

**TOLEDO CITY COUNCIL MINUTES
REGULAR SESSION
June 6, 2018**

1. Call to Order:

Mayor Billie Jo Smith called the meeting to order at 7:00 p.m. Councilors present: Michele Johnson
Joshua Smith, Council President (CP) Terri Strom, Jackie Kauffman, Bill Dalbey, and Deanne Dunlap

Staff present: City Manager (CM) Craig Martin, Police Chief (PC) Dave Enyeart, Public Works Director (PWD) Michael J. Adams, Library Director (LD) Deborah Trusty, City Recorder (CR) Lisa Figueroa and City Attorney (CA) David Robinson

Visitors present:

Alan Davis, Ms. Davis, Betty Kamikawa, Rodney Cross, Chris Lawrence, Don André, Jay Fineman, Dan Garrett, Heather Jukich, Tracy Mix, Polly Chavarria, and Nancy Bryant

Mayor Smith reviewed the public comment procedures.

2. Visitors/Public Comment:

Alan Davis, community member, complained about the application of biosolids near the Siletz River (River), which he brought up with the County Commissioners. He indicated the application of biosolids has negatively impacted the soils and has leached into the River. He provided a report to the Council for the record of chemicals found in the River. He requested the Council stop applying biosolids onto farmland. Mayor Smith noted the City Council will have a presentation of biosolids application at the next work session on Tuesday, June 12, 2018 in the City Council Chambers, which is open to the public.

Ms. Davis, community member, said she sent a letter to the Department of Environmental Quality complaining of the biosolids application but was directed to the City. She said it is poisoning the River and affecting the wildlife. She thanked PWD Adams for responding to her questions quickly.

Mayor Smith indicated she became aware of the issue last year and has brought it to the attention of the other regional mayors, who contacted the Council of Governments (COG). She said COG now has an intern who will evaluate other ways to dispose of biosolids that is environmentally compatible.

Betty Kamikawa, resident, said biosolids cannot be made into fertilizer because the chemicals contained from pharmaceuticals, antibiotics, detergents, etc. are being washed into the biosolids.

A resident began to read a post on social media from CP Strom regarding the biosolids issue and said she feels CP Strom has already made a decision regarding the issue. CP Strom interjected and clarified the interpretation of the posting was not her intent. She indicated the Council needs to conduct more research before any decision can be made on the matter.

Tracy Mix, resident, expressed concern over the actions taken on Fire Chief Will Ewing for sharing the proposed budget. She said upon sharing the budget, there were errors pointed out in the budget, which were corrected. She indicated the City Manager retaliated against the Fire Chief and suspended and asked the Council to ensure Mr. Ewing is not fired.

Mayor Smith questioned if Fire Chief Ewing shared the budget document. CA Robinson said that is not correct.

Rodney Cross, resident, said the Council has to look at the big picture. He said if Mr. Ewing is gone, that would be the third major department head in six months. He indicated they should start trying to find out

why. He said they need to know. He indicated he served on the Council when Mr. Ewing was hired and he has kept the Fire Department staffed and does his job well. He said they might want to look long and hard at what is going on.

Ms. Kamikawa asked when the budget would be available to the public. Mayor Smith said it would be available after June 20 when the budget is adopted by the Council. She said there will be an opportunity for public comments at that Council meeting.

Chris Lawrence, community member, said Mr. Ewing is passionate, is an important part of the community and is sad to hear he may not be with the City anymore.

A community member, commented on former employee Polly Chavarria and indicated he is upset with the recent issues.

Heather Jukich, resident, inquired about the artwork in front of the Council dais.

Dan Garrett, resident, commented on the service Mr. Ewing has provided to the community. He indicated Mr. Ewing would bend over backwards to work it out any problems.

Chuck Wilcox, community member, indicated the recent issues and change in employees have occurred because of the new City Manager.

Mayor Smith read a statement in regards to the City Council's availability to the public, the City Charter, the City Council's role and responsibilities and the City Manager. She stated due to an employee complaint of the City Manager, the City Council hired an experienced neutral lawyer to conduct an investigation. She stated past e-mail were reviewed, former employees and former city managers were interviewed during the investigation. She said the investigation determined the complaints against City Manager Craig Martin were unfounded and the investigator determined there was employee misconduct which necessitated personnel actions and included the City Manager is following the wishes of the City Council and the goals and objectives they set for the City. She said all fiscal or legal accusations have been reviewed by the City Attorney and financial advisors, who determined the accusations unfounded and city policies are being followed.

3. Consent Calendar

Motion: It was moved and seconded (Strom/JSmith) to approve the consent calendar consisting of the May 16, 2018 City Council minutes. **Motion passed 7-0.**

4. Discussion and Information Items

Presentation: Oregon Coast Community Forest Association (OCCFA) 'Watershed: Why do we need a community forest?' – Don André, Vice President

Don André and Jay Fineman presented to the Council on behalf of the Oregon Coast Community Forest Association (OCCFA). He said they acquired a \$250,000 Myer Memorial Trust Grant to evaluate the Oregon Coast and were one of three pilot projects that were approved. He summarized a letter he submitted in regards to building a community forest. He referenced Dr. Bob McKane, who has implemented the VELMA Watershed modeling. He said they found that at 80+ years, the forest begins to charge and store water and becomes a water storage system. He requested the City of Toledo provide a letter of support for the initiative that indicates it is a good idea. He said the OCCFA will apply for a matching grant of up to \$600,000 in 2019 but will need a partner that is located within a municipal watershed. The Council asked clarification questions. He indicated the grant supports education and preservation of the initiative. He stated he wants the forest to be an actively managed forest to benefit the community with a health aspect.

Committee Updates

There were no comments.

5. Decision Items:

Temporary Use Permit Renewal – TTP-2-17 (1152 NW A Street)

Mayor Smith opened the public hearing at 8:17 p.m. Councilor Johnson indicated she lives near the proposed property. CM Martin presented the report. He stated the request is to renew a Temporary Use for use of a Recreational Vehicle (RV) as living quarters on the Abundant Life Center property. He highlighted background information that was included in the packet:

- Temporary use was approved by staff on October 31, 2017
- Temporary use permit expired on May 1, 2018
- Staff notified Mr. Steindl on May 3, 2018 to remove the RV or obtain a renewal of the temporary use
- Mr. Steindl and the Abundant Life Center submitted a renewal application with the appropriate fee.
- The property is located in the Residential General Zone
- Notifications were mailed to the 18 surrounding properties on May 15, 2018

CM Martin indicated only one comment was received from Ms. Edmundson who indicated she did not have an issue with the proposed request, but stated there are other RVs in the general area being used in the same manner and suggested they go through the same process.

Applicant:

Dennis Steindl addressed the Council and indicated he helps maintain the property and pays rent for use of the space. The Council asked if the applicant can request another six month temporary use permit. CM Martin indicated this is the last time he can request an extension per the Municipal Code. The Council inquired how the City would determine if permanent residence is being sought as indicated in the conditions. CM Martin responded the provisions authorize the Council to make that determination but the process is not very clear in the Municipal Code. Mayor Smith opened the floor for public comment.

Ms. Mix commented on the need for housing in the community.

Mr. Cross recommended the Council make an amendment to the Code provisions.

Motion: It was moved and seconded (JSmith/Johnson) to approve the request to extend the deadline for Temporary Use Permit #TTP-2-17 for up to six months. **Motion passed 7-0.**

Toledo Contribution Committee recommendations for Fiscal Year 2017-2018 and 2018-2019

CM Martin summarized the request for Council action. He indicated the Contributions Committee met to review applications that were received for fiscal year 2018-2019. He said the Committee recognized there is still \$805 available in the current fiscal year, 2017-2018. He noted the Contributions Committee recommendations are included in the packet, which include awarding the remaining 2017-2018 funds. Mayor Smith noted the Committee recommended \$500 be distributed to KYAQ and \$300 to the Yaquina River Museum of Art.

Mr. Cross asked if there were notifications to the public of the additional funds in this year. Mayor Smith indicated the additional \$805 was distributed to the applications that were received.

Councilor Dalbey recused himself from the discussion and the vote because he is the Station Manager of the KYAQ. Mayor Smith recused herself from the discussion and the vote because she serves on the Oregon Coast Community College Foundation Board of Directors.

Motion: It was moved and seconded (JSmith/Strom) to approve the recommendation of the Contribution Committee for the following funding allocations in the 2017 – 2018 and 2018 – 2019 fiscal year:

Oregon Coast Community College Foundation	\$1,300.00
Retired Senior Volunteer Program	\$ 600.00
Toledo Food Pantry	\$2,500.00
Toledo History Center	\$1,328.00
Yaquina River Museum of Art	\$ 300.00 (fiscal year 2017-2018)
Meals on Wheels Program	\$2,000.00
Toledo Graduation Night	\$1,000.00
KYAQ Radio	\$ 500.00 (fiscal year 2017-2018)
United Methodist Thrift Store	\$ 400.00

Motion passed: 5-0. Mayor Smith and Councilor Dalbey abstained.

CM Martin indicated the Committee discussed and suggested the Council consider making a change to the In Kind Services Policy to include a percentage of the state shared marijuana tax revenue in the annual contributions. He said it could potentially provide additional revenue.

Mr. Cross commented adding the marijuana tax makes sense and said the program was established to help the community and local nonprofits.

The Council asked when they should expect to receive exit reports from last year's recipients. CM Martin indicated the recipients have until the end of the fiscal year, June 30 to submit their exit reports, otherwise they may not receive funding in the next fiscal year. He said the exit reports are typically forwarded to the Contributions Committee but he can forward copies to the City Council.

OLCC Temporary Use Application – Elks Lodge/Toledo Summer Festival

CM Martin presented the report. He said the temporary use would allow the Elks Lodge to operate a beer garden at the Toledo Summer Festival. He said all licenses are issued through the Oregon Liquor Control Commission, however they accept recommendations from local jurisdictions.

Ms. Jukich asked which entity would hold the permit. CM Martin indicated it would be the Elks Lodge.

Ms. Mix asked if it is harder to police the beer garden in the new location. CP Enyeart replied it has not been an issue.

The Council reviewed the information and asked clarification questions.

Motion: It was moved and seconded (JSmith/Kauffman) to approve an application to the Oregon Liquor Control Commission by the Toledo Elks lodge for Temporary use of an Annual License to operate the Beer Garden at the 2018 Toledo Summer Festival. **Motion passed: 7-0.**

Approval of Street Closures for the 2018 Toledo Summer Festival Event

CM Martin reviewed the report, indicated the requests are consistent with requests in the past and listed the proposed street closures for the following events; NW A to Business 20 and then to Main Street (Kids parade) July 13; Business 20 from Bay Boulevard then to Main Street (Grand parade) July 14 and a portion of A Street, South from 1st Street to the North end of the cul-de-sac (Fireworks display) July 14. He indicated the Council may pull any of the street closures if there are any concerns.

Motion: It was moved and seconded (JSmith/Kauffman) to approve the following street closures:

- Closure of a portion of NW 'A' St. from the Toledo Public Library to Business Hwy. 20 and continuing east and south to the south end of Main Street from 5:30 PM to 6:45 PM on Friday, July 13, 2018 for a the 2018 Toledo Summer Festival Kid's Parade

- Closure of a portion Business Hwy. 20 from Bay Blvd. and continuing to the south end of Main Street from 11:00 AM to 2:00 PM on Saturday, July 14, 2018 for the 2018 Toledo Summer Festival Grand Parade
- Closure of a portion “A” Street from 1st Street NW south to the end of the cul-de-sac for the conduct of the Toledo Summer Festival Fireworks Show on Saturday, July 14, 2018

Motion passed: 7-0.

6. Reports and Comments

Department Reports

CP Enyeart reported the Police Department held their annual Safety Town and had 71 kids participate. He said they will host National Night Out this year on August 7, they are currently recruiting for a dispatcher and one of their officers will be leaving soon to be closer to her home in Dallas, OR.

City Manager’s Report

CM Martin noted the filing period for candidates to serve on the City Council is open. He said information is available on the website or people may contact the City Recorder.

Council Comments

Councilor Smith said he read the tall ships will not be going back to Newport and asked if they can come to Toledo. The Council discussed whether it was possible but did not come to a consensus on whether to pursue the idea.

Councilor Dunlap indicated the Toledo Market starts June 7 at Waterfront Park, will run through September and the third Thursday of each month will include a concert.

Mayor Comments

Mayor Smith indicated she met some visitors who had electric cars and they noted Toledo does not have any car charging stations. She suggested the Council consider having electric car charging stations in town. She indicated the Council would need to see information that includes installation, costs, locations, maintenance and funding options. There was no further discussion on whether staff should pursue the suggestion.

7. Executive Session:

Mayor Smith recessed the meeting at 9:10 p.m. to enter into Executive Session.

Mayor Smith called to order the Toledo City Council Executive Session at 9:16 p.m.

Councilors present: Michele Johnson Joshua Smith, Council President (CP) Terri Strom, Jackie Kauffman, Bill Dalbey, and Deanne Dunlap

Staff present: City Manager (CM) Craig Martin, and City Attorney (CA) David Robinson

The Toledo City Council will now meet in Executive Session, pursuant to ORS 192.660(2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations

Others present: Pierre Robert, LGPI Labor consultant (via telephone)

Mayor Smith read the authorizing statement for the Executive Session. Representatives of the news media and designated staff shall be allowed to attend the executive session.

The Executive Session adjourned at 9:45 p.m.

The City Council reconvened the Regular Session at 9:46 p.m. and welcomed the public back into the room.

8. Adjournment:

The meeting adjourned at 9:47 p.m.

ATTEST:

APPROVE:

/s/City Recorder

/s/Mayor