Toledo City Hall
Council Chambers

WORK SESSION
July 11, 2017

Mayor Billie Jo Smith called the meeting to order at 6:16pm. Councilors present: Jerry Seth, Joshua Smith, and Deanne Dunlap, and Council President (CP) Terri Strom.
Councilor Seth left the meeting at 7:32pm.
Councilors excused: Michele Johnson. Jackie Kauffman.

Staff present: City Manager (CM) Craig Martin, Police Chief (PC) Dave Enyeart, Fire Chief (FC) Will Ewing, Finance Director (FD) Polly Chavarria, City Recorder (CR) Nancy Bryant, City Attorney/Planner (CA) Mike Adams and Library Director (LD) Deborah Trusty.

Visitors present: No visitors present.

Visitors/Public Comment

There was no public comment.

Discussion and Information Items

Committee Updates

There were no committee updates.

Ordinance Review- Ordinance No. 846 Establishing a Public Library

CM Martin explained that LD Trusty has reported that it has been difficult to fill vacant Library Advisory Board positions. She is requesting a change in the membership from one member that can reside outside the city to two members that can reside outside the city. LD Trusty noted that the Library Advisory Board has two vacancies and those who have been suggested to serve reside outside the city of Toledo. She noted that since the Toledo Library is included in the Lincoln County Library District perhaps it would be appropriate to include one more non-resident who may reside within the Library District boundaries.

Council and staff discussed the Lincoln County Library District's funding formula as well as options for making changes to the Library Advisory Board membership.

CA Adams noted that the Oregon State Statute dictates that the library board membership may be made up of no less than five members and no more than fifteen members.

CM Martin suggested that the city's library board membership could be changed to say three of the five members of the library board shall be residents of the City of Toledo and the remaining two may be either a resident or non-resident of the city.

CA Adams stated that a city ordinance may list a range of members instead of a specific number. CM Martin asked if Council is interested in the range as opposed to a specific number.

Councilor JSmith asked if the board members provide volunteer services to Library operations. LD Trusty answered affirmative and she noted that past board members have represented the library at local events.

Mayor Smith suggested that there could be as many as seven members with a stipulation that if there are five members, two may be non-residents and if there are seven members, three may be non- residents. CM Martin noted that it can be clarified to say no less than five members and no more than seven members of which four of the seven members shall be residents of the city and the remaining two or three can be non-residents.

Council and staff discussed ways to expand the city's library services.

Capital Expenditures

CM Martin reported that there have been questions regarding some of the proposed expenditures as adopted in the 2017-2018 Fiscal Year budget and how those expenditures came forward in the current budget.

Mayor Smith stated that she is concerned that there is a projected minus in the city's budget, in not too many years, and Council made a big choice to remove the Swimming Pool to prevent that from happening. She said, now that the city is reducing that expenditure it needs to make sure that the way it uses that money meets the Council priorities in the future. She then noted that the two expenditures in the current fiscal budget that concern her are: one; an additional reserve transfer in the Fire Department in the amount of $20,000 for a tower that the city might need in the future and two; the reserve transfer for a Property Maintenance Building. She said the city needs to hold the line.

FC Ewing noted that other local city fire departments are being subsidized to put three firefighters in an engine. Toledo has fifty fire volunteers and it is not doing that. Mayor Smith stated that maybe the city needs to look to the district to pay more. FC Ewing noted that the city gets $.90 of the Toledo Rural Fire Protection District's $1.05 per thousand millage rate. Mayor Smith stated that she is not interested in opening negotiations with the Fire District.

Mayor Smith then stated that she does not believe the city should be putting an additional $20,000 away for the tower. FC Ewing explained that the city is currently housing its radio equipment on a tower at the Water Plant. This is an approximately fifty year old device. The city has often discussed contracting dispatch services to other local agencies but the city does not currently have the capability to move forward with the equipment that it has. A new tower can provide the expanded radio wave propagation.

Mayor Smith said she believes that an option to expanding the radio could be the use of the tower currently owned by AT&T. FC Ewing noted that leasing a space on the AT&T tower will need more research because it is not certain that the altitude will be great enough to meet the city's expansion needs.

CM Martin noted that the city has been approached about a perpetual lease of the property that the AT&T tower is located on.

PC Enyeart noted that the expenditure for the tower is planning for the future. He stated that the current tower is going to fail someday and we will not have an Option B if we don't plan for it. He noted the Fire Department saves for a fire engine, the Police Department saves for a patrol vehicle and together the departments are saving for a radio tower.

FC Ewing noted that Council can remove the $20,000 but the discussion will need to be had about whether the city wants to market the dispatch service. He said that having our own dispatch center is the right way to go and expanding could provide a new revenue stream.

Mayor Smith suggested reducing the transfer for Police and Fire vehicles by $2,000 each year and use that for the tower. PC Enyeart noted that the amount of funds transferred to the reserve for vehicle replacement is the amount determined appropriate to replace vehicles that have become more costly to operate because of age and mileage.

Councilor Strom asked if the city continues on this path, at what point do you say what's got to go. Mayor Smith said the city could go for grants.

CM Martin distributed copies of the finance department's worksheets for replacement of capital expenditure items which has been used to keep track of the reserve funds in the city's budgets. He noted that items have been shifted to future purchases in the worksheets when anticipated grants don't get awarded. FC Ewing noted that the department explores all cost saving measures to keep cost down including writing many grants that have been awarded for equipment.

Council and staff discussed options for funding the city sewer improvements. FD Chavarria noted that during the budget process, in an effort to raise funding for sewer improvements, she proposed eliminating the street lighting fee with an increase of the same amount to the sewer flat rate which would not affect the city water customer's bill. She noted that the street lighting fee would then be subsidized in its entirety by the general fund which reduces general fund revenue. FC Ewing noted that there needs to be a long term solution.

Mayor Smith stated that she would like the funds saved by closing the municipal swimming pool this fiscal year to stay in the general fund to give Council more of a choice of spending it on what it sees as priorities. FD Chavarria noted that there was $60,000 in savings from the swimming pool. All of the $60,000 went into the undesignated building transfer which has been earmarked for the purchase of the Columbia bank building.

Mayor Smith noted that she is having a problem with the funding reserved for a Property Maintenance Building. FD Chavarria noted that the city has been saving for approximately eleven years for the Property Maintenance Building construction project. Mayor Smith noted that she was unaware that this is something that the city has been saving for. FC Ewing noted that the project is a need for the department as opposed to a want. CM Martin noted that the city's building facilities plan indicates that the current structure is too small to house the grounds maintenance shop.

CP Strom stated that this discussion has covered her concerns.

FD Chavarria noted that it might be helpful for Council and staff to have a discussion at a work session regarding the specific budget goals that Council wants to achieve. Having that discussion and direction from Council would be helpful to staff when preparing the next fiscal year budget. She noted that this year Council has sent mixed messages by agreeing to purchase the Columbia Bank building while sending a strong message that sewer improvements are its number one priority. She stated that the purchase of the bank building detracts from funding sewer improvements. She noted that without the clear communication between Council and staff regarding major decisions, it is confusing for staff to know what Council's priorities are.

CP Strom noted that when the purchase presented itself, Council was not considering about taking funds from the sewer projects. She does not think that it is related at all to that. FD Chavarria noted that Staff has discussed it a lot at staff meetings. CM Martin noted that he presented the purchase recommendation and funding plan to staff and that he said the city has the money to buy the building but it doesn't have the ability to renovate it. He said the recommendation is to not request a bond to fund the purchase because a bond might be needed for sewer improvements. He said that he thinks there needs to be more discussion off-line or out of the Council Chambers on how that one is potentially restricting the sewer.

Mayor Smith noted that she sat through Council meetings before taking office and listened to the previous Council consider purchasing the building for a lot more money and then finally deciding no. She said that the purchase is in the facilities plan and it is an opportunity that the city needs to take. She stated that it doesn't need to be remodeled immediately and if the city never is able to renovate the building it can lease it. She said it is a good deal and an amazing property. She said it is not that Council has changed its mind about the sewer being the number one priority but it is an opportunity that Council should take advantage of and then look at where the funding will come from to do this but also keep sewer at the top priority.

Mayor Smith stated that she appreciates the discussion and it has helped. Councilor Dunlap stated that she is glad for what she has heard during this discussion.

Council agreed that they would like to have more discussion with staff about budgeting priorities before the department heads start to work on the budget for the next fiscal year.

Interim City Attorney Recruitment

CM Martin stated that the CA Adams has not received his military deployment orders but he anticipates that it will be soon. His plan for recruitment of a temporary City Attorney is dependent on when CA Adams leaves. Funding the temporary replacement will be used from the savings while CA Adams is away.

Mayor Smith stated that she talked informally with Attorney Paul Osterlund regarding an attorney service contract for the interim period. She asked for Councilor input regarding negotiating a contract with Attorney Osterlund or looking at other options. Councilors Strom, Dunlap and Smith all agreed to move forward with a potential service contract with Attorney Paul Osterlund.

Council requested that CA Adams draft a contract to negotiate temporary attorney services with Attorney Paul Osterlund.

Swimming Pool Transition/IGA Development

CM Martin reported that the Greater Toledo Recreation District Board of Directors is now official and they will want to meet soon to negotiate an intergovernmental agreement. Councilor JSmith and CP Strom both agreed to work with staff and district representatives to negotiate a jurisdictional transition agreement.

Management Review Findings and Recommendations

CM Martin distributed a Management Review Findings and Recommendations Report issued by MK Consulting. He noted that the report has been distributed to the staff members who participated in the review process. He said that the report includes some recommendations that he will be discussing with Council. He said that he believes that some of the recommendations will involve the expenditure of money.

City Council Enhancement and In-Kind Services Policy Review

CM Martin reported that this policy was last revised in 2015; adding a recipient reporting component. He suggested that Council take a look at the policy and decide if it should be revised to consider changes that members of the contribution committee have recommended. Council agreed that it would like time to review the policy.

City Facility Policy

CM Martin reported that LD Trusty is working on a policy to consider under what conditions someone would be disallowed from use of the Library facility. He said that Council will be asked to bless a policy making a statement. LD Trusty stated that it would behoove the Council to know that the Library in Newport has hired security because of issues of patrons sleeping, eating and camping out at the library. She said that she has done a lot of research on Library's all over the State and beyond about what people are doing to try to address this. She said that she would like to be proactive about it before it becomes bigger than what Toledo has experienced so far. She noted that the Library needs the ability for the employees and patrons to feel safe. She said that currently there is no way of guaranteeing that.

CA Adams noted that this will be a policy decision from the governing body which will provide discretionary immunity which the city would not have if it was just one city employee making the decision.

PC Enyeart noted that the Toledo Municipal Code already provides policy to authorize the city to exclude persons violating applicable laws from specific public places where such conduct is violent or disruptive of activities, events, or the normal conduct of business.

CM Martin stated that he believes it incumbent that the city identify, through facility policy, what is normal conduct of the business of the Library.

PC Enyeart noted that he wants Council to know that there is already an ordinance that covers this issue and includes all city facilities including buildings and parks. The ordinance also covers the appeal process and application for waiver.

In answer to Council question LD Trusty said that ultimately it will be her to confront this person and she would like to know that she is on solid ground when she tells someone to leave and stay away from the facility. PC Enyeart noted that it should be an Officer who deals with removing patrons. LD Trusty believes that the current code provisions will be challenged.

CM Martin stated that the proposed policy will also include allowable materials that can be brought into the library facility.

Mayor Smith stated that staff can fluff the other library solutions to be policies; put one together that will build on the city ordinance but specifically for the Library so that if someone comes in they can be handed a policy that is clear to them what is good and acceptable to stay in the Library. She said that she doesn't like the term "disrupting the regular business" because that can be misused as well as useful.

LD Trusty noted that the rules of conduct are posted near the door of the Library but patrons do not stop and read them before they come in. She also noted that children under the age of ten are not welcome to stay in the library while unaccompanied.

FC Ewing announced that the City Hall roof replacement will begin next week and it will cause some area parking restrictions.

Additional Council Comments

Councilor JSmith asked for a status on the Oregon DEQ regulatory sanctions; what are the conditions and cost of potential fines. PWD Adams reported that the agency has not told the city how much the fines will be. It is predicated on past violations and as well as a formula that the agency uses. He noted that he will be shocked is the fine is more than $5,000 total. He stated that the city needs to stop the violations but that the violations have to do with long term expensive fixes. Staff has relayed to DEQ that the city is interested in entering into a mutual agreement and order to come to a long term solution. DEQ will be providing guidelines for the city's proposal. With the agreement will come the State's acknowledgement in writing that the city is liable until it completes the long term solution but that violations that occur before the term will be relieved of additional fines.

CP Strom asked about paving Graham Street. PWD Adams stated that paving on Graham Street should begin tomorrow.

Mayor Smith read a resignation letter, effective immediately, from Councilor Seth who left this meeting at 7:32pm.

City Manager Comments

CM Martin reported that he will be out of the office tomorrow through Friday.

Adjournment:

Mayor Smith adjourned the meeting at 9:21pm.

ATTEST:	APPROVE:
Nancy Bryant	Billie J Smith
City Recorder	Mayor