

**TOLEDO CITY COUNCIL
WORK SESSION
June 28, 2023**

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:03 p.m. also via Zoom in Toledo, Oregon.

Present	Absent	
X		Mayor Rod Cross
X		Council President Betty Kamikawa
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Kim Bush
		Vacant
		Vacant

Staff present: City Manager (CM) Judy Richter, City Recorder (CR) Lisa Figueroa, City Attorney (CA) Mike Adams, Police Chief (PC) Michael Pace, Fire Chief (FC) Larry Robeson, Community Outreach Specialist Katy Keuter

2. PRESENTATIONS

Presentation – Draft Drinking Water Protection Plan; Water Resources Consultant Suzanne de Szoeka

Water Resources Consultant Suzanne de Szoeka addressed the Council. She provided a summary of the Drinking Water Protection Plan and said the advisory group was able to develop several activities to protect its source waters. She said if the Council approves the draft plan, it will be sent to the Oregon Health Authority and the Department of Environmental Quality for review. She said they have already seen a preliminary report but may have some final revisions. The Council did not have many questions for Ms. de Szoeka and thanked her for her efforts on the report.

3. VISITORS/PUBLIC COMMENT

Cynthia George, citizen, addressed the City Council. She commented she did not understand why she was being taxed for the pool since it has not been in service for several months. She mentioned the Recreational Vehicle (RV) removal program and expressed concern, stating RVs will be disassembled at Dahl's Disposal Services location, which is located on a wetland. She said she hoped there will be an environmental study for the approved housing development.

4. CONSENT AGENDA

There were no items for consideration.

5. DISCUSSION ITEMS

Discussion regarding Street Lighting fee for fiscal 2023-2024

CM Richter presented the council report and said a few years ago at the suggestion of the budget committee, the street lighting fee was reduced by \$5 per month and the sewer base charge was increased by the \$5. She said recently, the Council considered reversing that decision and add the \$5 back to the street lighting fee and reduce the sewer base fee and staff is seeking direction on whether the Council wishes to increase the fee for fiscal 2023-2024. She said she could bring a

resolution back to the Council for a formal action. The Council deliberated and asked clarification questions in regards to the cost incurred by the City. The Council commented about not wanting to raise the fee this year but switching it back. Following discussion, the Council indicated they could raise the fee next year. CM Richter indicated she would bring a resolution back for the Council at the next meeting.

6. DECISION ITEMS

Refer draft Drinking Water Protection Plan to Oregon Health Authority (OHA) and Department of Environmental Quality (DEQ) for approval

There was no discussion from the Council.

Ms. George inquired whether the Council is in the process of acquiring a new water supply. Mayor Cross answered the City is not seeking any new water source.

Motion – It was moved and seconded (Bush/Kamikawa) to refer the draft Drinking Water Protection Plan to Oregon Health Authority and Department of Environmental Quality for approval and the motion carried unanimously.

Approve Intergovernmental Agreement for contract planning services

CM Richter summarized the council report and said Contract Planner Peterson has been working on the Comprehensive Plan. She noted one change to the contract, which would be made before she signs it, is the billing will occur monthly instead of quarterly.

Motion – It was moved and seconded (Kamikawa/Mix) to approve an Intergovernmental Agreement with Oregon Cascades West Council of Governments for contract planning and GIS Services and authorize the City Manager to sign the agreement and the motion carried unanimously.

Outdoor event application – Street closure request (City of Toledo/ART Toledo)

CR Figueroa presented the council report and indicated it is similar to the request made last year. She referenced the packet, which included the dates of the street closure request as well as the map. She said the street closure request would be for the day of each event from approximately 9:00 a.m. to 6:00 p.m.

Motion – It was moved and seconded (Kauffman/Kamikawa) to approve the street closure request for Art, Oysters & Brew as presented and the motion carried unanimously.

Consideration of street closure requests for Summer Festival parades

CR Figueroa presented the council report and referenced the materials included in the packet. PC Pace and FC Robeson did not have any concerns regarding the requests.

Motion – It was moved and seconded (Mix/Bush) to approve the street closure requests for the Summer Festival parades and the motion carried unanimously.

Resolution No 1522, A Resolution recognizing Grant Revenue and making appropriations for spending for Fiscal Year 2022-2023

CM Richter provided the council report and indicated the Library Department received a grant for travel and training. She said the resolution would recognize the monies received.

Motion – It was moved and seconded (Mix/ Kamikawa) to adopt Resolution No 1522, A Resolution of the Toledo City Council to recognize Grant Revenue and make appropriations for spending for the Fiscal Year 2022-2023 and the motion carried unanimously.

Ordinance No. 1411, an ordinance amending the Toledo Municipal Code related to recreational vehicle use as a temporary living quarter

CA Adams presented the council report. He said this is the second review by the Council. He reviewed the changes to the ordinance and noted the temporary use was reduced to one year by or six months if floodplain requirements were applicable.

Mayor Cross opened a public hearing at 6:34 p.m. and asked Council members for any declarations of ex parte contact or conflicts of interest. There were no declarations.

Mayor Cross opened the floor for comments and there were no comments.

Ms. George asked for clarification on the topic and CA Adams provided a summary of the use of recreational vehicles as a temporary living quarter.

After hearing no further comments, Mayor Cross closed the public hearing at 6:38 p.m.

Motion – It was moved and seconded (Kamikawa/Kauffman) to adopt Ordinance No. 1411 by title only, an ordinance of the Toledo City Council repealing Toledo Municipal Code Chapter 8.08 and Ordinance 1310, Section 1 (part), 2006, and Ordinance 1396, 2021; replacing with new Toledo Municipal Code chapter 8.08, recreational vehicle use as a temporary living quarter on privately owned property; and declaring an emergency and the motion carried unanimously.

Consideration of a permit to consume alcohol in public places; Elks Lodge

CR Figueroa summarized the council report. She indicated the permit was received late last week and it has not been reviewed by the police department yet. She noted Barry Bruster the applicant was available to answer any questions the Council may have. The Council had concern about restricting access to the residents on First Street. Mr. Bruster indicated there would not be any restrictions to those residences. CA Adams inquired whether any of the event would occur on city property and Mr. Bruster replied no.

Motion – It was moved and seconded (Mix/Bush) to approve the permit to consume alcohol in public places for the Elks Lodge and the motion carried unanimously.

Ordinance no. 1412, an ordinance regulating camping on public property by adding Chapter 12.28 to the Toledo Municipal Code and declaring an emergency

CA Adams presented the council report and provided background on the topic. He said the proposed ordinance would bring the City into compliance with state law. He said it was brought to the Council previously and reviewed the changes to the draft; deleted #17, the elementary school and modified #16, Head start because neither one is city property.

Mayor Cross opened the floor for public comment. Ms. George asked what the ordinance is about and Mayor Cross provided a summary of the ordinance.

Motion – It was moved and seconded (Kamikawa/Mix) to adopt Ordinance No. 1412 by title only, an ordinance of the Toledo City Council regulating camping on public property by adding chapter 12.28 to the Toledo Municipal Code; and declaring an emergency (title must be read twice) and the motion carried unanimously.

Ordinance No. 1413, an ordinance amending the Toledo Municipal Code related to the impoundment of vehicles, offenses against public decency and exclusions from public property

Mayor Cross opened the public hearing at 6:56 p.m. and asked the Council members for declarations of conflicts of interest or ex parte contact. There were none.

CA Adams presented the council report and indicated the Council reviewed a draft of the ordinance on June 23. He said the ordinance will remove urination or defecation in public places to create a workable situation for persons experiencing homelessness under current legal constraints of case law and ORS provisions.

Mayor Cross opened the floor for public comments and after hearing none, he closed the public hearing at 7:01 p.m.

Motion – It was moved and seconded (Kamikawa/Mix) to adopt Ordinance No. 1413, by title only an ordinance of the Toledo City Council regulating the impoundment of vehicles, offenses against public decency and exclusions from public property by amending Toledo Municipal Code; Section 10.08.06, amending chapter 10.24, deleting Chapter 9.08 and amending Section 12.20.040 and declaring an emergency (title was read twice) and the motion carried unanimously.

Mayor Cross stated for the record, “Please understand that under state law, it is still illegal to urinate and defecate in public. So there is still the ability to cite people under that, but because we are a city jurisdiction those abilities of a city government have been called into question by the court cases. So that’s why we are going this way, is to make it clear, not just for our police officers but also for our citizens.”

7. REPORTS AND COMMENTS

Ms. Keuter updated the Council on Art Toledo activities such as the teen mural walk, which had approximately 15 students. She reminded the Council Arts, Oysters & Brews is happening on the first Saturday of July.

FC Robeson said the department has received several calls in regards to fireworks and said he would like to include more outreach education in regards to fireworks.

PC Pace informed the Council on the status of Highway 229 designation for former Toledo Officer Gary Sumpter.

CR Figueroa noted there will be a resolution before the council to adjust the master fee schedule, however staff wants to wait until the newest ordinances presented by CA Adams are adopted to include any proposed fees.

CM Richter said City Manager candidate Doug Wiggins passed his background check and now CA Adams will negotiate a contract with him on behalf of the City Council.

Councilor Bush announced the police will host National Night out on the first Tuesday in August and encouraged everyone to attend. She said they are looking for raffle items and indicated people can donate items to the Police Department for the event.

Mayor Cross said it was an honor to attend the Senate presentation for the Gary Sumpter Highway dedication. He emphasized the need for funding for the public safety building as well as funding for arts within Toledo.

8. ADJOURNMENT

The work session adjourned at 7:25 p.m.

Approve:

Attest:

/s/Mayor Rod Cross

/s/City Recorder Lisa Figueroa