

REGULAR SESSION
March 1, 2017

Mayor Billie Jo Smith called the meeting to order at 7:00pm. Councilors present: Jerry Seth, Deanne Dunlap, Michele Johnson, and Council President (CP) Terri Strom.
Councilors excused: Joshua Smith and Jackie Kauffman.

Staff present: City Manager (CM) Craig Martin, Police Chief (PC) Dave Enyeart, Library Director (LD) Deborah Trusty, and City Recorder (CR) Nancy Bryant.

Visitors present: Jim Chambers, Bill Farley, and Callie Hair.

Visitors/Public Comment

There was no public comment.

Consent Calendar

Motion-It was moved and seconded (Dunlap/Strom) to approve the consent calendar consisting of the City Council minutes of February 7, 2017.

Motion passed 5-0, noting the absence of Councilors Joshua Smith and Jackie Kauffman.

Discussion and Information Items

Committee Updates

CM Martin reported that the Contribution Committee will be convening in March.

Mayor Smith noted that there is a vacancy for one citizen at large on the Contribution Committee.

Memorandum of Agreement-City of Toledo/Keep Our Pool Open (KOPO) Committee

CM Martin reported that staff and Councilors Seth and J. Smith met with KOPO members and have developed a proposed memorandum of agreement (MOA). He noted that the agreement is a not a binding agreement but rather a letter of intent to consider with the board directors of the Greater Toledo Area Recreation District, if the district is formed. He noted items identified: assets, building, and consideration for city support in water and sewer services.

CM Martin stated that the document will be used as a framework for a more formal intergovernmental agreement between the City of Toledo and the Greater Toledo Area Recreation District if it is formed.

Mayor Smith noted that the document presented is not the most current draft.

Mayor Smith called for a short recess at 7:05pm. CM Martin retrieved the corrected draft for Council's review. The meeting resumed at 7:10pm.

Council agreed that the City's reserve funds should not be designated in the MOA as the amount that is currently in the Fund account.

Council then agreed to make a formal decision regarding the MOA at its March 15th meeting.

Decision Items

Pro-Tem Municipal Court Judge Services

CM Martin reported that the City's contract with the Municipal Court Judge imposes the obligation on the Judge to nominate two to three Pro Tem Municipal Court Judges. It requires that all persons nominated shall be members of the Oregon State Bar in good standing and once appointed shall exercise the same functions, duties, powers and responsibilities as the Municipal Court Judge. It also provides that the Judge shall endeavor to rotate pro tem services evenly amongst the pro tem pool, and further will instruct them concerning procedures and customary sentences in order to promote uniformity to the greatest extent possible.

CM Martin noted that Judge Demarest has forwarded the names of Jennifer Nash, Heidi Sternhagen, and Gerald Waite. All nominated meet the qualifications and are willing to serve as Pro Tem Municipal Court Judges in the Toledo Municipal Court.

Mayor inquired if all three nominations are from the valley area. CM Martin confirmed. She noted that it would be nice to add an additional pro-tem from the local area as well. CM Martin stated that the contract requires that the judge appoint. Councilor Johnson noted that she prefers only the three nominated.

Motion- it was moved and seconded (Strom/Dunlap) to appoint Jennifer Nash, Heidi Sternhagen and Gerald Waite to serve as Pro-Tem Municipal Court Judges as recommended by Toledo Municipal Court Judge Joan Demarest.

Motion passed 5-0, noting the absence of Councilors Joshua Smith and Jackie Kauffman.

Resolution Recommending Restoring Recreational Immunity Rights

CM Martin reported that the League of Oregon Cities (LOC) Board of Directors has adopted four legislative priorities for the 2017 session. One is the restoration of full recreational immunity. ORS 105.682 provides that landowners in Oregon are immune from civil liability in the event a person is injured on their property provided that they were recreating (or gardening, woodcutting, or harvesting special forest products) and that the property owner did not charge a fee for access to their land. However, the Oregon Supreme Court has ruled that the employees or other agents of the landowner may be liable if a person is injured as a result of their actions. For public agencies that are required to indemnify and defend their employees against such claims, recreational immunity has been stripped away. Without effective recreational immunity, cities will expose themselves to unwarranted risks if they expand recreational opportunities in their community. Indeed, some have been forced to close parks. Oregon's recreational opportunities are utilized to a high degree by its citizens, contribute to quality of life and should not be compromised by the possibility of such lawsuits.

CM Martin stated that staff recommends that Council move to adopt Resolution No. 1389.

Motion-it was moved and seconded (Seth/Johnson) to adopt **Resolution No. 1389**, A Resolution of the City of Toledo Recommending Restoring Recreational Immunity Rights.

Motion passed 5-0, noting the absence of Councilors Joshua Smith and Jackie Kauffman.

Reports and Comments

Department Reports

LD Trusty distributed a community survey from the Library staff and Library Board of Directors.

City Manager Report

CM Martin reported the following:

- Public Works crew are working on weather related issues, surveying pot holes, drainage issues and wastewater treatment plant compliance regulations.
- Public Works duties have been taking a fair amount of his time. He hopes to get a Public Works Director hired soon.
- He has tentatively agreed to have the City host a Small Cities Regional workshop on May 5th in Toledo. He will notify Council when the agenda is created.
- He attended the City County Insurance Services (CIS) conference as well as PC Enyeart, CR Bryant, and CA Adams. The City of Toledo received an award for its twenty five (25) years of continuous membership in the CIS property and casualty trust from 1992 to 2017. He noted that the cost for Property and Liability insurance is increasing and the Employee Health Benefits are seeing small increases for next year.

Council Comments

Councilor Seth reported that he recently sat in on a Toledo Municipal Court proceeding. He complemented Officer McCandless for being well informed and presenting himself well in court. He also noted that the Judge and Court Clerk are doing an outstanding job and that court is running smoothly.

Councilor Strom asked about recent stolen vehicles in Toledo. PC Enyeart stated that the department found each of them on the day that they were stolen. CM Martin noted that it is important to think about what is in your car to prevent personal items being stolen.

Councilor Johnson asked if something has been done regarding a roadway repair request at Emerald Court made by Jack Dunaway. CM Martin stated that he has looked at the area and has been unable to contact Mr. Dunaway.

Mayor Comments

Mayor Smith commented the following:

- She attended a Yaquina Bay Economic Foundation (YBEF) meeting. Newport City Manager Spenser Nebel presented the visioning program for the Greater Newport Area.
- “Chat with the Mayo”r this month is at the Timbers Restaurant on Wednesdays from 8am to 11am.

Mayor Smith called for a brief recess at 7:54 pm and announced an executive session will follow according to ORS 192.660(2) (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

She then made the following statement: “Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations of the executive session except to state the general subject session as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room.”

Executive Session:

Council resumed in executive session at 7:56pm.

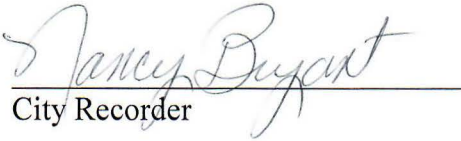
In attendance: Mayor Smith, Council members Seth, Johnson, Dunlap, and Strom, CM Martin, PC Enyeart, CR Bryant and Callie Hair of the Newport News Times Newspaper.

CM Martin provided an update on a potential real estate purchase by the City of Toledo.

Adjournment:

The group returned to regular session and Mayor Smith adjourned the meeting at 8:07pm.

ATTEST:


City Recorder

APPROVE:


Mayor