

City of St. Helens

Consent Agenda for Approval

CITY COUNCIL MINUTES

Presented for approval on this 6th day of October, 2021 are the following Council minutes:

2021

- Work Session, Executive Session, and Regular Session Minutes dated September 1, 2021
- Work Session, Executive Session, and Regular Session Minutes dated September 15, 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
- ☐ Update file name & signature block on Word document & copy Word document into Council minutes folder in Shared Drive
- ☐ Upload & publish in MuniCode
- ☐ Email minutes link to distribution list
- ☐ Add minutes to HPRMS
- ☐ Add packet and exhibits to HPRMS
- ☐ File original in Vault
- ☐ Update minutes spreadsheet



COUNCIL WORK SESSION

Wednesday, September 01, 2021

DRAFT MINUTES

MEMBERS PRESENT

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

STAFF PRESENT

John Walsh, City Administrator
Matt Brown, Deputy City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Mouhamad Zaher, Public Works Director
Jacob Graichen, City Planner

Crystal King, Communications Officer
Sue Nelson, City Engineer
Darin Cox, I.T. Specialist
Bill Monahan, City Attorney
Tina Curry, Event Coordinator

OTHERS

Kathy Innocenti

CALL WORK SESSION TO ORDER – 1 p.m.

CITY COUNCIL MANTRA – Read by Mayor Scholl

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

No visitor comments.

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

2. Update on the 2021 Spirit of Halloweentown Activities - *Tina Curry, Events Contractor*

Spirit of Halloweentown

- Visit www.discoverclumbiacounty.com for the most current event information.
- There is now an option for a discounted rate for residents in the 97051 zip code on the last two weekends of September. It reduces the ticket cost from \$35 to \$20. Tickets must be purchased online in advance.
- Anyone can visit the Riverfront District/Plaza area and walk around, take photos, and visit the vendors. The ticket cost is for the scheduled events and performances.
- Halloween parade and pumpkin lighting on October 2nd.
- On September 18th, the Chamber Centennial Celebration event trolley will be dropping people off and picking them up at Wild Currant.
- Check-in is on S. 1st Street. The street will be closed to vehicles.
- People can walk through to access downtown businesses.
- Mayor Scholl encouraged Communications Officer Crystal King to communicate about traffic and parking changes for downtown. Discussion about validating parking for the local community. Locals can show their receipt to be reimbursed the parking fee.

- Working with Public Works staff.
- Mayor Scholl talked about the parade and asked if anyone wants to participate. He will be driving the old truck.

13 Nights on the River

- It was the best year for weather and crowd consistency since she has coordinated it.
- The vendors did well.
- Parking worked well on the Waterfront Property.
- Council President Morten was happy to see the series ended with Curtis Salgado.

Christmas

- Christmas Ships will be here December 11th.
- They are thinking about doing a caroling/choir event on the following weekend.

1. St. Helens Senior Center Semi-Annual Report - *Kathy Innocenti, Executive Director*

Kathy Innocenti reviewed her report. A copy is included in the archive packet for this meeting.

- The walk-in freezer and cooler have been installed. Public Works has been awesome at coordinating contractors.
- In-person meals has been postponed due to COVID.
- Postponed the November fundraiser to the Spring.
- Meal service is down since there is no in-person service. Drivers have been increased to help with deliveries.
- They have experienced challenges with staffing. Several employees have left for other jobs.
- Top Notch thrift store is back to pre-pandemic schedules.
- Discussion of salary and benefits for staff.

3. Review Proposed Rates Increases for Waste Management Drop Box Services - *John*

City Administrator Walsh reviewed the proposed rate increases. A copy is included in the archive packet for this meeting. The agreement says Waste Management gets 50% of annual CPI, not to exceed a 1.5% rate increase. The CPI change was 3.687%, which entitles them to a 1.5% rate increase. It will be on tonight's agenda for public comment and a Council vote.

4. Review Proposed Franchise Renewal with CRPUD - *John*

Walsh reviewed the CRPUD Franchise agreement. A copy of the proposed changes is included in the archive packet for this meeting. The difference with this franchise agreement from others, is that CRPUD is a public entity. They don't need a franchise with the City, but they would have to comply with permit processes. As a public partner, CRPUD has entered into an agreement to concede some of their revenues to expedite permitting processes.

5. Joint City Council / Planning Commission Meeting - September 14 - *Jacob*

City Planner Graichen reviewed the Planning Commission's request for a joint meeting with the City Council. He suggested scheduling the meeting for September 14th since they have a light agenda that night.

Discussion ensued about a meeting date. There were concerns about it being the same night as Planning Commission and the night before a long day of Council meetings. Graichen will present dates to the Planning Commission and follow-up with Council. Mayor Scholl requested it be a working dinner meeting with pizza.

Council President Morten would like to hold joint meetings with the other boards and commission in the future as well.

6. Assignment of Voting Delegate & Alternate for LOC Conference

After discussion of Council members attending, it was decided Councilor Chilton would be the delegate and Councilor Birkle be the alternate.

7. Strategic Action Plan Updates

Brown reported:

- Emailed the Council an updated copy of the Strategic Plan Excel file. Contact him with questions.
- There is a survey on the City's website about potentially switching to a majority vote versus independent position for Council. It's about 70% in favor of a majority vote. About 65-70 people have responded. King will share the comments after the completion.
- There is an agreement with Strategic Networks Group, Inc. on tonight's agenda to conduct a needs assessment. The City worked with them recently about the broadband network. This will help the Council decide whether or not to move forward. The City will need to partner with a private investor.

Council President Morten expressed that it is very timely with broadband being at the top of budgetary issues with the federal government. Bridges and transportation are also very much needed in the master plan.

Councilor Birkle asked how long ago the study was done. Brown said two smaller scale studies were done, one about two years ago and the other with S&G more recently. ARPA funds will pay for the study. Walsh talked about how the City has been researching it for years. The cities that are using it now are very successful. It will be a benefit to the public and businesses.

8. City Administrator Report

- Work order number two with Mayer/Reed, Inc. for the Riverwalk Phase I and Phase II design work is on tonight's agenda. It will get them to 30% design. There will be a technical advisory group with nine meetings. The first five are related to design and decision making. The rest will be details and materials. Mayor Scholl would like to hold a public meeting to update the public. Walsh confirmed that they will hold a public meeting in fall/winter. The amphitheater is about \$130,000 less than expected, which includes the design of the stage structure and the pavilion. Permitting expenses are down about \$20,000. Discussion ensued about the project. It would be helpful to hold the public meeting on the property to visualize it. Councilor Topaz encouraged Walsh to have a 3D model constructed for the public to have a better understanding of the plan. Council wants to be updated regularly to respond to questions as they come up from the public.
- Councilor Chilton, Walsh, Brown, Chief Greenway, and Corporal Smith reviewed the three design and engineering proposals submitted for the Public Safety Facility. McKenzie Architecture rose to the top and is being recommended. They will bring a presentation to the next Council meeting.
- Received a leak adjustment request that exceeds administrative authority. The leak was just past the meter and has been repaired. They are requesting a full adjustment of \$641.52. The standard staff adjustment would have been a little over \$500. Staff recommends approving the full adjustment. It will be on tonight's agenda for approval.
- Shoutout to Engineering Project Manager I Sharon Darroux. She was selected to participate in the Northwest Women's Leadership Academy. She will receive a year's worth of leadership training.

ADJOURN – 2:33 p.m.

EXECUTIVE SESSION

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor

City of St. Helens

CITY COUNCIL

Executive Session Summary

September 1, 2021

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

Staff Present: John Walsh, City Administrator
Matt Brown, Assistant City Administrator
Kathy Payne, City Recorder
Bill Monohan, City Attorney

Others: None



At 2:43 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 three City-owned lots for sale on S. 12th and S. 10th Streets.
- **Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h)**
 - Nothing was discussed under this topic.

The Executive Session was adjourned at 2:50 p.m.



ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL REGULAR SESSION

Wednesday, September 01, 2021

DRAFT MINUTES

MEMBERS PRESENT

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

MEMBERS ABSENT

Councilor Chilton (Zoom technical difficulties)

STAFF PRESENT

John Walsh, City Administrator
Matt Brown, Deputy City Administrator
Kathy Payne, City Recorder
Mouhamad Zaher, Public Works Director
Sue Nelson, City Engineer
Tina Curry, Event Coordinator

OTHERS

Brady Preheim
Art Leskovich

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

PLEDGE OF ALLEGIANCE

Mayor Scholl led the Pledge of Allegiance.

Council President Morten read the Council's Mantra.

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

- ◆ Brady Preheim. He read the definition of hypocrisy, "...the practice of claiming to have a moral standard or believe to which one's own behavior does not conform." Their mantra is an example of hypocrisy. They violate it at almost every meeting. Another example is Councilor Chilton saying how badly she has been treated here. She is attacking both Councilor Morten and the Mayor. Councilor Morten and the Mayor have both been elected several times. Councilor Chilton is a first-term councilor and thinks she knows better than them. Councilor President Morten is probably one of the only councilors who has campaigned door-to-door. He is tired of the "poor me." This is him at level one and he is just getting started. He's going to bring up her saying she has lists but then lying that she doesn't. He doesn't understand why the Council has not held her accountable for lying. She's aligned with Councilor Topaz, who is crazy. Brady stated that she's not only an employee of CCMH, but also a client. He commented on the derelict boats that many have spoken about. He has not been concerned about them until he saw a guy using the restroom in the river. That bothers him. There are at least three people living on the boat and likely has raw sewage coming off of it. He keeps hearing that they can't do anything about. However, several of his boats are on City property. If the City can't control what people dump on their

property, then he is going to start bringing his garbage down and dumping it on City property. He understands they may not be able to do anything about the boat, but the canoe is on City property and can be confiscated.

- ◆ Art Leskovich. Thanked Brady. That was a good segway to what he is going to talk about it. What has been done since August 4th when Jim Coleman talked about the derelict boats in front of the Boise property?

Mayor Scholl explained that they are communicating with Government Affairs Specialist Rachael Barry, Jim Coleman, Russ Low, Toni Doggett, and the County to work together. Unfortunately, government processes take time. Council President Morten added that the Police Chief is going to be in charge of Sand Island and the derelict boats in that area. The Council is in charge of the kiosk on the City docks. The kiosk will provide accountability.

Art said he is not interested in Sand Island and the public docks. They were talking about the property that the City leases from the State. The area Jim showed pictures of is the most contaminated area of the waterfront. Does Council know who the owner is of those vessels? Mayor Scholl said the owner is Roger Ison. Art went on to say that his vessels have been around for years. He is a problem case. They were moored at docks owned by Port of Columbia County and the Port posted no trespassing signs. He suggested that the City take measures and post signs for criminal trespassing and coordinate with the Port. He will be doing his own letter writing because a month is too long for nothing to have happened. He referred to an article that talks about coalition of State agencies, local government, law enforcement, communication action groups engaged in cooperative actions to take care of abandoned boats and long-term unpermitted camping. It was more in the North Portland area. He suggested the City contact DSL North Operations Manager Chris Castelli, Oregon State Marine Board Policy and Environmental Program Manager Josh Mulhollem, Governor Kate Brown, Beverly Clarno, and State Treasurer Tobias Read. He confirmed that Deer Island Tug Services, Ison Transportation Inc. is the owner of at least two of those vessels. There is a sunken sailboat with only the mast sticking up from the water. That's the most contaminated area of the waterfront. He googled it and it comes up in the City of St. Helens Business License listing with Ison Transportation. Referring to the Accounts Payable Bill List in the packet, the City is paying Ison Transportation, Inc. \$3,107.13 for Sand Island dock repairs. He cannot believe the City would do business like that. Is he paying to keep his vessels there? What agreement does he have with the City to have his vessels there?

Mayor Scholl responded that he does not have an agreement with the City.

Art will move forward with his letter writing campaign to include the governor's office and outside agencies. This never should have happened with the working relationship they have. He suggested they move forward in a timely manner to take care of the problem.

Mayor Scholl clarified for the record that they have been working on it since August 4th. They are gathering the local leaders before going to the State. City Administrator Walsh added that he has spent hours on the phone with DSL and the Marine Board.

Mayor Scholl said they have told Roger Ison to leave multiple times. He is the only one with a tugboat in the area that can do repairs to the Sand Island docks when they are damaged by logs. That is why the work was performed. Walsh confirmed that he was the only one to do it and the Marine Board was paying for it. The City will be reimbursed for it.

Mayor Scholl said the City assumes liability if they take money from Roger Ison. They continue to ask him to move his vessel.

ORDINANCES – First Reading

1. **Ordinance No. 3270:** An Ordinance Granting to Columbia River People's Utility District a Franchise to Operate an Electric Utility and Distribution System within the City of St. Helens, Oregon

Mayor Scholl read Ordinance No. 3270 by title for the first time. The final reading will be held at the next meeting.

RESOLUTIONS

2. **PUBLIC COMMENT** - Increase in Drop Box Rates

No public comment.

Resolution No. 1933: A Resolution Establishing Drop Box Rates and Superseding Resolution No. 1898

Mayor Scholl read Resolution No. 1933 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1933.

Discussion. Council President Morten clarified that Resolution No. 1933 replaces Resolution No. 1898.

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

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

3. Concession Agreement with Shiver Me Ice Cream Mobile Ice Cream Truck
4. Agreement with Strategic Networks Group, Inc. (SNG) for Broadband Economic Case and Market Demand Assessment
5. First Amendment to Agreement with Pacific Northern Environmental DBA Advanced Electrical Technologies for the Water Filtration Facility SCADA Update
6. Work Order No. 2 with Mayer/Reed, Inc. for the Riverwalk Phase I and Phase II Design Work
7. First Amendment to Contract with Edge Development for Campbell Park Sports Courts Installation
8. Contract Payments

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '3' through '8' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

CONSENT AGENDA FOR ACCEPTANCE

9. Contract with Ken Leahy Construction for Soil Stabilization by Cement Amending the Sub-Grade in an Area of Campbell Park

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '9' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

CONSENT AGENDA FOR APPROVAL

10. Council Minutes dated August 4 and 18, 2021
11. Accounts Payable Bill Lists

Motion: Motion made by Council President Morten and seconded by Councilor Birkle to approve '10' and '11' above.

Discussion.

Councilor Topaz pointed out missing items on the August 4th and 18th minutes. They were indicated as discussion at the end. He made a number of comments referring to numbers and it was not in the written minutes. There was also a suggestion by the Mayor that in order for Councilor Topaz to put anything on the agenda it takes two additional councilors. Mayor Scholl argued that is not what he said. Councilor Topaz went on to say that the Charter says anyone can add an agenda item and it only requires one

councilor. He checked with Walsh who told him that he and City Recorder Payne “found some strange problems with it.” Those words are not in the written minutes. Until the minutes are corrected, he does not think they should be approved.

Mayor Scholl said he needs approval from two other councilors to add something to the agenda or you can request the Mayor add it to the agenda. Councilor Topaz argued that it’s against the Charter. Walsh clarified that the Charter is silent on the meeting rules. They found it in the Resolution for the Governing Rules. Councilor Topaz said the Charter says differently. Historically, people have gone to Payne to add items to the agenda. To have such a rigorous restriction is not... The point is that the discussion was not in the minutes. Unless it’s added, the minutes are null and void.

Councilor Birkle explained that minutes are not verbatim. They have recordings on file. The purpose of minutes is to accurately reflect the content of the meeting. If he wants the minutes to be revised or amended, he needs to be specific about what should be changed.

Council President Morten suggested that Councilor Topaz present written material to be included in the packet.

Mayor Scholl repeated the method to add items to the agenda. He said that Councilor Topaz has never called him to ask for items to be added to the agenda. Other councilors have done that, and he has added what they requested.

Councilor Topaz said the Charter does not give the Mayor veto power, which was just described. He has given written requests to Payne, and she decided not to put it on and never informed the Mayor. He did submit two documents at one of the meetings from the Ethics Commission. It was not noted in the minutes that they were submitted. [Secretary’s Note: The Ethics Commission documents were submitted at the July 21, 2021 Council Regular Session and are reflected in the minutes.]

Mayor Scholl suggested saying “for the record” when he wants to make sure something is included in the minutes. He has a problem hearing half-truths and facts that don’t meet what they already investigated.

Councilor Birkle suggested that Councilor Topaz be specific when he wants minutes amended.

Walsh suggested reviewing the Charter and Council rules at a future work session. Councilor Birkle does not see anything in the Charter referring to what Councilor Topaz was saying.

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

WORK SESSION ACTION ITEMS

Utility Bill Adjustment

The property owner requested a leak adjustment of \$641.52. The repairs were made but exceeds administrative authority.

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve the leak adjustment of \$641.52. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

MAYOR SCHOLL REPORTS

- It was a good Main Street meeting last night with a lot of new members. It was a total shift of power. They are doing a lot and he looks forward to seeing what happens.
- He received a call from the County asking if there is interest from the Council to resume City/County Quarterly Dinners.

Council President Morten suggested proceeding with caution during the pandemic. Otherwise, he is in favor of resuming. Mayor Scholl said they have been talking about it resuming for three months but have

postponed. Councilor Topaz suggested having meals delivered and hold the meeting via Zoom. Councilor Birkle is in favor of resuming. Mayor Scholl directed staff to advise the County that there is a general consensus to proceed with the meetings.

COUNCIL MEMBER REPORTS

Council President Morten reported...

- It's fire season and very dangerous for wildfires. They are sitting on the edge of a catastrophic area which is called Dalton Lake Nature Preserve. It's been identified by the State Fire Marshall's Office as one of the premier areas vulnerable to wildfires. He encouraged everyone to be on alert. Grey Cliffs had a fire about two weeks ago, which was started by a cook stove. A homeowner saw the flame and used a garden hose to extinguish it. They were extremely lucky. They don't want to see fires and people losing their homes. Suspicious activity should be reported to the police.

Councilor Topaz reported...

- He had a conversation with the superintendent's office. They asked about interest in resuming the Youth Council.

Council President Morten said it would take someone from Council to facilitate it. Councilor Birkle reported that he has offered to investigate it and be involved. Council President Morten suggested a Council member and staff member facilitate it together. He supports Councilor Birkle leading it.

Mayor Scholl reported that Parks & Recreation Manager Shanna Duggan is also facilitating a Youth Leaders Club.

Councilor Birkle reported...

- He visited the N. 7th Street condo development and walked through the units.
- They have a ways to go to address affordable housing in the community.
- He talked to the people from Grace Baptist Church distributing food at McCormick Park. They are working with Community Action Team (CAT) to address hunger needs. With winter coming up, he wants to be more proactive in addressing the needs for shelter, hygiene, and food for our houseless population.
- Brady talked about the derelict boats. He asked what was said concerning the Police Department enforcing the boats.

Brady said the City can remove the boats on their property. Councilor Birkle thought he heard something about the Police being inept. Brady clarified that their response has been inept.

Councilor Topaz addressed Councilor Birkle's comments about the unhoused. Many of the unhoused go to the Library during the day, which is being impacted by the pandemic.

Mayor Scholl expressed his gratitude for community partners. CAT is aware of the homeless population. The N. 7th Street condos are phenomenal. It's been a challenging project.

OTHER BUSINESS

ADJOURN – 7:50 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL WORK SESSION

Wednesday, September 15, 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, Deputy City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Mouhamad Zaher, Public Works Director
Shanna Duggan, Parks & Recreation Manager

Aaron Kunders, WWTP Supervisor
Sharon Darroux, Engineering Project Manager I
Crystal King, Communications Officer
Kolten Edwards, Police Officer
Matt Kahl, City Attorney
Tina Curry, Event Coordinator

OTHERS

Adam Olsen, Mackenzie Engineering
Brian Varrichione, Mackenzie Engineering
Jeff Humphreys, Mackenzie Engineering

Thomas Peck, Mackenzie Engineering
Richard Mason
Lynne Pettit

CALL WORK SESSION TO ORDER - 1 p.m.

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

- ◆ Richard Mason. He sent an email a week ago requesting an update about the registration kiosk on the City docks. He has not received a response. What is the best way to request an update?

Mayor Scholl explained said that staff is working on it and there will be an update at the next work session. Council President Morten added that he did respond to the email. Richard did not receive it.

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

1. Presentation by Mackenzie Engineering on New Public Safety Facility

Jeff Humphreys, Licensed Architect; Thomas Peck, Architect and Design Director; Brian Varrichione, Land Use Planner; and Adam Olsen, Project Manager from Mackenzie Engineering introduced themselves and talked about their company. A copy of their presentation is included in the archive packet for this meeting. They reviewed the following:

- Similar projects
- Community involvement
- Building façade tied into the St. Helens culture
- Positioned outside of the 100-year floodplain. The building is three feet above the 100-year floodplain.
- Public and police parking are separate
- Secondary access for emergency vehicles if the intersection floods

Councilor Chilton appreciates them taking the St. Helens culture into consideration with the design.

Councilor Birkle encouraged them to repurpose the wood back into the building somehow from the trees that are removed. He would also like to see opportunities for public input of the design.

Mackenzie reviewed the proposed schedule.

Councilor Topaz talked about the adjacent industrial park possibly bringing a lot of traffic. Council President Morten pointed out that the ingress and egress for the industrial park has not been designed yet. That will be taken into consideration. Discussion of ingress and egress ensued.

Councilor Topaz talked about the stream not being in its natural location. It moved a different direction before industry changed it in the early 1900s. Is it possible to dig it five feet lower to help the 100-year floodplain? Mayor Scholl does not believe they would be allowed to dig in sensitive creeks. Councilor Topaz would agree if it was a natural stream. The stream is higher than the land around it. Councilor Birkle thinks that is a separate issue from the safety building. Councilor Topaz argued that it is time to consider it. Mayor Scholl agreed that it does need to be addressed when the time is appropriate. There are multiple ingress and egress methods for the officers.

The next step is to give direction to City Administrator Walsh and Deputy City Administrator Brown to work through a scope for Mackenzie to bring back to the Council. That will be on tonight's agenda.

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

Public Works Director Mouhamad Zaher reviewed his report. A copy is included in the archive packet for this meeting.

Mission Statement: The City of St. Helens Public Works Department Strives to Provide a World Class Service to our Citizens and Community.

He reviewed the following:

- Organizational chart
- Aging infrastructure
- Selecting, assigning, and delegating projects
- Master Plan updates
- Strategic Plan accomplished goals

Engineering Project Manager I Sharon Darroux reviewed the Engineering Division projects:

- Curb ramp improvements to increase safety and accessibility
 - Strand Street at the old Courthouse
 - S. 4th Street and St. Helens Street
 - Plaza Square at the Courthouse
- New sidewalks on N. Vernonia Road

Wastewater Treatment Plant Supervisor Aaron Kunders reviewed the new Water/Wastewater Treatment Division:

- The Water Filtration Facility and Wastewater Treatment Plant divisions have been combined. There will be a supervisor, three cross-trained operators, and one pretreatment coordinator/operator.
- Maintain both treatment plants, sewer lift stations, and pretreatment program. Can now collaborate with staffing, equipment, and inventory.

Parks & Recreation Manager Shanna Duggan reviewed the Parks & Recreation Division:

- Parks and Recreation was combined to improve efficiencies and work collaboratively
- Reviewed parks and facilities maintained
- Increased public outreach

- Received \$226,250 in grants in 2020/2021
- Reviewed successes over the last few months
- Reviewed goals for 2021/2022
- New playground at McCormick Park
- 5th Street Trail improvements

Councilor Topaz mentioned the collaboration with the Library and School District. Duggan agreed that they have been working collaboratively with a lot of agencies and organizations.

Council President Morten was impressed with the Public Works master plans. The federal government is focusing on upgrading public infrastructure. The Council has been told not to think about an overpass over the railroad but he's not sure he agrees with that. He asked if an overpass could be included in the Transportation System Master Plan. Zaher responded that nothing is impossible. There are a lot of opportunities. He is willing to go to Washington D.C. to request funding. Without a master plan in place, it is hard to ask for support from the federal government. As far as planning, he reviewed the continuous improvement cycle: discover → determine → develop → implement.

Councilor Chilton applauded the work of Public Works.

Councilor Birkle appreciates the new curb ramps. Public Works has a good crew.

Councilor Topaz talked about a curb at St. Helens Street and 4th Street. There is a lot of traffic that comes down Old Portland Road, in addition to the number of pedestrians. There will be something in the newspaper about an overpass of a railroad train going over another railroad train near Burgerville. Mayor Scholl likes the idea of an underpass.

Mayor Scholl told Zaher they are doing a great job and working well as a team. They are saving money and being more efficient.

3. Strategic Action Plan Updates

Brown distributed the results from the elections survey. A copy is included in the archive packet for this meeting.

The attorney's office is working on the Code Amendments to change to a majority vote rule. Based on the survey, he requested Council approve moving forward.

Council President Morten has served during the time that two council members passed away. There was discussion about how to replace them. Looking at the popular vote, it would be automatic to appoint the next person. This provides a better accountability. Councilor Topaz disagreed with appointing the next person on the ballot. The situation may change over time. Having someone who was interested in the past be automatically appointed would be detrimental. Walsh clarified that they would still have to go through the process. It would not be automatic.

Council reviewed the comments on the survey.

Mayor Scholl suggested everyone review the results and discuss it at the next meeting.

4. City Administrator Report

- The Public Works report was great. The City has a lot of great staff.
- Reviewed items on tonight's agenda:
 - PUD agreement
 - Two resolutions declaring City-owned property surplus
 - Agreement with ODOT
 - Contract amendment with OTAK to extend Scope of Work for S. 1st and Strand Streets utility and streets extensions
- Joint Council/Planning Commission meeting on September 22.

- The LOC Conference was cancelled.
- He has been taking pictures of the docks every morning. Staff is investigating a kiosk. There are four or five boats that have been there for quite some time. St. Helens has the only docks that are not enforced by someone else, such as a Port or Sheriff's Office. They are working on solutions.
- The Chamber Centennial event is on Saturday.
- Spirit of Halloweentown kicks off this weekend.
- He and Government Affairs Specialist Rachael Barry are working on goal setting.

ADJOURN – 3:07 p.m.

EXECUTIVE SESSION

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor

City of St. Helens

CITY COUNCIL

Executive Session Summary

September 15, 2021

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
Matthew Kahl, City Attorney

Others: None



At 3:14 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 City-owned properties for potential sale.
 - Update on potential acquisition of property off Deer Island Road.
 - Update on potential acquisition of Port property.
 - Update on the status of the Millard Road property.
 - Update on potential acquisition of property off Ross Road.
- **Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h)**
 - Nothing was discussed under this topic.

The Executive Session was adjourned at 4:08 p.m.



ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL REGULAR SESSION

Wednesday, September 15, 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, Deputy City Administrator
Kathy Payne, City Recorder
Mouhamad Zaher, Public Works Director
Jamin Coy, Police Officer

OTHERS

Brady Preheim

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

PLEDGE OF ALLEGIANCE

Mayor Scholl led the Pledge of Allegiance.

Council President Morten read the Council's mantra.

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

- ◆ Brady Preheim. He read the definition of hypocrisy, "...the practice of claiming to have a moral standard or believe to which one's own behavior does not conform." Their mantra is an example of hypocrisy. They violate it at almost every meeting. Another example is Councilor Chilton saying how badly she has been treated here, and then attacking both Councilor Morten and the Mayor. Councilor Morten and the Mayor have both been elected several times. Councilor Chilton is a first-term councilor and thinks she knows better than them. Councilor President Morten is probably one of the only councilors who has campaigned door-to-door, which she claims she has done. She then made-up complete lies about tourism and acted like the rest of the Council had a problem. Brady did a public records request for her list of issues and found out she did not have any issues but made it all up. He has interviewed many people on his radio show, and she is the only one who thought asking for her name was a trick question. He is only getting started. She is wrong to think that he will not continue to bring up the lies. Why has the rest of the Council not held her accountable? She owes the City, Council, and Tina Curry an apology for making up information. She's aligned with Councilor Topaz. Brady stated that she's not only an employee of CCMH, but also a client. He commented on the derelict boat guy. Art pointed out that the City sent him a check. There is no way he is the only vendor who could do the work. He is not going to take the City seriously about moving his boat when they are sending him a check. Find someone

else. He is the cheapest because he does not have a moorage fee, does not pay for his sewage to be pumped, etc. If you can send him a check, you can also send a ticket.

ORDINANCES – *Final Reading*

- 1. Ordinance No. 3270:** An Ordinance Granting to Columbia River People's Utility District a Franchise to Operate an Electric Utility and Distribution System within the City of St. Helens, Oregon

Mayor Scholl read Ordinance No. 3270 by title for the final time. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Ordinance No. 3270. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

RESOLUTIONS

- 2. Resolution No. 1934:** A Resolution of the City Council of St. Helens, Oregon Declaring City Owned Property at S. 12th Street, Tax ID 28892, as Surplus and Authorizing Sale of the Property

Mayor Scholl read Resolution No. 1934 by title. **Motion:** Motion made by Councilor Chilton and seconded by Council President Morten to adopt Resolution No. 1934.

Discussion.

Councilor Topaz read in the ORS that there needs to be a public hearing to declare a piece of property for sale. City Administrator Walsh reported that the resolutions were prepared by legal counsel. He can confirm that with them. Councilor Topaz pointed out that was brought up during the sale of the marijuana facility property.

Discussion of the process. Mayor Scholl suggested they go ahead and approve it. They can check with legal counsel and bring it back to the next Council meeting if needed. Councilor Topaz wants to make sure they follow the correct procedure. Council Morten asked for Councilor Topaz to present the appropriate ORS.

Councilor Chilton appreciates Councilor Topaz bringing that to their attention. She trusts that Walsh will check with legal counsel and bring the information back to Council. Walsh added that it does not require a resolution but it's good to do one for a permanent record.

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

Mayor Scholl requested that Councilor Topaz bring documentation to the meeting when he does research. They need to know if what he is bringing to their attention is fact. Councilor Topaz responded that the procedure came up during the marijuana property sale in the past. Mayor Scholl responded that it was done appropriately. That property was in the Urban Renewal Area and is not required to be appraised. They can sell property for whatever price they see fit. Councilor Topaz argued that the appraisal price is the lowest price they can sell it for. Mayor Scholl said this has not come up from either of the attorneys since then, but only from Councilor Topaz. He repeated that Councilor Topaz needs to provide documentation when he finds this stuff. Councilor Topaz responded that he only learned about it this afternoon.

- 3. Resolution No. 1935:** A Resolution of the City Council of St. Helens, Oregon Declaring City Owned Property at S. 10th Street, Tax ID 28878, Lot 5, Block 83 as Surplus and Authorizing Sale of the Property

Mayor Scholl read Resolution No. 1935 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Resolution No. 1935.

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

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

4. Master Grant Agreement with ODOT to Receive Federal Funds through the Federal Exchange Program
5. Contract Amendment with OTAK to Extend Scope of Work for S. 1st & Strand Streets Utility & Streets Extensions
6. Contract Payments

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '4' through '6' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

CONSENT AGENDA FOR APPROVAL

7. Council Minutes dated September 1, 2021 [Secretary's Note: The August 4 and 18, 2021 Council minutes were mistakenly included in the packet instead of the September 1, 2021 minutes.]
8. Accounts Payable Bill Lists

Motion: Motion made by Council President Morten and seconded by Councilor Chilton to approve '7' and '8' above.

Discussion.

Councilor Topaz pointed out a reference to a "heated discussion" at the end of the minutes. There are a couple of statements during that discussion that should have been clarified. One was Mayor Scholl stating who would have to sign off before he adds something to the agenda. It's not in the minutes, but he recalls that it would have to be two councilors plus the mayor. Mayor Scholl disagreed. He said that it can either be him or two councilors. His phone is on all the time and Councilor Topaz has never called him to have something added. Councilor Topaz asked if anyone else needs two councilors. Mayor Scholl said yes. Councilor Chilton confirmed that she did that to add something to the agenda. Councilor Topaz argued that according to the Charter any councilor can add something to the agenda. Councilor Birkle understands that it is two councilors to add it to the agenda. Mayor Scholl was taught from former Mayor Peterson that it took two additional councilors. He said they do it like the City of Keizer. It is perfectly legal to do it. Walsh clarified that it is not part of the Charter. They have the Governing Policy, Council rules, and training handbook. However, the Governing Policy does say a councilor can add something. Mayor Scholl asked if he could remove that since he has the power. Councilor Topaz stated that Mayor Scholl does not have veto power. Mayor Scholl pointed out that he sets the agenda. He reminded Councilor Topaz that he threatened staff if what he wanted did not get added to the agenda. Councilor Topaz said that two people would be a mistake. It needs to be written down correctly.

Mayor Scholl said he is referring to the resolution of the marijuana... Councilor Topaz argued that he was actually referring to the resolution allowing Walsh to negotiate and sign the bill of sale.

Council President Morten would like the attorney to address this issue at the next meeting, so they have it solved once and for all.

Mayor Scholl requested City Recorder Payne adjust the minutes to fill in the gaps as requested by Councilor Topaz. He asked if Councilor Topaz would be okay with that. Councilor Topaz would be very happy if it is all printed the way it was said. Mayor Scholl said it happens quite frequently between Councilor Topaz and one other member.

The minutes will be amended to reflect that the mayor or two other councilors are needed to add something to the agenda.

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

WORK SESSION ACTION ITEMS

As requested, this section was typed verbatim.

Mayor Scholl: It always seems to be going good and dandy, and they're firing at all cylinders and seemed like they were getting along really good earlier. And then out of the blue, there is nothing there because you have never even asked...from me, personally...you have threatened staff. I am baffled by your...it's his meeting and he is going to rant because he serves the citizens. You disrupt this Council...it was going so well...for what? Councilor Topaz, what is the point? What is the point you are trying to make? I want to know. Answer me that.

Councilor Topaz: Okay. I am serving the citizens, at least the citizens who confer with me of what they want to hear. So, I'm doing exactly what you're doing. And now you're yelling at me. I don't yell at you.

Mayor Scholl: I am asking for an unproductive manner...

Councilor Topaz: They think it's productive. That is a comment...

Mayor Scholl: You can't answer it. You cannot answer it.

Councilor Topaz: You don't agree with what I just said. That's why you can't accept it. I just..

Mayor Scholl: I'm just clearly stating an observation of a fact that I have been running this meeting with you for two years and you continue to do this...when Councilor Carlson and Councilor Locke were here...and continue to do with Councilor Birkle and Councilor Chilton.

Councilor Topaz: I'm not here for a friendship meeting. I'm just trying to get something straight.

Mayor Scholl: I just want to state that it's not just the Council because they have two new council members. It's just you.

Councilor Topaz: I'm talking about procedure. It has nothing to do with anybody.

Mayor Scholl: It's been going on for two years. You watch it... Any citizens out there watching, refer to four years ago when he was elected and start watching. I'm not making this sh** up.

End verbatim minutes.

New Public Safety Facility

Deputy City Administrator Brown said the one Work Session Action Item was for Council to give direction to he and Walsh to work with Mackenzie and come back to Council with a scope to move forward on the public safety facility. Consensus of Council to proceed.

MAYOR SCHOLL REPORTS

- Requested a retreat to review all of the plans, such as the Corridor Plan, Gateway Plan, etc. There are some that he and the new Councilors have not participated in. He suggested City Planner Graichen and Associate Planner/Community Development Project Manager Dimsho participate.
- Spirit of Halloweentown is kicking off this weekend.
- Looking forward to the rain this weekend. Everything is very dry. The 50-acre fire up Aldercreek Road was scary.
- Wants to start talking about the return on investment for the Waterfront to help the community understand why the City is putting so much money into the development.

COUNCIL MEMBER REPORTS

Council President Morten reported...

- Rich Mason spoke this afternoon. He would like an update from the Police Department and Administration about the kiosk and Sand Island. Mayor Scholl said there will be a report at the next work session.
- He is concerned about fire safety. There have been three fires since he brought it up last time. One was behind a restaurant on Columbia View Blvd. It was close to getting out of hand. Mayor Scholl added that Officers Coy and Howell responded to the fire. Morten went on to report that it was very scary for our small town. Most municipalities have their police and fire in the same agency, but St. Helens is separated. He would like to request the Fire District provide a semi-annual report. There are a lot of areas in the city for a fire to take off. Thankfully, there will be rain this weekend.

Councilor Topaz reported...

- There are boats docked along the mill property. He asked Walsh to report on what is happening with the toxic ground of that area that Boise and DEQ were working on.

Walsh reported that it's just the area where chip-loading was done, and the barge transferred. Councilor Topaz said there was previous discussion about covering it instead of removing it. Walsh said he has been working with the Governor's Office and DEQ. Councilor Topaz pointed out that they could lose the use of it.

Council President Morten asked whose responsibility it is to pay for the clean-up. Walsh responded that the City was very strategic to not purchase the submerged lands. That clean-up is the responsibility of Boise, or its parent company. Mayor Scholl added that Boise is responsible for anything upland as well.

Councilor Topaz said that the underwater in downtown Portland is EPA and the Army Corps of Engineers, and high tide is DEQ. Is it all DEQ here? It's underwater. Walsh responded that it may be related to a superfund designation. DEQ is our state regulatory agency for that.

- He distributed an outline for a new tourism RFP. A copy is included in the archive packet for this meeting. You don't hire someone and then give them a job description after they are hired. It's acceptable for a regular employee but not acceptable for a vendor.

Motion: Motion made by Councilor Topaz to do an RFP on tourism, and for staff to add to the outline he presented. He wants very measurable points of what has to be done.

Council President Morten supports the outline as his report but not as a mandatory statement for staff to do. He would like time to review and discuss it. He hopes this doesn't supersede what the Council was going to do. This is what Councilor Topaz wants to do. Councilor Topaz said the Council had an RFP for tourism but then got rid of it. He is trying to re-establish an RFP. Council President Morten said the Council was going to meet to discuss what should be in the RFP.

Councilor Chilton seconded the motion.

Discussion.

Councilor Chilton and Councilor Topaz want to set a meeting to discuss the tourism RFP further. Mayor Scholl thought staff was already working on an RFP.

Councilor Birkle understood that the RFP was approved. Then, Councilor Morten came to a meeting with concerns about the RFP. By a vote of 3-2, the RFP was rescinded. He chose to vote to rescind it based on the April tourism meeting directing staff to review the contract. He does not believe that there should be a motion that the content of Councilor Topaz's submittal be included in the RFP. He does not support the current motion but hopes they set a date and time to have a discussion.

Mayor Scholl asked the Council to consider the other people involved, both citizens and the people hired. They are sending a message to Tina that she is not good enough by constantly bringing it up. Councilor Chilton pointed out that they have not discussed it since April. Mayor Scholl reminded them they could talk to Tina directly as well.

Councilor Topaz stated that other parts of town have not had the interest and intensity of Halloweentown, or any other tourism, which is an inadequacy of Tina. Tina is a contractor and should have hallmarks to be judged against. The present contract does not include many hallmarks and audits to verify the job is being done. The contract needs to be cleaned up.

Mayor Scholl pointed out number eight on the Council's Mantra, "I will never come to a Council meeting having made a promise to an individual or group." Councilor Topaz said he has not made any promises. Mayor Scholl argued that Councilor Topaz talked about other groups not benefitting. Councilor Topaz said that is our citizens and they are not a group. Mayor Scholl pointed out that he has also heard Councilor Topaz refer to "my people." Councilor Topaz disagrees and thinks it's inadequate.

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

Councilor Chilton reported...

- She reviewed the Public Safety Facility with the Chief and other staff. Mackenzie had a good grasp of the project. She was glad to see Council agreed.
- Fall sports and school is underway.
- She is looking forward to the joint meeting with Planning Commission next week.
- She is extremely proud of the work they are seeing from Public Works. Public Works Director Zaher and Parks and Recreation Manager Duggan are showing great leadership. She recommended anyone who missed their presentation this afternoon to go back and watch it.

Councilor Birkle reported...

- He attended the Hometown Heroes 9/11 event at the Courthouse. They read the names of those who died on 9/11. Sgt. Eustice represented the Police Department and participated in the reading of the names. It was a very profound experience. It is a good reminder of the commitment from our public safety officers.
- The 100th Anniversary of the train depot is on Saturday, September 18th.
- He did some Youth Council research since the last meeting. He will be sharing his research with Council and staff.
- He had the honor of sitting in for Councilor Morten at the Parks & Trails Commission meeting on Monday.

Council President Morten said he was unable to attend the Parks & Trails Commission meeting because he was eulogizing the daughter of past mayor Heinie Heumann. Prior to this meeting, he was looking through everything she left that had belonged to Heinie. There's a lot of history that will be given to the Columbia County Museum Association. He did retain ownership of the left-handed bamboo putter because he golfed a lot with Heinie.

Councilor Birkle talked about the importance of remembering the people who contributed to the history of St. Helens.

- Parks & Trails Commission meeting update:
 - The Lions Club gave a presentation about the equipment they help maintain at McCormick Park.
 - Discussion about revisions to the Parks Master Plan.
 - It is a very dedicated Commission.
 - He continues to be impressed with Duggan's work.

- Parks Field Supervisor Thad Houk retired after 23 years of service. There is a retirement reception for him on September 23rd.
- National Hispanic Heritage Month began today. There are 7.2% of St. Helens residents that claim Hispanic origin. He reviewed the history about the significance of the date. The St. Helens community has many Hispanic-owned and operated businesses. The City also has a number of staff who are of Hispanic heritage and bilingual.

Councilor Topaz talked about the trees in the parks and city. Was there any discussion at the Parks & Trails Commission about taking care of the deer during the dry weather? Councilor Birkle said it was not discussed.

OTHER BUSINESS

ADJOURN – 8:09 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor