

**TOLEDO CITY COUNCIL
REGULAR MEETING**

January 5, 2022

6:00 p.m.

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m. electronically via Zoom in Toledo, Oregon.

Present	Absent	
<u>X</u>	<u> </u>	<u>Mayor Rod Cross</u>
<u>X</u>	<u> </u>	<u>Council President Betty Kamikawa</u>
<u>X</u>	<u> </u>	<u>Councilor Jackie Kauffman</u>
<u> </u>	<u>X</u>	<u>Councilor Rob Duprau</u>
<u>X</u>	<u> </u>	<u>Councilor Todd Michels</u>
<u>X</u>	<u> </u>	<u>Councilor Wade Carey</u>
<u>X</u>	<u> </u>	<u>Councilor Tracy Mix</u>

Staff present: City Manager (CM) Judy Richter, City Recorder (CR) Lisa Figueroa, Police Chief (PC) Michael Pace, Public Works Director (PWD) Bill Zuspan, Library Director (LD) Deborah Trusty, Fire Chief (FC) Larry Robeson, City Attorney (CA) David Robinson

2. PRESENTATIONS

Proclamation – January Human Trafficking Awareness

Mayor Cross read a proclamation and declared January as Human Trafficking Awareness Month.

Proclamation – Resolve to be ready; Emergency Preparedness

Mayor Cross read a proclamation and declared January as Resolve to be ready for emergency preparedness also.

The Council commented on the recent storm and Mayor Cross commented on the efficiency of Central Lincoln PUD in restoring power in the community.

3. VISITORS/PUBLIC COMMENT

There were no comments.

4. PUBLIC HEARING

Public Hearing: Consideration regarding the disposition and sale of City property; the Toledo Industrial Park

Mayor Cross opened the public hearing at 6:12 p.m. CA Robinson summarized the council report. He reviewed the disposal of standard developed City property per the Toledo Municipal Code (TMC) Section 3.12.060, which includes a public hearing, receive public comment and the Council must make two findings:

- That the property is not needed for public use
- If the sale of the property is in the public interest

CM Richter indicated the proposed offer is \$400,000 for Tax Lots 800 and 900.

Stephen Webster, 357 NW First, Toledo inquired whether the properties are located within the Urban Renewal District (URD) and whether there is any impact to those properties from the Enterprise Zone. The properties were identified as being within the URD and Mayor Cross noted a property owner has to apply for the Enterprise Zone exemption, it is not an automatic blanket exemption.

Travis Turner, owner of Travis Electric, said he made the offer. He said he plans to use it to expand his business to increase his staff.

Motion – It was moved and seconded (Carey/Michels) to close the public hearing and the motion carried unanimously.

Mayor Cross closed the public hearing at 6:26 p.m.

The City Council deliberated and it was clarified Tax Lot 700 is not for sale at this time. They reviewed the criteria listed in the proposed motion. They discussed the condition to convert the property to nonprofit or tax exempt.

CR Figueroa noted Mr. Turner had his hand raised to comment but the Council cannot accept any more public comments unless they re-open public hearing.

Motion – it was moved and seconded (Mix/Michels) to re-open the public hearing to hear from Mr. Turner and the motion carried unanimously.

Mayor Cross re-opened the public hearing at 6:32 p.m.

Mr. Turner stated he does not intend to convert the property to a nonprofit and was not interested in Tax Lot 700 because it was marshland and has a significant drop. He said he would like to negotiate a 15-foot easement to access the property he is interested in because it is land locked by other properties.

Motion – It was moved and seconded (Michels/Mix) to close the public hearing and the motion carried unanimously.

Mayor Cross closed the public hearing at 6:34 p.m.

The Council included a 15-foot easement through Tax Lot 70. A consensus of the Council agreed to condition the property to not convert to nonprofit/tax exemption for ten (10) years.

Motion – It was moved and seconded (Kauffman/Michels) The Council has determined that the properties identified in Lincoln County Tax Assessor Map as 11-10-18AA as Tax Lot 800 and Tax Lot 900 in the Toledo Industrial Park Property (TIP) are (1) “not needed for public use” and (2) that “the public interest may be furthered by offering for sale the TIP property.” Therefore, I move to offer for sale the TIP property Tax Lots 800 & 900 with the following conditions:

- Prohibition on the buyer converting the property to nonprofit/tax-exempt property for ten years

- Price: \$400,000.00 for Tax Lots 800 & 900
- The sale is authorized directly to the purchase inquirer
- Council notes that staff has already notified the Oregon Department of Transportation pursuant to the terms of ORS 271.310(3)(a)
- There is a deed restrictive covenant.

