

**City of St. Helens**  
*Consent Agenda for Approval*

**CITY COUNCIL MINUTES**

Presented for approval on this 2<sup>nd</sup> day of June, 2021 are the following Council minutes:

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2021

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- Work Session, Executive Session, Public Forum, Public Hearing, and Regular Session Minutes dated May 19, 2021

**After Approval of Council Minutes:**

- Scan as PDF Searchable
- Make one double-sided, hole-punched copy and send to Library Reference
- Minutes related to hearings and deliberations get copied to working file
- Save PDF in Minutes folder
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# COUNCIL WORK SESSION

Wednesday, May 19, 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  
Lisa Scholl, Deputy City Recorder  
Mouhamad Zaher, Public Works Director  
Rachael Barry, Government Affairs &  
Project Support Specialist

Crystal King, Communications Officer  
Margaret Jeffries, Library Director  
Brian Greenway, Police Chief  
Mike De Roia, Building Official  
Sharron Darroux, Engineering Project Manager I  
Tina Curry, Event Coordinator  
Bill Monahan, City Attorney

### OTHERS

Art Leskowich	Autumn Oliver	Melisa Gaelrun-Maggi
Aurora Biggers	Brady Preheim	Nicole, BSA Unit 106
Natasha Parvey	Bob Brawand	Amanda Heynemann

### CALL WORK SESSION TO ORDER VIA ZOOM – 1 p.m.

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

- ◆ Nicole, BSA Unit 106 of St. Helens. She is seeking assistance to bridge the gap in funding required to service the community during Spirit of Halloweentown. The total cost for them to participate is \$2,300. They are only able to come up with \$500 and are seeking assistance with \$1,800. These fundraiser events are crucial to operate their unit. It allows them to help Scouts that may not have funds to attend camp, register for membership, or get camping supplies. They have been participating in this event for the past few years. They were not fully prepared for the volume of sales the first year and were not in correct placement to gain substantial earnings. Last year was their second year and they were just a little over their costs and earnings due to low volume of visitors. This year, they believe they will be able to make back the total cost as anticipated with a larger crowd. Scouts have worked hard to purchase a new trailer for this year. The trailer was purchased as a shell and the kids have created a nice, full-size trailer with a window, lights, and electricity, so they are no longer hit by the cold winds and wet rain. They are reaching out to the City because Scouts participate in local service projects that serve our community and help keep our parks looking beautiful. Every December, Scouts go door-to-door collecting food for the Food Bank, participated in the first-annual Christmas Parade collecting food for the Food Bank, and prepare about 600 hot meals and deliver with donated gifts to families on Christmas Eve. Every Memorial Day, Scouts set out flags for Veterans at local cemeteries. When Scouts participate in community events, they are showing visitors that our City supports our local

Scouts. Scouts learn valuable customer service skills working as a vendor, including math, speech, responsibility, and teamwork. They would like to continue participating in the event. Assistance from the City will help close the financial gap and invest in the future of scouting.

Councilor Topaz asked if Scouts are nonprofit. Nicole said yes.

Council President Morten appreciates the presentation. What projects have they done in the parks? Nicole responded that they have helped clean Nob Hill during their workdays and helped with plantings in the Square. Unfortunately, there has not been as many opportunities over the last year. Council President Morten told her about a cleanup day at the Botanical Gardens on Saturday.

Councilor Birkle thanked Nicole for their work. He is a former Eagle Scout. He would like more background information before deciding. Mayor Scholl explained that they were not set up correctly nor were they in a very good location their first year. Last year, they barely broke even due to the limited number of people. If Council can help them this year, they will likely not need assistance next year with COVID restrictions reducing. The cost is charged to all nonprofits participating as a vendor. She is requesting a sponsored donation this year and will hopefully be sustainable next year.

Discussion of vendors during Spirit of Halloweentown. The fee will include being a vendor at 4<sup>th</sup> of July this year. A decision will be made at tonight's meeting.

- ◆ Brady Preheim. He reviewed several concerns.
  - Councilor Chilton made comments on May 5 saying she was being bullied.
    - That is part of the job being in public office.
    - He did not make fun of her last name. He asked her what her last name was. She created a Jessica Chilton for City Council page and then posted as Jessica Fuhrer-May. He first thought it was a different person. She should use only one name.
    - He tried to call her at the phone number listed on her election form and it was disconnected, which is a felony.
    - She attended a meeting where she said she was "blindsided" when Councilor Topaz was asked to resign. The City Charter says the only way to remove a Councilor is for him to resign.
    - He does not appreciate her Scarlet O'Hara routine saying she relies on people being kind to her when she has been a blatant bully online to the Tourism Director and other City staff. She lied and misrepresented information and continued to do so even after she was given correct information.
    - He is not concerned about softball.
  - The only way to remove Councilor Topaz from office, besides asking him to resign, is having him evaluated for diminished capacity. After a recent meeting adjourned, but was still live, Topaz answered a phone call and was heard saying, "The meeting just ended, and boy did they put their foot in their mouth." Saying that while broadcasting live is a sign of diminished capacity. Topaz enjoys making the Council look like a fool. Council needs to take action against Topaz. They need to turn in their keys and make City Administrator Walsh the single point of contact.
  - He would like to know where Code Enforcement is. St. Helens has a lack of retail space. Topaz is living in a commercial building that is an eyesore. If they do not already have an ordinance to address the issue, they should develop one.
  - Urged the Council to allow the people of St. Helens to vote on a police station. It is criminal that they can get around voter approval to spend \$25 million. They can just add a fee to clean up anything. Why bother with pesky citizens they were elected by when they can just add a fee to water bills. They should have a voice in the process. He voted for a majority of the City Council and will not make that mistake again if they go forward with

a Police Station without a vote of the people. He does not see how the process is legal. Agnes Petersen is not the only person who knows how to file a lawsuit against the City.

