



Fire Department
285 NE Burgess Rd
Toledo, Oregon 97391

TOLEDO CITY COUNCIL
Executive Session – closed to the public
September 22, 2021
5:15 p.m.

1. Call to Order and roll call

The Toledo City Council will meet in Executive Session, pursuant to ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection and ORS 192.660(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.

Representatives of the news media and designated staff may be allowed to attend the executive session. All other members of the audience are prohibited. Representatives of the news media are specifically directed not to report on any of the deliberations except to state the general subject of the session as previously announced. No final decisions may be made in Executive Session.

2. Adjournment

Work Session – also via Zoom Meeting Platform
September 22, 2021
6:00 p.m.

Virtual Meeting: The City Council will hold the meeting in person for the City Council and staff in person as well as through the Zoom video meeting platform. The public is encouraged to attend the meeting electronically. Visit the meetings page on the city website for meeting login information.

Public Comments: The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to lisa.figueroa@cityoftoledo.org 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

1. Call to Order and roll call

2. Joint Work Session with the Port of Toledo Board of Commissioners

- Updates on the Port's Strategic Business Plan
- Sewer connection project and funding
- Expansion of their Industrial Park
- Status of dredging project(s)

3. Visitors/Public Comment

(The public comment period provides the public with an opportunity to address the City Council regarding items not on the agenda. Please limit your comments to three (3) minutes).

Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2060 or by e-mail at lisa.figueroa@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.

4. Consent Agenda

There are no items for consideration

5. Discussion Items

There are no items for discussion

6. Decision Items

- Resolution No. 1475, a resolution of the Toledo City Council authorizing the City of Toledo to apply for a grant to update the Toledo Comprehensive Plan

7. Reports and Comments

- Update on 873 NW Burch Lane – City Attorney David Robinson

8. Adjournment

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	September 22, 2021	Resolution No. 1475, A Resolution authorizing the City of Toledo to apply for an Oregon Department of Land Conservation and Development Technical Assistance grant for a Comprehensive Plan Update
Council Goal:	Agenda Type:	
Keep the community informed about council and city activities through outreach by diverse methods	Decision Items	
Prepared by:	Reviewed by:	Approved by:
Contract Planner J. Peterson	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to adopt Resolution No. 1475, a resolution of the Toledo City Council authorizing the City of Toledo to apply for an Oregon Department of Land Conservation and Development Technical Assistance grant for a Comprehensive Plan Update

Background:

The 2020 Vision for Toledo, Oregon - 2000 Toledo Comprehensive Land Use Plan (Plan) was adopted on April 4, 2001. The current vision for the City needs to be updated to incorporate the current vision and goals for the City of Toledo. The last update was intended to plan for the next 20 years and we are now past 2020.

The proposed update is a long process that will incorporate other ongoing efforts. The City recently applied for a Housing Needs Analysis (HNA) grant and the Yaquina Bay Estuary Management Plan update is ongoing.

Fiscal Impact:	Fiscal Year:	GL Number:
\$5,000	2021-2022	065-650-605270

Attachment:

1. Resolution No. 1475

**CITY OF TOLEDO
RESOLUTION NO. 1475**

A RESOLUTION OF THE TOLEDO CITY COUNCIL AUTHORIZING THE CITY OF TOLEDO TO APPLY FOR AN OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT GRANT TO UPDATE THE TOLEDO COMPREHENSIVE PLAN

WHEREAS, the Oregon Department of Land Conservation and Development is accepting requests for technical assistance grants; and

WHEREAS, eligible projects to improve planning include Comprehensive Plan updates; and

WHEREAS, the City of Toledo Comprehensive Plan is over 20 years old and the Toledo City Council has expressed interest in updating the Comprehensive Plan; and

WHEREAS, the City of Toledo desires to participate in this program as a means of providing assistance for the City of Toledo's planning needs; and

WHEREAS, updating the Comprehensive Plan correlates to the City Council's goals of promoting development of housing resources and lowering barriers for private development and promoting economic development; and

WHEREAS, the City of Toledo will complete an inclusive and robust community outreach program to ensure all Toledo citizens have the opportunity to participate in the update; and

WHEREAS, the City of Toledo has \$5,000 available in the Special Planning Services fund to provide a grant match.

NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:

Section 1. The City of Toledo formally requests grant funding from the Oregon Department of Land Conservation and Development to update the City of Toledo Comprehensive Plan.

Section 2. That this Resolution shall be effective immediately upon passage by the Toledo City Council.

That this resolution is hereby adopted by the Toledo City Council on this 22nd day of September, 2021.

APPROVED

ATTEST

Mayor Rod Cross

City Recorder Lisa Figueroa

September 7, 2021

David James Robinson
217 S Main St.
Toledo, OR 97391

Via email only: davidjamesrobinsonesq@gmail.com

PO Box 14021
Salem, OR 97309-5024
Voice: 503-378-2884
Toll-Free: 800-826-5675
Fax: 503-378-3137

Re: Edna Watson and Kenneth Watson
EAU No. 418757
Property Address: 873 NW Burch Lane, Toledo OR 97394

Dear James:

Thank you for your phone call on September 3, 2021. As we discussed, we understand that the City of Toledo has decided the best course for the property will for a private buyer to purchase the above captioned property from the heirs of the estate. As I understand it, the current proposed price would be approximately the amount of the tax lien and small amount of about \$1,000 to the heirs of the estate. This would also mean that a probate or small estate may needed to be opened in order transfer the property. EAU has no objections to this proposed value of the property and understands that EAU would not be paid on any of it's claim under that proposal. Given the value purported value of the property, EAU would not expect to be paid and would waive its claim. However, EAU would like to have notice of any probate proceeding and sale of the property in due course.

Please feel free to reach out if you have any additional questions.

Sincerely



Alexander Roome, Estate Administrator/Compliance Specialist 3
ODHS Estate Administration Unit
503-732-8139

December 3, 2020

David James Robinson
217 S Main St.
Toledo, OR 97391

Via email only: davidjamesrobinsonesq@gmail.com

PO Box 14021
Salem, OR 97309-5024
Voice: 503-378-2884
Toll-Free: 800-826-5675
Fax: 503-378-3137

Re: Edna Watson and Kenneth Watson
EAU No. 418757
Property Address: 873 NW Burch Lane, Toledo OR 97394

Dear James:

It was a pleasure speaking with you recently regarding this case. You have inquired whether or not EAU would assert its claim against the property of the above-named decedent after the City of Toledo condemns and takes the property.

ODHS/Estate Administration Unit is not pursuing a claim the Estate. To begin with, if there is a disabled child, we are barred from recovery. See OAR 461-135-0835. That is also based in the Federal law, 42 USC 1396p. The child would have to be disabled based on SSI criteria, and typically we would require proof. In this case, we won't need that because we wouldn't be pursuing recovery anyway, but to me that seems like a backstop to our recovery.

Sorry if any of this is repetitious, but I will try to be as broad as possible in describing why wouldn't pursue a claim in the estate:

As for us making a claim against the property after it's condemned – I don't believe we would be able to do that. Broadly speaking, the Department's right to recovery comes from ORS chapter 416, and the related OARs 461-135-0832, 0835, 0838, 0845. It means that we are recovering assistance paid from the broadly defined "estate" which includes both probate assets and non-probate assets (assets held WROS, life estates etc).

Typically, in case where there the estate includes real property and is still titled in the name of the deceased Medicaid recipient, ODHS hires a contract attorney to open probate, gather and sell the property in order to pay the claim. We decided against doing that here because the property value is low, has a large tax lien, there might be a disabled child, and the city might be condemning the property. My understanding of the probate statutes, including ORS 115.125, would place the Department's claim below both county taxes and condemnation by the city.

Also, from our discussion, it my understanding is that condemnation would not require a probate in order to be carried out. In that case, my belief would be that ODHS/Estate Administration Unit would be required to intervene in the condemnation case in order to assert its claim. We are not doing that in this property – as I stated above, we believe that both the county and the city would probably be paid in priority to us. Once the city has condemned and taken the property we would no longer be able to assert our claim because the property is no longer in the estate of the decedent. ODHS is only able to set aside transfers of property in certain circumstances, and a nuisance condemnation is not one of them.

David James Watson
Estate of Watson
12/3/2020

In any event, I do not see any way that EAU would assert a claim in this estate. We had already closed the file and determined that recovery was not worth pursuing, but I hope that this letter confirms that the city should move ahead with condemnation without worry of our claim.

Please feel free to reach out if you have any additional questions.

Sincerely



Alexander Roome, Estate Administrator/Compliance Specialist 3
ODHS Estate Administration Unit
503-732-8139