Tax Lots 800 and 900 carry a restrictive covenant as follows: The City of Toledo (and any successor in interest) shall not construct or operate, or permit or suffer the construction of or operation of a rock crushing, rock stockpiling or rock sales operation; or an asphalt manufacturing/processing business (including portable plants for a particular job) upon the property described above until December 31, 2060; except that the City may stockpile rock exclusively for its own use to maintain roads, but not for any other purpose.

- There is a deed restrictive covenant on Tax Lot 700, which is a wetland and landlocked. So there will be a 15-foot easement to the property.
- Notice of sale must be published for a minimum of two weeks.

The motion carried unanimously.

5. **CONSENT AGENDA**

Motion – It was moved and seconded (Kamikawa/Kauffman) to approve the Consent Agenda as presented and the motion carried unanimously.

6. **DISCUSSION**

Proposed Resolution; Mayor Cross

Mayor Cross recalled a presentation last year from the Lincoln County Water System Alliance. He said the proposed resolution is the first step to help the organization proceed. He said the City may be required to commit to some funding in the future, however he said it would benefit all of the communities within Lincoln County.

Motion – It was moved and seconded (Kauffman/Mix) to send the resolution to CR Figueroa to prepare the resolution for Council approval and the motion carried unanimously.

Ban on Fireworks

FC Robeson provided background information on the topic. He indicated the issue began last summer and is supported by a few other organizations to completely prohibit fireworks in Lincoln County. Mayor Cross noted the process to pass a resolution by January 1 is wrong and the Council could pass an Ordinance by emergency declaration. The Council inquired who would enforce the prohibition. FC Robeson said he does not support sending a volunteer to someone's house to enforce this kind of rule and confiscate materials. PC Pace said the police department does not have the staff to enforce a ban at this time. Mayor Cross and CP Kamikawa commented on the fact that many nonprofit organizations rely on the sale of fireworks for fundraising. After further deliberation, the Council requested staff bring back information in regards to the effects in other communities that have enacted such bans within the last five years and what fines exist before the Council considers making a decision. The Council considered and supported an educational campaign on the use of fireworks and its impacts on animals and veterans with Post Traumatic Stress Disorder.

Discussion in regards to holding a goal setting

CM Richter indicated the goals adopted last year were very thorough and suggested the Council hold a training instead along with discussion/planning to narrow the Urban Renewal District projects. The Council reviewed potential dates for and all day meeting and agreed to hold it on January 22.

7. DECISION ITEMS

There were no items for consideration.

8. REPORTS AND COMMENTS

CP Kamikawa reported Oregon received \$576 billion from the Infrastructure Plan and she indicated some of that money should be used on the railway along the coast and to improve Highway 101. She said there will be a hazardous waste collection day on July 30 at Dahl Disposal Services in Toledo. She said there will be a beach clean up after July 4 and volunteers are welcome. She announced SREUS will receive \$2 million dollars from a private investor to build a wastewater processing unit to in Toledo.

LD Trusty said the interior of the library was painted over the holidays.

PC Pace updated the Council on the current recruitment cycle and said the department will hopefully have new employees soon.

FC Robeson reported on the recent calls the Fire Department responded to. He commented on the recent rains and flooding that occurred in the City. He said the department will have a new employee, Daniel Morford who will handle equipment maintenance. He said Mr. Morford volunteers with the Siletz Fire Department and is known in the community.

CM Richter noted there was a project at Butler Bridge, which did not require Council approval because the quote fell within the City Manager's authority. She said PWD Zuspan was able to negotiate the costs down a little more however after some unforeseen circumstances, the cost increased to \$26,000. She said she just wanted to make the Council aware of the situation and the Council did not provide any comments. She said there are four openings on the Budget Committee and reported there are new employees with the City in Administration and Public Works.

CP Kamikawa commended the Public Works crew for the prompt response to her call about a fallen tree at Nye Park.

Mayor Cross commented on the stellar work of the City staff.

9. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Approve:

Attest:

/s/Mayor Rod Cross

/s/City Recorder Lisa Figueroa