

## TOLEDO CITY COUNCIL MINUTES

August 5, 2009

Mayor Rod Cross called the Toledo City Council meeting to order at 7:03 pm.  
Councilors present: Mark Camara, Nancy Lynne, Monica Lyons, and Mary Young.

Excused: Council President (CP) Bob Emmett

City Attorney Present: (CA) Wes Chadwick

Staff present: City Manager (CM) Michelle Amberg, Toledo Police Chief (PC) Mark Fandrey, Public Works Director (PWD) Adam Denlinger, Library Director (LD) Peter Rayment, Executive Secretary/City Recorder (CR) Teresa Jenkins and Assistant City Recorder Nancy Bryant.

Visitors present: Don Amberg, Teresa Denlinger, Angelo Stephenson and Terry Dillman.

### **Visitor Comments:**

Angelo Stephenson presented council with recommendations from the Community Involvement Code Review Committee; a four step program to redeem unpaid fines generated in Toledo Municipal Court. He said this plan might not collect the entire amount owed but it will help clear the books of some of the outstanding debts.

He explained the program steps as follows:

1. The Oregon Dept. of Revenue will aid in collection and charges 7% of the amount collected. Generally they will accept any debt over \$25 which arises from a traffic fine or Municipal Code violation fine. Social Security numbers would be required on all accounts collectable. These accounts can be sent to Oregon Department of Revenue and a collection agency at the same time. When sending accounts to Oregon Dept. of Revenue, the collection agency fee can be added to the debt so that the City's loss is only 7%.
2. Siletz uses Alliance One, of Gig Harbor, Wa., as their collection agency. Their fee is 18% of the debt which they add to the bill. The city would receive 100% plus ½ of any interest charged on collected accounts.
3. Letters can be sent to the three credit rating bureaus stating that individuals have outstanding debts. This could hinder the individual's ability to purchase items on credit and might also impact their insurance rates.
4. The City can also send out letters to each individual outlining the action that will be taken if the bill is not settled within the next 30 days and stating a fee charge for installment payments. There is manpower and postage costs associated with this method but it might get some volunteer payments before turning the accounts over to a collection agency. There are volunteers already lined up to help with the letter writing and mailings. Chief Fandrey has stated he would be willing to oversee this program through his department.

He said the Code Review Committee urges Council to take the necessary action to follow up on this recommendation and assign it to the City Manager for implementation. The City Attorney has had advanced notice of this recommendation.

In response to council questions PC Fandrey clarified that a letter to individuals with unpaid court fines would not come from the Police Department but there are volunteers who would be willing to use a draft document, fill in the addressee's name and address, stuff the envelopes and get the mailings out. The draft letter would come from Municipal Court.

Councilor Camara asked if there are track records for using Department of Revenue or Alliance One for collections and are there other costs to the City aside from man power and percentages paid.

CA Chadwick noted the biggest obstacle for using the services of the Department of Revenue is providing the social security numbers.

There was discussion regarding volunteers having access to sensitive data and how this type of information is managed once collected by the City.

Stephenson noted that the volunteers would not be sending out letters that would contain social security numbers.

Council determined that they would like more information from Siletz regarding their success rate using Alliance One collection agency.

Mayor Cross asked that Angelo Stephenson stay after the meeting to meet with the City Manager and himself to iron out some of the details of this proposal.

### **Consent Calendar:**

**Motion**-It was moved and seconded (Camara/Lynne) to approve the consent calendar consisting of the invoice list dated July 31, 2009, council minutes of July 1, 2009 and July 15, 2009 and surplus property declaration for the Public Works Department. **Motion passed 5-0**, noting the absence of CP Emmett and council vacancy.

### **Discussion and Information Items**

#### **Committee Updates**

CM Amberg provided Council with a list of committees that included the member names, purpose of the committee, by what authority they were established and current vacancies. She is working on handbooks for committee members and will have that for council review later in August.

In response to Council questions, CM Amberg said the handbooks will include the responsibility of each committee. One of the responsibilities of each committee is to organize itself and create a means of posting agendas, taking minutes and setting timelines for completing tasks. The committees are required to comply with the public meeting laws. Council will need to decide how and when the committees are required to report to council.

Council discussed the Audit Committee.

Mayor Cross requested staff draft a resolution repealing Resolution No. 1227 designating City Council as the Audit Committee.

### **City Attorney Project Update**

Council received a copy of the project list that was presented to Wes Chadwick when he began working as the City Attorney. CM Amberg stated that some of the issues on the list have been resolved and some are in progress.

Councilor Camara inquired of the transfer of property to the City after the sale of the Sharon Branstiter property.

CM Amberg stated that the issue with the adjoining property owners has been resolved and there are provisions set up for a transfer of property to the City when the property is sold.

Councilor Lynn asked about progress on the Head Start building.

CA Chadwick stated there is no progress at this time.

Mayor Cross thanked CA Chadwick for the work he has accomplished to date.

### **Decision Items:**

#### **Advisory Board Appointment**

LD Rayment explained that Nita Rose and Julian Tuck were appointed to the Toledo Public Library Advisory Board to fill the unexpired terms of board members who were unable to complete their terms. Those terms expired June 30, 2009. Both Nita and Julian wish to be appointed to the Board vacancies.

Council Comment:

There was none.

**Mayor Cross appointed Nita Rose and Julian Tuck to 4-year terms on the Toledo Public Library Advisory Board.**

### **Proposed Ordinance amending Chapters 8.12.020, 8.12.030, and 12.16.020 of the Toledo Municipal Code relating to outdoor public events, entertainments and assemblies, and parades and processions; and declaring an emergency**

CM Amberg explained that staff has requested that these sections of the City Code be modified to remove certain outdated language and to create consistency in the permit application process. She noted that this ordinance was drafted by the City Attorney.

CA Chadwick noted the changes made are a result of a council discussion during a work session. Some of the language removed in section 8.12.020 talked about moral turpitude and those convicted of a felony or crime. There may be some concern, having removed language regarding a felony, in terms of screening individuals who seek a permit.

PC Fandrey noted that he would not have the authority to conduct a criminal history check on individuals who request a parade permit so he has no concern for the changes.

There was a general discussion regarding parade permits and availability of alternate dates in case of bad weather.

CM Amberg noted that the Police Department would need seven days prior notice to avoid employee overtime when an event is to be rescheduled or cancelled.

Councilor Young noted the parade that may have an issue is the parade during the Hometown Holiday celebration in December.

**Public Comment:**

Angelo Stephenson referred to chapter 12.16.020 and stated the change in language didn't go far enough because in the future the city may have someone other than a hometown group who want a parade.

CM Amberg explained that the current permit application does include information regarding who the request is from and all details of the event including start and stop sites for parades.

CA Chadwick noted that this ordinance only amends subsection (a) of 12.16.020. Subsection (b) requires the petitioner to list who the organizer is, start time, end time and route of the requested parade. That information remains in the ordinance.

**Motion**-It was moved and seconded (Camara/Lyons) to approve Ordinance No. 1328, by reading the title only twice, amending Chapters 8.12.020, 8.12.030, and 12.16.020 of the Toledo Municipal Code relating to outdoor public events, entertainments and assemblies, and parades and processions; and declaring an emergency. **Motion passed 5-0**, noting the absence of CP Emmett and the council vacancy.

**Proposed Resolution adopting the Lincoln County Multi-Jurisdictional Hazard Mitigation Plan**

CM Amberg explained that Toledo participated in the process and preparation of the City of Toledo Addenda to the Lincoln County Multi Jurisdictional Hazard Mitigation Plan. Council was provided with a copy of the Toledo Addenda as well as a copy of the resolution for adoption for their review.

Councilor Camara suggested a change on page III-5 table 2; he believes the totals in that table don't make sense and are unnecessary. He also noted an error on page III-3 where Yaquina River is misrepresented as Yaquina Reservoir.

There was a general discussion regarding how the city proceeds with the plan and how it is implemented.

CM Amberg stated the proposed plan is a work program that will be reviewed annually.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Young/Lynne) to adopt Resolution No. 1262, a resolution adopting the City of Toledo's Representation in the Lincoln County Multi-Jurisdictional Hazard Mitigation Plan. **Motion passed 5-0**, noting the absence of CP Emmett and the council vacancy.

**Proposed Motion to authorize the Public Works Department to purchase a replacement field mower and surplus the existing field mower**

PWD Denlinger explained that the Public Works Department has been putting aside funding for future replacement of the John Deere parks mower. To date, funds reserved for this item total \$7,900. Purchase price of a new comparable sized mower is \$10,500. The department would like to use funds set aside for the Kubota tractor implements totaling \$2,500 to supplement funds reserved for a new mower. At this time the department does not anticipate purchasing additional Kubota implements.

Public Comment:  
There was none.

**Motion**-It was moved and seconded (Young/Lynne) to authorize the Public Works Department to purchase a replacement field mower with general reserve funds set aside for equipment replacement and authorize the City Manager to allow staff to surplus the existing field mower and purchase a new 2009 John Deere Field mower from department equipment reserves. **Motion passed 5-0**, noting the absence of CP Emmett and the council vacancy.

**Proposed Motion to authorize the City Manager to enter into an ODOT American Recovery and Reinvestment Act 2009 Stimulus funding agreement for the Business Hwy 20 widening**

PWD Denlinger noted that the City of Toledo has a project that meets ODOT's requirements, complete with engineering, left over from the Business Highway-20 improvements. The scope of work would include installation of pedestrian walkway along Business Hwy-20 from 3<sup>rd</sup> Street east around the City landscape island located on the Northeast corner of 3<sup>rd</sup> Street and Business Hwy-20. This includes installation of concrete curb from the landscape island east to approximately Burgess Road. A request for proposal and contract documents are ready to go upon signature of the City Manager.

Councilor Young noted her concern that the grant amount will not allow completion of the entire project.

PWD Denlinger stated that this project will cover only a fraction of the Hwy 20 project that remains unfinished. Staff will know more about how far this project will cover once the proposals are in hand.

Public Comment:  
There was none

**Motion**-It was moved and seconded (Camara/Lyons) to authorize the City Manager to sign the ODOT American Recovery and Reinvestment Act (ARRA) 2009 Stimulus funding agreement and any other relevant documents related to the administration of the ARRA agreement. **Motion passed 5-0**, noting the absence of CP Emmett and the council vacancy.

## **Reports and Comments:**

### **Department Reports**

PWD Denlinger reported the following:

1. Next Monday a crew will be in Toledo to begin smoke testing the entire city. They have a comprehensive notification process; there will be notification in the local news paper as well as notification at every residence. He has been working with Fire Chief Ewing who is well informed of the project.
2. Staff recently received four bus shelters from Lincoln County Transit, to be placed in Toledo. The department will be installing them as time allows. The first scheduled location is at the City Hall parking lot, second is the south end of Main Street, third JC Market then at the Olalla Grocery Store for the final placement.
3. In an update on Olalla slough mitigation project he noted the City Manager was authorized to sign the consent agreement with the Department of State Lands (ODL) which authorized the city to breach the dyke and create wetlands along the Olalla Slough area. He was recently approached by Dan Avery of Oregon Department of Fish and Wildlife (ODFW) about using that site as a mitigation site for Port of Toledo projects. This opened dialog and conversations with ODL, ODFW, and National Marine Fisheries and consensus was reached with all of these regulative agencies allowing the Port of Toledo to use this site as a mud flat site to be developed by the Port. They are willing to meet the obligations of Toledo's consent agreement with DOSL as well as pay for the project. They are still ironing out some of the issues but the project is moving forward and it is anticipated that the project will be completed before the end of September.

### **City Manager's Report**

CM Amberg reported the following:

- Jack Dunaway and Craig Walley have both submitted applications for the City Council vacancy.
- The Toledo Library exceeded last year's summer reading program participation.

- She will be meeting with Penelope Kaczmarek of Oregon Coast Community Forestry Association on Friday to discuss future steps in creating a community forest.

Council discussed their desire to leave the council vacancy position open and advertised for an additional 30 days setting the interviews for September 16<sup>th</sup> just prior to the regularly scheduled council meeting.

### **Council Comments**

Councilor Lyons said the Antique Fair did well this year. Visitors and merchants alike were happy with the turnout. She continues to get requests from merchants to change the Wednesday Market to an evening event next year.

CM Amberg said she will place the issue on the next work session agenda for discussion.

Councilor Young invited all to attend the Thursday night Main Street Block Party.

Councilor Lynne noted that the Park and Ride looks nice. She also reminded everyone of the Wooden Boat Show coming up and stated that the Port is still looking for volunteers to help with this fun event.

Councilor Camara said the news of the NOAA fleet coming to Newport is huge. He also noted information received by council in the council packets; time sheets, the letter from City Planner Rusty Klem and the Article regarding faltering economy.

CM Amberg stated that the article was brought forward because there will be programmatic decisions next year. The budget committee doesn't have to meet just once per year. There is a lot of work that can be done before the budget season. If nothing else the city should start thinking of the programs we have now.

### **Mayor Comments**

Mayor Cross commented on the following;

- The Siletz Pow Wow will be this weekend.
- Regarding the NOAA announcement- he asked that council support Newport and Lincoln County regarding attacks by Senator Cantwell. This is a significant impact to this town. He will be meeting on Friday with Congressman Schraeder and he will be talking about this issue.
- He requested staff find out how much it will cost to get the fiber cable into the City Hall building and how much it will cost to bring the computers into the 20<sup>th</sup> century. He said we need to increase efficiency, as a package.

Mayor Cross called for a brief recess at 8:41pm and announced an executive session will follow.

The Council meeting resumed at 8:53 pm and Mayor Cross called for an Executive Session according to ORS 192.660 (2) concerning: (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

**Executive Session:**

Council members, CM Amberg and the CA Chadwick discussed a current litigation issue.

**Adjournment:**

Council returned to regular session, there were no decisions made and the meeting adjourned at 9:16pm.

ATTEST:

APPROVE:

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Assistant City Recorder

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Mayor