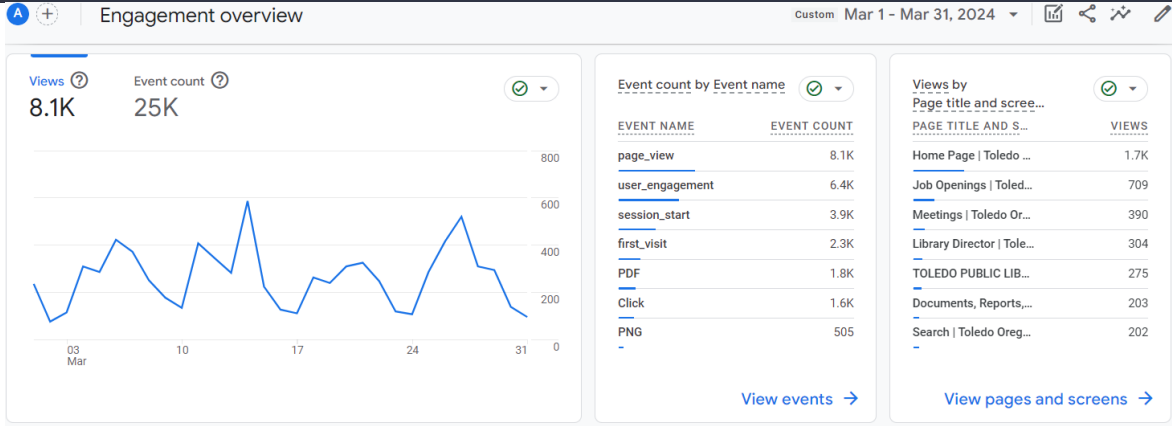
No report.

Municipal Court

No report.



Administration



Public Works

New Construction Applications:

Office, water/sewer connections, and excavation fill permits for 412 NW Industrial Park Way

New manufactured home at 600 NE Beech Street

Replace siding and windows at 1811 NE Arcadia Drive

Foundation repairs at 549 SE 4th Street

Work in the Right-of-Way permit for a permanent driveway at 515 NW Radio Court

New water/sewer service at 180 SE 2nd Street

Work in the Right-of-Way permit for service installation at 560 NE Lormax Place

New water/sewer service at 150 NW 5th Street

Land Use Applications:

No land use applications were submitted in March, 2024

| Annual Department Statistics | | | | |
|------------------------------------|-----------|-----------|-------------|-------------|
| Type of Permit | March | 2024 | 2023 | 2022 |
| Building Permit | 4 | 8 | 31 | 21 |
| Other Permits* | 6 | 11 | 38 | 38 |
| Land Use Application | 0 | 0 | 19 | 23 |
| Truck Permit | 1 | 15 | 14 | 14 |
| Value of Construction Improvements | \$439,915 | \$841,425 | \$2,180,889 | \$2,267,667 |

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



Water Loss Report

| Mar-24 | |
|-----------------------------|------------|
| Gallons produced by WTP | 14,791,680 |
| Billable | 12,781,781 |
| Fire Department usage | 0 |
| Public Works usage | 109,615 |
| Total gallons accounted for | 12,941,396 |
| Difference | 1,850,284 |
| Percent of Loss | 12% |
| | |
| | |
| WWTP Gallons Treated | 32,984,000 |
| | |

Lisa Figueroa

Subject: FW: 2024 Mayors Leadership Award Nominations Due May 24
Attachments: Leadership Award List of Past Winners.pdf

From: Doug Wiggins
Sent: Wednesday, April 3, 2024 3:01 PM
To: Lisa Figueroa <lisa.figueroa@cityoftoledo.org>
Subject: FW: 2024 Mayors Leadership Award Nominations Due May 24

Lisa,

[Place in Council as Information](#) on April 17

From: Angela Speier [<mailto:aspeier@orcities.org>]
Sent: Wednesday, April 3, 2024 1:30 PM
To: Angela Speier <aspeier@orcities.org>
Subject: 2024 Mayors Leadership Award Nominations Due May 24

Good afternoon city managers, administrators, and recorders,

The Oregon Mayors Association (OMA) is seeking nominations for the 2024 Mayor's Leadership Award. OMA President Rod Cross and Mayor of Toledo asked me to send the nomination information below and encourage you to share the details with your city council.

In 1993, the Board of Directors of the Oregon Mayors Association (OMA) created the Mayor's Leadership Award which recognizes the invaluable contributions made by mayors throughout Oregon in their communities. Awards are typically presented in the small city, medium city, and large city categories, as defined by the Selection Committee. As always, these awards will be presented at the OMA Summer Conference, this year **July 18-20, at the Running Y Resort in Klamath Falls.**

The Selection Committee is pleased to accept nominations of OMA member mayors who have demonstrated exceptional leadership qualities which have contributed to lasting benefits in their city and community. To be eligible for the Mayor's Leadership Award, a Mayor must have demonstrated a combination of the following essential criteria:

- Be an active member of the OMA on the date the nomination for the Award is received;
- Have demonstrated exceptional leadership qualities as a mayor which have contributed to lasting benefits in their city and the community as a whole;
- Have shown considerable involvement in community affairs and governmental relations;
- Have shown exceptional skill in helping to facilitate productive relationships between the governing body and city employees; and
- Have helped other Oregon mayors reach their full potential as community leaders.

The OMA welcomes nominations by anyone (not just mayors) and there is no application form required. Please, forward this email to other individuals in your community who you think might be interested in submitting a nomination. The attached flyer lists Mayors Leadership Award winners in recent years.

To make a nomination, **simply email a letter of nomination** describing the nominee’s outstanding leadership qualities to Angela Speier at aspeier@orcities.org.

Nominations are due by 5:00 p.m. on Friday, May 24. If you have questions about the award, please contact me.

Thanks,

Angela



Angela Speier, *Project & Affiliates Manager*

503-588-6550 cell: 503-884-6322

1201 Court St. NE, Suite 200, Salem, OR 97301-4194

www.orcities.org





MAYORS LEADERSHIP AWARD

Previous Award Winners

2023:

Jim Trett, Detroit – Small City Winner
Tamie Kaufman, Gold Beach – Medium City Winner
Dave Drotzmann, Hermiston – Large City Winner

2022:

Carol MacInnes, Fossil – Small City Winner
Cec Koontz, Monmouth – Medium City Winner
Keith Mays, Sherwood – Large City Winner
Scott Hill, McMinnville – Award of Merit

2021:

Beth Wytoski, Dayton – Small City Winner
Rod Cross, Toledo – Medium City Winner
Lucy Vinis, Eugene – Large City Winner
Jeremy Gordon, Falls City – Small City Award of Merit
Derek Clevenger, Aumsville – Medium City Award of Merit
Mark Gamba, Milwaukie – Large City Award of Merit

2020:

Jerry Lachenbruch, Halsey – Small City Winner
Paul Becker, Jacksonville – Medium City Winner
Kyle Palmer, Silverton – Large City Winner
Dean Sawyer, Newport – Honorable Mention

2019:

Allan Duffy, Elgin – Small City Winner
Ken Gibson, King City – Medium City Winner
Jeff Gowing, Cottage Grove – Large City Winner
Scott Burge, Scappoose – Honorable Mention

2018:

John Cook, Tigard – Large City Winner
Bob Andrews, Newberg – Medium City Winner
Pam VanArsdale, Rogue River – Small City Winner
Gary Wheeler, Medford – *Award of Merit*

2017:

Sharon Konopa, Albany – Large City Winner
Dave Stram, Creswell – Small City Winner

2016:

Pete Truax, Forest Grove – Large City Winner
Gery Schirado, Durham – Small City Winner
Christine Lundberg, Springfield – *Award of Merit*

- 2015:** Hank Williams, Central Point – Large City Winner
Betty Roppe, Prineville – Small City Winner
Jerry Willey, Hillsboro – *Award of Merit*
- 2014:** George Endicott, Redmond – Large City Winner
Shirley Kalkhoven, Nehalem – Small City Winner
Dale De Long, Island City – Small City Winner
Denny Doyle, Beaverton – *Award of Merit*
Julie Manning, Corvallis – *Award of Merit*
- 2013:** Don Ware, Brownsville – Small City Winner
Mike Weatherby, Fairview – Large City Winner
Amy Houghtling, Falls City – *Award of Merit*
- 2012:** Lore Christopher, Keizer – Large City Winner
Shanti Platt, Gervais – Small City Winner
Suzanne Anderson, Drain – *Award of Merit*
- 2011:** Kathryn Figley, Woodburn – Large City Winner
Gary Williams, Cottage Grove – Small City Winner
- 2010:** Ken Toomb, Lebanon – Large City Winner
John McArdle, Independence – Small City Winner
Diane Pohl, Clatskanie – *Award of Merit, Large City*
Jim White, Depoe Bay – *Award of Merit, Small City*
- 2009:** Phillip Houk, Pendleton
Richard Kidd, Forest Grove
Don Larson, Seaside
- 2008:** James Fairchild, Dallas – Large City Winner
Lori Hollingsworth, Lincoln City – Small City Winner
Keith Mays, Sherwood – *Award of Merit, Large City*
Kenneth Toombs, Lebanon – *Award of Merit, Large City*
Leon Sherman, Eagle Point – *Award of Merit, Small City*
- 2007:** Sid Leiken, Springfield – Large City Winner
Bob Austin, Estacada – Small City Winner
Robb Van Cleave, The Dalles – *Award of Merit*
Kathy Sherman, Gates – *Award of Merit*
- 2006:** Jim Bernard, Milwaukie – Large City Winner
Marian Telerski, Talent – Small City Winner
John McArdle, Independence – *Award of Merit*
Karl Popoff, Gold Beach – *Award of Merit*

2005: Tom Hughes, Hillsboro – Large City Winner
Harold White, Aumsville – Small City Winner
Richard Kidd, Forest Grove – *Award of Merit*
David Fuller, Wood Village – *Award of Merit*

2004: Jim Torrey, Eugene – Large City Winner
Mark Jones, Newport – Small City Winner
Charles Becker, Gresham – *Award of Merit*
Dale De Long, Island City – *Award of Merit*

2003: Chuck McLaran, Albany – Large City Winner
Allen Burns, Florence – Small City Winner
Rob Drake, Beaverton – *Award of Merit*
Bob Ramig, Pendleton – *Award of Merit*

2002: Lou Ogden, Tualatin – Large City Winner
Mark Seltman, Athena – Small City Winner
Charlotte Lehan, Wilsonville – *Award of Merit*
John McArdle, Independence – *Award of Merit*

2001: Helen Berg, Corvallis – Large City Winner
Roger Vonderharr, Fairview – Small City Winner
Chuck McLaran, Albany – *Award of Merit*
Bob Hagbom, Brookings – *Award of Merit*

2000: Colleen Johnson, La Grande – Large City Winner
William Duckett, Riddle – Small City Winner
Bob Jepsen, Heppner – *Award of Merit*
Paul Thalhofer, Troutdale – *Award of Merit*
Harold White, Aumsville – *Award of Merit*