

TOLEDO CITY COUNCIL MINUTES

Work Session

Toledo City Council Chambers

October 9, 2018

6:00 p.m.

1. Call to Order

Presiding Officer Joshua Smith called the meeting to order at 6:00 p.m. Councilors present: Jackie Kauffman, Bill Dalbey and Michele Johnson

Staff present: City Manager (CM) Craig Martin, Police Chief (PC) Dave Enyeart, Public Works Director (PWD) Michael J. Adams, and City Recorder (CR) Lisa Figueroa

Visitors present: Heather Jukich, Nancy Bryant, Billie Jo Smith, and Greg Harrison

2. Visitors/Public Comment

Heather Jukich, resident, asked about the proposed easement and also mentioned West Coast Infrastructure (WCI) Exchange, who provides assistance for public and private partnerships. PWD Adams provided some information in regards to the WCI Exchange.

3. Discussion and Information Items

Committee Updates

CM Martin noted the Council will need to consider filling the Board position for the Oregon Cascades West Council of Government which is typically filled by the Mayor.

Review Draft Agreement for sale of Cell Tower Easement

CM Martin provided an update to the Council regarding the Cell Tower agreement, highlighted the history of the agreement, which included extensions and payment terms. He indicated beyond the fifth-five year extension, the agreement defaults to a term of one year and is \$932 a month but subject to negotiations between the two parties. He estimated the City has received about \$174,000 in revenues since about 2009. He said the owner of the tower approached the city to enter into a perpetual lease, which would give the tower owner access to that site. He said they are willing to offer a one-time lump sum of \$395,000. He compared potential revenue earnings to the city based on a 26 year and 52 year perpetual agreement. He said the current cancellation options is a 60 day notice by either party. He listed some concerns could include; the unknown future of technological advancements which could make that site obsolete or an earthquake or other factors such as the footprint of the building, leverage the property for any other benefit.

Council reviewed the agreement, noted the funds have been designated to the Water Fund and questioned whether they could redirect them for the new public safety building. CM Martin replied the funds could be used however the Council chooses, but it would create an annual shortfall of up to \$12,000 in the Water Fund. There was discussion about whether the city received any offers from any other organizations and what the value of the tower is. CA Robinson said he was able to meet someone who conducts appraisals on cell towers. He expressed concern that the new agreement contains the 1997 legal description of the property; not the updated information and that they are attempting to get a permanent easement where the tower is located.

Ms. Jukich asked for clarification about the clause to remove the overhead or underground utilities. CA Robinson responded yes, but there are already existing utilities there and they would not be able to move them.

Update on Mutual Agreement and Order with the Department of Environmental Quality (DEQ)

PWD Adams referred to page 29 of the packet and summarized the report. He said the city has not received a cost estimate from DEQ yet. He said an agreement such as this one helps take care of recent violations as noted on page 32. He indicated the total civil penalty is \$3,950 in violations over the last couple of years. He said he believes the projects listed would cost less than \$2 million dollars. He said he intends to push back on the time proposed under paragraph seven on page 34 because he feels the City needs more time to meet that deadline.

The Council asked for clarification on the projected timeline (as presented on September 11). PWD Adams indicated the project includes the force main replacement, but does not include the Butler Bridge project. The Council discussed different strategies to fund and complete the project.

Billie Jo Smith, resident, said she spoke with representatives from the Oregon Department of Agriculture, Business Oregon and with Senator Merkley in regards to infrastructure funding. She said she learned there are grants available but there is a cap on the loans that are given to cities because of the median household income and commented that having an agreement with DEQ increases the city's chance of receiving funds.

Review outdoor event permit street closure request – Main Street Halloween Trick or Treat hosted by Toledo Chamber of Commerce

CM Martin provided information about the Halloween Trick or Treat. The Council reviewed the request and asked clarification questions. There were no concerns from the Council regarding the event.

4. Reports and Comments

CM Martin noted he forwarded an invitation to the Council for the Tour of Toledo event hosted by the Port of Toledo on November 7.

Councilor Dalbey asked about the status of the investigation from the Department of Justice. CA Robinson indicated he has not received a response on the status of the investigation.

5. Adjournment:

The work session adjourned at 7:54 p.m.

ATTEST:

APPROVE:

/s/City Recorder

/s/Presiding Officer