

City Hall
 206 N. Main St.
 Toledo, Oregon 97391
 6:00 p.m.



**TOLEDO CITY COUNCIL
 Regular City Council Meeting
 May 6, 2026**

1. Call to Order

- a. Mayor Tracy Mix called the Toledo City Council Regular Meeting to order on Wednesday, May 6, 2026, at 6:00 PM at Toledo City Hall, 206 North Main Street, Toledo, Oregon 97391. The meeting was held in a hybrid format, in person and via Zoom.

2. Roll Call

- a. City Recorder Paul Johnson conducted the roll call. A quorum was established with five of six seated councilors present.

Council Member	Present	Absent	Via Zoom
Mayor Mix	X		
Council President Silvia	X		
Councilor Chambers			X
Councilor Kauffman		X	
Councilor Keating			X
Councilor Burns	X		
Councilor Riley	X		

- b. Staff Present: City Manager Rich Huebner, Finance Director Mindy Suitter, Interim Finance Director Judy Richter, and City Recorder Paul Johnson

3. Visitors/Public Comment

- a. In Person/Online Comments
 - i. Nicole Moody of Depoe Bay introduced herself to the Council, noting she is a candidate for Lincoln County Commissioner and has been attending city council meetings throughout the county.
- b. Submitted Comments
 - i. Provided online as an "Other" document.
 - ii. Councilor Chamber raised a question regarding the practice of including lengthy written public comment submissions directly within the publicly available council packet. He expressed a preference for keeping written submissions separate from the packet, noting that all council email addresses are publicly available for direct contact.
 - iii. City Attorney Souvanny Miller stated she would research whether written public comment is required to be included in the council packet, or

whether it could be made available as a separate attachment. City Manager Richard Huebner noted that the agenda management system allows for attachments to be labeled separately from the packet itself, such as under a "Submitted Comments" tab.

- iv. Councilor Keating suggested that if the Council wished to explore limitations on the volume of written public comment, a page or word count limitation—comparable to the three-minute time limit for in-person comment—could be considered, while also ensuring that written comment remains accessible for those unable to attend in person. Mayor Mix expressed openness to receiving lengthy written submissions but agreed that including them within the formal council packet may be unnecessary. The Mayor cautioned against inadvertently eroding First Amendment rights and suggested the topic be discussed at a future work session after staff research is completed.
- v. City Attorney Miller affirmed that separating public comment from the packet is appropriate, as the packet represents the city's presentation of agenda items, while public comment is a distinct category. She also noted that a page limitation on written comment may be more legally complex than a time limitation on spoken comment, as time restrictions are justified by the need to maintain an orderly meeting, a rationale that does not apply equally to written submissions.
- vi. The Council reached consensus to defer the matter to the May 27, 2026 work session for further discussion. City Manager Huebner noted for the public record that a substantial written public comment submission had been received and is available in the online meeting packet.

4. Consent Agenda

- a. Motion to approve the consent agenda as presented was made by Council President Silvia and seconded by Councilor Burns. The motion carried unanimously (5-0, with Councilor Kauffman absent).

Council Member	M	S	Yay	Nay	Abstained	Absent
Mayor Mix			X			
Council President Silvia	X		X			
Councilor Chambers			X			
Councilor Kauffman						X
Councilor Keating			X			
Councilor Burns		X				
Councilor Riley			X			

5. Toledo Beat and/or Presentations

- a. 57th Annual Professional Municipal Clerks Week Proclamation
 - i. Mayor Mix read aloud the proclamation recognizing the week of May 3–9, 2026 as Professional Municipal Clerks Week in the City of Toledo, acknowledging the vital role of municipal clerks in local government. Mayor Mix presented a small gift to City Recorder Paul Johnson and extended appreciation for his dedication and service to the community.

- b. National Police Week Proclamation
 - i. Mayor Mix read aloud the proclamation recognizing May 10–17, 2026 as National Police Week in the City of Toledo. The proclamation honored the service and sacrifice of law enforcement officers, with specific recognition of Patrolman Gary Sumpter, the Toledo Police Department's only line-of-duty death. Mayor Mix noted the proclamation was being issued in advance of the observance period due to the absence of a Council meeting during that week. Mayor Mix signed the proclamation.

6. Discussion and Information Items

- a. Water and sewer rate changes effective 5/22/2026
 - i. City Manager Huebner introduced Finance Director Mindy Switter, who presented the proposed water and sewer rate adjustments. The proposal calls for a uniform 4% rate increase for both water and sewer services, effective May 22, 2026, intended to keep pace with inflation. Director Switter noted that the 4% figure is in close alignment with the Consumer Price Index (CPI), which registered approximately 3.5% for the relevant period. The additional margin above CPI is intended to allow the city to continue building modest reserves. By way of comparison, the prior year's increases were 3% for sewer and 7% for water, with the higher water increase attributed to a period of years during which rates were not adjusted by a previous administration.
 - ii. City Manager Huebner confirmed that the proposed increases are designed to keep both utility funds solvent while minimizing the impact on ratepayers. The average residential customer can expect an increase of approximately \$8.00 per month across both utilities combined.
 - iii. Councilors expressed appreciation for the clarity of the presentation. Mayor Mix noted that the rate increase for water the prior year had been particularly challenging for the community and that the more moderate 4% figure for both utilities this year was a positive sign. Council President Silvia recalled that the Council had also declined to introduce a public services fee the prior year due to the concurrent 7% water increase.
 - iv. City Manager Huebner confirmed the item would return as a formal action item at the May 20, 2026 regular business meeting, noting a minor typographical error in the agenda header which should reference May 20 rather than May 22.
 - v. No public comment was received on this item.
- b. Appointment of Councilor to Cascade West Area Commission on Transportation
 - i. City Manager Huebner presented background on the Cascade West Area Commission on Transportation (CWACT), an advisory body to the Oregon Department of Transportation (ODOT) consisting of 38 voting members representing counties, incorporated cities, port districts, federally recognized Indian tribes, and private sector representatives across Linn, Benton, and Lincoln Counties. The Commission meets on the fourth Thursday of even-numbered months from 5:00–7:00 PM, with meetings rotating among various in-person locations or available via video conference.

- ii. The Council was asked to appoint one member to serve as the city's representative. Council President Silvia indicated he had previously served in this capacity but stepped down due to an excess of other commitments. Councilor Keating volunteered, citing his existing familiarity with the Commission's work—including its role in elevating the Highway 20/229 intersection to a priority project with the Governor's office—and noted that his existing committee obligations already fall on the fourth Thursday of each month. No other councilors expressed interest in the position.
 - iii. The Council reached consensus to appoint Councilor Keating to serve as the City of Toledo's representative to the Cascade West Area Commission on Transportation.
- c. Council Goals
- i. City Manager Huebner presented a draft of what had previously been referred to as the Council Goals document, reframed by retreat facilitator John Morgan as the City of Toledo Strategic Action Plan. The revised format organizes the Council's priorities into goals, measurable objectives, assignment of responsibility among administration, finance, and council, and defined timelines. As one illustrative example, City Manager Huebner highlighted the first goal—to improve and stabilize the city's financial health—with a corresponding objective to develop a financial strategic plan, assigned jointly to administration, finance, and council, with a target completion of March 2027 in time to inform the Fiscal Year 2027–28 budget process.
 - ii. Councilor Chambers offered several suggestions for refinement. He noted that the term "financial strategic plan" under the first goal may benefit from being retitled to something more operationally specific, such as a "financial sustainability plan," to clarify the intent. Under the economic development goal, he recommended adding an objective specifically addressing retail vacancy—such as recruiting businesses to fill vacant storefronts and removing barriers to occupancy—as well as a distinct objective addressing blighted buildings through code enforcement and abatement tools. Finally, under the volunteerism goal, he suggested adding language acknowledging the city's role in supporting community events and festivals as a means of fostering vibrancy.
 - iii. No councilors expressed opposition to any of Councilor Chambers' suggestions. City Manager Huebner confirmed he would incorporate the feedback and return the revised document for formal adoption at the May 20, 2026 regular business meeting.
- d. Fireworks Retail Permits
- i. City Manager Huebner initiated a discussion on fireworks retail permitting, noting no formal attachments were included given that the item had been discussed only at a high level in prior meetings. With the July 4th holiday approaching and a gap between regular business meetings, he sought Council direction on whether to pursue regulations and, if so, what criteria to prioritize.
 - ii. City Manager Huebner emphasized that any regulations adopted must be

- objective and cannot show favoritism to any specific retailer or organization by name. Permissible regulatory approaches include limiting the total number of permits, establishing minimum distance requirements between vendors, restricting the types of establishments that may sell fireworks, and defining categories of eligible applicants. He noted that existing city code already limits fireworks sales to commercially zoned areas.
- iii. Mayor Mix expressed interest in establishing parameters around the number of stands permitted and their locations, and suggested a work session to flush out the details. Councilor Chambers proposed that, as an interim measure, staff could pause the processing of any applications until the Council establishes its criteria. He also suggested a possible policy framework that would limit applications to nonprofits affiliated with Toledo events and festivals, noting that objective categorical criteria can favor certain types of applicants without constituting impermissible favoritism. City Manager Huebner confirmed he could administratively pause processing pending Council action, without the need for a formal moratorium vote, based on the Council's consensus.
 - iv. Discussion also touched on the question of whether JC Market—a longstanding local retailer that sells fireworks from an established brick-and-mortar location—should be accommodated in any regulatory framework. Council members broadly indicated that JC Market should not be inadvertently excluded. City Attorney Miller suggested a possible distinction between a display stand permit and a permit for sales within a physical retail location. Councilor Burns raised the question of applicable sales period dates, noting that state law governs the permissible sales window through July 6th, with cities able to impose more restrictive timeframes but not more permissive ones.
 - v. The Council reached consensus that City Manager Huebner should develop a draft regulatory framework and return with a recommendation at the May 20, 2026 regular business meeting. In the interim, staff will hold any received applications without processing them pending Council action.
- e. Thursday Market Fee Waiver Request
- i. City Manager Huebner reintroduced this item, which had been presented at the prior business meeting without action. The Chamber of Commerce is planning to begin its outdoor Thursday Waterfront Market in June, and the city had previously considered a resolution granting a fee waiver for the use of the waterfront field. The Council had tabled formal action at the prior meeting, requesting the item return for further discussion.
 - ii. Councilor Keating expressed support for a fee waiver but recommended it be accompanied by a usage agreement establishing shared responsibility for any damage to the field, given that the fees are intended in part to cover maintenance costs associated with use.
 - iii. Council President Silvia concurred and suggested that any fee waiver policy be limited to nonprofit organizations, with equitable treatment

- across all nonprofit users of the space. Mayor Mix raised the idea of a sliding scale based on gross organizational revenue, which would provide full waivers to smaller nonprofits and reduced rates or full fees for those with larger budgets. Councilor Chambers expressed concern about this approach, noting that Summerfest—which generates significant revenue but also incurs substantial costs to produce—could be disadvantaged by a revenue-based test despite its major positive impact on the community.
- iv. Councilor Keating expanded on this concern, noting that organizations serving Toledo residents may not always be headquartered in the city, and that a residency-based restriction could exclude beneficial partners such as the Tri-County United Way. He suggested focusing instead on whether an organization is a public-serving nonprofit, regardless of headquarters location.
 - v. City Manager Huebner noted the analogy to the city's relationship with the producers of the Art, Oysters & Brew event—an outside organization that facilitates what is effectively a city program. City Attorney Miller noted that a policy establishing objective eligibility criteria, applicable to all similarly situated applicants, would be legally appropriate. City Manager Huebner indicated he would draft a proposed resolution incorporating the discussion and return it for Council action at the May 20, 2026 meeting.

7. Request for Council Action

- a. Missing and Murdered Indigenous Persons Proclamation
 - i. City Manager Huebner presented a proposed proclamation recognizing May as Missing and Murdered Indigenous Persons Awareness Month in the City of Toledo. Unlike the earlier proclamations, this proclamation includes signature lines for all council members and therefore requires formal Council approval. City Manager Huebner credited City Recorder Johnson with bringing the item forward and praised the quality of the draft language, which he noted was assembled by drawing from the best-worded elements of comparable proclamations issued by the state and other municipalities.
 - ii. City Recorder Johnson spoke to the personal significance of the proclamation, noting the proximity of the Confederated Tribes of Siletz Indians to Toledo and the intertwined relationship between the city and the tribal community. He shared that upon researching the issue, he learned that individuals from the local tribe are among those who are missing, and expressed that it was important for the city to acknowledge and stand beside its neighbors on this issue.
 - iii. Councilor Burns asked for clarification on the inclusion of LGBTQIA+, Two-Spirit, and transgender individuals within a proclamation focused on indigenous persons. City Manager Huebner clarified that the proclamation's references to those identities are expressly qualified by the preceding clause identifying American Indian and Alaska Native peoples—meaning the categories describe indigenous individuals who also hold those identities, not a broader population.
 - iv. No public comment was received.

- v. Following discussion, the Council unanimously approved the proclamation.
- vi. Mayor Mix read the full text of the proclamation into the record, and all councilors present signed the document for inclusion in the permanent city record.
- vii. **Motion** to approve the proposed Missing and Murdered Indigenous Persons Proclamation as a proclamation of the City of Toledo was made by Council President Silvia and seconded by Councilor Burns. The motion carried unanimously (5-0, with Councilor Kauffman absent).

Council Member	M	S	Yay	Nay	Abstained	Absent
Mayor Mix			X			
Council President Silvia	X		X			
Councilor Chambers			X			
Councilor Kauffman						X
Councilor Keating			X			
Councilor Burns		X	X			
Councilor Riley			X			

- b. Resolution No. 1602, appropriating donations to the Library in the combined amount of \$7,100
 - i. City Manager Huebner presented Resolution No. 1602, requesting Council approval to recognize and appropriate two donations received by the Toledo Public Library. The first donation, in the amount of \$5,000 from Allen Beardsley, will support youth programs. The second donation, in the amount of \$2,100 from the Mark Sponenburg Memorial Trust, will support music education. City Manager Huebner noted the updated format of the Request for Council Action, which now reflects all reviewing parties, including the Finance Director, consistent with the city's new agenda management system.
 - ii. Council President Silvia clarified for the public that donations to the city are appropriated through this formal process to ensure they are directed to the exact purposes designated by the donor, and that no donated funds are redirected by the city. Library Director Harrison Baker was present and available for questions. Councilor Chambers requested that Director Baker convey the Council's gratitude to both donors.
 - iii. No public comment was received.
 - iv. **Motion** to appropriate two donations received by the Toledo Public Library in the combined amount of \$7,100 to support youth programs and music education respectively, and to approve Resolution No. 1602, was made by Councilor Chambers and seconded by Councilor Keating. The motion carried unanimously (5-0, with Councilor Kauffman absent).

Council Member	M	S	Yay	Nay	Abstained	Absent
Mayor Mix			X			
Council President Silvia			X			
Councilor Chambers	X		X			
Councilor Kauffman						X
Councilor Keating		X	X			
Councilor Burns			X			
Councilor Riley			X			

c. Fire Department Equipment Surplus

- i. City Manager Huebner presented a request to declare certain Toledo Fire Department property as surplus to the city's needs and to authorize the Fire Department to dispose of the items through sale, lease, or donation. The items proposed for surplus are: numerous sets of personal protective equipment (PPE) that are outdated, damaged, and have exceeded the National Fire Protection Association's recommended service lifespan; a Hurst hydraulic extrication tool that was replaced over four years ago, was retained as a backup, and is no longer serviceable; and a 2007 Chevrolet Malibu automobile previously assigned to the Public Works Director position, which has a damaged transmission, was retained by the Fire Department for practice purposes, and is no longer operative.
- ii. No public comment was received.
- iii. **Motion** to declare the listed property as surplus to the city's needs and to authorize the Toledo Fire Department to dispose of the items through sale, lease, or donation was made by Council President Silvia and seconded by Councilor Burns. The motion carried unanimously (5-0, with Councilor Kauffman absent).

Council Member	M	S	Yay	Nay	Abstained	Absent
Mayor Mix			X			
Council President Silvia	X		X			
Councilor Chambers			X			
Councilor Kauffman						X
Councilor Keating			X			
Councilor Burns		X	X			
Councilor Riley			X			

d. Approval of Collateral Lease Assignment and Tripartite Agreement related to Olalla Meadows Housing Project

- i. City Manager Huebner noted for the record that this item was added to the agenda after the initial publication due to the late submission of the agreements by Northwest Coastal Housing's legal counsel. He stated that the agreements were received by the City Attorney on the Tuesday and Friday of the week prior to the meeting, providing insufficient time for review before the original agenda publication deadline. He further stated

- that he declined to place the item on the agenda or execute any documents until the City Attorney had completed her review.
- ii. City Manager Huebner summarized the two agreements. The first, the Collateral Assignment of Lease, is an agreement between Olalla Meadows LLC (the project-specific subsidiary formed by Northwest Coastal Housing) and its lender, the Housing Assistance Council. The city is asked to acknowledge the collateral agreement and subordinate its interest in the ground lease so that Olalla Meadows can close on its financing. The second, the Tripartite Agreement, is a three-party agreement among the City, Oregon Housing and Community Services (OHCS), and Olalla Meadows LLC. This agreement contains standard OHCS language, amends the city's ground lease with Olalla Meadows, requires OHCS approval before the city may terminate or amend the lease, and commits the city to maintaining its lease obligations through the state's required affordability period, which expires December 31, 2057. City Manager Huebner noted that if Olalla Meadows were to default and neither the lender nor the state stepped in, the city would be required to maintain the property as affordable housing—either by managing it directly or by contracting a replacement operator—for the duration of the affordability period. He clarified that the city would not be required to assume the debt obligations of Olalla Meadows.
 - iii. City Attorney Miller confirmed that both agreements had been reviewed and approved as to form. She advised that the tripartite agreement is a standard, non-negotiable OHCS document that the state will not modify. Failure to execute the agreements risks not only the current closing timeline but the viability of the project altogether.
 - iv. Several councilors expressed serious reservations. Councilor Chambers stated that he had significant discomfort with any scenario in which the city could find itself operating an affordable housing project through 2057, and that he would have preferred the city to have simply conveyed the land to Northwest Coastal Housing rather than entering into a ground lease arrangement. He also expressed concern about the SDC waiver the Council had approved for the project. Council President Silvia raised concern about the lack of public notice, noting that the community had strong feelings about the project and had not been given an opportunity to comment on these specific agreements. Mayor Mix acknowledged having lost sleep over the item and shared a personal experience with a similar subordination arrangement in the private sector that did not end favorably, while noting that the involvement of qualified legal counsel provided her greater comfort in this instance.
 - v. City Manager Huebner noted that the city's 2024 ground lease already contains subordination and lender protection provisions that arguably obligate the city to these agreements, and that Northwest Coastal Housing's legal counsel had acknowledged the delayed submission. He further noted that the state's \$680,000 infrastructure grant to extend utilities to the Olalla Meadows site could potentially be subject to

- repayment if the city were to withdraw from the project.
- vi. Following the initial vote, the Council—recognizing uncertainty about the vote's outcome and the significance of the matter—recessed the regular meeting and convened an executive session pursuant to ORS 192.660(2)(h) to consult with legal counsel regarding the city's legal rights and duties with respect to current or likely litigation.
- e. **Meeting was recessed at 8:35 p.m. for an executive session. Meeting came back into session at 9:16 p.m. Councilor Keating arrived for the Executive Session and stayed for the 2nd part of the meeting.**
- i. Upon reconvening the regular meeting at 9:16 PM, City Attorney Miller provided additional information regarding specific lease provisions, including Article 15.2 (subordination clause), which states that the lease is subject and subordinate to any encumbrance placed on the parties' interests in the premises as reasonably necessary to finance construction of improvements, and Article 16.3(e) (lender protections), under which the city has already committed to entering into a new lease with the holder of the first leasehold mortgage in the event of a default by the tenant. City Attorney Miller advised that a no vote would likely conflict with these existing lease provisions and expose the city to a claim by Northwest Coastal Housing for costs and relevant damages.
 - ii. Councilor Burns, who had requested during the roll call to change her abstention to a no vote, withdrew that request following the executive session. City Manager Huebner stated on the record that pursuant to the city's charter and consistent with Robert's Rules of Order—under which an abstention does not count as a vote—the original motion had in fact carried, with three voting members in favor and two against, constituting a majority of the quorum of voting members present.
 - iii. **Motion** to approve and authorize the City Manager to execute the Collateral Assignment of Lease and the Tripartite Agreement related to the Olalla Meadows Housing Project was made by Council President Silvia and seconded by Councilor Keating. The motion carried 3-2, with one abstention (Councilor Burns abstaining; Councilor Kauffman absent). Voting in favor: Council President Silvia, Councilor Riley, and Mayor Mix. Voting against: Councilor Chambers, Councilor Keating.
 - iv. Mayor Mix, Council President Silvia, and City Manager Huebner each noted on the record that the Council's approval was given under considerable constraint, given the pre-existing lease obligations, and that the frustration of both elected and appointed leadership with the manner and timeline in which the agreements were submitted would be clearly conveyed to Northwest Coastal Housing.

Council Member	M	S	Yay	Nay	Abstained	Absent
Mayor Mix			X			
Council President Silvia	X		X			
Councilor Chambers				X		
Councilor Kauffman						X
Councilor Keating		X		X		
Councilor Burns					X	
Councilor Riley			X			

8. Staff Reports

- a. In the interest of the hour, City Manager Huebner dispensed with staff reports for this meeting.

9. Issue Tracker & Future Agenda Items

- a. The following items were added to the May 27, 2026 work session agenda: public comment submission guidelines, and fireworks retail permit regulations. The transportation discussion item previously noted on the May 27 work session agenda was removed by consensus, as Councilor Keating confirmed that the Highway 20/229 intersection has already been placed on ODOT's priority list, rendering a formal Council advocacy discussion less urgent at this time.
- b. Mayor Mix proposed the addition of a recognition program for Toledo High School and area graduates for discussion at the May 20, 2026 meeting, including a possible certificate and letter from the City to each graduate. Discussion touched on whether recognition should extend to students graduating from private schools or homeschool programs in addition to Toledo High School. City Manager Huebner offered to contact Toledo High School Principal Chloe Minch to explore options and report back at the May 20 meeting. Council President Silvia noted that Toledo High School's senior parade through downtown is scheduled for June 3, coinciding with a regular council meeting, and that the Council could recess briefly to participate as it did the prior year.
- c. Mayor Mix also proposed scheduling a training session for the Council on the roles and responsibilities of elected officials versus city staff—commonly referred to as "staying in your lane"—including a refresher on appropriate interactions between council members and city employees. City Manager Huebner indicated he would contact the League of Oregon Cities (LOC) to identify an appropriate presenter or pre-recorded training resource and would provide an update by the following weekly check-in. Council members generally supported the idea, with a preference for scheduling the training in conjunction with an existing meeting date or on a light agenda to avoid additional demands on councilors' time.

10. Council Comments

- a. Council President Silvia noted that he had seen a question raised on social media regarding where artwork submitted for the city's domestic violence awareness art contest would be displayed. He suggested showcasing all submissions—not just winners—at the library or in a vacant storefront, and indicated he would speak with Library Director Baker about available space.
- b. Council President Silvia also raised the low number of active Toledo Fire Department volunteers, noting that as of the most recent budget meeting, the total combined paid and volunteer staffing was approximately seven individuals. He encouraged the Council to explore outreach strategies, such as including

recruitment materials in utility bill mailings or distributing information at community events. Mayor Mix added that the school district might be a meaningful partner, suggesting a fire cadet or CTE program pathway for high school students.

11. Mayor's Comment

- a. Mayor Mix offered no formal remarks beyond what had been addressed during the evening's discussion, noting the lateness of the hour and the fullness of the agenda.

12. Adjournment


- a. The mayor adjourned the meeting at 9:40 p.m.

APPROVE:



Mayor Tracy Mix

ATTEST:



City Recorder Paul Johnson