

City of St. Helens

Consent Agenda for Approval

CITY COUNCIL MINUTES

Presented for approval on this 1st day of November, 2023 are the following Council minutes:

2023

- Special Session Minutes dated September 14, 2023
- Work Session, Executive Session, and Regular Session Minutes dated September 20, 2023
- Special Session Minutes dated October 20, 2023

After Approval of Council Minutes:

- Scan as PDF Searchable
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COUNCIL SPECIAL SESSION

Thursday, September 14, 2023

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Mark Gundersen
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Brian Greenway, Police Chief

OTHERS

Ginny Carlson	Steve Toschi
Jay Echternach	Diana Wiener
Nicholas Hellmich	Jen Massey
Russell Hubbard	Sabbath Rain Mikelson
Scott Jacobson	David Rosengard
Brady Preheim	TC
Jared Stram	M
Stephen Topaz	

CALL SPECIAL SESSION TO ORDER – 5:17 p.m.

INTERVIEW APPLICANTS FOR CITY COUNCIL APPOINTMENT (10 minutes per interview)

The following questions were provided to the applicants in advance.

1. What knowledge, experience, and skills do you have in the operation of city government and what will you contribute as a team member to help the Council accomplish their mission and goals?
2. Please share with us some of your community involvement other than political or governmental affairs.
3. How familiar are you with the current affairs of the City?
4. Have you ever been a member of a team and disagreed with the direction the team decided to go and if so, how did you handle the situation?
5. Do you have any questions for us?

1. Ginny Carlson

1. Served two terms on City Council, served on the Tourism Committee and multiple boards, and currently serve on the State of Oregon Habitat for Humanity Board and Community Action Team (CAT) Board. Perspective and willing to listen to other people's points of view and find common ground for the better of the community.

2. Habitat for Humanity and CAT boards, advocate for people with disabilities, and advocate for bringing more businesses and people to the community.
3. Continue to follow what is public; including waterfront, parks, and police station. Currently serves on the Planning Commission.
4. She has often disagreed with a decision, but in the end, they stand together on the decision. They come together for the greater good.
5. What is the Council is looking for? Mayor Scholl responded that he is looking for someone to accomplish the mission and goals of the City. Ginny agreed that they need to stand together as a team representing the City.

2. Jay Echternach

1. He talked about his history in the Gresham area, including sports and education, fundraising, sales, etc.
2. He was part of the founding Gresham Barlow Education Foundation Board for 15 years. They raised more than \$5 million in the first ten years to fund supplies and programs. He has an extensive sports background and is knowledgeable of accommodating and serving needs of all kids and parents. He also served on the Gresham School District Budget Committee and Curriculum Committee.
3. He reads and tries to stay up to date on what's happening. He lives on S. 2nd Street, overlooking the Waterfront property. He watched the process and reviewed the plans. The development is exciting. However, the budget concerns him by dipping into reserves. The single largest taxpayer, Cascades, is closing, which will present unique economic challenges. Public safety is number one, managing staff and getting the right people into positions is number two, and then budgeting and revenues. They have done a great job at providing the tools and skills for success.
4. His involvement in school, community sports, and managing a publishing business has taught him to listen first, have a sense of discernment, weigh priorities based on goals, build consensus, and empower the team.
5. No questions. He is very impressed living here and would be honored to be selected.

3. Nicholas Hellmich

1. He attends many City Council and Planning Commission meetings. He also has over 13 years of finance experience in the private sector that has helped him with budget management, people management, teamwork, and strategic planning. He is a Certified Housing Counselor at CAT. He helps people create budgets aligning with their goals, which are skills to help the City achieve goals. He would bring collaboration, leadership skills, and commitment to the community.
2. Working for CAT as a Certified Housing Counselor, he helps people create a budget, repair their credit, and avoid foreclosure. He has also been the Vice President of Credit Union Professionals of Oregon, a nonprofit that organizes fundraisers, professional development, and community involvement.
3. He addressed his familiarity with the Waterfront project, water rate increase, and his communication with community and Council members.
4. While serving on the Board of Young Credit Union Professionals of Oregon, they wanted to lobby for a specific political group. He reached out to the President directly and explained how it potentially puts the nonprofit status in danger. The main goal is to resolve the issue at the lowest level possible and not spread anything around.
5. Are there goals or plans to increase revenue without impacting lower-income citizens? Mayor Scholl responded that the goal is to attract businesses. They are working with Columbia Economic Team and Port of Columbia for that. Council President Chilton added that a goal of the Waterfront redevelopment is to attract business. The Riverfront is for the community to enjoy but they also hope for a return on their investment.

4. Russell Hubbard

1. He has served on the Planning Commission for nine years, learning a lot about the City and how government works. He is a developer here and can be valuable in knowing what businesses need here.
2. He has served on the Board of NW Industrial Business Association in NW Portland; Columbia River PUD Board, serving as the St. Helens Subdivision Director, worked with the Rodeo fundraisers, and worked with students at the Benson High School house building program.
3. Serving nine years on the Planning Commission has been an eye opener and a process. Had to learn Roberts Rules of Order. Planning Commission only goes so far but does follow City process online. He has been involved as he can be.
4. Being an owner of a business, he listens to and considers what his employees say. However, in the end it is his decision. With Planning Commission, it is a vote. They talk through every decision made. Through discussion and discovery, they could change minds and be unanimous. Once the decision is made, he supports the majority.
5. No questions.

