



# COUNCIL REGULAR SESSION

Wednesday, January 04, 2023

## DRAFT MINUTES

### MEMBERS PRESENT

Mayor Rick Scholl  
Councilor Patrick Birkle  
Councilor Jessica Chilton  
Councilor Mark Gundersen  
Councilor Brandon Sundeen

### STAFF PRESENT

John Walsh, City Administrator	Jenny Dimsho, Associate Planner
Kathy Payne, City Recorder	Sharon Darroux, Engineering Manager
Lisa Scholl, Deputy City Recorder	Tina Curry, Event Coordinator
Jacob Graichen, City Planner	

### OTHERS

Kylie Bellar	Chris Murphy	Steve Palmer
Deb Parsons	Ron Murphy	Brady Preheim
Steve Topaz	Karee Steinhauser	Nick Hellmich
Steve Toschi	Ty Steinhauser	Sharrie Ryan
Terry Waymire		

### CALL REGULAR SESSION TO ORDER – 7:10 p.m.

### PLEDGE OF ALLEGIANCE

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

- ◆ Brady Preheim. Welcomed the new Council members. He was glad to hear that the City finally acknowledged the public safety facility is too big. They are in this position because of their process. They chose to circumvent the public process and just add a fee to the utility bill to pay for it. If this was a public process, they wouldn't be in this position. They need to go out for a vote if they move forward. They need storage space and not a new police station. They can remodel what they have and build a new storage area. They could also buy the adjacent property to expand into.
- ◆ Nicholas Hellmich. He noticed there are no speed limit signs as he walked down here from Nob Hill. There are a lot of kids in the area and people are speeding. He is offering his property to place speed signs. He also recommends a stop sign at the corner of John Gumm and S. 4<sup>th</sup> Street.
- ◆ Steve Topaz. 1) In the last year, Maul Foster drilled test holes around the cooling lagoon to turn it into a waste dump. Some data was collected. However, they weren't able to get their boat into the lagoon so did not drill holes in the basalt, which he says is criminal. Has anyone on the Council read the report and DEQ's response? 2) The City began working on an RFP for a tourism director

in 2019 and it was delayed. What is the status of the RFP now? They did not go through the correct procedure to hire a tourism director.

- ◆ Steve Toschi, Planning Commissioner and citizen. He is here to make a public apology. At the joint City Council and Planning Commission meeting, he became frustrated and said things he should not have. He also called City Planner Graichen to apologize.

## DELIBERATIONS

### **Vacation of the East 40 ft. of the N. 9th Street Right-of-Way Abutting Lots 5, 6, 7, and 8 of Block 76 of the St. Helens Subdivision (Murphy Family Trust and Kylie Bellar)**

Councilor Chilton abstained from the discussion and decision because she did not attend the public hearing.

Associate Planner Dimsho referenced that co-applicant Kylie Bellar has withdrawn. Council can choose to grant only the portion that abuts the Murphy Family Trust based on that change. Dimsho encouraged the Council to discuss the conditions in the staff report.

Mayor Scholl talked about a hammerhead turnaround. He asked if they even need to vacate it if it's only used for parking and a fire turnaround.

Councilor Birkle agreed with Mayor Scholl. If the second applicant withdrew, are they still looking at the entire proposed area? Dimsho said no, just the area adjacent to the Murphy's property. Councilor Birkle went on to ask if that changes consent needed by the applicant who withdrew. Dimsho confirmed that it does open the "abutting by a point" question. City Planner Graichen explained that legal counsel has advised staff that "abut by the side" passes the test. It came up at the Planning Commission's last meeting and they are bringing it to Council for a final ruling.

Mayor Scholl repeated that it's already being utilized and he doesn't see why they can't just continue to use it for parking. Dimsho talked about a Right-of-Way application that could be applied for with Engineering if they wanted to add gravel to make that area more usable. The application fee is approximately \$100.

Councilor Sundeen is concerned that half of the applicants have withdrawn. Councilor Gundersen agreed.

Mayor Scholl talked about the improvements to the storm drain being expensive. It's a City street and can be used for parking.

**Motion:** Motion made by Councilor Birkle and seconded by Councilor Sundeen to deny the Street Vacation application.

Discussion.

Mayor Scholl appreciates the respectful neighbor discussion.

**Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Gundersen, Councilor Sundeen; Abstaining: Councilor Chilton

Councilor Birkle thanked the applicants. He understands their frustration. They can continue to use that area for parking.

Mayor Scholl recommends waiving the Right-of-Way application fee for safety reasons. They have already paid a lot for the Street Vacation. The street does need a turnaround. If it can't be waived, the funds will be taken from the Council budget. Consensus of the Council to waive the Engineering fee.

Abutting discussion. Graichen reviewed the response from legal counsel. Legal counsel agrees with staff that abutting is by a side and not by a point. He understands that Steve Toschi disagrees with legal

counsel's advice. The applicant has been stuck in the middle and the City looks like they don't know what they're doing. He wants the Council's interpretation for moving forward.

Mayor Scholl agreed that it needs to be the abutting side and not a point. He talked about every case being different. He would like to leave it the same and clean up the language. Graichen does have Street Vacation policies on the to-do list for the future.

Mayor Scholl apologized to the applicants. They need to move forward with legal counsel's recommendation.

Councilor Birkle asked what needs to be done. Graichen said they don't need to do anything if they are leaving it as status quo. Councilor Birkle wants it to be a clear decision. He supports the idea that abutting includes touching by point. Councilor Gundersen does not agree that abutting includes touching by a point.

Mayor Scholl suggested that Street Vacations not include the one inch before the abutting property. That would resolve the abutting issue. The applicant can vacate all but one inch up to the adjacent property owner. Graichen recommends a foot. Mayor Scholl suggested that be part of the language clean-up.

Consensus of Council to follow legal counsel's advice.

#### **AWARD BID/CONTRACT**

1. Award Contract to TFT Construction for the Columbia Blvd. Sidewalk Project (No. R-679A) in the Amount of \$742,329

**Motion:** Motion made by Councilor Birkle and seconded by Councilor Chilton to approve '1' above. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Chilton, Councilor Gundersen, Councilor Sundeen

2. Award Contract to TFT Construction for the Columbia Blvd. Culvert Project (No. R-679B) in the Amount of \$164,990

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Sundeen to approve '2' above. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Chilton, Councilor Gundersen, Councilor Sundeen

3. Award Contract to Advanced Excavating Specialists, LLC for the Sherman Waterline Replacement Project (No. W-478) in the Amount of \$83,500

**Motion:** Motion made by Councilor Birkle and seconded by Councilor Chilton to approve '3' above. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Chilton, Councilor Gundersen, Councilor Sundeen

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

4. Extension of Agreement with Steven Wabschall for Direct Responsible Charge for Water Filtration Facility
5. Third Amendment to David Evans & Associates, Inc. Agreement for Columbia Blvd. Sidewalk and Safety Improvements Project

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Birkle to approve '4' and '5' above. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Chilton, Councilor Gundersen, Councilor Sundeen

#### **APPOINTMENTS TO CITY BOARDS AND COMMISSIONS**

6. Appoint Lauren Gonzales to Parks and Recreation Commission

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Sundeen to approve '6' above. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Chilton, Councilor Gundersen, Councilor Sundeen

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

7. OLCC Licenses

**Motion:** Motion made by Councilor Birkle and seconded by Councilor Chilton to approve '7' above. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Chilton, Councilor Gundersen, Councilor Sundeen

## **WORK SESSION ACTION ITEMS**

### **COLPAC Board Appointee**

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Birkle to appoint City Administrator Walsh as the City of St. Helens Representative to the Columbia Pacific Economic Development District Board (COLPAC) and appoint Mayor Scholl as the alternate for the City of St. Helens.

**Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Chilton, Councilor Gundersen, Councilor Sundeen

### **Water Leak Adjustment**

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Gundersen to approve a utility account adjustment for Forest Park Apartments (#11) in the amount of \$5,091.60, due to a major water leak. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Chilton, Councilor Gundersen, Councilor Sundeen

## **SELECTION OF COUNCIL PRESIDENT**

Mayor Scholl distributed ballots for Council members to vote for Council President for the term January 2023 – December 2024. The votes were tallied and Councilor Chilton was unanimously selected as Council President.

## **COUNCIL MEMBER REPORTS**

Council President Chilton reported...

- Talked about the police station changes discussed during the work session. They absolutely need a new station and are very deserving of it. It's completely unsafe and outdated. She is happy to see it moving forward.
- She welcomed the new councilors.

Councilor Sundeen reported...

- He is excited to be here.
- He toured the Water Filtration Facility last week. That was very informative and impressive.
- He is looking forward to learning and contributing.

Councilor Gundersen reported...

- He is happy to be here and up for the challenge.

Councilor Birkle reported...

- Welcomed the new councilors. There will be disagreements and matters of opinion, but he looks forward to it being in a more respectful manner. They have the best interest of the citizens and community in mind.
- He is feeling intimidated about the decisions that need to be made for the new police station. He's committed to offering a safer facility.

## **MAYOR SCHOLL REPORTS**

- Welcomed the new council members. He encouraged them to utilize staff when questions arise. They are very knowledgeable. He also encouraged them to ask questions during meetings if they're not sure about acronyms or what is being discussed. They all have good intentions and not serving a personal agenda.
- The changes to the police station will make it just the right size for the community.
- Councilor Assignments
  - He and Council President Chilton – Administration Department, Community Development, and Public Works Department
  - Councilor Sundeen – Police Department and Parks & Recreation Commission

- Councilor Gundersen - Planning Commission
- Councilor Birkle – Library Department and Library Board
- A councilor and department head can make decisions together for their department. They will discuss more at the Council Retreat.
- Happy New Year!

**OTHER BUSINESS**

**ADJOURN – 8:19 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor