

City of St. Helens

Consent Agenda for Approval

CITY COUNCIL MINUTES

Presented for approval on this 19th day of October, 2022 are the following Council minutes:

2022

- Work Session, Executive Session, Public Hearing, and Regular Session Minutes dated September 7, 2022

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 07, 2022

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
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Mouhamad Zaher, Public Works Director

Suzanne Bishop, Library Director
Bill Monahan, City Attorney
Tina Curry, Event Coordinator

OTHERS

Nancy Whitney	Amy Bynum
Justin Watson	Lynne Pettit
Arthur Leskowich	Connie Parr
Brady Preheim	Kelly Harmon
Scott	

CALL WORK SESSION TO ORDER – 1:00 p.m.

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

- Kelly Harmon. Discussed the nuisance Code violation at 424 N. 7th Street and confirmed a new Code enforcement officer had been hired. She read her complaint into the record, citing the deplorable conditions of the property and the lack of action by the City and provided a copy of the complaint and accompanying pictures to City Recorder Kathy Payne.

Mayor Scholl stated he will forward the complaint to Police Chief Brian Greenway. City Administrator John Walsh noted he had talked to the property owner who acknowledged the City had been contacting her.

- Connie Carr. She lives next door to the subject property. [424 N. 7th Street] She has worked hard to clean up her yard, but next door is a mess and can be seen by her visitors. People coming to St. Helens should not see such living arrangements. The property owner has done some work, but not enough was being done.

City Recorder Payne explained the nuisance process, noting several such complaints were on the books.

Kelly said she first reported the concerns about six months ago; nothing was said about a nuisance report. She was told going through law enforcement or coming to City Council would be quicker.

Connie stated she had contacted Code enforcement a year ago and hoped to have a time frame for when the property would be cleaned up.

Mayor Scholl assured the nuisance process had officially started.

DISCUSSION TOPICS - *The Council will take a break around 3:00 p.m.***1. Semi-Annual Senior Center Report - Justin Watson, Executive Director**

Justin Watson reviewed his report. A copy is included in the archive packet for this meeting. Key items highlighted via PowerPoint included the work being done with partners to inspire intergenerational living, Senior Nutrition and Pleasure Program (SNAPP), the volunteer work at and revenues generated by the Top-Notch Thrift Store, and plans for new ghost kitchen to better use resources and provide additional food options for SNAPP and potential service into Scappoose.

Comments and questions from the Council were as follows with responses provided by Mr. Watson as follows:

- The Senior Center has two membership types: Voting Members were Seniors 55+ years old and Associate Members were under 55 years old. Both memberships cost \$20/year, but for two people living in the same home, membership was \$32/year.
- Mr. Watson would meet with Library Director Bishop, along with Rachael Barry, on August 20th to discuss a potential partnership in the near future.
- The Senior Center does receive food from the Food Bank and bases its purchases each month around what the Food Bank could provide to reduce purchases.
- Mr. Watson had not talked with the Food Bank about training people to cook at its facilities; however, Broadleaf Arbor is building a kitchen for conducting future cooking classes, which he believed would be done in the senior buildings.
 - Mayor Scholl emphasized the need to emphasize Broadleaf to seniors, noting he wanted St. Helens residents to be the majority there. He noted the great value of a \$20 annual membership and encouraged Justin to apply for a grant in January.
- Meals on Wheels routes are getting longer, and more drivers are needed. People were encouraged to participate, including riding along to help other volunteers.
 - Drivers do report back on who needs help and about their conditions, and the Community Action Team responds to those needs. In delivering meals, drivers are able to see the evolution of conditions and catch things before they get too bad.

2. Review Proposed Rates Increases for Waste Management Drop Box Services

City Administrator Walsh Rate reviewed the rate increases, noting Waste Management is requesting a maximum rate increase of 1.5% and the effective date is October 1. A letter and a billing schedule discussing the rates were in the packet. There is an opportunity for public comment at tonight's meeting. He was unsure if Waste Management asks for the maximum rate increase every year.

Council noted citizens should be informed drop boxes are an option to use at their discretion and that the increase did not affect typical curbside service. Drop boxes were generally used by construction contractors.

Unsure as to whether Waste Management typically asks for the maximum rate every year, Council agreed it would be best to alert the citizens on options to use at their discretion.

3. Review Proposed Amendments to Council Operating Rules & Procedures

Councilor Topaz proposed waiting on the amendments to the Council Operating Rules & Procedures until the new Council is in place in January. Council President Morten responded he saw no reason not to proceed as the wisdom and experience of the current Council is needed to give direction and address the amendments. If needed, the new Council can review it again.

Councilor Topaz noted there were about 15 conflicts between this document and the Charter, one being the Council is responsible for the City; however, the City Administrator has a huge amount of authority

over the Council's direction according to the language. Though part of the original decision making in adopting the rules, he now questioned certain sections of the document.

Councilor Birkle noted that considering these were minor amendments to change the start time of work sessions and some pronouns, there was no reason not to proceed.

Key discussion items regarding the proposed amendments included the following:

- The matter was being addressed now following the decision to change the start time of work sessions to 2:00 p.m. to accommodate Councilor Birkle's and Council President Morten's schedules. If meetings were run more efficiently, Council should be able to complete work sessions within three hours.
- The proposed changes were reviewed. Work sessions would change from a start time of 1:00 p.m. to 2:00 p.m., and if needed, the regular session could be changed to 7:30 p.m. The changes to gender neutral pronouns, reducing public comment times, electronic communication, and meeting format options, etc. should not be controversial.
- Councilor Topaz reviewed other needed changes in the document, which conflicted with the Council Charter in several areas. He reiterated the amendments should be done by the new Council, so everybody is on the same page. Some of the good things Council does are not reflected in the Rules document.
 - Clarifications were provided about some of Councilor Topaz's comments and proposed additional changes, including that tonight's discussion only regarded the proposed small amendments. The new Council could address other sections as it desired.

The Council consented to move forward with the amendments and let the new Council revisit the Rules if desired. City Administrator Walsh noted the Charter is silent on the Council Rules, which was a living document that could be easily changed.

4. Assignment of Voting Delegate and Alternate for LOC Business Meeting

Council discussed the need for a Delegate and Alternate for the October LOC Business Meeting in Bend because Council President Morten will be gone in October.

Councilor Jessica Chilton agreed to be the Delegate, and Mayor Rick Scholl agree to be the Alternate.

5. Report from City Administrator John Walsh

City Administrator Walsh presented his report, updating on upcoming events and activities, tonight's regular meeting agenda items, and the following key items with comments and questions from Council as noted:

- Harbor Master Personal Services Agreement draft was ready. Concern was expressed about how the agreement would address boats docking, sometimes overnight, where big ships come in.
- The City authorized the construction of cabins and shelters at the Sand Island Campground. The owner wanted to provide more amenities, so they wanted to drill a well and put in a septic system, which required the City's consent as the owner. Commissioner comments and responses to Commissioner questions from City Administrator Walsh were as follows:
 - If they drill a well, the water will be either be a potable or non-potable depending on which level is achieved through various technologies. The County determines the quality and approves the use of the water.
 - Brad Hendrickson submitted a bill for paying for these upgrades. When the lease ends, the City would assume the ownership of those amenities and would need to reimburse the cost of those improvements to Mr. Hendrickson.
 - The safety and security improvements Mr. Hendrickson has brought to the island were discussed. The City also saved time and resources by not having to provide maintenance.
 - The septic would be susceptible if there was another flood, but there are containers that float and insurance would avoid liability issues.

- Council supported the improvements, noting people spent money in town before going to the island.
- Article 13 of the Sand Island lease agreement was cited, which discussed the tenant yielding possession of City park and tenant improvements to the landlord when the lease ends.
- The City resubmitted for a grant for the Oregon Community Pathways Program, which connects trails between places off the highway. The planning grant funding had doubled since the last round when the City was only one project away from being funded. The City was working on a pedestrian connection between Scappoose and St. Helens with as few road crossings as possible.
- Work continues with Strategic Network Groups on a broadband feasibility study funded by ARPA money. The surveys show good support for a local broadband option. He hoped to have the firm present the information to Council, adding the information is also being shared with the Broadband Advisory Committee and Col-Pac, which has prioritized broadband service in the region. Having a robust, expandable fiber network would be powerful here.
 - He clarified multiple fiber cables ran along Highway 30 and came through town, noting he was not familiar with companies wanting to connect to cable in Washington.
- The Streets and Utilities Project would be about a two-year project that had three phases; the first being improvements to the St Helens/First Street intersection, which included all the water and sewer connections. The related projects were discussed. Public Works hoped to get three different contractors to work all at once to be less disruptive to citizens by working around high traffic times and minimize business interruption as much as possible.
- The Public Safety Facility project had a lot of moving parts, but the design was moving forward as initially proposed. The cost is approximately \$19 to \$23 million with a \$3 million contingency. Prices seem to be stabilizing but the City wanted to make sure it can afford the new building.

ADJOURN – 2:42 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 7, 2022

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
Kathy Payne, City Recorder
William Monahan, City Attorney with Jordan Ramis PC



At 2:55 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 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 potential sale of City-owned property off Kelley Street.
- **Labor Negotiator Consultations, under ORS 192.660(2)(d)**
 - Update on current negotiations with AFSCME Union and Non-Represented employees.
- **Consult with Legal Counsel, under ORS 192.660(2)(h)**
 - Update on potential litigation with City employee.
 - Update on Police employee grievance.
 - Update on litigation with Cascades Tissue.
 - Update on litigation filed by James Huffman.
 - Update on litigation of sale of City-owned property.

The Executive Session was adjourned at 4:28 p.m.



ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL PUBLIC HEARING

Wednesday, September 07, 2022

DRAFT MINUTES

MEMBERS PRESENT

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

MEMBERS ABSENT

Councilor Jessica Chilton

STAFF PRESENT

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

OTHERS

Howard Blumenthal	Jennifer Puglsey
Steve Toschi	Art Leskowich
Brenda Herren-Kenaga	Scott Jacobson
Brady Preheim	Jane Garcia

OPEN PUBLIC HEARING – 5:30 p.m.

TOPIC

1. CONTINUED: Street Vacation of Sections of Right-of-Way along N. River Street, N. 1st Street, Columbia Blvd. and S. River Street (Keith Locke, et. al.)

City Planner Graichen reminded everyone that this is a continued public hearing from August 3, 2022. The applicant provided a written withdrawal of the application. It was only one of four petitioners but invalidates the application. None of the petitioners were present. Graichen said the Council can discuss it further or make a motion that the petition and consent are now null and void, given the written withdraw of the application, and the matter is concluded.

MOTION: Motion made by Councilor Birkle and seconded by Councilor Topaz that the petition and consent for the street vacation are now null and void, given that the petitioner has withdrawn the application, and the matter is concluded. Voting Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

CLOSE PUBLIC HEARING – 5:34 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL REGULAR SESSION

Wednesday, September 07, 2022

DRAFT MINUTES

MEMBERS PRESENT

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

MEMBERS ABSENT

Councilor Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Tina Curry, Event Coordinator

OTHERS

Art Leskovich
Scott

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

PLEDGE OF ALLEGIANCE

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

None

PROCLAMATIONS

1. Oregon Direct Support Professional Recognition Week - September 11-17, 2022

Mayor Scholl read the proclamation into the record.

Oregon Direct Support Professional Recognition Week September 11 – 17, 2022

WHEREAS, an estimated 30,000 Oregonians experience an intellectual or developmental disability and benefit from assistance from others to live rich, fulfilling, and inclusive lives; and

WHEREAS, approximately 16,000 Oregonians are employed as Direct Support Professionals (DSPs), an essential job that requires a high level of skill, training, and dedication to support people with intellectual and developmental disabilities; and

WHEREAS, DSPs in Oregon promote opportunities for people with disabilities to fully participate as valued members of their communities; enhancing their well-being by supporting people in all aspects of their daily lives; and

WHEREAS, DSPs must build close, respectful, and trusted relationships with those for whom they work, which requires compassion, empathy, and the highest ethical standards; and

WHEREAS, DSPs help people manage complex medical and behavioral health needs, assist people with communication, and provide intimate personal supports on a daily basis; and

WHEREAS, DSPs have worked through some of the most challenging circumstances imaginable – working on the frontlines throughout the pandemic, ensuring people's safety during extreme wildfires, and helping people cope with prolonged power outages during historic ice storms; and

WHEREAS, there is a critical shortage of DSPs throughout Oregon, and together we are committed to improving wages, benefits, and opportunities for advancement to improve the quality of support, safety, and health of individuals with disabilities.

