

**TOLEDO CITY COUNCIL
REGULAR MEETING
206 N Main St, Toledo, OR 97391
December 18, 2024**

CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m. also via Zoom in Toledo, Oregon. Mayor Cross confirmed a quorum was present.

Present	Absent	
<u>X</u>	<u> </u>	<u>Mayor Rod Cross</u>
<u>X</u>	<u> </u>	<u>Council President Kim Bush</u>
<u>X</u>	<u> </u>	<u>Councilor Jackie Kauffman</u>
<u>X</u>	<u> </u>	<u>Councilor Tracy Mix</u>
<u> </u>	<u>X</u>	<u>Councilor Frank Silvia</u>
<u>X</u>	<u> </u>	<u>Councilor Jackie Burns</u>
<u>X</u>	<u> </u>	<u>Councilor Stu Strom</u>

Staff present: City Manager Pro-Tem (CM) Amanda Carey, City Recorder (CR) Lisa Figueroa, City Attorney (CA) Mike Adams, Police Chief (PC) Michael Pace, Interim Fire Chief (FC) Ryan Harris, Library Director (LD) Harrison Baker, Dispatch Supervisor (DS) Katie Pimentel

PROCLAMATIONS/PRESENTATIONS

Presentation – Veterans of Foreign Wars (VFW)

Jim Buisman from VFW Post 4227 presented to recognize a member of the Toledo Police Department. He explained that the VFW has a program to recognize first responders who protect and serve the community. Mr. Buisman noted that normally these presentations occur in the spring, but the program timing has shifted to fall. He clarified that the VFW does not select the recipient; rather, the selection is made by the police chief and leadership team.

This year's recipient was Detective Dalynn Schenholster. Mr. Buisman presented a certificate to the detective and a plaque that will be displayed at the police department to recognize current and future officers.

Proclamation – Oregon State University community garden update

Heather Tower, 4-H Program Coordinator for Lincoln County, provided an update on the community garden near the skate park. She explained that the garden is managed by Randy Whites through a 4-H club in Toledo. Ms. Tower requested approval of an addendum to extend their contract with the city for another year, as the current agreement expires on December 31.

Ms. Tower reported that the garden has been active in the spring, producing food that is distributed to the local community. She mentioned plans to work with Randy to apply for grant funding to install a greenhouse and additional fencing to keep wildlife out. They also plan to improve signage to better identify the garden as a 4-H project and provide contact information for the public.

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VISITORS/PUBLIC COMMENT

Council President Bush addressed the audience regarding an issue that many attendees had come to discuss. She explained that while the council wants to hear from the public, some matters are confidential, and council members are legally restricted from commenting on certain topics, particularly personnel matters. She asked for patience and understanding, noting that the council's inability to answer some questions is not due to a lack of transparency but rather legal constraints.

Mayor Cross echoed these sentiments, stating that when he has had to say "no comment" to citizens who have reached out to him, it has been difficult but necessary due to legal restrictions.

City Manager Pro Tem Carey read an email from Amber Brown, a Toledo resident of 36 years, who expressed concerns about the fire department situation. The email asked why volunteers were discharged without notice, questioned the appointment of an interim fire chief with limited experience, and asked about the city's long-term plans for the fire department.

City Manager Pro Tem Carey responded to what she could, stating that one staff person and one volunteer are on leave pending an HR complaint and third-party investigation. She emphasized that personnel matters cannot be commented on publicly. She praised Interim Fire Chief Ryan Harris for stepping up in a difficult situation and doing a "fantastic job." She stated that the city's goal is to maintain a combination department of both paid staff and volunteers, noting they currently have 28 members (2 paid staff and 26 volunteers).

Edna Ammons addressed the council, stating that nine high-ranking fire department personnel had walked off the job because an interim fire chief with only about three years of experience had been appointed rather than someone with more experience. She mentioned that one of these individuals had 35 years of experience and had previously covered for the fire chief for six months when he was injured.