◆ Ginny Carlson. (Read into the record by City Recorder Payne)

*"I would like to thank all the public employees for perseverance through the past year.*

*I appreciate all you do even more as a citizen, from the Police patrols I am seeing all over town. Public works and parks I don't get a chance to call in before you have fixed the issues, call me impressed. To all the folks at admin and library that have been so helpful during the Covid with my questions. You all deserve a positive and safe work environment free of harassment and intimidation, I sincerely hope this council has the courage to make changes not just for you but for ALL its citizens so you can focus on your jobs.*

*To the council do not forget your oath to the citizens not just your friends or those who agree with you, but to all. Please remember we are all vested tax paying, rate paying customers and ultimately you owe it to us.*

*Not everyone will write a letter or make public comments, but I can't stay silent while our leadership is sitting by as long as they get their way on their pet issues not caring about the future of the whole community.*

*Please take actions that protect the cities and its citizens assets before it's too late.*

*Best Regards."*

Mayor Scholl stated that Councilor Topaz emailed a statement to the Council at 5:15 p.m. yesterday requesting Mayor Scholl read a public comment for him. That is not something they do for one another. They have the ability to speak during Council reports at the Regular Session. Councilor Topaz responded that he plans to read it tonight.

## **DISCUSSION TOPICS**

### **1. Annual Report from the Library Board - *Melisa Gaelrun-Maggi, Chair***

1:20 p.m.

Library Board Chair Melisa Gaelrun-Maggi presented the Library Board report. A copy is included in the archive packet.

Councilor Topaz talked about the Library having to constantly change with State rules. They have done a good job with what is going on.

Councilor Birkle is impressed by the Board and staff members. Even during economic downturns, the Library continues to operate. Melisa led a great presentation.

Councilor Topaz talked about how much more the Library is than just books. It is an "information connection to the world center." They have to deal with so much as a public building.

Council President Morten appreciates the cultural hub the Library represents.

### **2. Discuss Reappointing Councilor Birkle to Columbia Learning Center Board of Directors**

1:34 p.m.

Discussion of reappointment. The Black Tie & Blue Jeans event is cancelled again this year, but they still plan to issue several thousand dollars' worth of scholarships. No objection from Council to reappoint Councilor Birkle. Council will vote on it at tonight's meeting.

**3. Review Proposed Amendments to Library Assistant Job Description - Margaret**

1:37 p.m.

Library Director Jeffries thanked the Council for their kind words about the Library. She also thanked Melisa for presenting on behalf of the Board. Jeffries is proposing revisions to the Library Assistant job description. Once modified, her plan is to have the salary schedule reviewed. She reviewed the increase in duties, skills, knowledge, and minimum wage. A copy of the proposed amendments is included in the archive packet for this meeting.

**4. Discussion regarding Public Safety Facility Funding Plan - Matt**

1:45 p.m.

Assistant City Administrator Brown reviewed the presentation. A copy is included in the archive packet for this meeting.

- Timeline
- Monthly Rate Comparison
- Utility Rate Comparison
- Other Funding Sources
- Financing Options
  - Option 1: 30 Years
    - Recommended by Ad-hoc Committee
    - Dedicate revenue and tax sources
    - Recommend a \$2 monthly fee. It will replace the \$2 Recreation fee when it sunsets in December.
    - Based on a 3% interest rate
  - Option 2: 20 Years
    - Only difference is a recommendation of \$4.25 monthly fee.

Discussion ensued. It can be paid off early to save on interest fees. It does take revenue away from the General Fund and could affect next year's budget. Brown will review more of that at the next Budget Committee meeting.

Consensus of Council to direct staff to proceed with the 30-year funding option. It will be on tonight's agenda for approval.

**5. Utility Billing Administrative Rules Update - Matt**

2:09 p.m.

Brown reviewed the proposed amendments. A copy is included in the archive packet for this meeting.

Discussion ensued. Councilor Topaz suggested changing the word "COVID-related" to something else in case it is needed for an emergency issue in the future. Walsh explained the need to be specific this time. Brown added that he does review the rules annually for changes.

**6. Strategic Action Plan Updates**

2:16 p.m.

Brown reported...

- New windows are being installed on the Bennett Building.

**7. City Administrator Report**

2:17 p.m.

- Public Forum tonight at 6 p.m. for the Riverwalk Project. There is a survey online and available in the Columbia View Park Gazebo. They have received great responses.

- A task of the Waterfront project was to look at the roadway alignments. They have had five developers look at the property and are excited about the development opportunity. He talked about prevailing wage adding a lot of cost. The City's role right now is the master developer. Discussion ensued about the property. Mayor Scholl encouraged staff to look at private property partnerships with Opportunity Zones. Council President Morten talked about Seaside leasing property to continually pay the bills.
- The June 2 meeting should include the Smith Timber Sale bids.
- Making progress on the Main Street Program. Government Affairs & Project Support Specialist Rachael Barry took the lead on creating a job description.
- Will be receiving \$2.8 million from the American Recovery Plan Act over the next two years. There is guidance for what it can be used for.
- There was a nice article above the fold in the Chronicle about the City's investment in Parks & Recreation.
- There is a resolution on tonight's agenda for censorship. He asked the Council to think about the Council liaison for that Library and what they want that to look like.
- There is a Public Hearing for an annexation at 6:45 p.m. tonight. It should only take about five minutes. If the Public Forum goes long, they can delay the Public Hearing start time.

Councilor Chilton asked if there was an update on fireworks funds. Mayor Scholl spoke with Tim. He said the funds are there and they need to submit the request. The fireworks are proceeding. They are in a unique position to have the funding and ability to hand it over. Walsh added that Comcast wanted the ordinance approved before the funding. Mayor Scholl talked about how Comcast stepped up.

**ADJOURN – 2:31 p.m.**

**EXECUTIVE SESSION**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor

**City of St. Helens**  
**CITY COUNCIL**

**Executive Session Summary**

**May 19, 2021**

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*This meeting was held electronically via Zoom.*

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

**Staff Present:** John Walsh, City Administrator  
Matt Brown, Assistant City Administrator  
Kathy Payne, City Recorder  
Bill Monahan, City Attorney with Jordan Ramis PC

**Others:** Aurora Biggers, The Chronicle



At 2:42 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.

- **Real Property Transactions, under ORS 192.660(2)(e)**
  - Update on the Millard Road property RFQ.
  - Update on the potential purchase of property abutting the Columbia Botanical Gardens.
  - Update on the Kelley Street property potential sale.
  
- **Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h)**
  - Update on the litigation with Cascades Tissue.

The Executive Session was adjourned at 3:29 p.m.



ATTEST:

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Kathy Payne, City Recorder

\_\_\_\_\_  
Rick Scholl, Mayor



# COUNCIL PUBLIC FORUM

Wednesday, May 19, 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  
Rachael Barry, Government Affairs &  
Project Support Specialist

Crystal King, Communications Officer  
Cameron Burkhart, Communications Assistant  
Margaret Jeffries, Library Director  
Mouhamad Zaher, Public Works Director  
Tina Curry, Event Coordinator

### OTHERS

Shannon Simms, Mayer/Reed  
Jeramie Shane, Mayer Reed  
Emily Kuo, Mayer Reed  
Brady Preheim  
Mart  
Geri Logan  
Autumn Oliver  
Amy Scheckla-Cox  
Candy Miville, Pack 106  
Lynne Pettit  
Tom Myers

Erin Salisbury  
Serena McCurdy  
Sean Long  
Carmin Dunn  
Becky B.  
Mandy Flett  
Claire Catt  
Rgkwarn  
Lenore T.  
Meredith Reading  
Ashleigh Edwards

Mary Ellen  
Fran Pearson  
Alan King  
Steve Ewoldt  
Redshirt 1846  
Rhonda  
Howard Blumenthal  
Jane Drury  
Lynda  
Mitch Sherer  
Charlie Caster

### OPEN PUBLIC FORUM VIA ZOOM – 5:59 p.m.

#### TOPIC

#### 1. Riverwalk Community Meeting #1

City Administrator Walsh introduced Shannon Simms from Mayer/Reed.

Simms presented a PowerPoint presentation which included going over the subject property, its history, and its current condition. A copy is included in the archive packet for this meeting and is also online at <https://www.sthelensoregon.gov/waterfront/page/riverwalk-project>.

#### PUBLIC COMMENT

#### How do you use the Riverfront today?

Assistant City Administrator Brown read questions that were in the chat and posted on Facebook.

- ◆ Sean. Has an environmental study been done on the area? Are we clear to do construction or is cleanup needed first?

Simms responded that some environmental work has been done and will continue to be done. Walsh explained the work that has already been done.

- ◆ Ashleigh. Would like roller-skating paths considered.
- ◆ Carmin Dunn. Her family uses the Riverfront to attend community events, purchase to-go food for picnics, part of her running path, family strolls, throw rocks into the water, and her daughter jumps in puddles.
- ◆ Councilor Topaz. He recently talked to a gentleman about Native American artifacts covering the Riverfront and up to Nob Hill with the nearby connection of the Lewis River, the Multnomah Channel, the Columbia River. There are likely graves in the area that may be long gone due to industrialization. Are they doing any work in the undisturbed areas to find evidence of Native Americans?

Simms responded that they do have a portion of their team dedicated to permitting, which includes cultural resources to inventory. The whole site has gone through hundreds of years of disturbance. It is likely that the location of the Riverfront and Columbia View Park represents a lot of fill and disturbance, since the time of Native American existence. Councilor Topaz added that the gentleman he mentioned has found arrowheads in the area.

- ◆ Meredith. She lives on Nob Hill and walks the path daily. Thank you for hosting the forum.
- ◆ Fran Pearson. Uses it extensively for walking and takes visitors to see it.
- ◆ Rhonda. Mostly walks dog along the gravel walkway. Would like to see the walkway ADA accessible.
- ◆ Kristina Saul. A few years ago, there were informational and idea gathering meetings where people added suggestions on little sticky notes. What happened to the ideas? Are we not just going over the same steps that have already been taken?