NOW, THEREFORE, I, Rick Scholl, Mayor of the City of St. Helens, hereby proclaim the week of **September 11-17, 2022** as **Oregon Direct Support Professional Recognition Week** in the City of St. Helens, and encourage all citizens to join me in this important observance.

DELIBERATIONS

2. Street Vacation of Sections of Right-of-Way along N. River Street, N. 1st Street, Columbia Blvd. and S. River Street (Keith Locke, et. al.)

Application withdrawn.

RESOLUTIONS

3. Resolution No. 1964: A Resolution to Adopt City Council Operating Rules and Procedures for the City of St. Helens, Superseding Resolution No. 1837

Mayor Scholl read Resolution No. 1964 by title. **Motion:** Motion made by Councilor Birkle and seconded by Council President Morten to adopt Resolution No. 1964.

Discussion.

Councilor Topaz expressed concerns about the wording saying it contradicts itself and part of the Charter. He recommends the incoming Council correct the misguided lines of information.

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

4. PUBLIC COMMENT - Increase in Drop Box Rates

No public comment.

Resolution No. 1965: A Resolution Establishing Drop Box Rates and Superseding Resolution No. 1933

Mayor Scholl read Resolution No. 1965 by title. **Motion:** Motion made by Councilor Topaz and seconded by Council President Morten to adopt Resolution No. 1965. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

AWARD BID/CONTRACT

5. Award Contract for S. 1st Street & Strand Street Road and Utilities Extension and the 1st Street & St. Helens Street Intersection Improvements Projects to Moore Excavation, Inc. in the Amount of \$15,663,733.45

Motion: Motion made by Councilor Topaz and seconded by Council President Morten to approve '5' above.

Discussion.

Councilor Birkle said he and his wife moved here 30 years ago. They have watched that property and dreamed about what it could look like one day. It's an exciting time for the City. He is glad that prior council and administration had the foresight to purchase the property.

Council President Morten said when he ran for Council 16 years ago, he thought the City was wonderful. He would sail from Portland to visit and admire the beautiful waterfront. His lawn sign said, "Open for the Council." It was meant for opening the process and land. He spearheaded the riverfront development

years ago with written testimony to look at the waterfront and redo the Master Plan. Former City Planner Skip Baker took it on. From that, the ferry system was put in place, signage for the business loop was added, and work was done at Grey Cliffs Park. He was elated to see the overlay of the Veneer property, and eventually the purchase. He wasn't quite as excited about the purchase of the Boise property. With that purchase, they received 40 million gallons of water rights per day and 280 acres. It's wonderful to see it get to this point. He's always left jobs on a high note and couldn't leave on a higher note, with a new, enthusiastic Council coming in. It's been a remarkable ride.

Mayor Scholl said this has been a long process. He was fortunate to come in after a lot of work had already begun. He helped pass the Urban Renewal, which is the funding mechanism for this project. There have been a lot of meetings. It's a great project. He remembers when the property was re-zoned, and Boise was very upset because it increased their value. They have the right team in place to move forward.

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

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

6. Settlement Agreement and Release of All Claims with Cascades Holding US Inc., dba Cascades Tissue Group-Oregon
7. [RATIFY] Agreement with Jon Ellis for Financial Services
8. Amendment No. 5 to Agreement with Mayer/Reed Inc. for Design, Construction, & Permits for Riverwalk Project Phase I and Columbia View Park Amphitheater (Additional Services - Signage & Graphics)
9. Land and Water Conservation Fund Grant Agreement for Riverwalk Phase I Project
10. Exclusive Negotiating Agreement with Atkins Dame Inc. for the Millard Road Property

Motion: Motion made by Councilor Birkle and seconded by Council President Morten to approve '6' through '10' above.

Discussion.

City Administrator Walsh pointed out that the Land and Water Conservation Fund Grant was awarded to the City in 2020. They are just now getting through contracts and the federal process. Once accepted, it will be amended from \$500,000 to almost \$1 million.

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

CONSENT AGENDA FOR APPROVAL

11. Council Work Sessions, Executive Sessions, Public Hearings, and Regular Sessions Minutes dated August 3 & 17, 2022
12. Accounts Payable Bill Lists

Motion: Motion made by Council President Morten and seconded by Councilor Birkle to approve '11' and '12' above.

Discussion.

Councilor Topaz corrected page 167, under Councilor Topaz's report. "ODOT considers a traffic circle to have 120 degrees with four lanes..." It should read, "120 feet in diameter..." Further down the line, Councilor Birkle refers to the water reservoir. It should read 500,000 gallons instead of 5,000 gallons.

Council agreed to amend the motion with the corrections.

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

WORK SESSION ACTION ITEMS

None

COUNCIL MEMBER REPORTS

Council President Morten reported...

- Welcomed new Code Enforcement Officer Everardo Medina Atristain. He wishes him the best with cleanup issues.
- Welcomed Melissa Faith to the Parks & Recreation Division.
- The Parks & Recreation Commission will be discussing policies at their September 12 meeting. He hopes it becomes more effective and transparent. He has requested Public Works Director Mouhamad Zaher participate.

Councilor Topaz asked if there are volunteers who can help with cleanup. Council President Morten said Community Action Team and neighbors have in the past. However, there are safety issues involved. Public Works refused to do it unless they had hazmat equipment. Mayor Scholl said it comes down to the landowner. There's a process they must go through.

Councilor Topaz reported...

- He wants a forensic audit of the last five years because of financial things that have happened recently.
- He recently spoke with a water specialist on Sauvie Island. They are trying to get a water analysis of the Multnomah Channel to see if they should be using the water for irrigation. That is where the City gets 40 million gallons of water per day. They have the water analysis in the Willamette River where it enters the Multnomah Channel and ends up in the Columbia River. The State has never documented what's in the Multnomah Channel. He spoke with a Geologist who has been involved in nuclear waste in the United States. He knows the geology under a lagoon and said to be careful with it. His time schedule is in the thousands of years and has looked very carefully at it long-term.
- He spoke to the School District. They have budgeted money for a School Resource Officer. He understands the Police Department is short on manpower, so it's not happening.
- He found out that library late fees have been directed to the General Fund instead of the Library Fund. They want to know if that is being corrected. Councilor Birkle said it's never gone to the Library. Councilor Topaz said there is confusion, and he would like it looked into.
- The Makerspace has a new 3D printer. The old machine was leaving lines in the product. The new one uses UV curing.
- The Youth Librarian position closes on Friday.
- The Library had a scavenger hunt with the middle school. It was a big hit and brought students into the library.
- The Library has passed out 82 free Covid tests.

Councilor Birkle reported...

- He went to the Makerspace last week and Allen was very helpful. When he arrived, Allen was speaking with Sarah Burns, who had been hired to put together a makerspace at OMIC. It's great to see OMIC sending people to the Library for assistance. That will continue to develop partnerships with OMIC. Councilor Topaz added that Allen has taught courses at OMIC.
- September is National Preparedness Month. Go to ready.gov for more information. He encouraged people to be prepared for an emergency by having food, water, and a plan in place.
- September 15 - October 15 is Hispanic Heritage Month. It embraces numerous cultures and many of the community's workers and residents of Hispanic descent.
- He is excited for the beginning of the school year. He has been meeting with families and begins classes on Friday.

MAYOR SCHOLL REPORTS

- Rip City Rally on September 15 at McCormick Park, 4-6 p.m. It's great to see the use in the park.

- The Waterfront project is huge and exciting. Staff will be scheduling a public informational session soon. Council President Morten added that it was a good marketing tool when the gravel pathway was installed on Waterfront property. It gave people the opportunity to envision the possibilities. Mayor Scholl agreed that it has come a long way. It's great to have funding with Urban Renewal to move forward. Council President Morten reminded citizens that whatever is done on the Waterfront property needs to be sustainable. Mayor Scholl suggested they meet with partners, such as Columbia River PUD and the Port of Columbia County, to discuss development.
- Sturgeon fishing is open on Saturday. They had to cancel the Salmon Derby due to low salmon numbers.

OTHER BUSINESS**ADJOURN – 7:38 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor