

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

**CITY COUNCIL MINUTES**

Presented for approval on this 17<sup>th</sup> day of August, 2022 are the following Council minutes:

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2022

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- Work Session, Executive Session, Public Hearings, and Regular Session Minutes dated July 20, 2022

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# COUNCIL WORK SESSION

Wednesday, July 20, 2022

## DRAFT MINUTES

### MEMBERS PRESENT

Mayor Rick Scholl  
Council President Doug Morten – 1:14 P.M.  
Councilor Patrick Birkle  
Councilor Stephen R. Topaz  
Councilor Jessica Chilton

### STAFF PRESENT

John Walsh, City Administrator	Jacob Graichen, City Planner
Kathy Payne, City Recorder	Jenny Dimsho, Associate Planner
Lisa Scholl, Deputy City Recorder	Rachael Barry, Government Affairs Specialist
Mouhamad Zaher, Public Works Director	Amy Lindgren, Municipal Court Judge
Sharon Darroux, Engineering Manager	Matthew Kahl, City Attorney
Mike De Roia, Building Official	Tina Curry, Event Coordinator

### OTHERS

Steve Toschi  
Art Leskovich

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

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

- ◆ Steve Topaz, citizens of St. Helens. He thanked Council for his censure. It is very rewarding. He was invited to deliver the Hastings Lecture at the Society of Artificial Organs in Chicago in June. It was a prestigious presentation and people Googled his name and found out he was censured. They also found that Steve Duran from the old newspaper in Portland wrote about how bad he was treated at his court case regarding the drainage between 3rd and 4th Street. These are researchers, so they investigated the censure. Topaz has been a member of this society since the 1960s. They discovered that every time Topaz brought something to the Ethics Board, there was a reason for censure. The Ethics Board found Topaz correct each time. They also found out that the newspaper coverage of the censure was extensive, but they did not report the decision that Topaz did nothing wrong. They found that Topaz had 80-some papers published, had 486 people reference his good work, the Supreme Court of Oregon said the property was damaged, but he was not allowed to speak about it, and the Federal Court found that his Second Amendment rights were removed. A lot of people were there, including manufacturers, developers, and students. St. Helens painted a very dark picture of itself when they looked at the censure. He could not have done a better job of pointing out the problems in St. Helens and the censure to a public stage in a national and international setting. Thank you for bringing the story to people who read the whole thing.
- ◆ Steve Toschi. Thanked Council for the 4th of July celebration. It was important to continue with the tradition. They were able to do it by rolling it into tourism. It was a great event. Thank you

to the Lions Club for putting the flags out. The town was beautifully decorated. It was a wonderful community event that strengthened bonds. He did notice a lot more illegal fireworks this year. He suggested for next year that they emphasize that law enforcement will issue tickets and to encourage people to turn illegal fireworks in. They are dangerous.

- ◆ Art Leskowich. He agreed that it was a great 4th of July celebration. However, he heard from more than one person that the port-a-potties on the Waterfront property were less than adequate and less than maintained. In June, he sent an email to the Council and marina team members requesting information about the use of the commercial docks. There has been Ison tugs and now a new boathouse moored there. He requested an update about those vessels.

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

**1. Review Proposed Rates Increase for Garbage & Recycling Services - Josh Brown, Waste Connections**

City Administrator Walsh reviewed the proposed rate increase. Waste Connections has been affected by increased dumping fees at the Transfer Station and a rise in diesel cost for their trucks. Per the franchise, the City is required to support them. Any time there is a rate adjustment, there must be an opportunity for the public to comment, which will be on tonight's agenda.

**2. Semi-Annual Report from Building Division - Mike**

Building Official De Roia reviewed the report. A copy is included in the archive packet for this meeting.

- 3.4 full-time employees
- Issued 300 building permits
- 258 plan reviews
- 807 inspections, which is lower due to reduced materials and labor
- Electronic Permitting successes
- Code updates
- Project updates

Councilor Chilton asked about Burger King and Dairy Queen. De Roia said Burger King is in the process. Dairy Queen is looking at potential sites.

Councilor Birkle talked about the childcare code and the update for alternatives to sprinklers. The area is struggling with a lack of childcare facilities. It is important that they are safe, but they need to be attainable.

Councilor Chilton asked if they look at infrastructure when approving new businesses. De Roia explained that multiple departments review the infrastructure, including Public Works, Engineering, and Planning.

Council President Morten apologized for arriving late. It was a good report.

Mayor Scholl thanked De Roia.

**3. Municipal Court Semi-Annual Report - Judge Amy Lindgren and Prosecutor Sam Erskine**

Judge Lindgren reviewed the Court report.

- Two full-time Clerks
- Added the bailiff position
- Pulling old cases that have unserved warrants

Mayor Scholl asked if there has been an increase in DUI's with Measure 110. Lindgren said no. It will help having Officer McClure as a certified Drug Recognition Expert, which is needed to prosecute those cases. An amendment to that bill, is that Circuit Court now has jurisdiction over those cases. That will allow them to be recorded in the e-Court system for better tracking.

- They are waiting for the Police Department to begin doing electronic citations. Right now, officers handwrite them. The software has been purchased to scan a driver's license and then print out the citation. It will communicate with the Court system and be much more efficient. Later in the meeting, Councilor Chilton received an update from Chief Greenway. The printers are delayed due to supply chain issues.
- Hired a new Defense Attorney. They are proposing to change to a flat fee, rather than a per case fee.

Councilor Chilton asked if they are affected by the pre-trial changes. Lindgren said no, it is just Circuit Court right now. She is in the process of looking at it to mirror what they do.

Lindgren expressed that she really enjoys working here.

#### **4. Leak Adjustment Request from CPOD LLC - John**

City Administrator Walsh reported that this is regarding the bowling alley property. Comcast did work there about a year ago and drilled a hole through the water line. There was a huge water leak that the owner repaired. They tried to get Comcast to pay the water bill but was unsuccessful. The adjustment exceeds the allowed amount to be approved administratively. They plan to pay their average monthly bill. The adjustment would be the overage.

No objection from Council to adjust the bill.

#### **5. Review League of Oregon Cities 2023 List of Legislative Priorities Ballot - John**

Government Affairs Specialist Barry reviewed the staff recommendations for priorities. A copy is included in the archive packet for this meeting.

Council concurred with the list as recommended by staff.

Councilor Birkle would like to keep homelessness in their sites as well. Walsh agreed. LOC recently came out with good guidance.

#### **6. Discussion regarding Psilocybin Measure 109 - John**

City Administrator Walsh pointed out the memo from City Attorney Ed Trompke. A copy is included in the archive packet for this meeting. City Planner Graichen reviewed the options:

- Can prohibit indefinitely with a successful referendum
- Postpone the allowance for two years with a successful referendum
- Impose limited time, place, and manner provisions

Graichen said it's like marijuana. It started medical only and later added a recreational component. They adopted rules for it to be 2,000 feet between facilities. There are several different types of licenses that the State would issue. There are two focus areas:

1. Manufacturing of psilocybin products includes growing mushrooms, chemical synthesis, and packaging.
2. Licensed service center. Psilocybin products cannot be taken home. They must be taken on site.
  - a. Cannot be in residential areas
  - b. Must be 1,000-foot distance from schools
  - c. Only place a client can purchase and consume is a service center

A two-year moratorium would give them time to see how other jurisdictions handle it.

Councilor Topaz talked about requirements for the service center. What safety requirements will be followed? These are nasty compounds. It says that they were legalized for mental diseases but does not define which ones. The most reasonable decision would be to stay away from it as long as possible.

Council President Morten agreed with Councilor Topaz. They do not have research institutions in Columbia County. If there is benefit, people can cross county lines to access it.

Councilor Chilton agreed with the moratorium to see how other jurisdictions handle it. A concern brought to her attention was that the taxes will go to the State and not the City. How will this affect the community and what benefits will they see? Mayor Scholl pointed out that police officers may need to respond, but the State collected the money for it. Council President Morten asked about it being used as medication at mental health facilities. Can you cross counties to obtain it? Councilor Chilton said there are some barriers with insurance between counties. There is support for it being used for trauma related illnesses.

Councilor Birkle agreed with a moratorium. He pointed out that there is only one Council meeting left to be able to get it on the ballot.

City Planner Graichen reviewed the process if Council does nothing and applications can be submitted beginning in January.

- Licenses required for
  - Manufacturing
  - Service Centers
  - Test Labs
  - Facilitators
- Land Use Compatibility Statement for manufacturing facilities
- The City is required to act within 21 days of receiving the request

Councilor Topaz asked if they have any medical expertise on how to design a service center. Graichen responded that it would be up to the Oregon Health Authority. He assumes they are still working on that. Councilor Topaz said this can be done in a kitchen. There are barriers that need to be in place to assure it does not affect respiratory systems. Is there anyone in the State that can qualify that? It's incredible that the City is given this job to regulate.

City Attorney Matthew Kahl referred to Trompke's memo. If they do nothing, it will allow these facilities to begin operating in January per the Code. Mayor Scholl asked what the cost is to put it on the ballot. Walsh said there is no fee during a General Election. Kahl talked about the LOC templates available to create a resolution and ballot title. There is time to approve it at the next meeting and then get it to Elections.

Council agreed with putting the two-year moratorium on the ballot. Councilor Birkle pointed out that they will need rules if it does not pass on the ballot.

#### **7. Review of Columbia Commons Subdivision Final Plat - Jacob**

City Planner Graichen reviewed the final plat. A copy of his memo and drawing are included in the archive packet for this meeting. He is requesting the mayor's signature once everything is complete. The authorization is on tonight's agenda.

#### **8. Review Proposed Exclusive Negotiation Agreement with US Ecology Holdings, Inc. - John**

City Administrator Walsh reviewed the proposed agreement. A copy is included in the archive packet for this meeting. It is an open agreement with US Ecology Holdings, Inc. to explore possibilities for remediation of the City's wastewater lagoon. The biggest difference from the previous non-disclosure agreement is that it allows the public to know they are working with them. There was no objection from legal counsel on either side.

Councilor Topaz suggested that this be scrapped. This was done during an executive session that was proven not to be an executive session with this company. Mayor Scholl asked if that has been proven. Councilor Topaz said it is Case #22... Mayor Scholl said he was referenced in that case, and it has not been settled. Councilor Topaz said it is an active investigation. Councilor Chilton responded that an active investigation does not mean that it has been founded. Mayor Scholl requested that Councilor Topaz correct himself. Councilor Topaz objected and said he checked with his attorney this week. Mayor Scholl

said his attorney is wrong and has paperwork from the State to prove that. He is being slandered by Councilor Topaz's attorney and wants to talk with him regarding that. Councilor Topaz said he and their attorney had an interview with the Ethics Commission. Both him and Council President Morten questioned if this was a problem for the Ethics Commission. They were told by the attorney that it was not. They were told by the Ethics Commission that it was, and they overruled. Mayor Scholl argued that the Ethics Commission said it was worth investigating. Councilor Birkle agreed. It is under investigation. It has not been closed and there has not been a final determination. Mayor Scholl requested again that Councilor Topaz's attorney contact him. Councilor Topaz said the citizens were not involved with the information. Mayor Scholl argued that it is unfounded and untrue. They are stopping the conversation. Councilor Topaz argued that Mayor Scholl cuts off the conversation when he doesn't like what is being said. Mayor Scholl said Councilor Topaz's attorney is slandering him if he is saying he is guilty. He should ask his attorney if he is wrong in cutting him off.

Mayor Scholl said that Walsh is presenting an exclusive agreement that will go public. Councilor Topaz said the project should not go forward until they get all the data back from Maul Foster. There is a second one that Maul Foster should be doing now on that lagoon. Mayor Scholl said this has nothing to do with that. Councilor Topaz argued that it does. Mayor Scholl asked if his ethics complaint has to do with that because he does not agree with this project. He told the Ethics Commission at the last meeting that it is the reason, which was done publicly. He would like this video recording submitted as proof to the Ethics Commission. Councilor Topaz's attorney is slandering him, saying he is guilty. Councilor Topaz argued that he did not say a thing...Mayor Scholl said he just did. Councilor Chilton pointed out that Councilor Topaz repeatedly says they need to address the lagoon, and they are trying to do that right now and he is stopping them. It sounds like he only wants to complain about it not being done.

Councilor Topaz went on to say that the lagoon was a levy put around a river level body of water. That levy has some long-term construction problems. The bottom of the lagoon, because of what was dumped into it by the City and mill, is a toxic waste dump with nothing going into it. There is a contaminated shoreline that they can't get anything to if they are going to bring anything in from the water. You can't cross the shoreline.

Councilor Birkle read the purpose of the agreement. "The purpose of this Agreement is to negotiate and define the conditions under which the Parties will enter into a potential business transaction between City and USE, or one of USE's affiliates, in connection with the analysis, planning, scoping, permitting, construction, leasing, operating, and remediation, and all other activities, related to the transition of one or more of the City's wastewater lagoons, or other property, to an operating treatment, storage, and/or disposal facility, and the associated long term management and closure of the facility and property ("Purpose"). The Purpose includes negotiating terms for an agreement that will provide value to both Parties including, but not limited to, liability reduction, improved infrastructure, waterfront development, and revenue potential for the City, as well as economic value for USE." They are not committing to anything being done on the lagoon. They are committing to examining the issues Councilor Topaz has raised about the contamination. The purpose is to address the issues that he has a legitimate concern about. Mayor Scholl agreed with Councilor Birkle. Mayor Scholl said that Councilor Topaz likes to make it look like the City is hiding things, which they are not. It is unfounded and untrue. He sat in on that meeting and knows no one was trying to hide anything. Mayor Scholl is being slandered by Councilor Topaz and his attorney, saying publicly that he is guilty. He going to fight. Councilor Topaz argued that they did try to hide information that came in 2019. Mayor Scholl is trying to run the meeting and move on. He is aware of what Councilor Topaz is trying to do as part of his campaign. Mayor Scholl ended the discussion to move on to the next topic.

## 9. Discussion Regarding Flying Eagle Canoe and Possible Placement in New Columbia View Park Design - *John*

City Administrator Walsh reviewed the Columbia View Park Riverwalk 60% design. He proposes to move the Lewis & Clark dog and canoe into the same area as the play equipment. It would be nice to have it more interactive.

Councilor Topaz suggests it be covered to keep water out of it and protect it. Councilor Chilton agreed with covering it and still allowing kids to climb on it.

Council President Morten is concerned about the maintenance and preservation. The Arts & Cultural Commission, which is currently inactive, created an art inventory. They also helped maintain and preserve art in the City.

Associate Planner/Community Development Project Manager Dimsho is looking for input from the Council. There are some risks involved with putting it in the park, such as graffiti and etching into the wood. They could add a protectant layer to help with graffiti removal and either elevate it or put it in a planter to make it more difficult to access. Mayor Scholl agreed with treating it for preservation.

Discussion ensued about the canoe. It was the consensus of the Council for it to be interactive for kids to climb in and out. Councilor Birkle suggested that it take one last journey on the river.

**Break – 3:06 p.m.**

## 10. Report from City Administrator John Walsh

- Reviewed items on tonight's agenda
  - Closeout of the Community Development Block Grant for the Food Bank
  - Public hearing and resolution for the proposed garbage and recycling rate increase
  - Only received one bid for the Public Safety Facility grading project. He recommends removing it from the agenda to re-evaluate it and give Engineering the opportunity to review it and verify they are not overpaying. No objection from Council.
  - The Salmon Timber Sale is about \$1 million. There will be additional costs associated with cleanup and replanting.
- No responses were received for the Audit RFP. Pauly Rogers apologized and said they are very busy with clients and did not have time to submit. However, they do want to continue. Everyone is busy. No objection from Council to move forward with Pauly Rogers.
- COLPAC was successful getting an interest-based grant. They are targeting some of the resources towards the Library Makerspace and helping it continue.
- Dock update
  - May have recommendations for extending the stay
  - There is a boat there now that is in enforcement and may be towed away
  - Live video and information available at [www.sthelensoregon.gov/about/page/courthouse-docks](http://www.sthelensoregon.gov/about/page/courthouse-docks)
  - Mayor Scholl requested the Frank Corsiglia dock sign be reposted.
- The boat reconstruction is underway and should be ready in time for the Sand Island Sandcastle Festival.
- There are street tree planters along Columbia Blvd. and First Street. Last year's heat wave damaged a lot of those trees. It puts a strain on Parks & Recreation staff resources to keep them watered. Parks & Recreation Manager Duggan and Government Affairs Specialist Barry contacted the businesses who wanted to manage the trees adjacent to their business. Some of them have taken over the maintenance, the other trees are just getting water less frequently. Council President Morten talked about the tree planters being a compromise for trees to be planted in that area. It was not sustainable. They need to review the ordinance and plant trees. Walsh agreed that street trees belong in the ground.

- The Columbia County Fair is this week.
- There will be a Citizens Day in the Park debrief on August 17. Council agreed it was a good event.
- There will be a 4th of July debrief coming up as well. Councilor Topaz pointed out the need for a key to unlock the Plaza flagpole so they can raise and lower it.
- 13 Nights on the River has been really good. There have been some challenges with youth.
- The 1st and Strand Street utilities project is out for bid.
- The Riverwalk is a little bit behind because of park improvements and moving the playground. It should go out for bid in late fall.
- With Barry's helped, they have secured a \$1.9 million grant for the Central Waterfront. Part of that includes putting a drill rig on a barge in the lagoon to drill core samples. Councilor Topaz asked if the core samples will go just to the membrane, or all the way down. Walsh is not sure but believes it will be until refusal.
- Growing Rural Oregon supports local entrepreneurs. It was decided that the City would take the lead for at least the first year. They are currently working on contract documents.
- Mainstreet Executive Director Amara Liebelt is now on board.

Councilor Birkle asked about the agreement for Pro Tem Judicial Services on tonight's agenda. Walsh said it's in case the City's judge is conflicted.

Council President Morten asked if Council is willing to recuse Walsh from tonight's meetings. He has a conference to be at in Bend tomorrow morning. Mayor Scholl said he is needed at tonight's meetings.

**ADJOURN – 3:48 p.m.**

**EXECUTIVE SESSION**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor



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

**Executive Session Summary**

**July 20, 2022**

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**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  
Matthew Kahl, City Attorney with Jordan Ramis PC



At 3:50 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)**
  - Potential donation to City of property located at Pittsburg Road and Highway 30.
  - Disposition of Property off Railroad Avenue
  - Update on potential sale of Millard Road property
  
- **Consult with Counsel, under ORS 192.660(2)(h)**
  - Update regarding ongoing claim against the City
  - Update regarding Cascades Tissue litigation
  
- **Labor Negotiator Consultations, under ORS 192.660(2)(d)**
  - Update on current negotiations with AFSCME Union, St. Helens Police Association Union, and Non-Represented employees

The Executive Session was adjourned at 4:26 p.m.



ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor



# COUNCIL PUBLIC HEARING

Wednesday, July 20, 2022

## DRAFT MINUTES

### MEMBERS PRESENT

Mayor Rick Scholl  
Council President Doug Morten – 5:39 p.m.  
Councilor Patrick Birkle  
Councilor Stephen R. Topaz  
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

Ken Sandblast	KAJ	Shannon Julien	Kai Huschke
Shauna Stroup	Jeanne Morain	Brook Steele	Vicky Njust
Art Leskowich	Abbie Dawson	Brady Preheim	Julia G.
S. Moore	Jacob Holder	Andrea Snook	Matt Snook
Brady Preheim	Janette Schwartz	Cheryl Williams	Ken Williams
Josh Brown	Jane Garcia	Val O.	Molly Matchak
Suzanne Bishop	Jolene Walsh	Christian Walsh	Nick Hellmich
Kanale Tumlinson	Heidi Oliver		

### OPEN PUBLIC HEARING – 5:31 p.m.

#### TOPIC

#### 1. Planned Development (Zoning Overlay) located SE of the Intersection of Pittsburg Road and Meadowview Drive (Comstock)

City Planner Graichen covered preliminary matters. Mayor Scholl declared that he did some work for Jeanne Morain, who is the applicant, by mowing and identifying wetlands on the subject property. He does not think it will affect his ability to make a fair decision. Vicky Njust objected to his ability to make a fair decision. He was either paid or did it as a favor. He also argued with people when he was asked why he is mowing things down. It showed bias or conflict to her. Vicky asked if he feels he can rule against something that has to do with their cause. Mayor Scholl feels he can make rule clearly and justly. People were upset that he was mowing the field. Vicky said he argued with her when she questioned him mowing. Then she found out he was going to vote on this decision, and it made her uncomfortable. Mayor Scholl apologized. He does not recall that. He recalls one conversation because he misunderstood how to access the property. Abbie Dawson objected to Mayor Scholl's ability to make a fair decision. When he was crossing her property, he did not tell her who he was. It is a conflict of interest for him to

make a decision impacting that property and the surrounding areas. Matt Snook thinks Mayor Scholl is on side of the development. He does not think he can be unbiased in the decision.

Graichen informed Mayor Scholl that he can voluntarily step down or the Council can discuss it. Mayor Scholl confirmed that he does own his own landscape business. He did mow the yard for Jeanne Morain to identify the wetlands for delineation. He did go through the wetlands but didn't realize that's what it was. He was trying to access the property and not destroy wetlands. He does not have an issue with stepping down. He is fair and honest and would appreciate them accepting that. He has owned his business and lived here for years. He works for all citizens of St. Helens.

Councilor Chilton thinks it would be best practice for him to step down, based on what was presented.

Mayor Scholl turned it over to Councilor Topaz. Before leaving, he stated that he is stepping down voluntarily, but it does not meet the criteria.

Graichen continued with preliminary matters.

Council President Morten arrived at 5:39 p.m. Councilor Topaz handed the gavel to him. Council President Morten declared that he has no conflicts. There was no objection from the audience for him to make a fair decision.

Graichen reviewed the staff report, a copy of which is included in the archive packet for this meeting.

- Wetland protection zones
- Planning Commission
  - Consensus to adopt this with a minimum of 7,000 sq. ft. lots and seven-foot side setbacks
  - The proposal was compact and did not honor the R7 zoning
  - When it was discussed at the Annexation hearing, R7 was chosen to keep the lots larger
  - Trying to prevent spot zoning
  - Concerns about proposed small lot sizes
    - 22% are greater than 7,000
    - 50% are between 5,000-6,999
    - 28% are less than 5,000 sq. ft.
- Council needs to determine
  - If they are going to approve it
  - Stipulation added by staff that the larger and smaller parcels be used in tandem for development proposal
- The idea of a Planned Development Overlay is to allow flexibility. The zoning still dictates density.
- There is a related subdivision application, which is separate from this one. It was denied and will come to Council if it's appealed.

Council President Morten asked if there were any concerns about transportation. Graichen said there was a traffic impact analysis done for the subdivision. There were no identified functional deficiencies that this development would create. Developed lots would have to meet parking requirements.

### **APPLICANT TESTIMONY**

- ◆ Ken Sandblast, Westlake Consultants. He is testifying for the applicant. The Planned Development is an overlay zone on top of the R7 zone. It is not a rezoning of the property. That seemed to have been lost in the Planning Commission hearing. The Planned Development Overlay provides flexibility and is allowed in the Code. It is designed for properties like this, which has significant natural resource areas and buffers, street stubs coming in from different locations, and a rectangular configuration. The Planned Development allows them to divide the land with flexibility and achieve what is allowed in R7 Zoning. The density of R7 is not in question. The number of units proposed does not change with the Planning Development Overlay. It is simply a way for

the land to be divided with flexibility to protect the natural resources. The subdivision has a specific layout. There are ways to revisit the subdivision, but not without the Planned Development Overlay approved. They are requesting Council approve the Planned Development Overlay to allow the subdivision. The current recommendation takes away flexibility, which defeats the purpose of a Planned Development Overlay. In order to still use the Planned Development Overlay, they are requesting Council allow an average of 7,000 sq. ft. lots and not a minimum. They believe they could modify the subdivision application by reducing some density with a few lots, with no lots below 5,000 sq. ft.

Graichen pointed out that Ken didn't talk about side setbacks. Ken said they requested five-foot side yard setbacks and Planning Commission recommends seven feet. He thinks it is more than adequate to have 10 feet between homes. The seven feet takes away the flexibility Planned Development Overlays allow. The purpose of a Planned Development Overlay is for flexibility. They are requesting to keep the five-foot side setback as proposed.

Ken clarified their requests:

- Average of 7,000 sq. ft. lots
  - Five-foot side setbacks
  - Minimum of 5,000 sq. ft. lot sizes
  - Approve the rest of the application as proposed
- ◆ Jeanne Morain, applicant. She is the Power of Attorney for James and Chieko Comstock. The landscaping done by Mayor Scholl was for health and human safety. She called 12 different landscapers. He was the only one willing to do it. It is a fire hazard. Once the application was submitted, he said he could no longer do it. She is still trying to find another company to do it. It was also done to access the property for wetland delineation. She was not aware of a Planned Development Overlay sooner, so did not do it with the annexation. They hired an expert to determine what would be best there and that was his recommendation. They were the only ones who were willing to do what the community wanted, and not just push for R5 zoning. They will have a Homeowners Association to care for the wetlands and wildlife.

### **TESTIMONY IN FAVOR – NONE**

### **TESTIMONY IN NEUTRAL**

- ◆ Shannon Julien. She lives on Edna Barr Lane, which is a proposed through-access from the subdivision. Her concern is regarding functionality versus quality of life. She finds it doubtful that two cars could pass each other on that street. People must pull over to let other cars pass through. All the additional traffic does propose a problem for side streets. Can it be done? Maybe. Should it be done? No. It is a quality of life and safety issue for people who live on Edna Barr Lane.

### **TESTIMONY IN OPPOSITION**

- ◆ Shauna Stroup Harrison. She is in opposition. They skated right past the sewer issue. They were here past 1 a.m. at the Planning Commission meeting. The lack of sewage infrastructure cannot support the new building. Can someone apply for an Annexation and Planned Development Overlay at the same time?

Graichen said conceivably. Shauna was confused because the applicant said they would have applied for it at the same time if she had known. The builder said he couldn't guarantee the price of the house. She is very familiar with the area. Her husband's dad built Meadowview Drive. At that time, it was zoned as R10. He kept the lots at half acre to maintain the aesthetics of the rural setting. This has been pushed and pushed, which is why the Planning Commission was here until 1 a.m. It was already a push to zone it as R7 and then the overlay was added. The property has wetlands and that has to be figured in when

developing property. You don't get gross value; you get net value. The main concern during the Planning Commission meeting seemed to be the sewage issues. The real estate market is slowing. It will be interesting to see how they do with all the new dwellings being built now. Only 22% of the lots meeting the 7,000 sq. ft. minimum is failing. There is a lack of sidewalks, ingress, and egress. What water municipality will service this? They are still pushing to fill the lagoon with superfund site dredge spoils. She doesn't understand the thought process. They're going to need that lagoon for all the new building. It's a bad idea.

- ◆ Vicky Njust. She attended the last meeting. It keeps being said that the density meets the 7,000 sq. ft. standards. From what she understands, it's a 12-acre parcel, but you can't include the wetlands in the total because you can't use it. Commissioners Toschi and Pugsley both felt it was like a bait and switch. They should stick with the 7,000 sq. ft. minimum and 7-foot side setbacks. Why is it impossible to do that? It's high density and doesn't fit. People would prefer larger lots, fewer houses, fewer cars, and less congestion. She is opposed to Ken Sandblast's new proposal. The sewer is a big issue, but she understands it's not what they're considering.

Council President Morten asked about wetlands not being included. Does that include setbacks from the wetlands? Graichen said yes. The Code allows a portion of the open space areas to be folded back into the density calculation, but not all of it.

- ◆ Matthew Snook. This is a big job for them to protect their community. They know this will increase traffic. There are already clogged streets on Barr Avenue. There are parts that do not allow to vehicles to pass at once. To increase the traffic could result in the loss of life, which is unacceptable. It's already a challenge on Meadowview Drive to get in and out onto Pittsburg Road. There is an increase of crime, and they are not increasing the police force. Councilor Chilton clarified that they are adding officers. Matthew went on to talk about crime being up. If it keeps increasing, he will leave. Referring to Mayor Scholl, if he had no idea where the border of the protected wetlands was located, he should have found out before mowing everything down. All the wildlife was run out of there. He was directly or indirectly employed by the people trying to push this through, which creates a bias. The community should come first. The streets are all named after the surrounding area. The wildlife is just now starting to come back. What is their acceptable risk for the sewer system? It's not fair if it backs up into their homes.
- ◆ Jacob Holder. He was not at the last meeting but has heard a lot from neighbors. He is concerned about access through Meadowview Drive. Their neighborhood is very quiet and is a dead-end street. It will increase traffic. It's already hard to turn onto Pittsburg Road. There are areas on Barr Avenue that are difficult to pass when cars are parked on the street. They should keep the minimum lot size at 7,000 sq. ft. He left Hillsboro and Beaverton to get away from density. How are they going to support all the new apartments coming in? There is only have one major grocery store, which can take 15-20 minutes to check out. They have a tight nit neighborhood. Now they'll have people coming through thinking that the road goes through. He expressed his concerns about policing and the sewage system. It's unbelievable that they would go through this without adequate infrastructure. He understands the need for growth, but at what expense?
- ◆ Abbie Dawson. Her property backs up to the southern portion of this development. She is highly opposed to allowing less than 7,000 sq. ft. lots. It will increase noise pollution. Noise echoes and goes everywhere. The developer wants to use the open space for backyards. That's protected wetlands and they run the risk of damaging them. The wetland areas should not be considered as developable area in calculations. The roads around there are not wide enough to accommodate two lanes of traffic. Barr Avenue has blind corners and parking on both sides. There are a lot of trucks and big vehicles. Kids play on the streets and it's dangerous. There are no sidewalks on

Sykes Road. Adding houses and increasing density will create more accidents. The density is a major issue. The lot sizes are not consistent with what is there and not adequate for the size of houses proposed. People will end up using the wetlands for their yards, which will destroy them.

- ◆ Heidi Oliver. Ms. Comstock is a lawyer. She says she cares about this area but lives in Arizona. She wants to see her father-in-law's Will. Why is she representing everyone in the family? Heidi was instrumental in putting in a stop sign. Public Works Director Zaher is going to put in another one. People drive fast. She will fight for this neighborhood. They are suffering and can't take anymore. They don't need any of this. They need a quiet neighborhood again. They are not an HOA, and they don't have any dumpy cars in their neighborhood. She's mad about the apartments across from Walmart. It's a total mess. The traffic is bad. She was in a wreck on Highway 30. She can't take this much longer. Do they all need to move away? She's lived here for 33 years. She is not happy about the sewer and the excursion boat. She sees accidents all the time. It's ridiculous.

### REBUTTAL

- ◆ Ken Sandblast. The Planned Development Overlay is what they are reviewing. They heard about traffic, sanitary sewer, and wetlands. That is all related to the subdivision and not what is before them. If the subdivision is appealed, those issues will come before the Council. This is about the flexibility of developing the land. There is nothing about reducing setbacks in the rear yards. They are not encroaching in the wetland areas or setbacks. The testimony about apartments and a grocery store are not at issue in approving the Planned Development Overlay. This is for single family residential development. He wants to continue to focus on what this is and not what it isn't. He understands that it is confusing. In addition to what is in the staff report, they are requesting an average lot size of 7,000 sq. ft. and no lots less than 5,000 sq. ft.
- ◆ Jeanne Morain. She is not representing the entire family. She is representing the only legal heir. That property has been in her father-in-law's family for over a century. Many of those who spoke are living on Comstock property that was earlier developed. She is not an attorney. She is in high tech and has taken time off to help with this. This is about the Planned Development Overlay. They are not trying to do anything that will hurt the City or the protected wetlands. Some of what is being said is creating fear and doubt. She can't even get police to go out to address a neighbor's garden that has gone over onto their property. She asked that everyone stick to the facts. The HOA will be responsible for maintaining the wetlands. There are no safe walkways in that area, which is why they are proposing a trail. She encouraged everyone to look at supply chain and construction costs. Everything has increased. They have a five-star quality developer who is willing to work with what is there. They are not trying to do anything underhanded. She requested that anyone who is encroaching on the property to cease and desist. The property is owned by Cheiko Comstock. She has rights to sell and develop the property. They are trying to do what is right because St. Helens means so much to their family.

### CLOSE PUBLIC HEARING – 7:04 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



# COUNCIL PUBLIC HEARING

Wednesday, July 20, 2022

## 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  
Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Jacob Graichen, City Planner  
Jenny Dimsho, Associate Planner/Community Development Project Manager  
Tina Curry, Event Coordinator

### OTHERS

Ken Sandblast	KAJ	Shannon Julien	Kai Huschke
Shauna Stroup	Jeanne Morain	Brook Steele	Vicky Njust
Art Leskowich	Abbie Dawson	Brady Preheim	Julia G.
S. Moore	Jacob Holder	Andrea Snook	Matt Snook
Brady Preheim	Janette Schwartz	Cheryl Williams	Ken Williams
Josh Brown	Jane Garcia	Val O.	Molly Matchak
Suzanne Bishop	Jolene Walsh	Christian Walsh	Nick Hellmich
Kanale Tumlinson	Judy Thompson	Alex Tardif	Heidi Oliver

### OPEN PUBLIC HEARING – 7:05 p.m.

### TOPIC

#### 1. Columbia Pacific Food Bank Community Development Block Grant Completion

Associate Planner/Community Development Project Manager Dimsho reported that this is a required public hearing for the Community Development Block Grant Fund. The City partnered with the Columbia Pacific Food Bank in their renovation project at 1421 Columbia Blvd. Their facility is moving from Milton Way to a nice, larger facility. It is estimated that the project will benefit at least 19,981 persons annually, of who 100% are low or moderate income. This is based on the estimated number of people served in 2021. The purpose of the hearing is to obtain citizens views about the project and to take comments about the local government's performance. The City applied for the project in 2018. In that time, the Food Bank changed executive directors, Business Oregon changed their grant coordinator, there was a global pandemic, and the general contractor's finance staff changed. She is proud of the overall project and making it to the finish line. She thanked Columbia Pacific Food Bank Executive Director Alex Tardif for his partnership.

Alex Tardif talked about the opportunities this brings to the community. One exciting thing is that the new facility has an educational kitchen. They will be able to partner with OSU Extension and teach people how to be sustainable with canning and cooking classes. There is also a repack room to buy larger bulk and repack in smaller packages. The warehouse has expanded capacity from about a million pounds of food to over two million pounds of food. He thanked the City for their support and partnership.

**PUBLIC TESTIMONY**

- ◆ Brady Preheim. Everyone supports the Food Bank. However, he disagreed that 100% of the people benefiting are low income. There are people who abuse the Food Bank and go there and take items without even asking. The Food Bank should do a better job making sure people receiving services are low income.

Councilor Topaz said the Food Bank receives food and supplies from State and Federal agencies. There are also a lot of people who donate food from their farms, backyards, stores, and other places. There are citizens who take food to people who are unable or are ashamed to get it on their own. They should be commended for how the community is helping each other. He hopes the education center will improve nutrition.

City Administrator Walsh gave accolades to Dimsho for managing this project. There is a lot of reporting and work involved.

**CLOSE PUBLIC HEARING – 7:12 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





# COUNCIL REGULAR SESSION

Wednesday, July 20, 2022

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

### OTHERS

Ken Sandblast	KAJ	Shannon Julien	Kai Huschke
Shauna Stroup	Jeanne Morain	Brook Steele	Vicky Njust
Art Leskowich	Abbie Dawson	Brady Preheim	Julia G.
S. Moore	Jacob Holder	Andrea Snook	Matt Snook
Brady Preheim	Janette Schwartz	Cheryl Williams	Ken Williams
Josh Brown	Jane Garcia	Val O.	Molly Matchak
Suzanne Bishop	Jolene Walsh	Christian Walsh	Nick Hellmich
Kanale Tumlinson	Judy Thompson	Alex Tardif	Heidi Oliver

### CALL REGULAR SESSION TO ORDER – 7:15 p.m.

### PLEDGE OF ALLEGIANCE

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

- ◆ Nicholas Helmich. He works at a nonprofit organization that represents people in the community. Two to three weeks ago a hate crime was committed during 13 Nights on the River. The victim was a transgender female around the age of 13-14. She was wearing a Pride flag and hat from Molly's Market. The hat was ripped off and they cut up her Pride flag. They called her names that he did not want stated on the record. He is a proud member of this community and that is not what St. Helens is. He does not want to see this pushed under the rug. It has been reported to the Police Department. Another issue is regarding where he lives on S. 4th Street. He does understand that there is not a Code Enforcement Officer at this time. There is a boat parked on the corner near him that creates a visual clearance hazard. It has not been moved in years. There is an individual with at least 10 vehicles parked in their yard and on the sidewalk. It's a danger for people needing to use the sidewalk. There have been issues with drugs in the trailer in that area. He knows the Council cares about the community.

Mayor Scholl acknowledged that they would look into that area. Councilor Chilton added that they are in the process of filling the Code Enforcement Officer position. She encouraged him to call the police if he sees a crime taking place.

Councilor Birkle thanked Nicholas for bringing the hate crime to their attention. He attended the Pride event. Through a resolution, Council affirmed the right and dignity of every resident and human being. There is no room in the community for discrimination. Council President Morten added that his values include inclusion for all people in the community.

- ◆ Molly Matchak. She is here regarding the same subject as Nick. The individual was attacked by children of the same age. The grandfather and individual came in the next day crying and asking how this could happen here. She told the grandfather that she would bring this concern to Council. She provided over 100 Pride flags during the month of June. She is very open to diversity. It was heart breaking to see the grandfather in tears. The individual came in strong and only asked for two more flags. She doesn't know if there were even consequences for the other person. It was a teacher who pulled the student off the individual. The mother just responded that her son would never do that. There needs to be consequences. She hopes this never happens here again.
- ◆ Kenneth Williams. He is a local boater and belongs to three yacht clubs in the area. He has been working with Columbia River Yachting Association (CRYA) for the last several years to make improvements. He found himself violating the stay rule. They don't have issues paying the fees but would like Council to consider extending the length of stay.

Council President Morten asked if they would be willing to pay extra for extra days. Kenneth talked about how some of the boaters were boycotting the area because the docks were paid for with State Marine Board funds. He has tried to explain how they are managed locally, and some people are starting to understand. There are also a lot of folks who are opposed to paying when others show up and don't pay. He would have to survey boaters to ask if they would be willing to pay more.

Council President Morten suggested they just do it for holidays like 4th of July and Christmas. Kenneth does not think a boater would stay for a long time with the fee per day. He thinks it would be more user-friendly to change to 14 days in a 30-day period. He understands the concerns and that there could be abuse. It does not make a difference how long the stay is when there is no one to enforce it. There has also been some concern regarding boaters coming down for a quick meal. They would like consideration made for short stays to visit downtown businesses.

- ◆ Janette Schwartz. She has been boating on the Columbia River and Willamette River for 20 years. She goes between Astoria, Beacon Rock, and Willamette Falls. She also belongs to two boating clubs and participates in the Christmas Ships Parade. St. Helens is her favorite destination. They have electricity, water, access to the city, and she feels safe here. She invites friends to visit when she's on the boat and doesn't want that to change. She does have concerns about the limited time. Bringing your boat out is not an easy task. You want to make the most out of it and stay for several days. They eat at restaurants and go to local businesses while they are here. The future is bright for the City docks. She won't go to the Portland docks anymore because it's too dangerous. It will grow here with a good reputation. She would be happy with six or seven days.
- ◆ Shauna Stroup Harrison. She would like the Council to look at the sewer map and hear more about the plan with the lack of sewer infrastructure, especially around Sykes Road and Gable Road. It's important to look at and create a long-term plan. She also wants clarification about how the Planning Commission voted. All of them voted in opposition except for one. There was discussion about putting a moratorium on building. She has advocated her concerns about growth and affordability. She is really concerned about the sewer backing up.

- ◆ Brady Preheim. Commended City Council on placing Finance Director Brown on administrative leave. It took them too long to do it. It should have happened when he refused to ask a simple question from the Council President. And recently he tried to gaslight the Public Works Director, Mayor, and Council President. Regarding the Planned Development Overlay, it should not be allowed. They should follow their guidelines and the Planning Commission recommendation.
- ◆ Tina Curry. Tourism update:
  - 4th of July
    - Thanked everyone for participating and making it a special day
      - Judy Thompson and her team
      - Public Works
      - CERT
      - Parking
      - Cascades
      - American Heritage Girls OR3130
      - Scouts
    - People had fun
    - It costs \$35,000 - 40,000 for the event
    - The only garbage the next day was from private fireworks. Everyone packed in and packed out their own garbage.
    - They only had three garbage bags and three rolls of toilet paper in the bathrooms, which created some problems.
  - Vending machine installed and is great
  - Penny press machine at Molly's Market
  - 13 Nights on the River is going well. There is turbulence with teenagers, which is a challenge.
  - Sandcastle competition is the first weekend of August. Hoping the boat arrives in time.
  - Spirit of Halloweentown ticket sales have begun. People can make holiday money by working on the weekends.

## DELIBERATIONS

### 1. **Planned Development (Zoning Overlay) located SE of the Intersection of Pittsburg Road and Meadowview Drive (Comstock)**

Mayor Scholl stepped out.

City Planner Graichen reported that Planning Commission recommends:

- The one-acre piece and 11-acre piece be used together in a Planned Development proposal
- The minimum lot size be 7,000 sq. ft.
- The side yard setback follows the R7 requirements

The applicant is requesting:

- No limitation on the side yard setbacks
- Allow an average lot size of 7,000 sq. ft.
- Restrict the minimum lot size to 5,000 sq. ft.

Council needs to determine if they are going to uphold the Planning Commission's recommendation or do something different.

Councilor Birkle attended the Planning Commission meeting as a Council liaison. His admiration goes to everyone who stuck with it the entire six-hour meeting. He understands how strongly people feel about the community, their houses, and their property. However, he is disturbed by people trying to get into

the minds or motivations of people. The Comstock family is trying to do their best. They have to consider that citizens have the right to develop their property. Of course, they have to follow zones and laws. The Commission's deliberation was thoughtful. He appreciates that folks come to speak. The wellbeing and safety of the citizens is taken to heart.

Councilor Topaz talked about how they had voted on R7 zoning during the annexation hearing. Now they are negotiating something else? Graichen said the annexation determines zoning. The overlay is another tool. Do you allow it? If so, that's when they discuss the parameters as presented this evening.

Councilor Chilton agreed with Councilor Topaz. She was under the impression that they would stay with 7,000 sq. ft. lots. She agrees with the Planning Commission recommendation.

Councilor Birkle recalls the discussion of R7 during the annexation hearing. He appreciates the thought of proposing 7,000 sq. ft. average lots. Doing some quick math, there would have to be a lot of larger lots. It doesn't seem to make a difference in the number of lots. He is inclined to support the Planning Commission recommendation.

Council President Morten talked about the amount of time involved with this. He commends those who have come repeatedly. When he ran for Council, he wanted to raise the bar for a standard of living and keep it high for those who have raised the bar. Government can be confusing, and he wants to keep it simple. He agrees with keeping the lots at a 7,000 sq. ft. minimum.

**Motion:** Motion made by Councilor Birkle and seconded by Councilor Topaz to uphold the recommendation of the Planning Commission. **Vote:** Yea: Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

Councilor Birkle believes that Jeanne Morain is sincere in her desire to develop the property in a manner that fits the memory of her father-in-law.

Graichen reported that the decision is adopted by ordinance, which should occur over the next two meetings. He explained the appeal process.

A member from the audience asked when there would be discussion about the sewer lines. Councilor Chilton said they already had the discussion. It was then asked why they are approving subdivisions if they know it is an issue. Graichen said this is the first subdivision since the Sewer Master Plan was adopted. It is something new to consider.

Council President Morten reminded them that this is deliberations.

Councilor Topaz asked where the seven-foot side setback came from. Graichen responded that it has been in the Code since the 1970's.

Council President Morten turned the meeting back over to Mayor Scholl.

## RESOLUTIONS

2. **Resolution No. 1962:** A Resolution of the Common Council of the City of St. Helens, Oregon, in Support of Assisted Housing Programs

Mayor Scholl read Resolution No. 1962 by title **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1962. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

3. **PUBLIC COMMENT - Increase in Garbage & Recycling Rates**

- ◆ Brady Preheim. He understands that rates increase. However, he is opposed to making it retroactive. There should be at least a 30-day notice. They are a monopoly, but you do have a choice to take it to the dump. It would be nice if their billing system worked well. You don't get a bill if you do online pay.

**Resolution No. 1963:** A Resolution Establishing Garbage and Recycling Rates and Superseding Resolution No. 1926

**Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Resolution No. 1963.

Discussion.

Councilor Birkle agreed with Brady. It should not be retroactive.

City Administrator Walsh said they have been talking about the rate increase for a while. The July 6<sup>th</sup> Council meeting was cancelled, and they didn't have time to get it on the June 15<sup>th</sup> agenda.

Josh Brown, Hudson Garbage. He will look into the billing system. There have been some challenges with the auto bill pay. They bill in arrears. The services for July have not been paid yet. He understands the public's concern for the retroactive billing. They can make it effective August 1<sup>st</sup>. They are suffering through the struggling economy as well.

Councilor Chilton acknowledged Hudson Garbage being a great community partner. She thanked them for their service.

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

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

##### **4. Award Bid for 'Salmon' Timber Sale to Interfor U.S. Timber Inc. in the amount of \$664.57 per 1,000 Board Feet**

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

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

5. Extension of Agreement with Structural Nexus LLC for Structural Plan Review Services
6. Agreement with Richard Oberdorfer for Pro Tem Judicial Services
7. Final Plat for Columbia Commons Subdivision
8. Exclusive Negotiation Agreement with US Ecology Holdings, Inc.

Councilor Topaz objects to the US Ecology Holdings contract. He does not know how much money that will involve. There are details that have been presented at other meetings that will affect that and have not been included in discussions. It's about \$300,000 million. He asked if he could read the cost of moving stuff into the lagoon. Mayor Scholl said no, they are not here to do that. Councilor Topaz said it has to do with the US Ecology and what it will take to move stuff into that lagoon. Both Councilor Chilton and Councilor Birkle said they have not even gotten to that point yet. Councilor Topaz argued that they better do it now. Mayor Scholl clarified that this is only bringing the process public.

**Motion:** Motion made by Council President Morten and seconded by Councilor Birkle to approve '5' through '8' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Chilton; Nay: Councilor Topaz

#### **APPOINTMENTS TO CITY BOARDS OR COMMISSIONS**

9. Appoint Aaron Martin and Lynne Pettit to the Library Board

Councilor Topaz reported that Lynne Pettit is already serving on the Parks & Recreation Commission. Council would need to vote to allow her to serve on two boards.

**Motion:** Motion made by Councilor Topaz and seconded by Councilor Chilton to appoint Lynne Pettit to the Library Board and allow her to serve on two boards.

Discussion.

Councilor Birkle asked how many applications they received for the Library Board. Library Director Bishop responded that they received two applications for three positions.

Council President Morten explained that this discussion was had before. They could limit that position to serve only one term, giving other people in the community the opportunity to serve. They could also re-advertise to seek more interest. Lynne is a good choice and will serve the Library Board well.

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

**Motion:** Motion made by Councilor Topaz and seconded by Councilor Chilton to appoint Aaron Martin to the Library Board. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **CONSENT AGENDA FOR ACCEPTANCE**

10. Library Board Minutes dated April 11 and June 13, 2022
11. Planning Commission Minutes dated May 10, 2022
12. Budget Committee Minutes dated April 13 and 27, 2021 and May 12, 2022

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Topaz to approve '10' through '12' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **CONSENT AGENDA FOR APPROVAL**

13. Council Work Session and Regular Session Minutes dated June 1, 2022
14. OLCC Licenses
15. Accounts Payable Bill Lists

**Motion:** Motion made by Councilor Topaz and seconded by Councilor Birkle to approve '13' through '15' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **WORK SESSION ACTION ITEMS**

#### **Docks**

Mayor Scholl agreed with the request to allow boaters to stay longer.

Council President Morten is in favor of extending the stay to five days.

Councilor Topaz is also in favor of extending the stay to five days. He would also like to discuss boaters who are only here for a short time.

Councilor Chilton is concerned about making changes when they haven't even gone through the whole enforcement process. How close are they to filling the harbor master position? Walsh said the harbor master will enforce whatever the Council says. This is to determine the number of days allowed to stay. The State has a maximum stay of 14 days in 30.

Councilor Birkle agreed with extending the days. However, he would be more comfortable making the decision at another meeting. There are no upcoming events that would urge a decision. Mayor Scholl pointed out that the Sandcastle Competition is coming up.

Mayor Scholl is in favor of extending the stay to five days in a two-week period.

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to amend the dock stay limitation from three days to five days. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz; Abstaining: Councilor Chilton

**Leak Adjustment**

City Recorder Payne asked if the adjustment is the entire overage or half overage. Mayor Scholl said they agreed on waiving the overage and directed Walsh to determine that amount.

**LOC Priorities**

**Motion:** Motion made by Councilor Birkle and seconded by Councilor Topaz to accept the staff recommendations for the LOC priorities. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**Psilocybin**

**Motion:** Motion made by Councilor Birkle and seconded by Council President Morten to refer a two-year moratorium for implementation of the Psilocybin Measure 109 to the voters of St. Helens and direct legal counsel to write the resolution. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**COUNCIL MEMBER REPORTS**

Council President Morten reported...

- He will bring an initiative from the Parks & Recreation Commission to the next meeting.

Councilor Topaz reported...

- In leu of things they can't talk about it, he would like a forensic audit done of the City's finances, contracts, etc.

Councilor Chilton reported...

- The sewer and infrastructure problems outlined in the Master Plan have not been forgotten. They have solutions underway to start fixing them, one of which is an increase to utility bills. It's not being ignored. She encouraged people to call Public Works if they want more information
- She will be having a baby at the end of the month and be going on maternity leave. She will miss the next coupe meetings but will stay active and check emails.

Councilor Birkle reported...

- Expressed appreciation to Council and staff, and all those who reached out with condolences for the passing of this father. When he took the oath of office and at every meeting, he wanted his dad to be proud. He was a wonderful model for integrity and pride. Whether people agree with what he decides, he does that with the intent of following his father's footsteps. The last month and a half have been difficult. He is glad to be back here.

**MAYOR SCHOLL REPORTS**

- 4th of July was great. It was a perfect night and perfect venue. There was a lot happening behind the scenes. He loves 4th of July.
- The Columbia County Fair is happening now.
- Asked how deliberations went. Councilor Birkle said they upheld the Planning Commission's recommendation. They approved the overlay but maintained the 7,000 sq. ft. lot size and seven-foot side setbacks. Mayor Scholl apologized to the lady for crossing her property.
- He was happy to see how deliberations went for Planning Commission. He was attending the meeting in support of his neighbor's variance. He is not receiving any kind of compensation from the developer.
- He is looking forward to the Sandcastle competition. The number of sandcastles has tripled this year. He hopes people respect them like they did last year.
- The Oregon Mayor's Association (OMA) Conference is coming up.

**OTHER BUSINESS**

City Planner Graichen pointed out the new aerial photo that will be mounted on the wall.

**ADJOURN – 8:50 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