Cara Ammons spoke via Zoom, identifying herself as a citizen with 12 years of experience as a Toledo dispatcher and experience as a volunteer firefighter/EMS. She expressed concerns about lack of transparency, claiming more than just one or two volunteers had left due to harassment by the training officer, belittling of volunteers, and favoritism. She also expressed concern about the police department losing its dispatch center and questioned the police chief's decisions. Ms. Ammons stated that volunteers who went on leave were "discharged" without notification on DPSST (Department of Public Safety Standards and Training) records.

Krystal Sjostrom spoke via Zoom, questioning why certain information about grievances was being shared with some staff members if personnel matters cannot be discussed publicly. She said she had been with the fire department for six years and had never seen it in such a state. Her husband, Kameron Sjostrom, also spoke, stating he had been with Toledo Fire Department for eight years and lived in Toledo for 33 years. He said the atmosphere at the fire department had declined over the last 2-3 years, which he attributed to Shannon Brecik joining the department.

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He stated that he went on leave due to the change in leadership, and would not feel safe returning if Ryan and Shannon remained.

Cheryl Duprau, a former Toledo Fire volunteer of 12 years, spoke about the dedication of volunteers who serve without a paycheck and questioned what would cause someone with 35 years of service to leave. She suggested the Oregon State Fire Marshal might be able to provide resources to help with the transition, noting that an interim chief needs to understand resource management, budgeting, and deployment strategies, especially with potential dispatch changes.

Barry Brewster expressed concern about fire department leadership, stating that while he likes Ryan and Amanda personally, he believes Ryan is not qualified to be fire chief based on conversations with training officers from other departments. He questioned whether the city had reached out to special districts to get an interim fire chief or to the League of Cities for an interim city manager.

CONSENT AGENDA

None.

DISCUSSION ITEMS

Discuss a joint draft Request for Proposals with the Greater Toledo Pool and Recreation District to replace the pool and build a community center on city-owned property

City Attorney Mike Adams combined these two related items. He explained that about seven years ago, the city agreed that if voters approved a separate taxing district for the pool, the city would lease the pool to that district. The draft Intergovernmental Agreement (IGA) in the packet clarifies roles and responsibilities between the city and the Greater Toledo Pool Recreation District for construction of a community center and replacement of the pool.

Mr. Adams stated that under the IGA, the city would contribute up to \$3.8 million to the project, with the urban renewal district using tax increment financing to pay back the loan. The IGA puts management of the RFP and contracting process on the pool district rather than the city.

Peter Vince, Vice President of the Greater Toledo Pool Recreation District, reported they have made significant progress with their plans to replace the pool and establish a community center in partnership with the city. He said they have completed the conceptual design process with architectural firm Scott Edwards and are ready for the next steps. They plan to send out the RFP around February 1, with construction potentially beginning in fall 2025. He noted the current pool was built in the late 1940s and staff has worked diligently to maintain it.

Roy Kinyon, President of the pool board, elaborated that when the pool district received lottery funds exceeding \$3 million, the funding was designated for a pool and community center. He explained that the district is responsible for the pool construction while the city's help is needed for shared facilities like offices, locker rooms, and changing areas. He mentioned they are looking to secure an additional \$1.5-2 million in the next six months. Mr. Kinyon noted that the pool would be non-functional for over a year during construction.

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Councilor Bush expressed concern about the city's financial ability to commit to the project at this time due to unanticipated challenges. Councilor Strom suggested revisiting the issue in January or February when more information would be available about the city's financial situation.

Mayor Cross noted that within the next 10 days, the city expects to receive critical information regarding city operations that will clarify their financial position. He stated that while he personally favors the project, this other financial matter needs to be addressed first. He suggested the pool district proceed with their RFP process in the meantime, as the earliest the council could make a decision would be January 8.

Mr. Kinyon reminded the council that their lottery funds will expire in April 2026.

Update regarding the Toledo Dispatch Center

City Manager Pro Tem Carey provided an update on critical staffing levels at the Toledo dispatch center. She presented data from the National Association of State 911 Administrators showing nationwide staffing challenges, with an average vacancy rate of 25% across the country from 2019-2022.

She reported that Toledo's dispatch center is down to only three dispatchers, which is not feasible to maintain 24/7 service. She, Chief Pace, and dispatch staff have been working with the Oregon Department of Emergency Management (OEM) to navigate a path forward and are in talks to transition dispatch services to another agency, Willamette Valley Communication Center (WVCC).

Ms. Carey presented comparative data showing that Toledo operates the smallest dispatch center in the area. She displayed a map showing that WVCC already covers the surrounding areas around Toledo, making them a logical choice for consolidation. Benefits of consolidating with WVCC include improved interagency communication, enhanced emergency response times, and access to better technology like text-to-911 service.

Katie Pimentel, Communications Supervisor, explained that they had been operating with four staff members but lost one employee who quit without notice. She reported working 100 hours of overtime in November and expecting 90 hours in January, with the other two dispatchers also working substantial overtime. She noted they don't have the capacity to train new hires under these conditions.

Mayor Cross expressed concern about WVCC's familiarity with Lincoln County locations, noting his personal experience with dispatchers not recognizing local landmarks. Ms. Pimentel acknowledged this challenge but mentioned that the new agency uses Phase 2 mapping technology that provides GPS coordinates for cell phone calls. She offered to help WVCC learn the area if the transition occurs.

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Barry Brewster noted that when he worked for the Lincoln County Sheriff's Office, dispatchers from WVCC would do ride-alongs to learn key locations and landmarks.

Cheryl Duprau expressed concern about the timing of this change given the other issues with emergency services and questioned whether the rural fire district had been consulted, particularly given spotty cell service in outlying areas.

Councilor Strom noted the financial reality that many small communities can no longer afford their own dispatch centers, but emphasized this doesn't mean the city will compromise on safety. Ms. Carey stated that she would bring more detailed information about dispatch, including contracts and costs, to the first council meeting in January for a more in-depth discussion.

Discuss an Intergovernmental Agreement with the Greater Toledo Pool and Recreation District

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Citizen letter received by Council members

Mayor Cross shared that he had received an anonymous letter titled "The Brown Roundup Part 1" from a fake post office box in Otis. The letter discussed plans to identify and target people of Hispanic descent, suggesting readers take down license plate numbers and make and models of cars as people exit churches, Walmart, and other locations.

Mayor Cross expressed his strong objection to the letter, stating "This is not America. This is not who we are." He emphasized that America has historically been a place where people from all backgrounds come seeking opportunity and sanctuary from oppression. He noted that Milwaukie, Lincoln City, and councilors in Coos Bay and North Bend had also received these letters.

Council President Bush suggested the council make a declaration or statement at the next meeting. She recalled that in the past, when there was unrest in the country, the council had declared that Toledo would not tolerate this kind of behavior toward people in their community. She emphasized that Toledo residents accept people for who they are.

Councilor Strom mentioned the "Toledo incident" of 1925, when people were rounded up and shipped out of town because they were going to "take jobs away." She stated that her spouse's great-grandfather took years to live that down, and she would never want to see that happen again.

City Manager Pro Tem Carey noted it's coming up on the 100-year anniversary of the Toledo incident and suggested thinking about how to honor and be inclusive for the upcoming year rather than giving attention to the anonymous letter writer.

Michelle Becker, speaking online, mentioned that Corvallis for Refugees is bringing in 40-50 individuals with refugee status in the next month and is looking for donations and assistance.

Andrew Keating, City Council-elect, noted that the letters appeared to be specifically targeting council members and mayors in Lincoln County. He emphasized Toledo's welcoming nature,

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pointing to the "Toledo welcomes you" signs at the city entrance. He expressed concern about the letter's encouragement of tracking and reporting people, which could lead to racist calls overwhelming emergency services.

DECISION ITEMS

Approve an agreement addendum with Oregon State University for a community garden
City Manager Pro Tem Carey explained that this was the addendum to the garden agreement with Oregon State University that Ms. Tower had discussed earlier in the meeting.

Moved by Councilor Mix, seconded by Councilor Bush to approve the amendment of Oregon State University Cooperative Extension for the community garden as presented. Motion carried 6-0.

Consideration to re-appoint an incumbent to the Planning Commission

City Manager Pro Tem Carey presented an application from incumbent Planning Commission member Ricky Dyson, whose term expires at the end of the year. She explained that traditionally when an incumbent member wishes to continue serving, they submit an application but are not typically interviewed by the council.

Mayor Cross provided background information on Mr. Dyson, noting he is originally from New Zealand, worked in academia in Utah, and then moved to Toledo where he has been volunteering ever since.

Moved by Councilor Kauffman, seconded by Councilor Mix to reappoint Ricky Dyson to the Planning Commission. Motion carried 6-0.

Accept a grant agreement with the Oregon Parks and Recreation Department for a Parks Master Plan

City Attorney Adams explained that the city applied for and was awarded a grant for a Parks Master Plan, which they currently do not have. The plan would develop a long-term strategy for city parks, facilities, and open spaces, driving the city's long-range planning and financial decisions for the next 10 years. It is expected to be completed by December 2025.

The grant provides \$32,000 with an \$8,000 city match for a total project cost of \$40,000. The city's contract planner, Justin Peterson, will manage the project with Planning Tech Arlene serving as the grantee administrator.

Councilor Bush expressed excitement about the grant, noting it has been a long time coming and will help ensure proper maintenance and upgrades of parks. She commended staff for securing grant funding that doesn't come out of taxpayer pockets.

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Mayor Cross mentioned that students from Toledo Junior Senior High School were enthusiastic about helping update and modernize city parks. He plans to involve children from both the high school and elementary school in the process to get their perspective on park needs.

Moved by Councilor Mix, seconded by Councilor Bush to approve the acceptance of the grant from the Oregon Parks and Recreation Department and authorizing city manager to sign the agreement. Motion carried 6-0.

Ordinance No. 1426 an ordinance rejecting the Pre-Implementation Compliance Measures proposed by FEMA in Floodplain Areas

Ordinance No. 1426 an ordinance rejecting the Pre-Implementation Compliance Measures proposed by FEMA in Floodplain Areas

Mayor Cross called a public hearing to order at 7:50 PM regarding Ordinance No. 1426.

City Attorney Adams presented the proposed ordinance, explaining that FEMA has proposed a new plan affecting the National Flood Insurance Program in Oregon, intended to protect threatened and endangered fish. FEMA sent letters to cities and counties asking them to implement one of three pre-implementation compliance measures (PICMs) by December 1, 2024:

- Adopt a modern floodplain ordinance
- Require a habitat assessment mitigation plan for development on a permit-by-permit basis
- Prohibit new development within the floodplain

Mr. Adams explained that FEMA was sued in 2018 by conservation groups for not coordinating with NOAA and NMFS regarding the impact of the National Flood Insurance Program on endangered species. He argued that FEMA has no authority over land use, that the proposed measures violate state land use laws, and that FEMA's actions are premature as they haven't completed an environmental impact statement.

The proposed ordinance would require developers to have a qualified floodplain professional provide documentation that development will not result in "takes" (harming endangered species), thereby ensuring no ESA-required permits are needed. The ordinance also includes a waiver provision similar to Measure 49 under state law, allowing the city to waive compliance with requirements if they limit or prohibit previously allowed uses.

During public testimony, David Tribolet spoke in favor of the ordinance as opposed to the three PICMs originally offered by FEMA. Guy Benoit also supported the ordinance, sharing his frustrating experiences dealing with FEMA regarding flood designations on his property.

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Following the close of the public hearing at 8:15 PM, council discussion focused on concerns about FEMA's authority. Councilor Bush asked whether passing the ordinance could jeopardize flood insurance for citizens. Mr. Adams explained that FEMA would need to go through an extended due process before pulling flood insurance, likely taking at least a year.

Mayor Cross expressed optimism that since FEMA has not followed its own agency rules and is abrogating Oregon land use rules, legal challenges could delay any action for years. He noted that other jurisdictions including Clatsop County, Tillamook County, and cities on the North Coast are taking similar stances.

The council discussed how this would affect not only residents but also the port, which is the city's second-largest employer and might want to undertake expansion projects.

Moved by Councilor Bush, seconded by Councilor Kaufman to adopt Ordinance Number 1426, an ordinance of the Toledo City Council electing not to adopt one of the three pick them options proposed by FEMA and amending flood hazard protection standards codified as chapter 15.16 of the Toledo Municipal Code by adding sections 15.16.230 through 15.16.280 and declaring an emergency. Motion carried 6-0.

REPORTS AND COMMENTS

Committee updates

City Recorder provided an updated copy of the 2025 meeting calendar, noting that budget committee meeting dates would be added later.

Public Works Director Lorimer reported finding mold in the new public safety building. He, Chief Pace, code enforcement, and the public works superintendent conducted a walkthrough and identified areas requiring attention. They plan to bring in subject matter experts to assess the situation. Mayor Cross confirmed that this issue would be the responsibility of the contractors doing the renovations.

Mr. Lorimer reported that three new public works hires are doing well. He provided updates on sewer main replacements on French Street and Southeast Alderway, with plans for CIPP lining to reduce inflow and infiltration into the sanitary sewer system. He mentioned an upcoming waterline repair behind a residence on Northwest Bruce Street that would temporarily affect four services.

He noted they have an estimate to resurface the tennis courts but the assessment couldn't be done until June 2025 at the earliest, so they will request an extension on their grant.

Library Director Harrison reported that the wraparound mural in the children's area is complete and they received new seating for that area. Artist Peter Erskine will be creating a custom art installation using sunlight as a medium as part of his "100 libraries project." Upcoming events include the Seashore Literacy Ukulele Group (SLUGS) performance on December 21, a

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Holocaust Remembrance program on January 25, and digital literacy workshops beginning January 30. He mentioned they are also working on starting a Lego club.

Interim Fire Chief Harris reported 61 calls for service since the last council meeting, with 40 answered by volunteers. The fire department sponsored an appreciation event for responders that approximately 30 people attended. Parts for Engine 41 have been ordered, and they are working with code enforcement and the state fire marshal's office on inspections throughout the city.

Police Chief Pace reported that the ceremony for Officer Gary Sumter was well-received by his family. He mentioned issues with a new patrol car that is being fixed. He reported staffing challenges, with one officer potentially leaving (reducing patrol to three full-time officers), Officer Gunn being released in mid-January, and another officer going on maternity leave in February. He requested financial support from the council to retain his current staff.

A lengthy discussion ensued about police department pay and retention issues, with Mayor Cross emphasizing the challenge of competing with neighboring departments that have transient lodging tax revenue. Chief Pace clarified that he was seeking immediate help for retention, not necessarily full pay parity with other agencies.

Communications Supervisor Katie Pimentel thanked Ryan and Shannon for bringing food to dispatch following a fire department event, demonstrating continued good professional relationships despite challenges. She also addressed public misconceptions about Chief Pace's compensation, clarifying that a portion of his "bonus" was actually restoring compensation that had been previously taken away.

Councilors made closing comments reflecting on current challenges and their commitment to the community. Councilor Bush expressed frustration with misinformation being spread and personal attacks on council members but reaffirmed her commitment to supporting city staff and serving citizens.

Councilor Strom, attending his last regular meeting, emphasized the need for Toledo to grow its population and tax base to maintain services, noting the city has only grown from about 3,100 to 3,500 residents during his tenure.

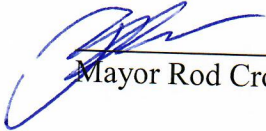
Mayor Cross acknowledged being called "a thief, a liar" and other names in recent weeks but emphasized his love for Toledo and its people. He addressed the fiscal challenges facing the city, with property tax increases limited to around 2.5% annually while inflation has been much higher, particularly for housing costs. He encouraged creative thinking to solve these issues and referenced the community's response to the recent ice storm as evidence of Toledo's strength and character.

ADJOURNMENT

The meeting adjourned at 11:00 PM.

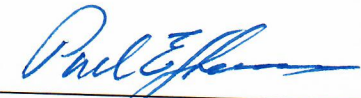
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Approve:



Mayor Rod Cross

Attest:



City Recorder Paul Johnson