5. Scott Jacobson

1. Knowledge - studied City Charter, Master Plans, attended seminars offered, etc. Experience - active member of the Parks & Trails Commission, have worked with various staff members, attends a lot of Council meetings, and years of experience as a small business owner in the UK working with the government. Skills - not combative, weigh the issues, come to a balanced solution, and detail oriented. Contributions - collaborative approach and supportive of decisions. He will do his best to defend Council and staff from personal accusations.
2. Parks cleanup, labor for Habitat for Humanity, taught English to immigrants, volunteer work for low-income seniors, taught field methods to volunteers, and done pro bono work.
3. He keeps up with quite a bit. He is active on the Parks & Trails Commission. He believes that the finances are a result of what has happened in the past and the inability to raise property taxes. With Cascade gone, they must find other revenue sources. They have done a great job obtaining grants. They still need consistent and long-term revenue. They also need to educate community members about why the shortfalls exist. There is potential with the Waterfront Development to make St. Helens the envy of the Pacific Northwest. It's also important to remember the past. He would like to re-establish the Arts & Cultural Commission. He would also like to see St. Helens remain a livable and safe community. The Police Department is understaffed.
4. Last winter, there were concerns about the stage siting. He spoke with Planning staff and he was happy to move forward with it. He then heard from more staff and a former Councilor and brought those concerns forward again. He discussed those concerns with the City Administrator and other staff. He eventually withdrew his concerns and did not impede the project going forward.
5. N/A – exceeded time limit

6. Brady Preheim

He does not think 10 minutes is enough time. They should have had a pre-interview. He suggests selecting Ginny Carlson. She has the experience and is an advocate for the City and the vulnerable population. Diana Wiener is not a qualified candidate because she's not living in City limits.

1. If they don't pick Ginny, he will bring transparency to the City that is lacking. He will always say what he thinks is best for the City. He is not afraid to speak up. He was born and raised in St. Helens.
2. He is probably the only candidate who has attended almost every Council meeting, Planning Commission meeting, Budget Committee meeting, Chamber of Commerce meeting, City of Scappoose meeting, Mainstreet meeting prior to them being closed to the public, Columbia 911 meeting, Columbia County meeting, Port of Columbia County meeting, Columbia River Fire & Rescue meeting, and Columbia River PUD meeting. He also hosts a weekly radio talk show that exposes the good and bad of people

throughout the County. He served as a Ford Leadership Community Ambassador and volunteers frequently for Spirit of Halloweentown.

3. Some of the major issues the City is facing is the budget, Waterfront development, and the police station. Last night, the Planning Commission denied the police station permit, which makes it even more complicated.

4. He has been on a team that he has not agreed with many times. They cannot get anything done unless you get at least two people to agree with you. They must treat each other with respect and work as a team. The public hates to see contention on the Council. He will voice his concerns but is prepared to support the decision once it's made. They should disqualify any person who has come before the Council or online and tried to boost their candidacy for the position.

5. When are you going to appoint Ginny?

7. Jared Stram

1. He has experience working with teams and committees to help come to decisions and create consensus. He is the Oregon Regional Manager of Utilization Review for Providence Health and Services. He manages a team of 30 nurses working remotely across the state on insurance reviews. In his work history, he has chaired a counsel of interdisciplinary staff at St. Vincents of about 40 members across nursing. They implemented and developed polices and did education for the entire hospital. They follow high reliability organizations and conscious capitalism for running a business. He graduated with a Master's in Business Administration in 2022, receiving numerous awards, all of which will help him be a good team member and help the City reach its goals.

2. He served as a School Board member and vice president for Columbia County Christian School; blood donor; four children between 9-17 that keeps him involved in various community activities, such as sports and youth leaders club. His son, Hayden, has participated in the "If I Were Mayor..." Student Contest several times. His youngest son has severe autism and is immune compromised. He submitted testimony to the State Legislature for two healthcare bills on his behalf.

3. He has spent time reviewing City Council minutes, goals, strategic workplan, Waterfront project, and Industrial Business Park. He does not come here with an agenda. He wants to help guide decisions on what will advance the City and residents.

4. Many times as a nurse, he has disagreed with a decision of a team he was involved with. It is important that all members speak about their concerns. Not allowing everyone to express their opinions can lead to worse feelings in the future. When he doesn't agree with a team decision, he makes his opinion known respectfully and then abides by the final decision.

5. Do you have a standardized orientation? Mayor Scholl confirmed they do. There is a manual that is reviewed with staff and classes are available as well.

8. Stephen Topaz

1. He has served on City Council and has also been involved with State and Federal governments in the past. He was able to get the County clock working after 20 years. He was on the first transplant team for a kidney transplant at Cleveland Clinic, the first heart transplant team with Johns Hopkins, and on the team that took a two-year medical school to a four-year medical school at Rutgers, which was a State University so collaborated often with the State government. His main specialty is technical. He is a Mechanical Engineer, licensed most of his career in Maryland. Most of the time he is the single person providing technical information. He put together the first paperwork for the FDA to get the artificial heart implanted clinically in people, which included a lot of agency collaboration. His business has been technical and involved.

2. He was on the Girl Scout Counsel in New Jersey, where he led moving a camp from the Adirondacks to New Jersey and organized Camporees on Federal property; Cub Scouts in Massachusetts; and raised funds for the Episcopal Cathedral in Utah. In St. Helens, he helped start the Mainstreet project; involved in the Maritime Festival Committee; and shares food at the Food Bank.

3. He is quite familiar with the City's affairs. He regularly attends Council meetings and talks to people in the community. He is most interested in Maul Foster and DEQ technical reports and how they affect the city. He has been observing the reservoir problems for a long time and makes technical observations that other people don't understand.

4. City Council has had a couple of illegal meetings and he was the only one who stood up and reported them to the Oregon Government Ethics Commission (OGEC). He also speaks up when he hears non-technical responses to technical problems. His business is to get things done and not create friendships. He'll be with them if he agrees but stands firm when he disagrees at a technical level.

5. What are they going to do with the lagoon cooling pond with the closure of the paper mill and the idea of it becoming a waste dump? When will the community be asked what they want? Mayor Scholl said that geological testing on the lagoon still needs to occur before they can do anything. It is just a hypothetical idea at this time. Steve said there was a problem with the marijuana grow facility. It was not presented to the community until 2018, but the decision to sell it was in 2017. How can the Finance Director do that without the Council or community knowing about it? Mayor Scholl said that person is no longer with the City.

9. Steve Toschi

1. He is knowledgeable about the operations of City government, general plan, water and sewer plans, housing needs analysis, Planning and Development laws, Parks and Trails Plan, attends Council meetings, remodeled a house and worked with staff, met with staff about areas of concerns regarding Public Works sewer and water, studied the City's budget, made Public Records Requests concerning the City's budget, seen and analyzed the court orders and pleadings regarding the City litigation concerning the lease and sale of land to the pot farm, familiar with Planning laws, involved with civil litigation matters where a city has been a party, read the City Charter and Municipal Code, receive League of Oregon City (LOC) emails, received training about ethics, and read the decisions of the OGEC in regards to the City Council Executive Session meeting complaints made by Steve Topaz. His skills include being a licensed attorney in Oregon and California with unique experience and qualifications to bring accurate assessments to the Council regarding legal and regulatory issues, skilled in negotiations and presentations, can explain things so people can understand them, recognized as an exceptional attorney by his peers, voted super lawyer multiple years, manage other attorneys, skills to advise Council of whether the attorneys they are using are the best for the job, he is part owner and manages a law firm that employees 25 people, and is computer literate. His contributions would include time and energy spent on issues facing the City, work with people all the time who expect professionalism from the Council, work with the commission he is assigned, work cooperatively with Council, and help the Council accomplish their mission and goals.

2. He attends many social events, member of Elks Lodge, member of Rotary Club, participates on two swim teams and hopes to put on a fundraiser swim event, and attends local music, racing, and car shows. In the past, he has served as Little League coach and on the Board. He fishes a lot, volunteers at swim events, taught swimming lessons, and taught lifeguard classes.

3. He is quite familiar with public affairs. He served on the Planning Commission and continues to follow issues. He is aware of many legal issues, has studied the budget and budget report, read the Urban Renewal materials, and has seen how City government works and when it does not. It does not appear that City finances have been mapped out well for long-term planning. He is very concerned about suppression of speech and Resolution 1986, which he believes to be unconstitutional and will lead to litigation. The City has a lot of potential. He hopes they can work together to improve.

4. Very few decisions he has been involved with have been his. He works in a collaborative environment. Decisions of the Council and Planning Commission are made as a group. They are not individual decisions. He will advocate and listen to the views of others. His mind is always open. Once a decision is made, he will live with it. No one should form a decision prior to the meeting. He hopes they can work together as a team.

5. When will a decision be made? Mayor Scholl said they will discuss it and make a decision after this.

10. Diana Wiener

1. She has 30 years of work life, from being a waitress and maid, experience in higher education and law, to now being a tech executive. She has experience with managing people, working with government regulations and compliance, security response, and change management. In 2019, her company sold for \$1.2 billion and is now a \$3 billion company. It has grown from 400 employees to over 1,000. She has 20 direct reports, of which three live in Columbia County. She created all the processes around communications and operations that her team is responsible for. She communicates daily with customers and representatives of Fortune 500 companies. Her skills are communications, business development, operations, education administration, and law. She is also very familiar with Roberts Rules of Order and has helped with finances at her company. As far as government experience, she has worked for both Multnomah County and Oregon State Department of Justice. She has read the City Charter and Municipal Code and has extensive familiarity with the Oregon Revised Statutes. She is very involved and invested in both Oregon and St. Helens. She moved here five years ago and loves the community. She volunteers with the Library Board and Mainstreet.

2. She is the Mainstreet board secretary, a member of her college's philanthropy board, served on a nonprofit fundraising committee raising thousands of dollars, and volunteered with the Volunteers of America Home Free Board for two years, helping people obtain restraining and protective orders. She also has 15 years as a victim advocate for survivors of domestic violence and assault.

3. She is very familiar with current affairs. She subscribes to the newspaper, watches Council meetings on YouTube, is involved in Mainstreet, follows the Waterfront Development Project, and worked with Associate Planner Dimsho on City Planning things. Serving with Mainstreet, she was part of the Grant Committee and met with a lot of local business owners. She is also familiar with the police station siting.

4. Handling emergency communications, she must work with multiple departments to determine what matters to the end user. Like City Council, they need to be proactive at having answers readily available. The City does a lot of work but it's not always visible to community members. She would like to improve communications.

Mayor Scholl asked Diana to explain the status of her residence. Diana explained that her house was hit with a firework and caught fire on July 4, 2022. She has one residence, which is in St. Helens, where she is also registered to vote. She does not pay rent anywhere else. All her mail is forwarded. She is staying at a friend's house in Scappoose while construction is completed at her house. She would be in that house if they could be.

5. What are they looking for in a Council member? She understands they are all volunteers and have a responsibility to be good role models. Mayor Scholl said it would be someone in the community, very respectful, and listening to what the community wants and needs.

Mayor Scholl thanked all the applicants for being involved. St. Helens is a better place with them.

Break - 6:46 p.m.**DELIBERATIONS AND VOTE**

Council's top choices:

- Councilor Sundeen - Russell Hubbard
- Councilor Gundersen - Russell Hubbard
- Council President Chilton - Jay Echternach and Russell Hubbard
- Mayor Scholl - Ginny Carlson, Russell Hubbard, and Jay Echternach

Council talked about Russell Hubbard and his nine-year commitment to the Planning Commission, ability to ask good questions, treats people fairly, ability to agree to disagree and move on, is insightful, and calm demeanor.

Council President Chilton was impressed with all the interviewees and their bravery. She encouraged them to stay involved.

Councilor Sundeen was happy to see people who loved the community and wants what's best for it. It was a pleasure getting to know them.

Mayor Scholl asked everyone to stay involved. They are welcome to reach out anytime.

Russell Hubbard accepted the nomination.

Motion: Motion made by Councilor Gundersen and seconded by Council President Chilton to appoint Russell Hubbard to the City Council. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen

There will be a swearing-in ceremony at City Hall on Friday, September 15, at 11:00 a.m.

Russell informed everyone there is now an opening on the Planning Commission. He encouraged them to apply.

City Administrator Walsh shared his congratulations. There is a robust onboarding process.

ADJOURN – 7:02 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL WORK SESSION

Wednesday, September 20, 2023

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Mark Gundersen
Councilor Russell Hubbard
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator	Sharon Darroux, Engineering Manager
Crystal King, Communications Officer	Jacob Graichen, City Planner
Jenny Dimsho, Associate Planner	Bill Monahan, Contracted City Attorney
Mouhamad Zaher, Public Works Director	Tina Curry, Contracted Event Coordinator

OTHERS

Steve Topaz	Daniel Grant	Ron Trommlitz
Michael Benjamin	Christina Benjamin	Eddie Dunton
Steve Toschi	Stephanie Patterson	

CALL WORK SESSION TO ORDER – 2:00 pm

VISITOR COMMENTS - *Limited to three (3) minutes per speaker*

- ◆ Daniel Grant. Mr. Grant, Pastor, Resonate Jesus Church, spoke about requesting passes for parking for church services during Halloweentown. The church rents the Columbia Theater on Sunday mornings and space in the Aggie Petersen building all year long. The event team denied their request and the building owner's request on their behalf, noting no one was getting passes this year. The City told him that people with disabilities can pay for parking. Their request for passes for volunteers serving at the church was also denied. He reached out to the County and was given permission by them to park in their lot for no charge. He recounted going to the lot to park, being told they needed parking passes, and he and his church members were shouted at. They simply want access to their parking lot without having to pay.

Mayor Scholl asked for Mr. Grant's phone number, which he provided, and said City Staff will be sure to follow up.

- ◆ Ron Trommlitz. Mr. Trommlitz expressed concern that the 2M Gallon Reservoir rehabilitation failed, and his property sits across the road. He contacted the City and Sue Nelson told him there were no leaks in the reservoir. He contacted the City in April 2020 when he and his neighbors received a water bill that included a storm drain fixed fee. He was told the City surveyed its properties, and their water was affecting its storm drains. He told the City that was not true, and that the City would have to prove it. He received an email stating because he has a site-specific storm drain system, and he has to drive on City streets to access his property, so it was not about

water but a street fee. The City administration shows no transparency, operating in secrecy and silence. He said he will continue next week.

- ◆ Michael and Christina Benjamin. Mr. and Ms. Benjamin expressed concern with the crossing at Gable Road and Highway 30. They have almost been hit multiple times. They asked the Council for any information about the crossing. They had talked to the City who referred them to the local police department and Oregon Department of Transportation (ODOT); Ben with ODOT Astoria referred them back to the City Administrator. They confirmed the last time they were almost hit; it was someone turning right coming out of Gable Road, but a lot of times it is people turning from Highway 30 onto Gable Road.

Engineering Manager Sharon Darroux clarified the crossing is ODOT right-of-way with respect to putting yellow flashers as a warning.

Public Works Director Mouhamad Zaher asked for ODOT Ben's contact info to follow up with them because if it is a City thing, the City will take care of it immediately. Mr. Benjamin replied he did not have a last name for Ben. Staff questioned whether it could be Ken and will follow up on the matter.

- ◆ Steve Topaz. Mr. Topaz said his comments at the September 6 Work Session were not accurately reflected in the meeting minutes. The result of the new Councilor selection at last Friday's Council meeting should be thrown out. The Council President did not like one of the candidate's presentations and announced the person should be ineligible as a candidate based on the words used in their presentation before all candidates had had a chance to present. No indication was made prior to the replacement process that certain viewpoints, etc., would make a candidate ineligible for the Council. The Council President's action removed the candidate's right to free speech. The selection process should be redone where all of the requirements and restrictions are publicly noted. The contracts to be signed by Mayor Scholl having US Ecology handle the details of having toxic waste placed in what is now the cooling pump/sewer treatment plant were a product of work done in an executive session and the details of which have not been discussed in a public meeting nor has the community been asked if it wants a toxic waste dump in town. When asked at last Friday's Council meeting, the Mayor replied they were looking into the feasibility of placing a toxic waste dump in the cooling lagoon. A contract to operate is not a feasibility study. He entered his hardcopy document into the record.

Mayor Scholl corrected Mr. Topaz's comment. The Council did not specifically say it was going to be a toxic waste dump. They said they were looking into the feasibility of whether it can be filled without liquification. He added Mr. Topaz knows this as he sat on the City Council at that time, noting the discussion was not done in executive session.

- ◆ Tina Curry. Ms. Curry stated that the parking situation recounted earlier by Mr. Grant was likely emotional and not fully accurate. She was told by Mark Pacheco at the County that their upper lot would now be public parking on weekends but was not reserved for anyone in particular. Due to construction, passes were provided for businesses' employees to park in 2C's lot which is also the City lot for free during the month. If it is full, the employees have to go up to the Recreation Center and take one of the three buses to come down. ADA parking is available but treated no differently. People could also park at the corner of S. 1st Street and St. Helens Street for drop off. Most of the time the ADA spaces are not even taken in the 2C's lot. She explained why Cowlitz Street and S. 1st Street/St. Helens Street in the future will be closed to through traffic (as done with the Fourth of July) except for people who live there, their guests, and boat owners.

- ◆ Steve Toschi. Mr. Toschi said a quick Google search of allowed uses in downtown riverfront property showed that churches do not appear to be allowed. The process of City Councilor selection, in which he participated, was lawful and followed the letter and spirit of the law. He welcomed Councilor Hubbard. The normal processes of planning were circumvented with regard to the new police station and did not include the Planning Department. He was not sure why. Staff pointed out in their report the question of whether the facility should be built where the access to the station would be cut off in the event of a flood. The use was not legally allowed at this location according to the staff report. He urged the Council to abandon the current spot and move forward with other locations as identified by the ad hoc committee.

Mayor Scholl stopped Mr. Toschi's comment due to ex parte contact and asked him to refrain from continuing because doing so could be an issue.

City Attorney Bill Monahan said the entire Council should declare the comment given by Mr. Toschi if an appeal occurs. He did consider the comment to be an ex parte contact.

Mr. Toschi stated he will cease additional context on the subject at this time at the request of Mayor Scholl on the advice of counsel. Mayor Scholl replied he did not stop the comment due to the City Attorney. He had screenshots of ex parte contact that he had been researching on his phone which is why he asked Mr. Toschi to stop.

DISCUSSION TOPICS

1. Public Works Department Semi-Annual Report - *Public Works Director Mouhamad Zaher*

Public Works Director Zaher presented his department's report which focused mostly on day-to-day operations and major projects and highlighted the achievements of working with a contractor on the special Design-Build project for the 2M Gallon Reservoir which was in good standing to move forward and finalizing the Transportation Systems Plan for which an application was put in for a \$300,000 grant.

- He described staff's visit to the Vancouver waterfront a few weeks ago as they continue their vision for the City. Public Works had over 60 meetings last month just for Engineering. They had a successful public event for the TMDL, a new requirement from DEQ. Over seven projects were currently in development: two in the sewer department, three in storm, and three in the water department.
- A lot of roadway projects were underway including the S. 1st and Strand Street intersection which he emphasized was on budget and on schedule. The project pause was simply due to an additional scope the City added to the project of undergrounding the utilities and trying to accommodate all the telecommunication stakeholders.
- Future projects include continuing to work on APWA accreditation, researching and implementing speed deterrents and traffic calming options, and updating the Project Development Standards Handbook and best practices for Engineering.
- He noted the City appreciates the Public Works team who had been volunteering to help the City with janitorial services right now.
- He clarified if a person had a complaint about the speed on their street or getting speed bumps or crosswalks, they may contact him via phone, text, or email 24/7. Another option is to use the email engineering@sthelensoregon.gov which is a simple system for questions, concerns, and requests.

Engineering Manager Darroux clarified that speed bumps would not be installed on collector streets or arterials, and Public Works would have to coordinate with Fire and Police when considering speed bumps.

Mayor Scholl thanked Zaher for his hard work dedicated to the City.

2. Discuss Next Steps for Police Station Project

City Attorney Bill Monahan updated on the status of the police station project issue and reviewed the options available. His understanding was the Planning Commission had denied the land use application.

The City is the applicant for the facility. The City has the right to apply for permits under the City's land use regulations. All applicable standards must be met for approval. One of the options available to Council under the Municipal Code is that the matter can be appealed to the City Council. He urged extreme caution as an appeal filed to the City Council would be a de novo public hearing where the Council would have to apply the pertinent standards and base the decision totally on the evidence given, testimony, etc. Another option available under the Code says the Council on its own motion can seek review by a majority vote prior to the final date of an appeal period in a public meeting. The appeal period is 14 days.

He cautioned the Council not to talk about the merits of the application. Discussion should only occur at a public hearing at a future date. He acknowledged the Council could talk to staff about the matter since it is not an ex parte contact. He cautioned against conversations with Walsh about the merits of the case since he is the person who has to decide whether to file an appeal. The Council could certainly talk to Jacob Graichen and his staff.

Mayor Scholl said he had asked City Planner Graichen how many Planning Commissioners came in to ask questions about the matter prior to the meeting. Graichen confirmed there were no contacts from the date the application became effective to the hearing. Mayor Scholl stated he went in because he wanted to know more personally from the City Planner what was going on.

City Attorney Monahan explained that ex parte contact could be an individual who contacts a member of the decision-making body; he presumed the decision would come to the Council. Any contact made by an individual with the Mayor or a Councilor, speaking or sending an email or letter that provides information to them outside of the hearing that would be conducted would need to be brought into view of the public.

He explained how staff would assist the Council if someone challenged a Councilor for ex parte contact. Before public testimony at the beginning of the hearing, the Councilors would be asked to declare any ex parte contacts. The public would then be given the opportunity to challenge a comment by a Councilor or should a member of the public feel an ex parte contact was made but not declared, they could raise the concern. A decision could then be made whether there is an issue with a member of the Council continuing to participate in the process. He explained how a Councilor should handle an attempt at ex parte contact.

City Planner Graichen mentioned the notice of decision was issued on September 15, making the appeal deadline September 29. The quickest an appeal could be reviewed would be October 18. If an appeal was received on September 29, it would be insufficient time for October 18 which would require it to be reviewed in November. He clarified the writ of mandamus. Mayor Scholl noted the Council and other quasi-judicial boards are also subject to public records requests.

Monahan clarified the ex parte contact caution applies to the merits of the land use application and the Planning Commission's decision on the application.

3. Report from City Administrator John Walsh

City Administrator Walsh welcomed new Councilor Hubbard. He reviewed the regular session agenda items for tonight and reported the following:

- Earlier this week bids were opened for the Columbia View park improvements. Three bids were received, and staff was looking at the options.
- Staff is working with the County and the consultant conducting financial analysis of the Urban Renewal Agency to understand where the City is on the heels of Cascades leaving.
- While it will be challenging this year not to have the Waterfront for parking for the Spirit of Halloweentown event, coordinating the shuttle solution with Cascades is the most the City can do.
- The City's partnership with the School District and Recreation Program secured a \$1 million grant to extend the after-school program over the next five years to support additional child care. Mayor

Scholl gave kudos to Parks & Recreation Manager Shanna Duggan and St. Helens School District Superintendent Scott Stockwell for looking at such avenues.

- The tourism audit had been completed. The question of an RFP for tourism comes up yearly as part of the contract renewal, and if the Council wants to do the RFP, they need to make the decision. The audit report looked great to him. The Council indicated they would like to discuss the audit at the next meeting.
- A lot of time has been spent on development interest in Cascades and some new interest in the Armstrong site.

Council President Chilton asked if there were any updates on funding the vacant police officer position. Walsh and Finance Director Gloria Butsch had been looking at ways to stabilize the reserve fund and bring it back up to 20 percent. Council President Chilton said a question on everybody's minds is if the Council had the money to possibly meet the needs of the Columbia River Fire and Rescue for an emergency loan, why has the police position not been filled. Mayor Scholl noted the Fire and Rescue District item was taken off the agenda at their request. John added that the loan to the District would have been repaid by November. Council President Chilton spoke about how she did not want the public to think the Council had forgotten about the police officer position. Filling the position is a high priority for her.

ADJOURN – 3:28 pm

EXECUTIVE SESSION

- Real Property Transactions, under ORS 192.660(2)(e)
- Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h).

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Crystal King, Communications Officer

Rick Scholl, Mayor

City of St. Helens CITY COUNCIL

Executive Session Summary

September 20, 2023

Members Present: Rick Scholl, Mayor
Jessica Chilton, Council President
Mark Gundersen, Councilor
Brandon Sundeen, Councilor
Russell Hubbard, Councilor

Staff Present: John Walsh, City Administrator
William Monahan, City Attorney with Jordan Ramis PC

Others: None



At 3:41 p.m., Mayor Scholl opened the Executive Session pursuant to the ORS numbers listed below and then gave Council roll call. Other than Labor Negotiator Consultations, representatives of the news media, designated staff, and other persons as approved shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the Council Chambers. 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 Legal Counsel/Litigation, under ORS 192.660(2)(h)**
 - Update on Huffman v. Lindgren litigation.
 - Update on Cascades Tissue litigation.
 - Update on Cascades Tissue Lease Termination.

- **Real Property Transactions, under ORS 192.660(2)(e)**
 - Update on 7th Street container homes property purchase and sale agreement.
 - Update on Millard Road property purchase and sale agreement.
 - Update on potential sale/lease of Industrial Business Park property.
 - Update on potential acquisition of property on Kaster Road.
 - Update on barter/sale agreement of Industrial Business Park property.

The Executive Session was adjourned at 4:41 p.m.



ATTEST:

John Walsh, City Administrator

Rick Scholl, Mayor

An audio recording of this meeting is archived at City Hall.



COUNCIL REGULAR SESSION

Wednesday, September 20, 2023

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Mark Gundersen
Councilor Russell Hubbard
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator
Crystal King, Communications Officer
Jenny Dimsho, Associate Planner
Tina Curry, Contracted Event Coordinator

OTHERS

Nick Hellmich	Abby Olson
Daniel Grant	Art Leskowich
Patrick Birkle	Jim Coleman
Leah Tillotson	Brady Preheim
Silly the Shark	Judah Olson

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

PLEDGE OF ALLEGIANCE

VISITOR COMMENTS – *Limited to three (3) minutes per speaker*

- ◆ Abby Olson. She is the founder and Executive Director of Riverside Community Outreach. They serve families impacted by foster care in Columbia, Clatsop, and Tillamook counties. They purchased the building next to the Food Bank to expand space to serve. They are holding a fundraiser on Saturday at Buccini Hall and invited the Council to attend to learn more about their services.
- ◆ Patrick Birkle. Responding to comments made at the last regular session, an audit of private citizens should not occur. Council has the discretion to do what they want with the money they earn. However, he listed the money he has donated to nonprofit organizations already. Attacks on private citizens should not be occurring. He quoted the minutes from what he said at the May 4, 2022, City Council Work Session following the audit report, "Councilor Birkle is satisfied with the audit. It provides accountability. The contractor has been performing the job with financial integrity..." He congratulated Councilor Hubbard on being appointed!
- ◆ Brady Preheim. He still thinks Patrick Birkle should be audited. The police station has been an issue from the beginning and the Council is not in a position to make a decision. The priority needs to be police staff and not a station. They should revisit the police station later. An appeal

should be handed directly to LUBA. He also voiced his objection to the appointment of David Rosengard to the Planning Commission. He is not a St. Helens resident. Listing his address as St. Helens is lying.

- ◆ Nick Hellmich. He congratulated Councilor Hubbard on his appointment. He also thanked Mayor Scholl for attending the overdose awareness event at McCormick Park. Nightmare on 4th Street is happening again this year. He will be participating and officiating both fake and real weddings.

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

1. Extension to Agreement with St. Helens Marina LLC related to Monitoring City Docks and Waterways and Enforcing Local Ordinances
2. Amended Billboard Sign Ground Lease Agreement with Meadow Outdoor Advertising
3. [Ratify] Contract with Molly Matchak for Janitorial Services
4. Contract with Emery & Sons Construction Group for Progressive Design Build Services for Replacement of 2.0MG Reservoir
5. First Amendment to TFT Construction, Inc. Contract for the Columbia Blvd. Culvert Public Improvement Construction Project

Motion: Motion made by Councilor Sundeen and seconded by Councilor Gundersen to approve '1' through '5' above. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

6. Appoint Lacey Tolles to the Parks and Trails Commission

Motion: Motion made by Councilor Sundeen and seconded by Councilor Gundersen to appoint Lacey Tolles to the Parks and Trails Commission. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

7. Appoint David Rosengard to the Planning Commission

Motion: Motion made by Councilor Gundersen and seconded by Councilor Sundeen to appoint David Rosengard to the Planning Commission. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

CONSENT AGENDA FOR ACCEPTANCE

8. Library Board Minutes dated July 10, 2023
9. Parks and Trails Commission Minutes dated August 14, 2023
10. Planning Commission Minutes dated August 8, 2023

Motion: Motion made by Councilor Gundersen and seconded by Councilor Sundeen to approve '8' through '10' above. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen; Abstain: Councilor Hubbard

CONSENT AGENDA FOR APPROVAL

11. Council Minutes dated August 16, 2023
12. Accounts Payable Bill Lists

Motion: Motion made by Councilor Sundeen and seconded by Councilor Gundersen to approve '11' and '12' above. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen; Abstain: Councilor Hubbard

WORK SESSION ACTION ITEMS

Motion: Motion made by Councilor Gundersen and seconded by Councilor Hubbard to designate two handicap parking spaces for Resonate Church on Spirit of Halloweentown weekends. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

COUNCIL MEMBER REPORTS

Council President Chilton reported...

- Welcomed new Councilor Russell Hubbard.

Councilor Sundeen reported...

- Welcomed new Councilor Russell Hubbard.

Councilor Gundersen reported...

- Will not report on the Planning Commission meeting.
- Welcomed new Councilor Russell Hubbard.

Councilor Hubbard reported...

- There is now an opening on the Planning Commission. He looks forward to bringing the effort of the Planning Commission to Council.

MAYOR SCHOLL REPORTS

- Read a letter of thanks into the record for an accident where the police and Columbia River Fire & Rescue responded.
- He apologized for laughing during one of the interviews for Council appointment. He received an anonymous letter commenting on it.
- He is in support of building a new police station. The officers deserve it. The current station is old and too small.

OTHER BUSINESS**ADJOURN – 7:25 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Crystal King, Communications Officer

Rick Scholl, Mayor



COUNCIL SPECIAL SESSION

Friday, October 20, 2023

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Mark Gundersen
Councilor Russell Hubbard
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator
Lisa Scholl, Deputy City Recorder
Gloria Butsch, Finance Director
Jenny Dimsho, Associate Planner
Crystal King, Communications Officer
Jeff Kapp, Contracted City Attorney

OTHERS

JK

CALL SPECIAL SESSION TO ORDER – 12:02 p.m.

DISCUSSION TOPICS

1. Review Non-Binding Letter of Interest for Purchase or Lease of Real Property Located at 1300 Kaster Road

Mayor Scholl presented the request.

Contract Attorney Jeff Kapp reviewed the letter of interest. It is not binding, is only good for 90 days, and does not include a sales price. It includes \$610,000 in escrow with 10% being nonrefundable. After 90 days, the buyer can get the earnest money back minus the 10% if they decide to not move forward on the property. It is an as-is sale or lease. The City cannot market or negotiate the property during those 90 days.

Councilor Hubbard asked what the \$610,000 represents. City Administrator Walsh is unsure. Kapp added that they need to be clear on the intent. That fee is solely to induce grantors to enter the 90-day window.

Councilor Hubbard pointed out the blank in '7.' Kapp said it appears that someone forgot to enter '90' there.

Council President Chilton pointed out '2B.' Can they do this without having settled everything with Boise yet. Kapp said there needs to be a condition of closing that the City has completed that. They will need to make sure the final PSA includes everything they need. If the buyer agrees to close the conditions of the property become their problem.

Council President Chilton wants to be sure they are doing their due diligence in posting property for sale and following guidelines. Walsh confirmed that will be part of the process. Council President Chilton asked if both properties sign it, will they still need to list the property for sale with the potential that

someone else could still purchase it? Walsh explained that it has special circumstances because it's in an Urban Renewal area. Council President Chilton reiterated that she wants to make sure they are following the rules with notice before they get comments from the public asking why it did not happen. Mayor Scholl would like to schedule an Urban Renewal meeting to explain how properties are handled differently within that area. Council President Chilton pointed out '10', asking how that will be funded. Kapp explained that the parties bear their own expenses, including the attorney and surveyor fees.

Mayor Scholl said this is not a land purchase sale agreement. It's for them to do their own due diligence. They want help since they're on a timeline. Walsh added that they are working extensively on this project and have information to share with them. Mayor Scholl shared that it is a \$1 billion investment and 1,200 jobs on this property. Councilor Sundeen asked how much property is involved. Kapp said that will be identified in time.

Councilor Sundeen talked about an email received asking why this is a rush. Mayor Scholl explained they are trying to meet State and Federal funding timelines. They agreed to pay \$61,000 even if it didn't work out. Walsh added that this is not the only site they are looking at. They want to be operational as quickly as possible.

Councilor Hubbard mentioned the confidentiality agreement. At some point, they need to inform the public about the project. Mayor Scholl talked about the project report given at the October 18 City Council Work Session. Kapp said they can get clarity at a certain point to announce the potential development. Walsh added that they are more concerned about proprietary confidentiality against competitors.

APPROVE AND AUTHORIZE FOR SIGNATURE

2. Non-Binding Letter of Interest for Purchase or Lease of Real Property Located at 1300 Kaster Road

Motion: Motion made by Council President Chilton and seconded by Councilor Gundersen to accept the Letter of Interest as written and submit it to parties. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

ADJOURN – 12:29 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Lisa Scholl, Deputy City Recorder

Rick Scholl, Mayor