City Hall
Council Chambers

TOLEDO CITY COUNCIL MINUTES
WORK SESSION
January 9, 2018

Mayor Billie Jo Smith called the meeting to order at 6: 17 pm. Councilors present: Jackie Kauffman, Deanne Dunlap, Joshua Smith, Bill Dalbey, Michele Johnson and Council President (CP) Terri Strom.

Staff present: City Manager (CM) Craig Martin, Police Chief (PC) Dave Enyeart, Assistant City Recorder (ACR) Cindy Olivieri, Senior Wastewater Treatment Plant Operator Matt McPhail

Visitors present: Ranei Nomura – Oregon Department of Environmental Quality Water Quality Program Manager, Polly Chavarria.

Visitors/Public Comment

There was no public comment.

Discussion and Information Items

Committee Updates

No Committee Reports.

Mutual Agreement and Order Presentation:

PWD Adams introduced Ranei Nomura the Oregon DEQ Water Quality Program Director. Ranei made a presentation regarding the components of the City's National Pollution Discharge Elimination System Permit (NPDES) and the components of permit compliance that the city of Toledo is not able to meet on a regular basis due to excess inflow and infiltration into the sanitary sewer system. The primary permit violation is regarding the reduction or removal of the 85% Biological Oxygen Demand (BOD) contaminants with the City's wastewater. This permit component is a federally mandated permit condition that cannot be adjusted except through the process of a Mutual Agreement and Order (MAO). Ms. Nomura further explained the components of a MAO and what provisions it provides to the City as the permittee and the Oregon DEQ as the Local regulatory agency tasked with NPDES permit compliance.

Ms. Nomura further explained the penalty process that applies to permittees in regards to violations and how an executed MAO can mitigate the penalties and help focus funds towards improvements to the system instead of financial fines and penalties. Council asked Ms. Nomura regarding the status of the City of Toledo's current permit violations and she stated that the amount of fines and penalties would be determined by the DEQ enforcement branch, and would be included as a settlement component if the City moves forward with executing a MAO for the BOD permit violations. Council asked questions regarding the formula for determining the fines and penalties and Ms. Nomura explained the formula as diagrammed in her presentation. PWD Adams explained the MAO also obligates the City to perform a series of agreed upon projects or improvement to reduce the likelihood of future permit violations during the time of the MAO. MAO agreements usually last 5 or more years given the expense to make improvements by the City and the need to raise the funds over time for same. PWD Adams further explained that some of the work recently approved by the Council (Butler Bridge Pump Station Improvements) are indicated as benchmarks to be included in a possible MAO between the City and DEQ.

Council asked as to the status of the MAO discussions and Ms. Nomura indicated DEQ hopes to have a "review draft" for both parties to look over within the next two – three weeks. It was further explained that the MAO is usually 6 – 10 pages in length and details the terms and conditions of the temporary permit limits which will be set and the project/improvement compliance Schedule. The MAO allows both the DEQ and City of Toledo to work collaboratively to make repairs/improvements to the wastewater system for the benefit of the public and the environment.

The Council thanked Ms. Nomura and the DEQ for their willingness to work with the City of Toledo and indicated a desire to move forward with finalizing a possible MAO between the parties for consideration of formal approval at an upcoming Council meeting.

ADDITIONAL COUNCIL COMMENTS:

Councilor Bill Dalbey asked regarding the status of the City's efforts in addressing affordable and workforce housing issues. He had been in communication with City Planning Assistant Arlene Inukai and would like to see the City move forward with previous efforts to address these issues. Councilor Michelle Johnson stated the City should look at select zoning code revisions regarding minimum home sizes as well as a reduction or elimination of System Development Charges (SDC's) for accessory dwelling units. Mayor Smith indicated the City is currently without a part time planner that would help the City look at these possible changes and the challenges with affordable housing in the Community. Councilor Dalby inquired as to the status of the part time planner position and CM Martin indicated the person who had previously expressed an interest in the position had reconsidered and is no longer interested. He also noted the recent posting for the position resulted in no applicants and the City will likely need to consider a contract service planner in the interim time period during the City Planner/City Attorney's absence. Council indicated having a planner on staff and working on the issues related to the housing are a high priority and would like to include it in upcoming discussions regarding City Goals and activities for the upcoming year.

Councilor Johnson reported on the hour changes at the Library and how some persons are commenting that it is related to the City's support of the swimming pool which is not the case. The change was made based on staffing needs and the desire to have two persons at the facility during open hours.

City Manager Comments:

None

Staff Comments:

Police Chief Dave Enyeart reported the Police had made an arrest in the suspected arson fire on Alder Street that occurred in December 2017.

Adjournment

Mayor Smith Adjourned the meeting at 7:50 PM

ATTEST: APPROVE:

/s/City Recorder /s/Mayor