Simms responded that their team is building on the framework that was done previously. That information has not been lost. They are collecting and building on top of those comments. The design team is new, and the effort is renewed as they move into design and construction. They did not want to miss anything new from the community.

- ◆ Erin Salisbury. Her family does a lot of walking on the Old Mill site. They love the wildlife viewing and the ability to see the river activity.
- ◆ Becky. Goes there for family walks. She has ability to let her kids run and explore without worrying about traffic.
- ◆ Roy Hettinga. He and his wife walk and run the loop. They enjoy the Riverfront during 13 Nights on the River and Spirit of Halloweentown.
- ◆ Jessica Sturdivant. She is grateful for Councilor Topaz's thoughtfulness. Will there be any consideration for the indigenous people who lived here before the land was taken from them, such as a sculpture or memorial?

- ◆ Brady Preheim. Walks the path almost every day with his dogs. He hopes they continue to have an off-leash area for dogs. He and a lot of other people with well-behaved dogs use it that way. What is going on with the lagoon? There was a plan to fill the lagoon with stuff from the Portland Harbor. Does that have to happen before you proceed with development?

Walsh explained that the City's wastewater lagoon repurposing is part of the Central Waterfront Project. It is not part of the Riverfront development.

- ◆ Unknown. Can more parking be added since they lost the spaces behind the Courthouse? Or can employees park in the front and allow for public to park above the river at the docks?
- ◆ Tom Myers. He is down there regularly bird watching. 114 bird species have been seen from Columbia View Park. He also sees plenty of seals, sea lions, and otters on the river. What are the project teams thoughts on preserving, and ideally building up, wildlife habitat?

Simms responded that their team is very interested in making the river edge a better habitat for those species. There will be on-street parking with the street extension project. Those designs are not far along yet, but it is part of the discussion.

- ◆ Alan King. Hopes they make this a place for the community to come together. So much of the public land is parceled off for baseball and dog use. Use this magnificent resource to welcome everybody.

Simms continued her presentation with the future of the site. A fundamental component is a trail. It will also include spaces to pause and participate in water related activities.

### **Which riverfront activities are most important to you?**

### **What feelings or experiences do you want to have on the Riverwalk?**

- ◆ James Shober. Boat ramp!!!
- ◆ Unknown. Kite boarding.
- ◆ Unknown. What will the width of the boardwalk be and how close will it be to the river? Is there a plan for one path for walking and then another one for wheels, bikes, skates, etc.?

Simms explained that it is not overly determined at this time. The planning work that has been done envisions a single multi-use path, but they would like to hear from the community about that. They envision that the path will be wider near Columbia View Park. The rest of the old mill property will be developed in the future. This is only to define the space for the Riverfront.

- ◆ Unknown. Walking, running, wading, and picnicking. Loves the quiet and history, including Native American history and modern industry.
- ◆ Unknown. Is there beach area along there? If so, easy beach access would be wonderful.
- ◆ Schnea Richardson. Local artisan shops and booths.
- ◆ Becky. Swimming. There is a lot of water but nowhere to swim and wade except for the creek at McCormick Park.
- ◆ Unknown. Water access.

- ◆ Unknown. All those things mentioned are amazing and exactly what our community wants. Paying homage to our native community and culture should be important.
- ◆ Rhonda. Kayak launching, fishing, walking, and sightseeing. Calm and serene, do not envision a noisy environment.
- ◆ Howard Blumenthal. He hopes they stay with the early versions of what the group put together several years ago. He was very involved at that time. His favorite times are walking out there when the rain is pouring, the winds are blowing sideways, and he does not have to share it with many people. Everyone's ideas are all really good. It is very important to create space for the osprey to nest. There is only one there now and, in the past, there were several. He would like them to keep in mind light pollution and interference with bird migration since it is so close to Ridgefield Wildlife Refuge and Sauvie Island. Lighting should be friendly to birds.

Simms acknowledged the good point about lighting. That will be addressed in a later phase. Best practices are to provide enough lighting for pedestrians, but also incorporating shielding to not impact migratory birds.

- ◆ Charlie Caster. Walking, dog walking, and watching the wildlife are all important. He really wants it to be a space for the whole community to use and not just sectioned off for one use. Access for paddling and kayaks needs to be considered. They need to take advantage of the natural resources.
- ◆ Rosemary Plymouth. Thanked the person who spoke about the osprey nests. The pilings are all leaning now where they used to nest. Does the plan include fixing them for the birds to nest again?
- ◆ Erin Salisbury. She would like to see non-motorized access to the river. Her favorite place to kayak is up into the channel. The most stressful part of accessing the channel, is getting through all of the motorized boats, launches, and the shuttle back and forth to Sand Island.
- ◆ Fran Pearson. She likes the idea of sectioning off areas for walking and wheels, bicycles, skating, etc. There can be conflicts between the types, especially when walking with littles.

Simms continued her presentation talking about possible stories and themes to incorporate, as well as access to the property.

### **Which themes are important for visitors to understand?**

### **Which types of access are important?**

- ◆ Sean Long. Geology and geography of the area is fascinating. They have a huge ability to highlight the history that St. Helens has had in Oregon over the past 150 years; including timber, ship building, transportation, etc. He would like access to connect to downtown. There are already established sidewalks to connect to and access existing businesses.
- ◆ Council President Morten. Great comments tonight! They need to be balanced in the way it is designed. He has not heard much talk about artwork, sculptures, and celebration of three-dimensional art. He does like the idea of informational signs to learn about historical significances. However, world renowned artist Michael Curry is in the area and very much wanted to do a mythological sculpture of Loo Wit. It incorporates the three mountains and is a myth from Native Americans who inhabited this land before Lewis and Clark. Those myths need to be acknowledged.

Simms acknowledged that art is an important component to consider. It is a layer they will be looking at.

Simms continued her presentation and focused on Phase 1 of the project in Columbia View Park, where the project will be building the Riverwalk along the river's edge.

### **What should the character of the new amphitheater stage be?**

#### **What activities should be included in Riverwalk Phase 1?**

- ◆ Alan King. The amphitheater is a very important part of this. It should be celebrated where it is. The unique thing about Columbia View Park is in its name. The stage protects the performers and provides a sound shell. Concrete over other paving is uncomfortable when it is hot. Turf grass is very durable and would be much more comfortable. It is not convenient to bring in sound equipment every time. Lighting is not addressed. Some aerial brackets by the trees would help light the stage. There is a cautionary tale on the Portland Waterfront where there was a deeded path for the public. The people living in apartments nearby would close and lock a gate, making it a constant battle involving the police to tell apartment residents that it is not their land. It needs to be wide enough that people understand it is a public way.
- ◆ Charlie Caster. Phase I ends in an awkward area. Why does it not mirror the current end of Strand Street?
- ◆ Rosemary. She would like to see Strand Street widened. Parking is a huge issue, and the road is narrow.

Simms acknowledged that the team is studying different concepts for Strand. At this time, the Phase I area extends to about the end of Cowlitz Street. That is likely due to a limitation of funding.

- ◆ Ashleigh Edwards. She thanked the consultants, staff, and Council for holding this meeting. She wanted to speak about roller-skating. She is a member of Rose City Rollers and has been skating for about six years. She enjoys trail skating but there is a lot of obstacles with what is available now, such as rocks, cracks, etc. It is a challenge for experienced skaters and can knock down new skaters.
- ◆ Councilor Topaz. Wheelchairs need to be able to access the gazebo. He agrees they need grass to sit on but wants them to keep mobility issues in mind. Attention needs to be made for ADA access in the area.
- ◆ Unknown. Less is more. Natural access, accessibility, familiar, and community friendly. Does not mind artwork and history reader boards but this is a space about natural resources, not huge works of art. The landscape is amazing. We do not need expensive artwork.
- ◆ Unknown. Would like to see a unique amphitheater but flow with the Courthouse design. Love the 360 access to see a stage with grass surrounding. Limit the structure so it is not blocking views but enhancing them. It should be appealing to look at from all angles.
- ◆ Margaret Jeffries. Often handrails can create a view obstruction for people in wheelchairs and sitting in their vehicles. Safety is important but they should keep the line of site in mind.

Simms thanked everyone for attending. She appreciates all the feedback. She encouraged everyone to complete the survey online or at Columbia View Park.

**CLOSE PUBLIC FORUM – 7:02 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

\_\_\_\_\_  
Kathy Payne, City Recorder

\_\_\_\_\_  
Rick Scholl, Mayor



# COUNCIL PUBLIC HEARING

Wednesday, May 19, 2021

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## DRAFT MINUTES

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Margaret Jeffries, Library Director  
Tina Curry, Event Coordinator  
Bill Monahan, City Attorney

### OTHERS

Autumn Oliver  
Candy Miville  
Sue  
JW  
JW  
Christina Sullivan

Brady Preheim  
Lynda  
Howard Blumenthal  
Serena McCurdy  
Art Leskovich

William Lain  
Nicole, SH BSA 106  
Sean Long  
SH Resident  
Tim Goodman, Comcast

### OPEN PUBLIC HEARING VIA ZOOM – 7:04 p.m.

#### TOPIC

**1. Annexation of 3.58-acre site located southwest of the intersection of Kavanaugh Avenue and Firway Lane (Comfort)**

Associate Planner 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 recommend approval and set the zoning as Highway Commercial and Comprehensive Plan designation of Highway Commercial Incorporated.

**TESTIMONY IN FAVOR** – None

**TESTIMONY IN OPPOSITION** – None

**REBUTTAL** – None

**CLOSE PUBLIC HEARING – 7:12 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

\_\_\_\_\_  
Kathy Payne, City Recorder

\_\_\_\_\_  
Rick Scholl, Mayor



# COUNCIL REGULAR SESSION

Wednesday, May 19, 2021

## DRAFT MINUTES

### MEMBERS PRESENT

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Autumn Oliver  
Candy Miville  
Sue  
JW  
JW  
Christina Sullivan

Brady Preheim  
Lynda  
Howard Blumenthal  
Serena McCurdy  
Art Leskowich  
Heidi Oliver

William Lain  
Nicole, SH BSA 106  
Sean Long  
SH Resident  
Tim Goodman, Comcast

### CALL REGULAR SESSION TO ORDER VIA ZOOM – 7:13 p.m.

### PLEDGE OF ALLEGIANCE

Mayor Scholl recited the Pledge of Allegiance.

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

- ◆ Brady Preheim. He reiterated that the Council should not be scared of the voters on the police station. He implores the Council to let the voters decide. They were wise enough to vote all of them into office. They should be given a voice and trust that they will support a police station. Even though he is opposed, the majority of people he talks to are in support of the police station. He thinks a levy would pass. He severely objects to the fact that they are going to spend over 27 million dollars and not allow the public to vote.
- ◆ Nicole, Scout Troop 106. She summarized what was presented during the work session. They are requesting financial assistance for Unit 106 to help bridge the funding gap as a vendor with Spirit of Halloweentown.

Mayor Scholl explained that the Council will be discussing this during action items later in the meeting.

- ◆ Dominique Vanella. Enjoys Scouting because of the activities they do. He has learned water skills, how to carve out certain things, how to use a pocketknife, and how to get water and make sure that it is filtered.

- ◆ Rowen Lain. He likes that they go on a lot of camping trips and outings. He has learned a lot about cutting wood, building safe fires, and doing a lot of safe things.
- ◆ Christina Sullivan. She is here as another Spirit of Halloweentown vendor. There is more than just one non-profit student group raising money during Spirit of Halloweentown for camps, dance things, 4H, little leagues, softball leagues, the School District, etc. This may set a precedent for other nonprofits to ask for help. They all have the same fee. It can be overwhelming, but the profits cover the vendor costs. She is excited to see the Scouts here sharing the need.

Mayor Scholl thanked Christina for making that point.

- ◆ Sean Long. He recently noticed a GoFundMe for the St. Helens municipal pool. How is the maintenance not covered in the budget?

Mayor Scholl explained that the Eisenschmidt Pool is its own district. The City is helping support them the best they can.

## DELIBERATIONS

### 1. Annexation of 3.58-acre site located southwest of the intersection of Kavanaugh Avenue and Firway Lane (Comfort)

Mayor Scholl reiterated that the main reason for annexing is to connect to sewer.

Councilor Topaz is glad to see something opening on that side of the highway. Council President Morten agreed. That area needs something. It is a good place for RVs off the highway.

Councilor Birkle and Councilor Chilton are in support of the request.

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

## ORDINANCES – Final Reading

### 2. Ordinance No. 3265: An Ordinance Correcting Ordinance No. 3260 Which Granted a Non-Exclusive Franchise and Right to Continue to Operate, Construct, and Maintain a Cable System in the City of St. Helens, Oregon to Comcast of Delaware II, Inc. to Revise the Name of the Franchise Holder to Comcast of Oregon II, Inc.

Mayor Scholl read Ordinance No. 3265 by title for the final time. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Ordinance No. 3265. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### 3. Ordinance No. 3266: An Ordinance Amending the St. Helens Municipal Code to Create Chapter 13.30 Relating to a Public Safety Fee

Mayor Scholl read Ordinance No. 3266 by title. **Motion:** Motion made by Councilor Chilton and seconded by Councilor Topaz to adopt Ordinance No. 3266.

Discussion.

Mayor Scholl stated that this is just one way of implementing the ability to add a fee. There has not been a decision. He agrees with Brady's comment in reference to talking to a number of citizens who want a new police station. Elected officials have the ability to make decisions. This is one of the cheapest, efficient, and effective ways to do it. They are moving forward with this option, but it is not a done deal.

Councilor Birkle also feels much better about establishing this ordinance given the information received at the work session. He had a very challenging conversation with a neighbor last week. He challenged him to think about why he might vote to go forward with this option. The three main concerns he has heard from people when talking about it are; the amount assessed, that the money would be used specifically for this dedicated service, and there would be a sunset.

Mayor Scholl said he hears those same concerns. There is no doubt about the need for a police station. They will spend over \$100,000 if it goes out for a vote to the public.

Council President Morten acknowledged Brady's concerns. He was leaning that way, especially when it was originally estimated to add \$15 to their utility bills. But the staff came through and did their due diligence to reduce it to \$2/month. They are elected officials and are responsible to make decisions. It is very much needed, and they have been hearing it for over 10 years.

Councilor Chilton was voted in for a reason and is here to do that job. She is on board.

Councilor Topaz said he is bias and needs the police station now.

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

## **RESOLUTIONS**

- 4. Resolution No. 1917:** A Resolution of the City Council of St. Helens, Oregon Reprimanding and Censuring Council member Stephen Topaz for Engaging in Behavior Violating the City Code of Ethics and Other City Policies, Negatively Affecting Members, the City Staff, and Bringing Discredit to the City

Mayor Scholl read Resolution No. 1917 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Birkle to adopt Resolution No. 1917.

Discussion.

Council President Morten is adamant about this because if they do nothing as a Council, they are liable for suit from staff.

Mayor Scholl sees it as a moral issue. People should feel safe at work. They should be encouraged and not criticized.

Councilor Topaz said that a number of charges have been said against him but there is no name connected. It makes it hearsay. The people who said that things were done wrong were then filtered through someone who then gave it to the Council. One of the charges was that Topaz wanted a storm drain installed on his own property. He argued that it cannot be on his property because he covers the whole property. Years ago, Walsh visited the neighborhood when it was flooded. They talked to a neighbor who had water going from his backyard into his basement. It is a neighborhood problem and pointing out that it is a Topaz problem is off the mark. There was another comment made that "he threw the Council under the bus reporting the illegal executive meeting outside City limits in Portland." As you read... Mayor Scholl argued that what he is saying is not part of the investigation. It was a comment made by Council President Morten. Scholl asked him to base his comments on the investigation.

Councilor Topaz talked about a comment that he used the "N-word." That was over 10 years ago in Court. The judge corrected that. Mayor Scholl clarified that was sustained in the investigation. It was said recently and not in the Courtroom. Topaz argued that it was not said by him. Topaz went on to talk about the comments made that he is a racist. He wants a name, date, and time of when that occurred. He works with people in many countries and states, and that is a lie. So far, this has been hearsay with no one's name. There are questions he has asked and has been cutoff, which is where he thinks the harassment occurs.

- How much rent has the marijuana grow operation paid? They should have paid about \$735,000. Mayor Scholl explained that the Petersen's filed a lawsuit and held up the lease agreement, which turned into a purchase agreement about a year later.
- Has the City required insurance? Mayor Scholl pointed out that this is not part of the investigation.
- The marijuana property has been subdivided into 10 different tax lots. When did the division take place?
- There have been discussions about the Engineering Department, including dumping water, not getting permits, and driving heavy pipes into rocks. He was accused of trying to influence them in a negative way. What they did was wrong.
- He keeps asking for a tourism audit, and it still has not happened.

Councilor Topaz confirmed that he has been harassing them with that list of questions.

Mayor Scholl requested the City Attorney address Councilor Topaz's comments. Topaz had multiple opportunities to respond, and he evaded the investigator. He was in and out of City Hall several days a week, but he never made the opportunity to speak with the investigator.

Attorney Monahan explained that tonight's action is a culmination of several meetings, relating to the investigation that began last November. Councilor Topaz had multiple opportunities to respond. The issue is not as much the questions Topaz has raised, but the way they were raised. Staff members perceived some of those interactions as a hostile work environment. Council has seen the investigator's report, it was made available to Topaz if he had attended the meeting, and he could have responded to the investigator about the issues raised. Tonight, is about the Council's request for a resolution.

Councilor Birkle expressed that the resolution is something that needs to be done. Section 3, beginning on Page 2 of the resolution, speaks about the limitations on Councilor Topaz. Does that section give City Administrator Walsh power over an elected official saying that visits need to be pre-authorized? Birkle agrees that controls need to be put in place to protect staff against Topaz. Monahan confirmed that Topaz must be given the ability to continue his elected duties. This is a workplace issue and there is a necessity for parameters to protect the employees by planning visits in advance. Walsh is not going to be given authority to restrict Topaz's ability to perform his job. Walsh will determine who Topaz needs to contact based on the subject. This is set up for a period of no less than six months to determine if the activities part of the investigation have been resolved and that Councilor Topaz has conformed his activities to a level that is satisfactory to the Council.

Councilor Topaz said it sounds like they are not going to let him do his job by choosing who he gets to talk to. He was elected to do his job because that is the way he does it. The voters are losing their lead on a number of projects. If they do not like the way he says it, "suck it up buttercup."

Mayor Scholl expressed that Councilor Topaz is trying to bring discredit and make it sound like he is doing the citizens a service. An investigation was done that has nothing to do with the Council trying to cover up or not answer the questions, which have been answered repeatedly. Topaz is bringing discredit and deception to the City. Scholl said it sounded like Topaz is telling people he is smarter than everyone and is not allowed to do his job. Councilor Topaz confirmed he said that. Mayor Scholl went on to say that Topaz's bullying methods are the way he works. He makes racist, bullying, and sexist comments in order to get the job done. Councilor Topaz argued that he never said that and wants someone to prove it in writing. Mayor Scholl confirmed a thorough investigation was done. He had multiple opportunities to speak with the investigator. He even approved moving forward with the investigation. Councilor Topaz agreed but said the investigator was hired by the City and would see anything he said in a negative light. That is why he did not communicate without the presence of his lawyer.

Councilor Birkle thanked Monahan for the explanation. He wanted to make it clear that he knows Walsh would not do anything other than represent the City well. He just wanted clarification about roles. They have no choice but to move forward. He trusts the integrity of the report by the investigator.

Councilor Chilton stated that the evidence is really stacked against Councilor Topaz. She has not seen anything else to go from. She did not think she would be here as a judge and jury three months into the position. She likes questions but it has to be done in a respectful, productive way.

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

Mayor Scholl stated for the record that Councilor Birkle and Councilor Chilton are new. They did not know a lot of the inner workings.

#### **APPROVE AND/OR AUTHORIZE FOR SIGNATURE**

5. Engagement Agreement with Hawkins Delafield & Wood LLP to Act as Bond Counsel for Public Safety Facility
6. [Ratify] Agreement with Western Display Fireworks Ltd. for 2021 4th of July Fireworks Display
7. Contract Payments

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Birkle to approve '5' through '7' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

#### **CONSENT AGENDA FOR ACCEPTANCE**

8. Library Board Minutes dated April 12, 2021
9. Parks and Trails Commission Minutes dated April 12, 2021
10. Planning Commission Minutes dated March 9 and April 13, 2021

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '8' through '10' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

#### **CONSENT AGENDA FOR APPROVAL**

11. Council Special Session, Work Session, Executive Session, Public Forum, and Regular Session Minutes dated April 15, 21, May 5, and 10, 2021
12. Amended Library Assistant Job Description
13. Updated Utility Billing Administrative Rules
14. Accounts Payable Bill Lists

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '11' through '14' above.

Discussion.

Councilor Birkle recommended changes:

- April 15, Special Session
  - Page six, where he talks about Spirit of Halloweentown...change "long-liked" to "long-lived."
  - Page four, where he talks about a basalt rock festival...change it to read that it was suggested as an example by an advisory committee, it was not his suggestion.
- May 5, Work Session
  - Page six, in the seventh paragraph...change "conscious" to "conscience."

Motion amended.

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

## **WORK SESSION ACTION ITEMS**

### **Public Safety Facility Fee**

**Motion:** Motion made by Mayor Scholl and seconded by Councilor Birkle to move forward with a 30-year loan and shop it out to the public. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **Scout Assistance**

Mayor Scholl summarized the request made by the Scouts. However, they are not the only nonprofit who participates.

Discussion of changing the process to grant funds to community programs once a year through an application process, like what was done in the past.

Assistant City Administrator Brown reported that there is about \$2,300 remaining in the Council's Community Support Funds. They began the fiscal year with \$10,000, \$4,000 was reallocated due to COVID expenses, and they have spent \$2,700.

Mayor Scholl wants to be sure there are funds for Citizens Day in the Park, which is scheduled for August 7. Depending on COVID restrictions, they may need additional assistance.

Council President Morten was impressed with the Scouts presentation but wants to discuss it further.

Discussion ensued about the Scouts request for \$1,800. Consensus to request more information about the cost of a Spirit of Halloweentown vendor booth.

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Topaz to develop a form for nonprofits to apply for funds biannually. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **Columbia Learning Center Appointment**

**Motion:** Motion made by Councilor Topaz and seconded by Mayor Scholl to reappoint Councilor Birkle to the Columbia Learning Center Board. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Topaz, Councilor Chilton; Abstained: Councilor Birkle

### **Library Liaison Role**

Discussion ensued of whether Councilor Topaz should be removed from his Library liaison role.

Councilor Birkle pointed out that he previously served on the Library Board. Councilor Topaz's interaction with the Library Board was very different than with City employees. His assistance has been helpful to the Library during COVID changes.

Mayor Scholl personally thinks there needs to be something there since it is still part of the City. They have to be consistent. It is part of their mantra.

Councilor Chilton agreed with Councilor Birkle. She has not seen enough evidence that any of those behaviors have been passed on to the Library Board or the Library staff. His thoughts about the Library may be one of the most, or only, benefits he does bring to the Council.

Mayor Scholl concurred that nobody working at the Library was involved in the investigation. However, the allegations were sustained. As much as Councilor Topaz painted the deception, this was a thorough investigation. Scholl is trying to take care of business and move on.

Councilor Birkle agreed with the need to be consistent. However, that does not prohibit attendance at Library Board meetings. He firmly supports the application of the resolution in terms of communications with the employees but thinks he can still perform as a liaison with the Board.

Council President Morten pointed out that the Charter gives the Mayor the responsibility to appoint members of the Council to committees and commissions. In the past, they have had to remove councilors and reappoint.

Councilor Birkle supports Mayor Scholl's decision. He is giving a lot of the thought and concern to act in the best interest of the City. Council President Morten agreed.

Mayor Scholl asked for input on whether Councilor Topaz should be censured as a Library liaison, making it so he has to check with Walsh before visiting or contacting the Library staff or Board, or should he be removed. After discussion, Mayor Scholl decided to censure him and allow him to continue doing his good works with the Library.

### **MAYOR SCHOLL REPORTS**

- 4<sup>th</sup> of July fireworks is happening! Thank you to Comcast for sponsoring! It will be handed over to a community group next year for organizing.
- Citizens Day in the Park will be held August 7. They will discuss it more at the June 16 meeting.

### **COUNCIL MEMBER REPORTS**

Council President Morten reported...

- The Public Forum and comments made were really good. He could not help but comment about the need for artwork. It is culturally important for that area.
- There is a Columbia Botanical Gardens clean-up event this Saturday. It is sponsored by the Parks and Trails Commission.

Councilor Topaz reported...

- This afternoon, he found out that the County has 10 new tax parcels because the marijuana facility has been separated into 10 different tax groups. He did not know that there was a subdivision in town. Is there any information about that?

Walsh explained that the tax lot division is through the County. It is not a subdivision. It is for tax purposes and they are well within their right to do that.

- The Library Board gave a good report. He hopes they do not change the rules for libraries again.

Councilor Chilton reported...

- She just returned from vacation in South Carolina. She had a great time enjoying their beaches and southern hospitality.
- Her daughter's team won a softball tournament in Newberg. She is proud of the girls and how they represent St. Helens.
- Today's Public Forum was really good. She enjoys hearing what community members want to see.

Councilor Birkle reported...

- It was a good Public Forum and an exciting time to see things happening down there. There were good comments made by residents.
- There are only 20 more days of student contact this school year. He learned that he is not able to fully sustain full-time teaching in Hillsboro and serving on the Council. He is looking forward to returning as a substitute teacher to pick and choose his days. This will give him more time to meet with Walsh, visit City properties, and meet staff. He is excited for the new opportunity. The community has a bright future.

Mayor Scholl looks forward to in-person conferences again. The next League of Oregon Cities is scheduled for October 21-23 in Bend. He thanked Councilor Birkle and Councilor Chilton for taking the time to meet with Walsh to get informed.

**OTHER BUSINESS** - None

**ADJOURNMENT – 8:47 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor