

City of St. Helens

Consent Agenda for Approval

CITY COUNCIL MINUTES

Presented for approval on this 5th day of January, 2022 are the following Council minutes:

2021

- Work Session, Executive Session, Public Hearings, and Regular Session Minutes dated December 1, 2021

After Approval of Council Minutes:

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COUNCIL WORK SESSION

Wednesday, December 01, 2021

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle – arrived at 1:10 p.m.
Councilor Stephen R. Topaz
Councilor Jessica Chilton – via Zoom

STAFF PRESENT

John Walsh, City Administrator	Jacob Graichen City Planner
Matt Brown, Deputy City Administrator	Jenny Dimsho, Associate Planner
Kathy Payne, City Recorder	Rachael Barry, Government Affairs Specialist
Lisa Scholl, Deputy City Recorder	Crystal King, Communications Officer
Brian Greenway, Police Chief	Matthew Kahl, City Attorney
Mouhamad Zaher, Public Works Director	Tina Curry, Event Coordinator

OTHERS

Stephanie Patterson	Al Petersen	Jeff Clayton
Paul Vincent	Robert Hindal	Linda Zahl
Richard Mason		

CALL WORK SESSION TO ORDER – 1 p.m.

Chief Greenway addressed the Council and community members about the rash of car prowls/burglaries two nights in a row in St. Helens. He is requesting their partnership to reduce the chances of becoming a victim. The Police Department (PD) believes the group came from Portland on in a stolen vehicle and entered over 50 vehicles in the community on the west side of Highway 30. PD has a lot of video footage submitted by victims and other community members. The suspects tried to open vehicle doors. If it was locked, they moved on to the next vehicle. If they were unlocked, they stole things such as laptops, credit cards, loaded firearms, garage door openers, bank bags with money, etc. They are working on leads to apprehend the suspects. St. Helens is not alone. Cities outside the Portland metro area seem to be the target. Two vehicles were stolen from St. Helens and one from Columbia City. One of the vehicles in St. Helens had the key fob in the vehicle and was left unlocked. The following night, a male and female in a vehicle stolen from Vancouver did the same thing on the east side of Highway 30. All the vehicles that have been reported were left unlocked with valuable items inside. Greenway is asking the community to always lock their vehicles, do not leave keys or key fobs in the vehicle, and hide valuables. Help keep St. Helens safe. If someone is a victim, they need to report it. Property is being recovered and returned to owners.

Council President Morten asked if it only involved vehicles. Greenway responded that one vehicle had a garage door opener inside. The suspects entered the garage while the victims were sleeping. He encouraged them to take their garage door opener into their home. Same with shopping, take your garage door with you since they have your address on your registration. Everyone needs to do their part.

A suspect attempted to open a PD employee's car door, but it was locked, and they moved on. Council President Morten thanked Greenway for being here.

Mayor Scholl asked anyone who sees suspicious activity to report it. If you see something, say something.

Councilor Topaz asked how many people were involved. Greenway said that both crews had more than one person. Because of the sensitivity and ongoing investigation, he cannot elaborate. They are working with other agencies to collaborate.

Mayor Scholl thanked Greenway.

Mayor Scholl reminded everyone to remove their masks when they speak.

VISITOR COMMENTS - *Limited to five (5) minutes per speaker*

- ◆ Linda Zahl. Expressed appreciation of Chief Greenway's comments. The last time there was a rash of break-ins, they did not hear from the Chief. Her neighbors took things into their own hands and did not report concerns to the PD. They were harassing people. She is here to request the City investigate the use of drones. Her father-in-law used to operate model airplanes on their property. He always flew away from homes. There is someone in the neighborhood flying a drone across their property. She is concerned about the cameras on the drone and requesting it be addressed.

- ◆ Al Petersen. Distributed a handout titled, "Timeline of Cascades Lawsuit over ASPC/OrGro Tech parcel. (currently marijuana grown facility, part of Boise Papermill property)" A copy is included in the archive packet for this meeting. He reviewed his two concerns:
 - Something was said at the last meeting. Based on the reaction from the faces on the screen, it appeared what Councilor Topaz pointed out was not obvious. Has staff been informing them about this? Since Councilor Topaz mentioned it, it's public record. Al created a timeline based on the information discovered. The City has been sued and lost. Now, the City is arguing about whether they should pay \$130,000 to Cascade Tissues for attorney fees. The lawsuit has been appealed to the State Court of Appeals. His mom sued the City when the City was not following State law. The City took all the allegations, itemized what they had not done, re-notified, and had a new hearing under State law. This lawsuit is because the City did not follow its own City laws. He suggested Council get the thumb drive from Councilor Topaz and read the case for themselves. He is concerned about the City not following its own laws. Based on their faces, it appears they have not been notified. They need to talk to their staff.
 - He is concerned about the document in their packet regarding changes to the personnel procedures. He doesn't watch all meetings but watches quite a few. He has not seen a lot of discussion about all the proposed changes. He hopes it hasn't just been dropped on the Council. The City is saying they don't have to follow state law contracting procedures, they can follow their own. It gives more authority to City staff and increases the number of contracts that City staff can write themselves. He is concerned that they have eliminated the library director position. There are major changes, and he is very concerned that City staff can't follow laws. Now, it gives more authority to write larger contracts without even speaking with Council. He hopes they don't ignore what he said and approve all the changes tonight. Some of the changes are exceptions to state law. In order to understand the exception, they must understand the original law.

Mayor Scholl stated that selling the property was not illegal. They followed the process. They did speak with their attorneys about this during executive session. Councilor Topaz likes to ride the line of what is being said during the executive session and should be held confident. They have attorneys present who are guiding them through the process.

Councilor Topaz stated that this is what the court said on a new case. It's not the Petersen case from years ago. Mayor Scholl responded that the Council has been notified about this from their attorneys. Councilor Topaz argued that he has not been notified. Mayor Scholl said it was discussed during executive sessions when he was present. Councilor Birkle confirmed that they were informed by the attorney in executive session. Councilor Chilton confirmed they have been notified. This was discussed during executive session and was not supposed to come out of executive session, which is the reason they all looked shocked. Councilor Topaz argued that what he is talking about is public record. Mayor Scholl called for point of order. He can bring it up during his report.

DISCUSSION TOPICS - *The Council will take a break around 3:00 p.m.*

1. Discussion Regarding Proposed Beekeeping Code Amendments - Jacob

City Planner Graichen reviewed the presentation. A copy is included in the archive packet for this meeting.

The proposed amendments will do the following:

- Still prohibits beekeeping, except for mason bees, and provided certain rules are followed, honeybee keeping associated with residential uses.
- Eliminates potential conflict of law. The definition of "farm use" in the Development Code includes honeybees. Honeybee keeping associated with nonresidential uses would be determined per the Development Code.
- Honeybee keeping associated with a residential use doesn't mandate an animal facilities license or other permit. This is proposed as review of the technicalities of a honeybee raising would require some training, would be an unnecessary burden to staff and resources, and the rules are written such that poor bee management will be evident by new nuisances added to the code. And if site inspection is necessary, the basic provision should be easy to understand to determine compliance if there is a problem.
- Proposed code is based on the League of Oregon Cities Model Residential Beekeeping Ordinance (June 2018), the Oregon State University Extension Service Residential Beekeeping Best-Practices Guidelines for Nuisance-Free beekeeping in Oregon (February 2018), other jurisdiction examples and feedback from some local beekeepers.

Councilor Topaz talked about the range of two miles that bees can travel. Can he tell where the bee is from? Graichen said no, you can't tell where they're from.

There were no concerns from Mayor Scholl, Council President Morten, or Councilor Birkle.

Linda Zahl reported that there is support from a bee club and the OSU Extension Office. There are ways to bee-proof yards, such as planting certain flowers.

2. Brief on Water Districts - Jacob

City Planner Graichen reported that this topic is on the agenda as awareness because of the recent annexations. A copy of the report is included in the archive packet for this meeting.

Graichen reviewed the two water districts within the Urban Growth Boundary (UGB) and pointed the areas out on a map.

- McNulty Water District
 - Currently have an Urban Services Agreement with, which helps them make decisions.
- Warren Water District
 - If the UGB expands much, they will likely need an agreement with them.

Councilor Topaz asked about the water lines south of Bennett Road. Graichen responded that the City does not have water lines that far south. That is out of the City's UGB.

Mayor Scholl asked about future water service on Millard Road. Graichen said they have a sewer line behind Bing's. The closest water line is behind Les Schwab.

3. Discussion on 7th Street Container Lofts Ground Lease Amendments - *John*

City Administrator Walsh reported that this is a cleanup issue for the 7th Street container lofts. A copy of the proposed amendment is included in the archive packet for this meeting. It talks mostly about the parking lot. The parking lot remains private but is open for public use. Mayor Scholl added that it allows them the ability to police it.

Councilor Topaz asked about the public knowing they can use it. Walsh responded that it will be posted. It is on tonight's agenda for approval.

4. Discussion regarding Court Bailiff Services - *Matt*

Deputy City Administrator Brown reported that this is on tonight's agenda for approval. A copy of the proposed agreement is included in the archive packet for this meeting. They tried to fill the position but was unsuccessful. They continued to have patrol officers and sergeants fill in on court days. This is a company that the judge uses at other courts. It will help our Police Department by not taking them away from the road. They are normally working overtime when they're in the court room. They have committed to provide security for the judge. Mayor Scholl agreed that they need to protect the court.

Councilor Birkle looked at reviews. Some were not great. He appreciates hearing that the judge works with them at other jurisdictions.

Councilor Chilton asked when this will be budgeted for, where the funds come from, and when it will start. Brown responded that the funds would come from the court budget. It's a savings for the PD. There is enough money in professional services for this to take effect in January, after the contract is signed.

5. Review Proposed Bench Donation on S. 1st Street Sidewalk in Front of the Jordan Center

Public Works Director Zaher reviewed the proposal. A copy is included in the archive packet for this meeting. The bench is being proposed by Columbia Community Mental Health (CCMH) in memory of Pete Snell, who helped establish the Jordan Center. Zaher has conditionally approved the proposal with some minor conditions. CCMH proposed a metal bench, but Zaher recommends a wooden bench to be consistent with standards. He also recommends the bench not be bolted to the ground to allow for flexibility in the future. Walsh added that the City is reviewing street furniture policies for the Riverwalk and First Street and Strand Street improvements. They want to make sure it's consistent.

Council President Morten likes the idea of defining the policy. He does want it to be clear regarding type, installation, maintenance, length of time, and memorial benches that may have to be moved or removed. Zaher agreed. They are requesting the bench be placed long-term. The City reserves the right to make changes.

Councilor Topaz talked about benches being sleeping places. Will the size of the bench collect a group of night sleepers? Council President Morten responded that they passed an Ordinance that does not allow sleeping on public property, in parks, or in cars. Mayor Scholl pointed out that state laws are changing that may require the City to change their "no camping on public property" rules.

This will be approved at tonight's meeting.

6. Tourism Business Model Discussion - *John*

City Administrator Walsh reported that staff has been reviewing this and is requesting feedback from Council. He talked about the existing tourism contract and asked the Council to consider what they want for the future. More or fewer events? City or contractor led? Contractor paid at a set rate or percentage

based on sales? Spirit of Halloweentown gets bigger and better every year. They're still learning and growing. E2C has a transition plan the Council can hear as well.

Discussion of the contract including an audit of ticket sales, revenue tracking, marketing cost, etc.

Councilor Chilton wants to first discuss the current goals for tourism. Walsh suggested inviting Travel Oregon to come talk. They are tourism professionals.

Councilor Birkle talked about the attacks on Council. He welcomes a calm tourism discussion. It's never been about anti-tourism. He sent an email to Walsh asking questions about the contract. There were some things that were unclear. They have a right to view the finances. Transparency and accountability are important. He wants all merchants to be successful. He is disturbed by the conflict among merchants. He is in favor of full contractor planned events, selling the rights, but maintaining control of the contract and name. If there is an issue, it's the City's lack of capacity with personnel and finances to oversee it. The City should not be in the tourism business. They can support it and promote it, but let the professionals do what they do best. Why does the City have a Dark Market? Why does the City have a haunted hotel? Why are they competing with businesses? What's at the Dark Market is in competition with other merchants. He suggests a period of transition. Mayor Scholl agreed based on the standpoint of all the staffing needed.

Council President Morten agreed with Walsh about bringing tourism professionals. From that, they can make goals and update the contract.

Discussion of scheduling a tourism workshop with Travel Oregon. It was the consensus of Council to schedule the meeting in the afternoon on Wednesday, December 29 and provide lunch. Walsh will see if Travel Oregon is available that day.

Tina reviewed her goals:

- Continue to improve tourism activities that can be managed by other people
- Things need to happen for continued momentum. They are here because of community groups who pushed the City to do something different.
- Protect what has been created
- Offer a three-year plan
- Keep funds in the black, while developing additional events and strengthening current events
- Strengthen what we have and add to it
- Invest in people moving equipment
- Invest in Sand Island as a destination
- Involve community members
- Ask more questions

Council President Morten talked about being in the black. There was a meeting with tourism around 2014 when they were asked to be bailed out with \$55,000-70,000 in unpaid bills. They have come a long way.

Mayor Scholl wants everyone to be heard. There are holes in the contract that need to be improved. Having professionals from Travel Oregon here to assist them will be helpful. Councilor Chilton would like to hear from other cities who use business models and how it works for them. Walsh has spoken with City of Astoria about events. They support partners who put together the events. However, they have a \$1.5 million budget and St. Helens has a \$75,000 budget. Council President Morten wants to ask other cities about the income and how it's spent. It's not realistic to compare with some of them.

Mayor Scholl is impressed with the events they have done with a limited budget:

- 13 Nights on the River
- Sandcastles
- 4th of July

- Spirit of Halloweentown
- Christmas Ships

Tina requested Council discuss time sensitive needs, such as rent of the masonic building, purchase a tram to move people, and purchase a boat to transport people to Sand Island. Right now, they can stay in the black by paying rent for the masonic building and purchasing either a tram or boat. They found a tram that can carry 120 people. Mayor Scholl and Tina confirmed that the City owns everything. The rent is going up from \$3,000 to 5,000 per month. Mayor Scholl asked if the store and haunted house generates at least \$120,000 annually. Tina confirmed they do.

Councilor Chilton wants to see more information about the tram first, including documentation and insurance. How will it be operated? She is opposed to continuing with the store. They are competing with other businesses in the area. Mayor Scholl said they need another year of revenue with their limited budget. He would like to add this to tonight's agenda for discussion and a decision.

Break - 3 p.m.

7. Review Proposed Municipal Code Title 2 Amendments - *John*

City Administrator Walsh reviewed the proposed amendments. A copy is included in the archive packet for this meeting.

- Public contracting
 - Based on State's models and rules
 - Council is the local contracting review board
 - Ability to delegate authority to City Administrator
 - Proposing increase from \$75,000 cap to 100,000
 - Continue to follow processes and report to Council
 - Proposing to remove a tier system

Councilor Topaz sees a lot of problems. It gives Walsh the ability to make decisions without informing the Council. He wants more information and time to review it. A lot of money can be spent, and things can be done by Walsh without them knowing. Until he can compare the proposed changes with the ORS's, he has problems with it.

Council President Morten talked about how a manager works. They are responsible to manage, pay the bills, and report back to the Board. Councilor Topaz is still not comfortable with it. He wants to see double-checks. Walsh's spending power should go down from \$100,000 to 50,000.

Mayor Scholl thought Councilor Topaz was part of allowing the City Administrator more power to enable the City to move more efficiently. The Council is the policy setter. He does not have any finance concerns from the five years he has served. They've won awards for finances. Councilor Topaz wants a single purchasing agent. Brown added that Council approves all the accounts payable checks at every meeting. Councilor Topaz agreed, but they are not qualified to check it. Brown said Luminights was a tourism event. It was approved by a majority of the Council. Mayor Scholl disagreed with restricting the flow of funds that allows departments to do their jobs. It's frustrating that Councilor Topaz continues to hold things up and wants to find things that are wrong. He has access to councilors, the budget, and Walsh. Instead, they get a presentation during public comments about something they haven't even completely reviewed yet. Only one item was partly true, which was a judge who made a decision without any attorneys given the opportunity to speak. They are professionals and he's tired of Councilor Topaz making them look incompetent. They need to get through the proposed amendments in an orderly fashion. He read number 12 on the Council Mantra that referred to how busy the Council and staff is. He requested Councilor Topaz spend more time researching and contacting staff and councilors in advance of the meeting and not drop the bomb during the meeting. Councilor Topaz argued that it's illegal to contact another councilor. Mayor Scholl responded that it is not. He also requested an attorney be present at all

meetings moving forward. Councilor Topaz restated that there needs to be a purchasing agent. He did not say that the person from each department couldn't initiate a purchase. Mayor Scholl said that is what Brown does. Councilor Topaz argued that Brown pays for it and shouldn't do double duty. Mayor Scholl pointed that is not efficient. It also adds more room for error. Council President Morten reminded them that they are a small organization. There's no reason Brown can't do that. Councilor Topaz said when they don't have that, it can lead to accusations of "he stole the money because no one double-checked it." Council President Morten has not heard anyone accuse someone of stealing money.

Councilor Birkle talked about the concerns Councilor Topaz had about the ORS. Councilor Birkle pointed out that this is the first reading tonight. He suggested Councilor Topaz review those and return to the next meeting with specific amendments. Mayor Scholl added that he should contact Walsh in advance. It appears that Councilor Topaz just likes to take up time by causing disruptions and making people look wrong.

Councilor Chilton said she asks questions to get things clarified. It's not to attack or second-guess City staff. This was a long report and there will be questions. She does not agree with changing the follow-up to a department councilor. For example, when Council President Morten had an issue with overages on a contract, he brought that to the Council's attention. If that had been brought to him as the Council liaison, it would have been the check system instead of wasting time at a Council meeting. It would be beneficial to have a Council liaison for the City Administrator. Another issue she found is the removal of the position number when running for Council. She doesn't recall confirming the change. Where are the survey results from that? Brown responded that it was discussed at the August 4, 2021 meeting. A survey was conducted, and he thought he shared those results with the Council. A majority of the Council preferred the popularity vote. Councilor Chilton would like to see the results of the survey and get more input from community members.

Mayor Scholl clarified that there is already a policy in place for Council liaisons. There has been plenty of opportunities in the past to contact City staff in advance of meetings. He is not saying that no one should ask questions and apologized if that's what she heard. The packet is big. They are on the first reading. They have two weeks before it can be adopted. Discussion with City staff can happen any time between now and the 15th. They can also call another councilor to ask their opinion.

Councilor Topaz checks on it with other legal people or entities. He doesn't check with the staff. He sent some information to every councilor in the past. Bill Monahan said that was illegal because it was making a point for a decision. Mayor Scholl explained that he could talk to one councilor at a time. They can discuss ideas but cannot make decisions.

Walsh explained that the public contracting code is complex. The City Administrator is the purchasing manager for the City. They are proposing to streamline the process. Everything still ends up at the Council. There is accountability. They will still follow Oregon Contracting Laws and processes. Councilor Topaz agrees that it needs to be streamlined but also wants it to be double-checked. Council President Morten explained that there is a system with double-checks already in place.

Councilor Birkle requested Council allow Walsh to review the proposed amendments and keep questions until the end.

Walsh continued to review the proposed changes:

- 2.04.110 Cleanup of definitions
- 2.04.110 Exceptions to the State law already exist
- 2.04.120 Cleanup language
- 2.12.010 Cleanup City Administrator language
 - The job description prevails
 - Power is delegated by Council

- Municipal Court
 - Removes redundancy from Judicial Code
- Municipal Judges
 - Requires the judge's contract be adopted by resolution
- Juries and Trials
 - Cleaning up language
- Library and Library Board
 - Correcting librarian to library director
 - Striking Council responsibilities; liaison is still there but in a different section
 - Cleaning up language
 - Council President Morten requested that it be clear of who brings recommendations to the Council – Library Director or Library Board Chair?
- Nominating procedures for officers
 - Discussed survey
 - 69% of the people who voted preferred the majority vote instead of the per position vote
- Signing of checks and warrants
 - Changing to one representative to sign
- Criminal history and background check policies
 - Updates language to current practices
- Renaming of Parks & Trails Commission
 - Proposal to rename the Parks & Trails Commission to Parks and Recreation Commission. Council President Morten talked about the history of the Bicycle & Pedestrian Commission being combined with the Parks Commission to create the Parks & Trails Commission. Parks continues to be an influx of recreation, bicycles, and pathways.

Mayor Scholl talked about an earlier comment saying what was on page 62 was illegal. Brown pointed out that this has been reviewed by our attorneys. Discussion of having an in-house attorney since legal expenses have increased substantially.

8. City Administrator Report - *John Walsh*

- The City received the Government Finance Officers Association (GFOA) budget award again this year. It is evidence of transparency and professionalism in finance and the budget. Congratulations to Brown! As of last week, only five cities out of 240 received the award. Councilor Topaz said it may not be that we're very good, but the others are so bad. Councilor Birkle thinks it's because he's very good.
- Received a request for a water bill adjustment of \$154.18. The resident left a hose running. They are only requesting that it be adjusted to be consistent with their regular monthly fee. This will be on tonight's agenda for a decision.
- Went through a solicitation process for the RFP/Q for the Parks & Trails/Recreation Master Plan. The selection committee will include himself, Brown, Chair Carmin Dunn, Associate Planner/Community Development Project Manager Jenny Dimsho, and Parks and Recreation Manager Shanna Duggan. Council President Morten would like council representation to review the proposals. Brown said he recalls it came up but there was not availability. He can send copies to the Council. They do have a preferred vendor that stood out over the other.
- The Riverwalk and Streets projects are moving along well. The plan is to have an RFP for developers on January 5.
- Riverwalk Public Forum on December 15.
- Library Director recruitment interviews begin on January 11.

- Urban Renewal Agency (URA) meeting on January 5. It is also an opportunity to create separation of the URA budget and the City budget by doing it earlier in January. Mayor Scholl would like to see proposed URA projects. Discussion of state and federal funding for projects.
- Continuing to talk to the Marine Board about Grey Cliffs Park and the beach nourishment with DSL.
- The Personal Services Agreement with Mackenzie for St. Helens Industrial Business Park is on tonight's agenda.
- Attended the Main Street meeting last night. They are proposing an amendment to the MOU. Council proposed a half-time City employee. They feel like they could do better if the City allocated the money to them. They are being slow and deliberate on the hiring.
- An in-house attorney was mentioned.
- Received a request from Government Affairs Specialist Rachael Barry about being a member of service clubs, such as Rotary. They have personal and organizational memberships. They are good community partners. Council President Morten asked who would be responsible for dues? Consensus of Council for it to be a personal commitment.
- Consensus of Council for the URA budget process to be moved to January. Discussion of switching to a biennial budget instead of annual. Mayor Scholl disagreed with it. He was concerned that they couldn't project revenue as well that way. Brown explained that they would approve the URA budget for two years but would still have supplement budget hearings to update it. The URA could meet more often but the URA Budget Committee would only have to meet once every two years. Consensus to begin meeting in January.
- A biennial budget changes the term of a Budget Committee member. Brown requested separating the URA and the City Budget Committees. No objection from Council.
- Budget Committee member Bill Eagle's term is expiring. He is interested in continuing. There are five applicants. Brown asked if the Council wants to interview the applicants. Consensus of Council wants to hold another meeting to interview them all.

ADJOURN – 4:49 p.m.

EXECUTIVE SESSION

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor

City of St. Helens
CITY COUNCIL

Executive Session Summary

December 1, 2021

Members Present: Rick Scholl, Mayor
Doug Morten, Council President
Patrick Birkle, Councilor
Stephen R. Topaz, Councilor

Members Absent: Jessica Chilton, Councilor

Staff Present: John Walsh, City Administrator
Kathy Payne, City Recorder
Matt Brown, Assistant City Administrator
Matthew Kahl, City Attorney
Peter Hicks, City Attorney

Others: None



At 4:50 p.m., Mayor Scholl opened the Executive Session pursuant to the ORS numbers listed below and then gave Council roll call. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media were specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. Any person in attendance, including the news media, who has a recording device is directed to turn it off.

- **Consult with Counsel/Potential Litigation**, under **ORS 192.660(2)(h)**
 - Update on potential litigation filed by City employee.
- **Real Property Transactions**, under **ORS 192.660(2)(e)**
 - Update on potential lagoon reclamation.
 - Update on Millard Road property.

The Executive Session was adjourned at 5:20 p.m.



ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL PUBLIC HEARING

Wednesday, December 01, 2021

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz

MEMBERS ABSENT

Councilor Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Matt Brown, Assistant City Administrator
Kathy Payne, City Recorder
Jenny Dimsho, Associate Planner/Community Development Project Manager
Tina Curry, Event Coordinator

OTHERS

Cindy Stockton
Eliza Galaher
Peace of Mind Farm

OPEN PUBLIC HEARING – 6:15 p.m.

TOPIC

1. Community Development Block Grant (CDBG) Application for lifempowered Empowerment Center

City Administrator Walsh reported that only cities and counties can apply for these types of grants, which is why the City is acting as a sponsor. **Lifempowered** (fka: Riverside Industries) is working with the Port to acquire the property.

Cindy Stockton, Executive Director for **lifempowered**, was in attendance via Zoom. She thanked the Council for the City's support. They have been supporting adults with intellectual disabilities in Columbia County for almost 50 years. The current facility is not working for them anymore. It's not even ADA accessible for the people they support. A new center to offer more programs made the most sense.

City Recorder Payne read the public notice into the record.

St. Helens City Council Public Notice and Notice of Public Hearing

The City of St. Helens is eligible to apply for a 2021 Community Development Block Grant from the Business Oregon. Community Development Block Grant funds come from the U.S. Department of Housing and Urban Development. The grants can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes.

Approximately \$12 million will be awarded to Oregon non-metropolitan cities and counties in 2021. The maximum grant that a city or county can receive is \$1,500,000. The City of St. Helens is preparing an application for a 2021 Community Development Block Grant from the Business Oregon for the lifempowered Empowerment Center. It is estimated that the proposed project will benefit at least 75 persons, of whom 95% will be low or moderate income.

A public hearing will be held by the St. Helens City Council at 6:15 p.m. on Wednesday, December 1, 2021, in the Council Chambers at City Hall, 265 Strand Street, St. Helens, plaza entrance. The purpose of this hearing is for the City Council to obtain citizen views and to respond to questions and comments about: community development and housing needs, especially the needs of low- and moderate-income persons, as well as other needs in the community that might be assisted with a Community Development Block Grant project; and the proposed project.

Written comments are also welcome and must be received by November 30, 2021 at City of St. Helens, 265 Strand Street, St. Helens, OR 97051. Both oral and written comments will be considered by the St. Helens City Council in deciding whether to apply. The location of the hearing is accessible to persons with disabilities. Please contact Kathy Payne, City Recorder, at 503.366.8217 if you will need any special accommodations to attend or participate in the meeting.

More information about Oregon Community Development Block Grants, the proposed project, and records about the City's past use of Community Development Block Grant funds is available for public review at 265 Strand Street, St. Helens, Oregon, during regular office hours. Advance notice is requested. If special accommodations are needed, please notify Kathy Payne, City Recorder at 503.366.8217, so that appropriate assistance can be provided.

Permanent involuntary displacement of persons or businesses is not anticipated as a result from the proposed project. If displacement becomes necessary, alternatives will be examined to minimize the displacement and provide required/reasonable benefits to those displaced. Any low- and moderate-income housing that is demolished or converted to another use will be replaced.

Public Comments

- ◆ Eliza Galaher. She was recently hired to be the North Coast Education and Outreach Specialist with Fair Housing Council of Oregon, which is a nonprofit organization. She is here to learn and introduce herself as a helpful presence in Columbia, Clatsop, Tillamook, and Lincoln counties representing fair housing laws.

Councilor Birkle asked what will be in the building. Cindy responded that it would include administrative offices, large conference room/classroom space, ADA accessible bathrooms with a shower, state of the art kitchen based on client needs, and anything needed to act as an emergency shelter.

Councilor Topaz asked if there will be a large refrigerator in the emergency shelter. Cindy said yes, it will be part of the kitchen. She talked about how the houses are prepared for emergencies.

CLOSE PUBLIC HEARING – 6:31 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL PUBLIC HEARING

Wednesday, December 01, 2021

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz

MEMBERS ABSENT

Councilor Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Matt Brown, Assistant City Administrator
Kathy Payne, City Recorder
Jenny Dimsho, Associate Planner/Community Development Project Manager
Tina Curry, Event Coordinator

OTHERS

Peace of Mind Farm

OPEN PUBLIC HEARING – 6:41 p.m.

TOPIC

1. Annexation of 58471 Columbia River Highway (Patel)

Associate Planner/Community Development Project Manager Dimsho covered preliminary matters and presented the staff report, a copy of which is included in the archive packet for this meeting. There were no ex-parte contacts, conflicts of interest, or bias in this matter. There were no objections from the audience for the Council to make a fair decision.

Planning Commission and staff both recommend approval and recommend the property have a Comprehensive Plan designation of Highway Commercial (Incorporated) HC and be zoned Highway Commercial (HC).

TESTIMONY IN FAVOR – None

TESTIMONY IN OPPOSITION – None

CLOSE PUBLIC HEARING – 6:49 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL PUBLIC HEARING

Wednesday, December 01, 2021

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz

MEMBERS ABSENT

Councilor Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Matt Brown, Assistant City Administrator
Kathy Payne, City Recorder
Jenny Dimsho, Associate Planner/Community Development Project Manager
Tina Curry, Event Coordinator

OTHERS

Peace of Mind Farm

OPEN PUBLIC HEARING – 6:30 p.m.

TOPIC

1. Annexation of 35480 E. Division Road (Hughes)

Associate Planner/Community Development Project Manager Dimsho covered preliminary matters and presented the staff report, a copy of which is included in the archive packet for this meeting. There were no ex-parte contacts, conflicts of interest, or bias in this matter. There were no objections from the audience for the Council to make a fair decision.

Planning Commission and staff both recommend approval and recommend the property have a Comprehensive Plan designation of Highway Commercial (Incorporated) HC and be zoned Highway Commercial (HC).

TESTIMONY IN FAVOR – None

TESTIMONY IN OPPOSITION – None

CLOSE PUBLIC HEARING – 6:40 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL PUBLIC HEARING

Wednesday, December 01, 2021

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz
Councilor Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Matt Brown, Assistant City Administrator
Kathy Payne, City Recorder
Jenny Dimsho, Associate Planner/Community Development Project Manager
Tina Curry, Event Coordinator

OTHERS

Peace of Mind Farm
Stephanie Patterson
Brady Preheim

OPEN PUBLIC HEARING – 6:50 p.m.

TOPIC

1. Annexation of 58284 Old Portland Road (Port of Columbia County)

Associate Planner/Community Development Project Manager Dimsho covered preliminary matters and presented the staff report, a copy of which is included in the archive packet for this meeting. There were no ex-parte contacts, conflicts of interest, or bias in this matter. There were no objections from the audience for the Council to make a fair decision.

Planning Commission and staff both recommend approval and recommend the property have a Comprehensive Plan designation of Heavy Industrial (Incorporated) HI and be zoned Heavy Industrial (HI).

TESTIMONY IN FAVOR – None

TESTIMONY IN OPPOSITION – None

CLOSE PUBLIC HEARING – 6:57 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL REGULAR SESSION

Wednesday, December 01, 2021

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz
Councilor Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Matt Brown, Assistant City Administrator
Kathy Payne, City Recorder
Mouhamad Zaher, Public Works Director
Jenny Dimsho, Associate Planner/Community Development Project Manager
Tina Curry, Event Coordinator

OTHERS

Linda Zahl Art Leskowich
Stephanie Patterson Shauna Stroup-Harrison
Brady Preheim

CALL REGULAR SESSION TO ORDER – 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Scholl led the Pledge of Allegiance and then read the Council mantra.

VISITOR COMMENTS – *Limited to five (5) minutes per speaker*

- ◆ Stephanie Patterson. She is a positive person and does not like to bring these types of things to the Council. There were parts of Halloween that were very difficult, and the Council was very supportive. During the work session break she witnessed a verbal exchange between Assistant City Administrator Brown and Event Coordinator Tina Curry. Stephanie and Tina were talking to Councilor Birkle about the difference in purchasing authority for an independent contractor as opposed to a City staff member. Brown interrupted the conversation with loud laughter and stating he didn't have the financial information he needed for Spirit of Halloweentown. He inferred in front City Administrator Walsh, City Recorder Payne, Councilor Birkle, and herself that Tina hadn't turned over all the money she received from ticket sales. His reason for this is that Tina had declined to provide passcode information to Ticket Leap and all social media accounts. As these pertain to E2C accounts, it is more likely that Brown would not have had the authority to request them because he isn't Tina's direct supervisor. None of this information was ever requested in previous years. The conversation with Councilor Birkle was lost amid snide and potentially damaging innuendos. Those innuendos are dangerous and the tactics of a bully. She was brought on five years ago to refute these types of innuendos and they are still happening. It's discouraging. She would not be here tonight if she didn't think this was serious. Some of the

things she has heard is the question of why Tina is not using her married name, allegations of misappropriations of funds, and comments about Tina owning everything and leaving with it all one day. It's one thing when people say this out of ignorance in the community but another thing when it's being said in-house. She asked them to speak with Brown about what is and is not appropriate and professional.

◆ Brady Preheim.

- St. Helens City Council is the highest paid council in Oregon. Are the citizens getting good government? No. Are they getting a functional city council? No. They are getting a stupid mantra that is violated at every meeting.
- He is tired of hearing about tourism. Tourism is the only department that doesn't cost the City a dime and brings in millions of dollars. They seem to think that E2C is an employee, but they are a contractor. They continue to violate the IRS rules about independent contractors. They used to have a City employee and a tourism committee, and it was dysfunctional. It's done well with a contractor. There is no need to continue to discuss it. No one would work as hard and as many hours for the little pay Tina receives. She should be getting a portion of the profits. To imply that she's hiding something is not acceptable. It's sad that it comes from Brown. He knows what it's like to be bullied and harassed by a council person.
- Why is the pirate ship still here? They need to enforce the laws. He is right there on the docks violating the ordinance.
- Kudos to the Council for how nice the Christmas decorations look.

Mayor Scholl thanked Brady for his comments. He will continue to read the Mantra and hold himself to its standard. He serves all residents.

◆ Shauna Stroup-Harrison.

- Why are they not on Zoom right now? Brown confirmed they are.
- There is a huge influx of prowling in town.
- Requested an update on the filling of the lagoon.
- Very concerned about the crime in her community. What can she do to help safeguard her neighborhood?

Mayor Scholl reported that Chief Greenway addressed the crime concerns at the beginning of the work session. Communications Officer King will also be sharing information about how to stay safe.

Shauna talked about the Council being distracted with other things going on. Spirit of Halloweentown was great, but the livability of the community is suffering right now. Seeing the attacks is disheartening. She knows they're trying to do their best, but she hopes they acknowledge what is happening and take an approach to it. They need to show that it won't be accepted. Watching the last couple meetings has been soul sucking. They need to show they care. Don't let this place turn into Gresham.

- ◆ Art Leskovich. He is here to comment regarding the tourism contract. He has worked on contracts. Government contracts are very difficult. It's important to have a strong agreement and accountability. He appreciates their efforts and wishes them the best.

DELIBERATIONS:

1. Deliberations - Annexation of 35480 E. Division Road (Hughes)

Councilor Birkle thanked Planning staff for their work.

Motion: Motion made by Councilor Topaz and seconded by Council President Morten to approve the Annexation of 35480 E. Division Road. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz; Abstained: Councilor Chilton

2. Deliberations - Annexation of 58471 Columbia River Highway (Patel)

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve the Annexation of 58471 Columbia River Highway. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz; Abstained: Councilor Chilton

3. Deliberations - Annexation of 58284 Old Portland Road (Port of Columbia County)

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve the Annexation of 58284 Old Portland Road. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

ORDINANCES – Final Reading

4. Ordinance No. 3272: An Ordinance to Annex and Designate the Zone of Certain Property at 58241 South Division Road

Mayor Scholl read Ordinance No. 3272 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Ordinance No. 3272. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

5. Ordinance No. 3273: An Ordinance to Annex and Designate the Zone of Certain Property at 35285 Millard Road

Mayor Scholl read Ordinance No. 3273 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Ordinance No. 3273. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

ORDINANCES – First Reading

6. Ordinance No. 3271: An Ordinance Amending the St. Helens Municipal Code Chapter 6.04 Regarding Beekeeping

Mayor Scholl read Ordinance No. 3271 by title. The final reading will be held at the next meeting.

7. Ordinance No. 3275: An Ordinance Amending St. Helens Municipal Code Title 13 Relating to Definitions of Equivalent Dwelling Units for Water and Wastewater Utilities Services

Mayor Scholl read Ordinance No. 3275 by title. The final reading will be held at the next meeting.

8. Ordinance No. 3276: An Ordinance Amending St. Helens Municipal Code Title 2 Relating to Administration and Personnel

Mayor Scholl read Ordinance No. 3276 by title. The final reading will be held at the next meeting.

RESOLUTIONS

9. Resolution No. 1941: A Resolution to Appoint a Presiding Municipal Court Judge

Mayor Scholl read Resolution No. 1941 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1941. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

10. Agreement with Oregon Patrol Service for Court Bailiff Services

11. Amendment No. 1 to 7th Street Container Lofts LLC Ground Lease Agreement

12. Agreement with Mackenzie Engineering, Inc. for Infrastructure Design Work for the St. Helens Industrial Business Park

13. Contract Payments

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '10' through '13' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

CONSENT AGENDA FOR ACCEPTANCE

14. Cost Estimate from Turney Excavating, Inc. for Marshall Street Closure

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '14' above.

Discussion.

Councilor Birkle asked if approval from ODOT has been granted. Associate Planner/Community Development Project Manager Dimsho confirmed that ODOT Access Management approved the \$900,000 reimbursement that it will cost to fabricate and install the gate. It will still allow emergency and maintenance access.

Vote: Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

CONSENT AGENDA FOR APPROVAL

15. Council Work Session, Special Session, and Regular Session Minutes dated November 17, 2021

16. Accounts Payable Bill Lists

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '15' and '16' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

WORK SESSION ACTION ITEMS

Leak Adjustment Request

Motion: Motion made by Councilor Birkle and seconded by Council President Morten to adjust the water bill for Dennis Waterbury as requested.

Discussion.

Council President Morten was delighted to read that the water department has a standard for the process.

Vote: Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

Jordan Center Bench Donation

Motion: Motion made by Councilor Topaz and seconded by Council President Morten to approve the placement of a wooden bench on the sidewalk. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

Agreement Regarding Sue Nelson and Authorize the Signature of the Mayor

Motion: Motion made by Council President Morten and seconded by Councilor Birkle to approve the agreement with Sue Nelson and authorize the mayor to execute agreement on behalf of the City. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz; Abstained: Councilor Chilton

Tourism Contract

Brown reported that the contract with E2C automatically renews for another year if the Council does not take action. However, there is a 90-day exit clause at any time. Does the Council want to take action to not renew the contract, and go through the process with the staff tourism review committee bringing back a new contract?

Council President Morten requested this be added to the December 15 agenda for discussion. Council concurred.

Councilor Birkle would like clarification before making a discussion.

Masonic Building Lease

Mayor Scholl reported that there are funds to pay for the rent.

Discussion of the uses of the building:

- Dark Market
- Haunted house
- Museum upstairs
- Electric chair to access the upstairs

Councilor Birkle is in favor of renewing it but wants to further discuss the uses. Council President Morten agreed with Councilor Birkle but also wants to discuss it further December 15. Council concurred. Councilor Chilton would like to hear how much money was spent refurbishing it, what the initial plans were, and how long they have been leasing it.

MAYOR SCHOLL REPORTS

- Police Chief Greenway report during the work session about the crime happening. A couple different groups have been stealing vehicles from outside the area, coming here, and going through vehicles. Every one of the 50 vehicles that were victimized were unlocked. He encouraged everyone to lock their vehicles, take their keys, and hide valuables. Please call the police if you see anything suspicious.
- With everything going on with tourism, it has zapped the Council. The meetings aren't going the way they used to. There is a lot going on in this community with great people. They are dedicated to creating a better contract with help from Travel Oregon, Council, and staff. They cannot continue to go on like this. He doesn't want to fight and argue. He wants to be educated.

COUNCIL MEMBER REPORTS

Council President Morten reported...

- Thanked Art for a positive report with inspiration to move forward.
- Thanked Chief Greenway for his report. With concerns from so many community members, he wanted them to hear directly from the Chief. He reminded people to take safety precautions.
- Had a work party at the Botanical Garden. A lot of work was done.
- The Parks & Trails Commission is anticipating a Master Plan update.

Councilor Topaz reported...

- Library Director Margaret Jeffries is retiring. It would be appropriate for the Council to give her a gift, such as an old book.
- The Boy Scouts worked with Judy Thompson to clean up behind the Courthouse last week.
- Chief Greenway mentioned that crime is happening in other communities as well. It is being investigated.
- Al Petersen brought up court records referencing the mill site and being sued by Cascade. There was a ruling by Judge Callahan on September 3, which said the sale of the property to ASPC and the final plot is rescinded. That means the City owns that property again and they need to discuss how to do that since they know it's illegal for the City to be in charge of a marijuana grow facility. The point is, what Al said was all public record received from the court.

Councilor Chilton reported...

- Has been working with Lieutenant Hogue and other community members to organize the annual police awards banquet. She is looking forward to the event this week and giving the police a deserving celebration.

- Thanked Shauna for bringing her concerns to the Council. She lives in one of the neighborhoods that is often targeted and feels those same concerns. She encouraged everyone to look out for their neighbors, be aware of surroundings, and report suspicious activity.

Councilor Birkle reported...

- Referring to Councilor Topaz's comments, that is public record but there is also ongoing litigation. Council is handling it in an appropriate manner. They are not able to inform the public about everything going on.
- There is a lot that works well in the City.
 - Tina is coordinating events in anticipation of the Christmas Ships.
 - City departments work well.
 - He wants tourism to continue being a part of what works well.
- Encouraged everyone to get a Keep it Local card and shop local.

OTHER BUSINESS

Mayor Scholl added...

- Attended the Main Street meeting. There's a decorating contest with prizes.
- Regarding the litigation referred to, the judge took it upon themselves to make a judgement with neither side. It is in the appeals process.
- Christmas Ships on December 11 with Santa, music, and street closures. There will be snow.

ADJOURN – 7:59 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor