

**TOLEDO CITY COUNCIL
REGULAR MEETING**

March 2, 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>X</u>	<u> </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> </u>	<u>X</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, City Attorney (CA) Mike Adams

2. PRESENTATIONS

Gravel Oregon announcement from Cycle Oregon

CM Richter indicated the representative from Cycle Oregon could not attend. She provided information about the cycle event that will be in Toledo May 20-22. She said they need volunteers for the various elements of event and provide a stipend to volunteers and indicated it would be a good opportunity for local community groups. Mayor Cross suggested the Council volunteer for one of the meals and donate the earnings to a local organization. She said she would send a copy of the events list to the Council for sign ups.

Interview individual interested in the Budget Committee

CM Richter introduced Kim Bush to the Council. The Council interviewed Ms. Bush for the Budget Committee and the consideration for the appointment was considered later in the meeting.

3. VISITORS/PUBLIC COMMENT

There were no comments.

4. CONSENT AGENDA

Minutes from the Work Session held January 26, 2022

Motion – It was moved and seconded (Kamikawa/Michels) to approve the minutes from the work session held January 26, 2022 and the motion carried unanimously.

5. DISCUSSION

Discussion regarding proceeds from cell tower lease, sale of Toledo Industrial property and American Rescue Plan Act funds

CM Richter indicated she placed this on the agenda for the Council to consider where the funds should be appropriated in next year's budget. She said some of the American Rescue Plan Act (ARPA) money has been spent but there will be another payment later in the calendar year. She said currently, the funds are in the General Fund or the Grant Fund, so they [Alivelim Holdings] are unrestricted, but can be allocated to other funds through the budget process. CP Kamikawa recommended infrastructure, housing and business rehabilitation, radio station and security cameras at the skate park and other locations. There was concurrence from the Council of the suggested list. The Mayor commented on the expansion of the dispatch upon completion of the new Public Safety Building for the purpose of it to be the main dispatch center for Lincoln County. CM Richter noted a five year plan from Public Works was included in the packet from the last meeting and the Council could use that for reference in consideration to allocate funds. Mayor Cross indicated to the Council to review the information and provide CM Richter with their allocation suggestions for discussion at the work session.

Consider participation in the RARE program for next fiscal year

CM Richter provided an update on a webinar she attended regarding the RARE program. She referred to the information included in the council packet. She indicated the City could use a lead in the ART Toledo, main street rehabilitation programs and community engagement. She said the program provides a graduate student for approximately 11 months, who would have access to the full resources from the University of Oregon. She said it would cost the City \$23,500 as a match for the program. There was a consensus of the Council to proceed with the application.

6. DECISION ITEMS

Consideration to appoint an individual to the Budget Committee

CR Figueroa noted the application indicates Ms. Bush has been a resident since June, but Oregon Budget Law does not specify a requirement for length of residency to serve on the Committee and she confirmed Ms. Bush is a qualified elector within Toledo. CM Richter stated Oregon Budget Law allows spouses of employees to serve on the Budget Committee.

Motion – It was moved and seconded (Kamikawa/Michels) to appoint the individual to fill a vacancy on the Budget Committee and the motion carried unanimously.

Resolution No. 1483, a resolution assessing the costs of the abatement and creating a lien against the property at 160 N. Main St. Toledo, OR

CA Adams presented the council report and said the Council held a public hearing on January 26, 2022 and determined there were multiple violations in accordance with Toledo Municipal Code Chapter (TMC) Chapter 8.20. He noted a judgement signed by Linn County Circuit Court Judge stated as of November 3, 2021 the contract between Alivelim Holdings and Paw Prints/Dustin Johnston is null and void and Alivelim Holdings was entitled to the possession of the building as of November 3, 2021. He said the City incurred some costs due to the abatement and referenced TMC 15.12.080, which indicated the assessment of the abatement costs shall be declared by resolution and entered in the docket of City liens and then shall become a lien against the property. He said a resolution was included in the packet for consideration.

William Fig, Partner- Chair of Attorneys, Sussman Shank LLP addressed the Council. Mr. Fig thanked staff for meeting with him and his client last week. He said he received a copy of the abatement summary and a tour of the facility from CA Adams. He stated they [Alivelim Holdings] are in the process of either him [Mr. Johnston] buying the building...and getting in the process of evicting him when they learned of the hearing in January. He referenced TMC 15.12.070, which states the Public Works Department can perform the abatement or put out for bid and questioned whether the City could impose costs from gas vouchers, fire vehicles or the police department; he argued they are not costs for work performed because they are not the Public Works department as referenced in the Municipal Code. He said there was some damage to several doors that were rammed open and stated there should be discussion between his client and the City in regards to the cost to fix those door frames. He asked the City Council for a future meeting to discuss the dangerous building designation in regards to the bowing of the wall and what level of engineering report the City requires because the costs could vary from \$5,000 to an extensive/expensive report.

Mayor Cross asked CA Adams for his opinion and CA Adams replied the discussion about the doors should occur at some point. Mayor Cross suggested staff consult with other municipalities and/or the League of Oregon Cities in regards to Mr. Fig's inquiry about costs assessed and a consensus of the Council concurred. Mayor Cross commented in regards to Alivelim Holdings taking possession of the building in November and did nothing for six weeks. He said as a building owner they should have taken steps [in this case] to evict Mr. Johnston and not have waited for the City to take action. He expressed disappointment that Alivelim Holdings wants to argue about money when they had time to evaluate the situation and do the right thing but instead; the City became the one to remove people in the middle of winter and find them places to stay.

Letter of intent/Contract Renewal; Sustainable Renewable Energy Utility Systems (SREUS)

Mayor Cross presented the report to the Council and indicated the previous letter of intent expired and the moving forward on the project with the state is proceeding very slowly. He the letter presented in the packet extends to the end of the calendar year. MA Adams asked if he could have time to review it. The Council indicated it is the same letter that was presented last year, which was reviewed by the interim City Attorney. MA Adams rescinded his inquiry.

Motion – It was moved and seconded (Kamikawa/Kauffman) to sign the letter of intent/contract renewal with Sustainable Renewable Energy Utility Systems and the motion carried unanimously.

Renew Lincoln County Mutual Aid Agreement

FC Robeson presented the staff report and referenced the agreement included in the packet. He said the agreement has not been updated in several years but noted the biggest change was to clearly define statements in regards to staffing/equipment when mutual aid is requested. He noted there is no reimbursement for the cities in the mutual aid agreement.

Motion – It was moved and seconded (Kamikawa/Michels) to approve the County Mutual Aid Fire Agreement and authorize the City Manager to sign the agreement and the motion carried unanimously.

7. REPORTS AND COMMENTS

FC Robeson reported on the department's activities including a recent shed fire. He said they held an event with the American Red Cross to install smoke alarms in houses for free. He said they made approximately 180 contacts, they installed 23 smoke alarms and plan to do it again.

PWD Zuspan provided an update to the Council. He said the department is working on the budget. He said there are some issues with Graham Tank and it is starting to fill itself but staff is assessing the situation and will continue to monitor it. He said there are several plant boxes at the maintenance shops available for businesses who want one.

LD Trusty said the Library partnered with Larry Adrian of the Oregon Coast Children's Theatre & Center for the Arts and displayed a slide of pictures that were made by community members at the Library. She said Judge Amanda Benjamin wanted to display 'Images of Hope' for families she sees in her courtroom. She said five of those pictures were selected and made into a mosaic mural. She said the Library will host a movie night for children to watch 'The Boxtrolls', the kids will have an opportunity to make their own Boxtrolls at the Crow's Nest Gallery and then they can share their Boxtrolls with the Greater Toledo Pool District for a free swim at the pool.

CA Adams said the Municipal Court Judge signed a judgement money order in the amount of \$56,000 against Dustin Johnston of Paw Prints. He said it included 9% interest from January 27, 2022. He indicated he will provide some information to the Council in a future executive session in regards to the hotel.

CM Richter announced there will be an event in mid-July called 'Holy Toledo' by a vanlife group. She said they intend to do a cleanup or community project while they are here. She said they expect 100-150 vehicles and approximately 250 people. She said they will be located on the Port of Toledo's Waterfront Park and Memorial Field.

CP Kamikawa said Solid Waste Advisory Committee will develop a brochure to list all the places people can take their trash or debris and code enforcement will be able to hand those brochures out. She said they will also provide a sample package of trash pickup equipment such as vests, grabbers, etc. to the Siletz Library for small groups that want to do trash pickup. She said it will be tested in Siletz first and then in Toledo. She said there will be a County event for Earth Day and more information will be provided when it is available. She said someone from the school district [Sarah Gibson] is collecting plant pots to start a program at the schools.

Mayor Cross asked the Council to look for grants that require matching funds to make improvements within the City.

8. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Approve:

/s/Mayor Rod Cross

Attest:

/s/City Recorder Lisa Figueroa