

City of St. Helens

Consent Agenda for Approval

CITY COUNCIL MINUTES

Presented for approval on this 15th day of November, 2023 are the following Council minutes:

2023

- Work Session, Public Hearings, and Regular Session Minutes dated October 18, 2023

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COUNCIL WORK SESSION

Wednesday, October 18, 2023

DRAFT MINUTES

MEMBERS PRESENT

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

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Crystal King, Communications Officer
Mouhamad Zaher, Public Works Director
Suzanne Bishop, Library Director
Brian Greenway, Police Chief

Evin Eustice, Police Sergeant
Matt Smith, Police Corporal
Jeremy Howell, Police Officer
Dylan Gaston, Police Detective
Adam Reathke, Police Officer
Bill Monahan, Contracted City Attorney

OTHERS

Steve Topaz	Ron Trommlitz	Stephanie Patterson
Eddie Dunton	Michael Sykes	Jennifer Massey
Steve Toschi	Paul Vogel	Jennifer Shoemaker
Jane Garcia	Adam	M. Millar
Art Leskovich	Erin Salisbury	JK
Melanie Olson	Brady Preheim	John Krueger
Eric Smythe	Jenni Gilbert	Scott Jacobson
Drew Layda		

CALL WORK SESSION TO ORDER – 2:00 pm

PRESENTATION ON POTENTIAL DEVELOPMENT OF INDUSTRIAL BUSINESS PARK

John Krueger, Colliers Site Expansion Services, presented an overview of the company via PowerPoint slides, printed copies of which he distributed to the Council at the beginning of the meeting and took back at the end of the meeting. Due to the proprietary nature and global competition of solar and green energy, the potential development would be referred to as "Project Sprint." Key items highlighted included the global nature of the company, the manufacturing of solar panels, and the three steps to make their final product, the second and third of which they were talking about doing in St. Helens which would be to manufacture solar cells and panels. They were looking to site 1.75 and 2.5 million square feet of space and looking at close to \$1.5 billion of investment for the two plants.

Questions from the Council were addressed as follows:

- Project Sprint hoped to see production development in 18-24 months; they would have to move quickly, which was why they liked a collaborative community.
- As many materials as possible would be sourced in the U.S. and possibly locally.

- They estimated the majority of the 1500 employees needed would be hired in the first year of operation of the plant and a second hiring within 24 months of opening.
 - They were working on a wage survey to determine wage ranges for a variety of skill sets.
 - For the skill sets needed, some semi-conductor experience would be nice with more warehouse-based manufacturing on the cell side and some experience working around equipment. Advanced distribution experience would be great. They were looking for specific skill sets around engineering, quality control, manufacturing, process flow, and appropriate handling of the raw materials.
- Normally, advancement was necessary and they would tie advancement into training programs including when working with the Governor's Office and Business Oregon.
- What the company would bring to the community and state could help each achieve their respective goals, including helping the City on the power issue.

City Administrator Walsh was excited about what the project could do for the region and the state as well as for the opportunity to turn the City's finances around quite a bit.

Mayor Scholl spoke about the history of having the workforce in St. Helens, especially with the four former mills. There were about 50,000 people available and about 700 acres of industrial property, but the problem was the power issue and the mills are no longer here.

Mr. Krueger thanked the Council for the opportunity, adding if anybody would like further information, they should not hesitate to call his cell phone anytime.

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

- ◆ Ron Trommlitz. Mr. Trommlitz talked about the leaking 2-million-gallon water reservoir, the numerous repairs that were made on it, and the neglect of the City and Kennedy Jenks, noting the improvement of 32,000 gallons was double the original loss of 16,000 gallons.
- ◆ Eric Smythe. Deputy Fire Chief Smythe, Columbia Fire and Rescue, announced the open Fire Board Director position and explained why a member of the Council should apply for the appointment, noting the District needed to work closely with the City as projects like Project Sprint moved forward. The selection would probably be made by the first week of November at a special meeting. The position is a voting seat. He believed a Councilor could be on a board of directors but urged a check with legal counsel.
- ◆ Brady Preheim. Mr. Preheim believed a Councilor serving on the Fire Board was the worst idea he had heard. Council members did not need another elected position. He was opposed to the new police station. His concern was about police staffing. The City needed to stop the idea of building a police station and use the resources to hire police officers. The city needed more police, and an empty building would not help. The City could not afford both. He was happy to hear about the interest in St. Helens from the solar company.
- ◆ Jennifer Buechler and Heather Epperly. Ms. Buechler and Ms. Epperly of the Big Halloween Parade Board spoke of their plans not to hold the parade in 2024 due to not enough support for safety this year. The Police Department was not supportive, initially telling the Board they would have three officers to help, which did not end up happening. They had to have private security risk their lives instead of a patrol car to stop traffic. They spoke about how Oregon State Police was going to help but St. Helens Police said no. CERT was consumed with parking and could not help with closing the streets, which the private volunteers did. As a result, vehicles pushed through crowds on streets that were closed to traffic. They clarified they hired nine private security guards as part of the permit process.

Council President Chilton asked about security, a fee, and sponsors. Ms. Buechler and Ms. Epperly said for the security team they needed, it would probably cost \$25,000 or \$30,000, which is an amount local businesses are unlikely to donate.

Mayor Scholl said he found it alarming St. Helens Police refused to allow the State Police help. Ms. Buechler and Ms. Epperly said they had a lot of outside forces like the County that helped and clarified although it is hard to tell with a parade, they had heard the crowd was 15,000-20,000 people.

Mayor Scholl asked if they would reconsider holding the parade again with more support. Ms. Buechler and Ms. Epperly replied they had discussed that, and a lot would have to happen for it to feel safe, noting last year was the same and this year worse with the response from the local police.

Council President Chilton believed the whole community supported the parade team. She asked how to fix or help the parade.

Public Works Director Zaher said if Public Works could help to let him know. Ms. Buechler and Ms. Epperly said Public Works was fine, however, the Police Department said they did not see or sign off on the permit.

- ◆ Jenni Gilbert. Jenni stated since the Big Halloween Parade was a private event, it was not the police's responsibility. She attended the parade, lived on the parade route, and was in favor of it going away, describing how the event was out-of-hand. Things could have gone very wrong. Even with CERT, way more traffic control was needed; Old Portland Road was backed up all day. The parade is too big for St. Helens. She did not believe the Police Department was on the permit. If the community would like to see more police at events, the City must get them staffed.
- ◆ Steve Topaz. Steve stated he delivered his thoughts and facts at the September 6 Council Work Session and gave them to the Recorder in writing, but what was published in the meeting's agenda were not the words he used or presented. The statement that was proposed to be his presentation was a lie. He addressed how when locating a business, many items were considered and how St. Helens measured up to such requirements. He handed a copy of his statement to the City Recorder and sent a copy to the Council.
- ◆ Steve Toschi. Steve said the Council needs to find paths to make sure outside views are heard. He suggested the City hire attorneys in water law for the proposed wafer production development after what happened with the pot farm sale. The Big Halloween Parade team needed to start event planning on a professional level, especially to address the potential dangers of crowd control. The police were not asking for more money but for more people. They were told staffing would increase, but it did not happen. He encouraged the Council to get a realistic handle on how to propose to pay for the \$2 million increase in funding to staff police.
- ◆ Drew Layda. Drew, candidate for House District 31, was excited about the solar plant. Industry would attract careers. He spoke about the appeal of St. Helens. There was a lot of money in superconductors and solar was a fantastic option for self-sustainability. He was pro-power and energy.

DISCUSSION TOPICS

1. Update on Police Staffing

Chief Greenway first addressed the Big Halloween Parade, noting St. Helens Police Department was not part of the parade permit or any meetings. When the Department first saw the permit, it stated Columbia County, State, and private security would help. Knowing a large crowd was expected, he personally reached out to Lieutenant Andy Hasenkamp with the State Police, but no State Police troopers wanted to work the overtime. The Department could not mandate officers to work overtime. The permit process

needed improving. It was unacceptable to blame St. Helens police officers. St. Helens was woefully understaffed to handle such events. The situation was not the fault of the Police Department, and he was thankful to the four officers who came in to help. It was false to say the police did not communicate about the matter.

Key discussion items regarding the Police Department's involvement in the Big Halloween Parade were as follows:

- Mayor Scholl said there were matters the community could do better when working together. The Council was accountable to each department, their budgets, and the overall budget. The Police Department and the Council needed to work as a team.
- Chief Greenway clarified he did not sign the permit in the end. Council President Chilton agreed that work needed to be done on the permit process.
- Mayor Scholl said the community should see if the parade was even doable for next year and start talking about it early. He added the City was nowhere close to defunding the police, citing numbers from FY2016 to the present that show the increase in police funding of 141 percent, describing the efforts to find funding to add another officer, and emphasizing the Council cared about the Police Department.

Chief Greenway spoke about how the community agreed the police needed more staff and a lot of staffing was driven by the Collective Bargaining Agreement which establishes a minimum of two officers on duty. Any hours outside of their three determined shifts must be negotiated between the City and the union.

Currently, the Department has 21 sworn officers and was authorized for 22, 14 of which were needed to maintain 24/7 on-duty patrol. Some were injured and some were in training. Eleven or 12 officers were currently filling the 14 slots, resulting in an abundance of overtime and concerns about exhausting the officers. He and Walsh had been discussing staffing models to continue 24-hour police response. The sense of urgency stemmed from four retirements that would be occurring in the next nine months. He wanted the citizens to know that even if a response for a non-urgent matter was delayed, officers were committed to excellence and would maintain the same level of service.

Key discussion items regarding the staffing of Police were as follows:

- The Council and staff discussed the vacant position, and Chief Greenway stated that position was not authorized by the Budget Committee to be filled.
 - Chief Greenway clarified the City was not hiring an officer because it does not have the money to hire. Walsh added the Council ultimately approved the budget using \$500,000 of reserve money predicated on not filling the police position.
 - Mayor Scholl stated a discussion was needed with the Finance Director. He added this was not the position the Budget Committee talked about. He would like to look within the budget and try to find funding for the 22nd police position, which he believed was in the budget.
- Chief Greenway acknowledged the Department had made some adjustments such as reducing detectives down to one, which Council President Chilton found unfortunate. It still would take just over a year from the day an officer was hired to be fully trained. However, one out of three would not make it through training. He noted they welcome laterals, but it was a buyer's market, acknowledging St. Helens had a lot to offer.
- The Department used to get over 200 applications, and now they were only getting around 20. It would cost more to hire the wrong person than to have a vacancy and they had not lowered their standards.
- If the police were to have a staffing process, they would have to over-hire and start the process immediately. The worst thing to do would be to wait until someone retired and then filled their position. If the Department over-hired, then when someone retired, the vacancy would be filled immediately.

- It was too late to put police funding on the ballot. In 2012, the staffing study showed what the City needed. Councilor Gundersen noted raising taxes was unpopular, but he wanted to support the police. The City needed to look at something like that since there was no money in the budget.
 - Mayor Scholl stressed the City needed to look at the finances of everything in the Police Department, including vehicles. The problem would not be solved overnight, and the matter needed to be revisited, probably with updates once a month. Chief Greenway said whatever they cut affects their recruiting ability and retention.
- Walsh said he understood the need, but the fiscal reality was the City had to be sustainable with finances, especially with the decline in industry.

2. City Appointment to Columbia Learning Center Foundation Board of Directors

Mayor Scholl stated that former Councilor Birkle previously served on the Board representing the Council. The next meeting will be held Thursday. Councilor Gundersen was available for the position.

Walsh addressed the Fire Board's request, and he would be willing to serve on the Board as a non-voting ex officio member. Council President Chilton said she wanted to check with legal counsel about Council members serving on the board, but Mayor Scholl replied it was allowed since Councilor Hubbard served on the Columbia River PUD Board. Councilor Gundersen was also interested in the Fire Board position.

ADJOURN – 3:50 pm

EXECUTIVE SESSION – None

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL PUBLIC HEARING

Wednesday, October 18, 2023

DRAFT MINUTES

MEMBERS PRESENT

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Council President Jessica Chilton
Councilor Mark Gundersen
Councilor Russell Hubbard
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator	Crystal King, Communications Officer
Kathy Payne, City Recorder	Matt Smith, Police Corporal
Lisa Scholl, Deputy City Recorder	Dylan Gaston, Police Detective
Jacob Graichen, City Planner	Bill Monahan, Contracted City Attorney
Jenny Dimsho, Associate Planner	Tina Curry, Contracted Event Coordinator
Suzanne Bishop, Library Director	

OTHERS

Steve Topaz	Jennifer Shoemaker	Adam St. Pierre	Peter Hautt
Brady Preheim	Jane Garcia	Thomas Peck	Kathy Thomas
Steve Toschi	Adrienne Linton	Mary Anne Anderson	Suzie Dahl
Michelle	Scott Jacobson	Jen Massey	Leila Wilson
B. Gaston	Debbie Parsons	Sabrina Moore	Allison Anderson
Hayley Starkey	Judy Thompson	Brianna Boice	Todd Jacobson
Matt R.	Jesse Lagers		

OPEN PUBLIC HEARING – 5:00 p.m.

TOPIC

1. Sale of City-Owned Property located on Kelley Street

City Administrator John Walsh reviewed the property for sale. It is surrounded by other parcels. The sale of the property would make it contiguous with the existing development and allow for more commercial development. Notice of the sale was properly published. The appraisal came back at \$67,000. Some pre-development work has been done on the site.

PUBLIC TESTIMONY

- ◆ Steve Topaz. The proceedings should stop right now. The public notice must include a full description of the property and a printed or public notice of the appraisal. The appraisal was done but not published in the newspaper. This is the same thing that affected them with the Grow Facility on the Mill site and resulted in court proceedings.

Mayor Scholl requested Attorney Bill Monahan provide feedback on what Steve said. Monahan read through ORS 221.725 Sale of Real Property by City. Notice was published following all the guidelines and the appraisal was made available at the hearing. He confirmed they are compliant.

- ◆ Steve Toschi. He doesn't think that the Council has fully disclosed the nature of the proposed sale. This is a sale of property being traded for 3,600 square cubic yards of fill dirt for a piece of property. The fill has already been delivered to the site for the police station. The Conditional Use Permit was denied by the Planning Commission. Before the hearing, the City went ahead with the deal. There are huge implications of that when the next hearing begins. He is troubled to see that this is on an agenda item. He objects to it.
- ◆ Brady Preheim. He is very confused. This is the biggest case of corruption he has ever seen. Has the dirt already been delivered? Walsh confirmed that it has been delivered. Brady asked how they can accept the dirt for the sale of property when there is no agreement. What happens if they vote no. They are obviously going to vote yes since they already have the dirt. Anyone who votes for this is corrupt. How do you even get dirt for property? There are separate processes. This is corruption. They're getting dirt for a police station that doesn't even have a permit.

Mayor Scholl pointed out that what was said was not exactly true. The dirt was brought in by a respectable contractor who owns the abutting property and the property around it. They talked about this for the Industrial Park Development, not the police station. It benefited the whole development. There was no question that the work performed would exceed the \$67,000. Brady continued to ask if there was an agreement and interrupt the meeting. Mayor Scholl called for order and warned Brady he would be removed from the meeting if he didn't stop interrupting. Mayor Scholl apologized for his behavior. It was brought up when Ken Leahy expressed interest in the property. He guaranteed that the value would exceed \$67,000. It was delivered and covered when there was no rain. The dirt was brought in for the St. Helens Industrial Park. Steve Toschi interrupted and exclaimed that he doesn't believe it was not for the police station when that's the location proposed. Mayor Scholl called for order again.

CLOSE PUBLIC HEARING – 5:20 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



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Jenny Dimsho, Associate Planner
Suzanne Bishop, Library Director
Crystal King, Communications Officer
Bill Monahan, Contracted City Attorney
Tina Curry, Contracted Event Coordinator
Brian Greenway, Police Chief

Jose Castilleja, Police Sergeant
Evin Eustice, Police Sergeant
Doug Treat, Police Sergeant
Matt Smith, Police Corporal
Dylan Gaston, Police Detective
Jeremy Howell, Police Officer
Jamin Coy, Police Officer
Adam Hartless, Police Officer
Kolten Edwards, Police Officer
Brandon Haflich, Police Officer

OTHERS

Steve Topaz	Jennifer Shoemaker
Brady Preheim	Jane Garcia
Steve Toschi	Adrienne Linton
Michelle	Scott Jacobson
B. Gaston	Debbie Parsons
Hayley Starkey	Judy Thompson
Matt R.	Jesse Lagers
Iris Wu	Brian Varricchione
CCMH	Alex Tardiff
Catherine Hager	Tony Fleming
Cody Feakin	Jim Coleman
Al Petersen	Shauna Stroup-Harrison

Adam St. Pierre	Peter Hautt
Thomas Peck	Kathy Thomas
Mary Anne Anderson	Suzie Dahl
Jen Massey	Leila Wilson
Sabrina Moore	Allison Anderson
Brianna Boice	Todd Jacobson
Jeff Humphreys	Arthur Leskowich
David Lintz	RLT
Matt	James Shober
Sid Hariharan	Eddie Dunton
Jerimy Kelly	Kai Cater

OPEN PUBLIC HEARING – 5:30 p.m.

TOPIC

- 1. Appeal of Planning Commission Decision on Conditional Use Permit (CUP.4.23), Sensitive Lands Permits (SL.4.23 - floodplain and SL.5.23 - wetlands), and Sign Permit (S.14.23) for New Police Station proposed to be located at the Southeast Corner of Old Portland Road and Kaster Road Intersection (City of St. Helens)**

City Planner Jacob Graichen covered preliminary matters. Mayor Scholl turned it over to Attorney Bill Monahan to address conflicts of interest and bias. Monahan explained that potential conflicts of interest

are when someone may have a financial conflict of interest. Actual conflicts of interest are when there is certainty of financial benefit or detriment if the person participates in the decision. Potential conflicts of interest need to be declared, and the person can decide whether to participate. However, actual conflicts of interest must also be declared and the person must step out of participating in the proceedings.

Mayor Scholl pointed out that Councilor Hubbard was on the Planning Commission when they heard this request. Monahan explained that is not an automatic conflict of interest, unless he made a declaration at that time. Conflicts of interest are purely financial related. If he's not able to participate and keep an open mind with the new information heard tonight, then he would not be able to participate because of a bias. This is a de novo hearing, which is brand new.

Councilor Sundeen would like to recuse himself. A lot of people have contacted him about this request.

Attorney Peter Watts, representing the City in the appeal, addressed relevant cases on bias. He is not aware of any cases in Oregon where someone had an actual bias. If they are willing to consider the evidence, change their mind about a matter, and learn something new, then they don't have a bias. It's normal to hear stuff as an elected official. If they're not willing to change their mind, then they should recuse yourself.

Mayor Scholl declared that he would keep an open mind and listen to the facts in this hearing.

Councilor Sundeen declared that this is new for him and he appreciates the clarification.

Council President Chilton, Councilor Gundersen, and Councilor Hubbard all declared they are willing to hear the new evidence.

There were no declarations of ex-parte communication or site visits.

Graichen asked if there was anyone in the audience who wanted to object to the ability of a Councilor to make a fair decision.

Steve Toschi objects to Mayor Scholl and Council President Chilton participating. A copy of his objections is included in the archive packet. In summary, they both declared that they are accountable for the police station's subject location and voted for Resolution #1986, which he feels is a gag law. He also referred to the last hearing and Mayor Scholl's statement made about the delivery of dirt being for the Industrial Business Park, which he does not agree with. Mayor Scholl objected to Steve. Steve continued to say that Councilors Sundeen, Gundersen, and Hubbard are the only ones who can make a fair decision. Anyone who has been involved in the previous land transaction needs to declare a bias. This decision affects the lives of human beings.

Jen Massey is thankful Councilor Hubbard was selected for the position. However, she does have a concern with his ability to make a fair decision since he already voted against it.

Brady Preheim also objects to Councilor Hubbard. He made the motion in the Planning Commission meeting to deny the application. He is a great addition to the Council but should recuse himself in this case. Mayor Scholl and Council President Chilton have been clear about their support of the police station and the subject location. It is not appropriate for them to make a decision. He objects to everyone except for Councilors Gundersen and Sundeen to make a fair decision.

Council's response to challenges:

Mayor Scholl addressed what has been said about him and explained the need for dirt on St. Helens Industrial Business Park. He is willing to listen and make a fair decision with the facts before him.

Council President Chilton is willing to consider new evidence and will vote.

Councilor Hubbard talked about the Planning Commission looking at the building in the flood plain. Federal law says you cannot put a critical facility in a floodplain. Although, they want to build above it.

Hearing that Kaster Road and Old Portland Road can get over 4.5 feet of water making the police station inaccessible, he determined that it's not the right location. If there are no other places, then it can be done. He still thinks he can make a good judgement.

Motion: Motion made by Councilor Gundersen and seconded by Council President Chilton to not disqualify Mayor Scholl. Yea: Council President Chilton, Councilor Gundersen, Councilor Hubbard, and Councilor Sundeen; Abstain: Mayor Scholl

Motion: Motion made by Mayor Scholl and seconded by Councilor Gundersen for Council President Chilton to be a voting member. Yea: Mayor Scholl, Councilor Gundersen, Councilor Hubbard, and Councilor Sundeen; Abstain: Council President Chilton

Motion: Motion made by Council President Chilton and seconded by Councilor Gundersen for Councilor Hubbard to be a voting member of this decision. Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, and Councilor Sundeen; Abstain: Councilor Hubbard

Graichen went on to present the staff report, a copy of which is included in the archive packet for this meeting. Each time a decision is appealed, you dig deeper because you have more time, which means there is new information to share. A few highlights were:

- Review of area maps and Code criteria
- Building footprint is not within the 100-year floodplain
- Review of flood boundaries versus the actual elevations. The largest Milton Creek flood was in December 1955.
- Review of the proposed sites
- The officers are the boots on the ground. They have the opportunity to testify. If their testimony pertains to the Code and what has been presented, it will strengthen the record if it's appealed.
- Officers prefer the site for access purposes and future expansion
- Planning Commission suggested the secondary access road be 24 feet wide in case of emergency
- Council needs to consider if this is a good location

PUBLIC TESTIMONY

Applicant/Applicant Representative

- ◆ Peter Watts. Reported that he practices Municipal and Land Use Law. He has reviewed both the Planning Commission and City Council staff reports. When he first read the Planning Commission staff report, he was very confused. The FEMA flood maps are the only ones they are allowed to use. The maps were most recently updated in 2010. The portion of the site where the building envelope is, is not in the floodplain. In Oregon, there is a Structural Specialty Building Code. Section 1604.5 classifies police station buildings but not property, as Risk Category IV, Essential Facilities. They are looking at pre-dirt on the site, outside of the floodplain, for the police station itself.
- ◆ Police Chief Brian Greenway and Detective Dylan Gaston, Police Association President. Presented a request to overturn the Planning Commission decision. Greenway is here to speak about leadership.

Steve Toschi objected. The testimony should be directed towards the applicable criteria.

Greenway thanked the officers who are here on their own time. These officers are the ones who will be impacted by the decision. The current station is not seismically sound. They know when a flood is coming but typically don't with an earthquake.

Steve Toschi objected again. Watts pointed out that they are not in court and do not get to object to other people's testimony. Monahan explained that the Mayor has the ability to create time, place, and

manner limitations on the presentations. They have not put a time limit on staff identifying the application. The City Planner did a nice job of reviewing the background. They are now in the hearing format where they are taking public testimony. He has not heard any time limitations, but it is inherent to the applicant, being the City, to meet the burden of proof to show that all the criteria have been met. Their decision must be based on criteria, but if other testimony is given that is freedom of speech if the Council is willing to allow it without placing time restrictions. Graichen added that he was focusing on the Conditional Use Permit standard and paraphrasing it when he mentioned that the site is suitable.

Greenway went on to say that the current conditions are not acceptable. The existing building is about 2,200 sq. ft. The average American home is 1,800 sq. ft. The average living room is 150-380 sq. ft. They have 23 employees in a 300 sq. ft area. The proposed station is for the community. He gave a couple examples of how the existing station is failing the community. Working out of a trailer with no running water or restroom, he walked across the parking lot in a downpour and encountered an elderly gentleman in a wheelchair getting soaked. He came to make a police report but was unable to get around the flagpole and into the station because it isn't ADA accessible. In another instance, a young lady came to report a violent rape. They had to take her into a classroom with a duct taped door entry, full of ballistic helmets, and try to comfort the victim of heinous crime. It was unacceptable. He does not want the focus to be on anything else tonight other than serving the community. They need a new police station. Photos of the existing facility were shown. He repeated how unacceptable those conditions are. This is one of the most important decisions the City will make for residents and he's imploring the Council to approve the permit. The ad-hoc committee looked at 10 sites in the city and narrowed it down to three sites. Location is of the utmost importance. They just drew in approximately 20,000 visitors for the Halloween parade and pumpkin lighting. The building needs to be on display so people coming into the community feel safe. Some of the locations they looked at were hidden and they didn't want that. The site is already owned by the City and allows them the ability to grow. He is very proud of the officers. They selected this location. There is over 200 years of law enforcement experience in the police department, four active shooter events, and hundreds of critical incident events that the officers have successfully mitigated. The location also gives them multiple ways to traverse the City if there is a train. There are officers in the room who responded to the retirement home fire last year. The fire department took 33 minutes to get to the retirement home fire, but police got there immediately and saved lives. The officers are not being selfish. They are thinking ahead to the future. The current location is not going to work. If there is a catastrophic incident, the officers will be in the community and not working from the station. He spoke with officers who were here during the 1996 floods and they were able to get through that intersection. There are upcoming retirements and they are going to have to recruit new officers. Housing is hard to come by out here. He has 23 officers and 18 lockers. They need cops to keep the community safe. This will help with recruitment. Officers will leave if this doesn't pass.

Detective Gaston agreed with Greenway. Council made a unanimous decision about the location earlier. Officers agree with the centralized and accessible location. This decision was not rushed and was made with careful consideration of all the aspects. Subject matter experts have evaluated every aspect of the new station, including the location, deeming appropriate and feasible. Over the last two years, they have shown that the facility can be built there. He urges Council to not let a small group of people deter them.

- ◆ Ralph Henderson, Mackenzie Civil Engineer and Thomas Peck, Mackenzie Architect. There are additional colleagues on the call if any questions come up.

Thomas reviewed the location:

- Provides an optimal response location
- Allows for future growth and expansion
- Secondary access serves as ingress and egress if needed
- Building is outside the 100-year flood plain and outside the wetlands
- Minimal impact to the wetland buffer

- Facility was designed with input from the community as a welcoming building

Ralph reviewed the site plan map and the 100-year flood map. The building and secure parking lot are both out of the 100-year floodplain. It will be built 2.2 feet above the 100-year floodplain.

Council President Chilton asked if the flood zones will change as maps are updated. Ralph said they must rely on the current maps. Graichen added that the City first adopted the 1988 maps and then the 2010 maps. Ralph and Thomas confirmed that the secondary access road is out of the 100-year and 500-year flood zone. The finished floor elevation of the building is also raised above the 500-year FEMA floodplain.

Peter confirmed that the secondary access road is outside the floodplain. It would be difficult to widen from 20 to 24 feet because of a basalt rock shelf. If they tried to go the other way it would be close to wetlands. If they choose to approve the request, he suggests they define critical facility consistent with the Oregon Structural Specialty Code Section 1604.5, which classifies the police station building, but not the property, as an essential facility. If they're not comfortable with that definition, they could add a condition that the engineers remove anything that is not natural from the floodplain area. If they don't want this to be the site for the facility, they could agree with the Planning Commission. However, he pointed out that the Planning Commission was looking at very different data than the Council is looking at this evening. He addressed the site selection. Different cities prioritize different criteria. Weight was added to some categories and taken away from others. The subject site became number one. In all the cities he represents he sees how hard it is to attract and retain officers. The current police station sends a message to first responders about whether the community supports them or not. This facility makes good sense. If they define critical facility consistent with the State's Structural Specialty Code, they don't have to make findings that there are no other facilities. The 2010 FEMA map is the only data they are allowed to use. Peter reviewed the conditions of approval and thought most were prudent. A few suggested changes are:

- 2.a.iv., "The FDC along Old Portland Road shall be moved to Kaster Road, near the new driveway location, which is outside of a flood prone area and accessible by the secondary access."
- 2.a.xiii, applicant proposes to delete this condition as existing non-compliant signage has been removed.
- 2.a.xiv, "The proposed project shall include a plan for a future pedestrian connection to either Kaster Road or Old Portland Road. The pedestrian connection shall be construed when funds become available."

Discussion of what the definition of "critical facility" includes.

Mayor Scholl clarified that the facility is not in the 100-year floodplain, even pre-dirt. Peter said yes.

Mayor Scholl talked about the original staff report being very different. Peter said there was a lot of confusion about the maps and which ones were required. In addition to that, there was a lot of speculation and community concern that they were trying to be responsive to. No disrespect to staff, but once he comes in and tells them what they're legally required to do they cannot speculate with maps. He feels very comfortable with this.

Mayor Scholl informed those giving testimony that they have three-minutes, and they must be the speaker of those three-minutes. Steve Toschi objected.

In Favor

- ◆ Doug Treat, St. Helens Police Graveyard Sergeant. He is in favor of the building and location. He has been here 10 years, first was 1996-2002 and then again after he retired as a Lake Oswego lieutenant. He works with outstanding officers. The officers have such a good reputation that they could go anywhere in the state. Out of 100 applicants, they only take 1%. When he applied in 1996, there were over 200 applicants. Their last interview process had 13 people. They cannot

afford to lose anyone. The current facility is horrible. He gets dressed in the parking lot so his officers can use the facility. The proposed site is central to anywhere they need to go. It will create crashes if they move to a highway location. Day shift received a call reporting a man with a gun at the courthouse today and they were there immediately because they were already out on the road. Even where they are right now, they have to be more cautious traversing residential neighbors when they receive calls of theft in progress at Walmart. He encouraged Council to approve the request. They need the new building for the officers and location for the community.

- ◆ Kolten Edwards, St. Helens Police Officer. He is not in uniform because it's one of his first days off this month. They are lucky to have a room full of smart people here tonight. He travels the Old Portland Road and Kaster Road intersection more than any area in the city. It's a key location with higher speeds and fewer pedestrians. The old hospital lot and Pittsburg Road are both too far out of the city. They are often at the Kaster Road intersection for calls at the bars, park, and apartments. The interview areas in the police station are not suitable and it's embarrassing. He loves this city and grew up here. It needs to happen and happen soon.
- ◆ Adam Hartless, St. Helens Police Officer and citizen. He agrees with the proposed police station location. Location is key to safely and promptly traversing the city. The current station is dilapidated. There are holes in the walls and wires running everywhere. It's more likely that the building will fall in on its own than a flood happening. He encouraged Council to listen to the experts. He pointed out that he's a big guy and his vest does not even fit in a locker, so he has to change at home and then cover up so people don't know where he lives. The building is not beneficial for retention and recruitment. He worked with the Washington County Sheriff's Office last summer and they put lawn chairs in the yard so they didn't have to come into the building.
- ◆ Jennifer Massey. She encouraged Council to look at the whole picture and ramifications of not building the proposed police station. They should look at only the facts and not personal opinions. Maybe all the procedures were not followed but they need to move on since they already have the loan and location. They heard tonight that the facility is not in a floodplain. If something happened, the officers would not be sitting in the station. They are going to be out in the field. They can create a command post wherever they go. Comments against building the police station there should be discredited as it appears there were plans from 2012 to build residences there. In 2003, there was support from the Planning Commission to put a homeless camp in the floodplain. She is disgusted that they would consider putting homeless people there but not a police station.
- ◆ Adam St. Pierre. He is in the field of electrical work and has worked at many police stations. He has never seen electrical work like what is shown in the pictures of the St. Helens Police Station. There is a need for a new police station.
- ◆ Drew Layda. It's good to see the additional information released. There's another law enforcement facility up the street within the 500-year floodplain. The contractors brought in have done an excellent job planning around the floodplain. There are almost all pros and no cons to building a new police station.

Neutral

- ◆ Shauna Stroup-Harrison. She is disheartened by the lack of foresight when it comes to working within the limitations of land and topography in the community. The floodplain has existed for a long time. She continues to attend meetings where wetlands and floodplains are glazed over.

Lifetime residents here would be aware of how many times that area has flooded. In Vernonia, they build with extensive foundations. Is that an option here? It seems negligent to not have prepared for accommodating flood zones from the beginning. She toured the current police facility and agreed a new police station is needed. As tourism appears to be at the forefront, they must increase safety. She hopes they take into consideration how important adequate policing is to the safety and livability of a community.

In Opposition

- ◆ Robin Toschi. She is not speaking against the police or the need for a new police station. Speaking to the legal analysis of current laws, St. Helens Municipal Code 17.46.040 says, the construction of critical facilities shall be to the extent possible located outside the special flood zone, and that's where this is. The SFHA shall have the lowest flood elevated at least three feet above the base flood elevation to the height of the 500-year flood zone. Measures should be taken to ensure toxic substances will not be released into the flood waters. She does not believe the City can avoid the requirements of SHMC 17.46.040, which is also why the Planning Commission voted against it. There are other sites available they can consider for a police station, so the City now has the burden of proving there are no alternative sites. The Conditional Use Permit should be denied for that reason. They must protect human life and health, minimize expenditure of public money and costly flood control projects, minimize the need for rescue and relief efforts, and minimize damage to public facilities. She is pro police, but the laws on the books now are what they need to consider.
- ◆ Steve Toschi. The law says if there's any other facility, it should be chosen. They are talking about human life, specifically people dying in a flood and police being unable to get to them. If there was a 100-year flood, the site would be completely under water and police would be completely inaccessible. He reviewed the criteria of 17.46.050(6) Critical Facility, "Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area..." Public safety facility includes the site, improvements, parking lots, greenspace, sidewalks, and buildings associated. The City has known about this problem since 2020. Matt Brown directed Mackenzie to proceed even after being warned that it was in a flood zone. They should deny the application and look at other available sites. If it's appealed, it will be denied by LUBA.
- ◆ Brady Preheim. Two of the ad-hoc committee members were on the Planning Commission and stated they were removed when they objected to the location. He suggested Council talk to the attorney about the dirt that was moved to the property and it being done corruptly. Chief Greenway talked about 23 employees being at the police station. Brady argued that there are never that many. The police station is closed to the public. Staffing is the priority. Why build it to not staff it? They need more police and less buildings.

There was a disturbance of Zoom callers saying inappropriate and derogatory statements.

Rebuttal

Peter Watts addressed some of the concerns addressed.

- SHMC 17.46.020(8), "Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste." The definition does not include what portion of the site would be considered the critical facility, which is why he asked that Council clarify that the definition is consistent with Oregon Structural Specialty Code Section 1604.5, which classifies

police station buildings but not property. Council is entitled to discretion in the interpretation of the Code.

- SHMC 13.30 is not a Land Use Code, it's for funding. Funding includes anything site specific. They need to have clear and objective standards.
- The building is the most important thing to keep people safe. It is far less critically important to the health and safety of people to have grass or landscaping underwater at a lower elevation than the building. They have every reason to believe the building will be dry. It's a couple feet above the floodplain.
- The secondary ingress and egress is outside of the floodplain.
- He does not represent Mackenzie. He was not involved in the process. He was contacted three weeks ago by the City Administrator and chosen to represent the City because he considers this to be a critical facility.

CLOSE PUBLIC HEARING – 8:19 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL PUBLIC HEARING

Wednesday, October 18, 2023

DRAFT MINUTES

MEMBERS PRESENT

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

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Jacob Graichen, City Planner
Jenny Dimsho, Associate Planner
Suzanne Bishop, Library Director
Crystal King, Communications Officer
Bill Monahan, Contracted City Attorney
Tina Curry, Contracted Event Coordinator
Brian Greenway, Police Chief

Jose Castilleja, Police Sergeant
Evin Eustice, Police Sergeant
Doug Treat, Police Sergeant
Matt Smith, Police Corporal
Dylan Gaston, Police Detective
Jeremy Howell, Police Officer
Jamin Coy, Police Officer
Adam Hartless, Police Officer
Kolten Edwards, Police Officer
Brandon Haflich, Police Officer

OTHERS

Steve Topaz	Jennifer Shoemaker	Adam St. Pierre	Peter Hautt
Brady Preheim	Jane Garcia	Thomas Peck	Kathy Thomas
Steve Toschi	Adrienne Linton	Mary Anne Anderson	Suzie Dahl
Michelle	Scott Jacobson	Jen Massey	Leila Wilson
B. Gaston	Debbie Parsons	Sabrina Moore	Allison Anderson
Hayley Starkey	Judy Thompson	Brianna Boice	Todd Jacobson
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CCMH	Alex Tardiff	Matt	James Shober
Catherine Hager	Tony Fleming	Sid Hariharan	Eddie Dunton
Cody Feakin	Jim Coleman	Jerimy Kelly	Kai Cater
Al Petersen	Kellie Jo Smith	Shauna Stroup-Harrison	Nicholas Helmich

OPEN PUBLIC HEARING – 8:29 p.m.

TOPIC

1. Comprehensive Plan and Zoning Map Amendment (CPZA.1.23) at 58646 McNulty Way (Columbia Community Mental Health)

Associate Planner Jenny Dimsho covered preliminary matters. She asked if any member of the Council wishes to declare an actual or potential conflict of interest or bias in this matter.

Councilor Gundersen declared that he is employed by Columbia County Mental Health (CCMH). He will abstain from participating in the discussion and decision.

Council President Chilton declared that she is a former employee of CCMH. She will also abstain from participating in the discussion and decision.

Dimsho pointed out that a former Planning Commission member, who is now a City Councilor, made a recommendation. Attorney Bill Monahan explained that he can participate as long as he does not have a conflict of interest.

Dimsho asked if there was anyone in the audience who wanted to object to the ability of a Councilor to make a fair decision.

Brady Preheim objected to Councilor Hubbard participating because he has already heard this.

Motion: Motion made by Mayor Scholl and seconded by Councilor Sundeen to allow Councilor Hubbard to stay and be a decision maker.

Discussion. It is not a question of bias on a legislative issue.

Vote: Yeah: Mayor Scholl and Councilor Sundeen; Abstain: Councilor Hubbard

Council President Chilton and Councilor Gundersen stepped out.

Dimsho went on to review the staff report, a copy of which is included in the archive packet for this meeting. A few highlights were:

- Request to rezone the property from Light Industrial (LI) to General Commercial (GC).
- Request supports their expansion of facilities.
- The Economic Opportunities Analysis (EOA) shows that there is a surplus of industrial land and shortage of commercial land.
- Planning Commission voted four to one to recommend denial of the application. They felt the reduction of LI land would negatively impact available land for industrial development. It could also create a conflict with the LI land across the street on Gable Road. Staff feel there is no evidence of that. Their adopted document supports the rezoning.
- Reviewed traffic impacts. They are aware that the Highway 30 and Gable Road intersection is already overloaded. However, the decision tonight is whether this will create a significant impact to the transportation facility. With a condition of a trip cap, staff feels the TPR rule is met.
- Staff recommends approval.

PUBLIC TESTIMONY

Applicant/Applicant Representative

- ◆ Al Petersen, AKAAN Architecture and Design and Todd Jacobson, Executive Director of CCMH.

Al talked about CCMH's traffic engineer meeting with City staff and ODOT staff. When the transportation consultant proposed their analysis of the trip cap, they heard nothing from ODOT. They assume there are no objections. He went on to review his PowerPoint presentation. A copy is included in the archive packet for this meeting. A few highlights were:

- Reviewed current uses
- Reviewed future uses – additional office space, counseling rooms, additional supporting facilities, crisis receiving center, transitional supportive housing center
- There is a lack of commercial land and an abundance of industrial land.
- Reviewed all the industrial businesses that closed the last few years and how much surplus industrial land that provides.
- Reviewed the Comprehensive Plan section that recognizes the need for housing for special needs and additional commercial zones.

- Addressed the Riverfront Connector Plan and the safety that a curb and landscape buffer give to pedestrians.
- Recommend the rezoning, otherwise they wait for an industrial user to come along. There is a lot of other land available.

Todd added that they serve all Columbia County residents, mostly who are indigent or on the Oregon Health Plan. Columbia County is only going to grow. They will have more people with addiction and behavioral health issues. This is an ideal location to expand and meet the demands of the community. The people are not coming from Portland. They are our citizens in Columbia County. They need to take care of people in the County. They had a detox facility in the past, which was very successful, but it closed due to Covid and shortage of nursing. The arguments he has heard in opposition are the exact reasons why they need this facility. If the zoning doesn't change, the property will sit there not being used.

In Favor

- ◆ Judy Thompson, NAMI Chair for Columbia County. They are excited about this project. It's logical and sensible. They need to help people and offer care in the community.
- ◆ Kellie Jo Smith, speaking as a business owner. These are our community members, our siblings, and our parents. Anyone going through a mental illness or substance use disorder needs a steppingstone to be successful and that is not available. She hopes they follow the recommendation of staff.
- ◆ Nicholas Helmich. He works at Community Action Team (CAT) and works closely with CCMH. With the amount of mental illness and drug addiction, ignoring it is the wrong approach. They need more facilities and the ability to help people get back on their feet. He understands the argument of needing industry, but there is plenty of industrial land.

Neutral

- ◆ Adam St. Pierre. When industry comes in, they want 100s of acres. Rezoning is permanent. The new apartments brought a lot of traffic issues. This will bring even more traffic. They need a tax base, which industry would provide.
- ◆ Leila Wilson and Suzie Dahl. Leila owns the 20 acres across the street. Suzie, daughter of Leila, is here to speak on her behalf. The last transportation study was done in 2011, which was prior to the apartments. There is a lot of congestion between there and Railroad Avenue. Leila owns 10 acres across the street to the north and has a rail spur access agreement. It is also zoned LI and could be served by rail. She owns another 7.5 acres off Milton Way. They just want what's best for the community and the safety of the community.
- ◆ Allison Anderson. She serves on the Board of Directors for CCMH. She was the Sales Director for Portland & Western Railroad. They tried to sell that 10-acre piece of property with a rail spur but were unable to because it was too small.
- ◆ Shauna Stroup-Harrison. The Planning Commission was not in favor of this. The Riverfront Connector Plan does not seem applicable here with the lack of space for a tree line median. If CCMH doesn't get it zoned the way they want, they'll sell it. She is confused why they are unable to use the building that is already there. A training facility, like Riverside, would be more community uplifting than bringing in dollars for beds. There is a huge traffic influx right there with a lot of growing pains as the apartments are developed. They need to look at what services

are available to provide for this kind of expansion. They don't have a surplus of land; they have a lack of industry. This town no longer supports living and working families. Jobs have left and they're not bringing in more.

Opposed

- ◆ Sabrina Moore. The mapping lumped all the light and heavy industrial land, but they serve different uses. Looking at all the uses, they end up with about the same amount of land for LI and GC. The last traffic impact study done was for Broadleaf Arbor, which was over 1,700 trips per day. The proposal has a cap of 1,100 per day. There is a problem there. How will they enforce the traffic cap and ensure people take different paths? She argued that this does seem to be a spot zone. Most of the surrounding property is LI and that is what it is used for. CCMH is proposing to bring a residential use into an industrial neighborhood. She recommends denial of the map amendment and zone change. They should develop the Mixed Use and Residential lots they already have in St. Helens.
- ◆ Brady Preheim. Al did a good job in his presentation. There is a need for congregate housing, but there is enough low incoming housing that does not bring in taxes. The huge development across from Walmart is tax-free. CCMH is also a not-for-profit. They cannot afford to lose more tax base. They are already struggling for police services. Adding more congregate housing will only add to the need for more police.

Rebuttal

- ◆ Todd Jacobson. He understands the argument about zoning, but they are not selling. This is not housing that will be open to anyone. This is shelter and care with staff on site. Law enforcement will rarely be needed, and if they are, staff will be onsite to support them. It's a treatment program that is transitional and not permanent. They receive care and then go back into the community.
- ◆ Al Petersen. CCMH knows they have a large frontage and will have to improve it to City standards. All the Riverfront Connector Plan standards are safer than what they have now. It will improve Gable Road. Letters from the Moore's don't address the criteria. His presentation addresses the criteria and they must make a decision based on the criteria. Traffic and safety issues will have to be addressed. CCMH is not proposing anywhere near a 300-unit complex. A trip cap of 1,000 is more than generous for what CCMH plans to do.

Councilor Hubbard asked what he envisions as a buildout. Al said originally it was half offices and half detox. In the future, they would add a different form of transitional housing. This is all new and an attempt to deal with the mental health and homelessness issues here.

Mayor Scholl thanked them for being clear about the property.

CLOSE PUBLIC HEARING – 9:41 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor



COUNCIL REGULAR SESSION

Wednesday, October 18, 2023

DRAFT MINUTES

MEMBERS PRESENT

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

STAFF PRESENT

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Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
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Al Petersen	Kellie Jo Smith	Shauna Stroup-Harrison	Nicholas Helmich
Dave Laurenson	Jesse Lagers		

CALL REGULAR SESSION TO ORDER – 9:45 p.m.

PLEDGE OF ALLEGIANCE

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

- ◆ Brady Preheim. Council should vote no on the Kelley Street property sale. What do they plan to do about the dirt that has already been delivered? They had a hearing after the dirt was collected with no agreement. This is corruption.

- ◆ Jennifer Massey.
 - She was happy to hear the discussion taking place in the work session. They need to go back and look at all budgets to see what can be cut.
 - It was interesting to hear that the Police Department has not been involved in the permit process. She looks forward to hearing how that improves.
 - Councilor Gundersen brought up an operating levy and agreed they should consider it to get ahead of the staffing. They're stuck with the funding they have right now but it could improve with industrial development. She strongly encourages Council to consider a levy.
 - She disagreed with the statement that the Police Chief should put on a uniform. They're supposed to oversee and enforce policy and procedure.
 - She is excited about the opportunity for a semi-conductor facility. She has been involved in building and overseeing projects like that. She encouraged the Council to have appropriate representation because they will have many lawyers representing them.

- ◆ Adam St. Pierre. It may be difficult to ask the community to pass a bond when the Council just endorsed the Sheriff's Office bond last year.

- ◆ Dave Laurenson. He thanked Council for the amazing Riverfront Development project. However, there has been a huge lack of communication with business owners. They've all been impacted by the construction. Water and gas service has been turned off during business hours multiple times with no notice. Last Saturday, the contractors were out with steam rollers, asphalt trucks, and excavators downtown on a day when thousands of visitors would be arriving. The superintendent said that someone from the City scheduled it to happen on Saturday, which seemed crazy. They got the job done fast and left. He encouraged a weekly email to be sent on Fridays so businesses and residents know what will happen the following week.

Mayor Scholl addressed the work that was done. It was a company hired by NW Natural Gas. The City would never approve work on a Saturday during Spirit of Halloweentown. He encouraged Dave to call Cal when this happens, as they are supposed to be giving regular updates. Dave said there has been no outreach from Cal. They leave closure signs out when no work is being done. Mayor Scholl will investigate and get back to Dave.

- ◆ Jesse Lagers. There have been a series of challenges in town and he is here to suggest solutions.
 - Ongoing parking problems and congestion with Spirit of Halloweentown trailers downtown. Proposes stricter parking enforcement, designated parking for the trailers, community education, and improvement of public transportation for vendors.
 - Unscheduled street closures, as well as gas and water turnoffs during construction, have created significant disruption. Some of the disruptions have come at the same time as Spirit of Halloweentown, which increases traffic and parking frustrations. That has cost local businesses thousands of dollars in lost revenue and unnecessary overhead. Advanced notification would be nice for everyone.
 - The vacant storefronts are a blithe on downtown. A vibrant downtown is needed to draw in more businesses and industry.
 - Businesses downtown are struggling during this time.

DELIBERATIONS

1. Sale of City-Owned Property located on Kelley Street

Mayor Scholl talked about the property. It was appraised at \$67,000. Ken Leahy expressed interest since he owned the surrounding properties. The industrial property needed dirt and Ken is a contractor who handles dirt. It was not a backdoor deal.

Councilor Hubbard said they paid too much for the dirt. The appraisal of the property was two years old. As far as building on a site, that amount of dirt must be brought in layers. He agrees with some of the comments made. They need to be up front about selling property.

Councilor Sundeen is concerned with the process and timing.

Mayor Scholl agreed that the perception is not good. They have the appraisal. Ken owns the adjacent property and has expressed interest for a long time.

Councilor Hubbard asked if there is a policy to go out for bid on property for sale. Mayor Scholl explained that the Urban Renewal Agency allows for more flexibility of selling property within the Urban Renewal area.

City Administrator Walsh said they can go back for a legal review if there are concerns about the process. Council President Chilton agreed they need to do that. There were no ill-intentions for this proposal. It's a landlocked piece of property that is not worth much to anyone but Ken. However, she does understand that they need to do it the correct way and follow guidelines.

Motion: Motion made by Councilor Hubbard and seconded by Councilor Gundersen to not accept the offer from Ken Leahy in exchange for 600 yards of dirt. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

2. Appeal of Planning Commission Decision on Conditional Use Permit (CUP.4.23), Sensitive Lands Permits (SL.4.23 - floodplain and SL.5.23 - wetlands), and Sign Permit (S.14.23) for New Police Station proposed to be located at the Southeast Corner of Old Portland Road and Kaster Road Intersection (City of St. Helens)

Mayor Scholl pointed out that that the City Council staff report was very different from the Planning Commission staff report. The building is not in a floodplain. City Planner Graichen added that they would need to interpret "critical facility" to mean the building and not the land with reference to Oregon Structural Specialty Code 1604.5, if they decide to approve it.

Councilor Gundersen attended the Planning Commission meeting. He bases decisions on the experts and their testimony. Two hydrologists reported that they will be okay moving the building up two feet. It moves it even further out of the flood zone plus there will be a secondary access road. The officers want it there and they deserve this. It will serve the community well. It's a great location and should move forward. He has no concerns about a flood.

Councilor Hubbard appreciates the reports from the police and how they will use the building. With the Planning Commission, they were building it in a flood plain but if there's a flood you can't get to it. The secondary access was put in because it's above the flood plain. Isn't the police station going to be busy if there's a flood? It's going to be an active site. The permitting and sewer issues will be a big issue. They spent so much money on the engineering for the site. Being in the building business, he's always trying to get a good product for the least amount of money. He does see the positive that the building could be located somewhere else. He is looking at it from a crisis situation.

Council President Chilton heard multiple times that the facility is out of the floodplain. They need to look at the intersection. It's not going to happen every rainy season. The concerns are during catastrophic occurrences. If police and fire both think the secondary access road will work during an emergency, then she agrees.

Councilor Sundeen goes back to Graichen's question, does it make sense. At first, he would say no, but he's not the one using the sight, nor a designer or engineer. Based on what he heard from the experts, he feels comfortable with the proposal. He is concerned about the process. How did they get this far and spend so much money? It's close to the flood zone and suggests shifting the parking lot into the flood zone and not the building. He trusts the experts and those using the facility.

Mayor Scholl agreed with the engineers. There used to be a secondhand store on the corner, across from Johnny's. There were also three houses in the proposed location and two closer to the ballfield. One house even had a full basement and the owner said it never flooded. There was only about a foot of water between the stop light and bridge during the 1996 floods. People working at the mill would agree. Councilor Hubbard pointed out that he spoke with people at Columbia River PUD who worked there then and it was four and half feet. Mayor Scholl disagreed that Boise would have let that go on. He never saw it that high. He understands why the Planning Commission was hesitant. It's not in the 100-year flood plain.

Graichen said there are four things to consider if the motion is for approval:

1. Whether the Council wants to interpret "critical facility" to mean the building and not the land with reference to Oregon Structural Specialty Code Section 1604.5.
2. Condition 2.a.iv., pertaining to the fire department connection and fire hydrant location.
3. Delete condition 2.a.xiii, pertaining to the existing sign because it was out of compliance.
4. Condition 2.a.xiv, plans show a future pedestrian passageway.

Motion: Motion made by Council President Chilton and seconded by Councilor Gundersen to approve with the staff recommendations. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen; Nay: Councilor Hubbard

3. Comprehensive Plan and Zoning Map Amendment (CPZA.1.23) at 58646 McNulty Way (Columbia Community Mental Health)

Council President Chilton and Councilor Gundersen left the room.

Mayor Scholl appreciated the references to criteria.

Councilor Sundeen appreciated that the information came from the City's reports, even though some of it may be outdated. Hopefully, they will receive the grant to update the data. He agreed that they have a surplus of industrial land and a shortage of commercial land. He appreciates that they presented their intentions for the property. There was a lot of discussion around the use of the property, but that's not what they are looking at tonight. Columbia Community Mental Health (CCMH) is not going anywhere. This will allow them to use what is already owned by them as they see fit. It does not seem to have a major impact on the traffic. He feels better about rezoning the portion along Gable Road since the other property is already developed. He also wants future plans for that property to be presented to the Planning Commission.

Associate Planner Dimsho explained that not rezoning both portions would mean that CCMH could not expand their facility in the future. They would be limited to the Light Industrial (LI) uses. To Councilor Sundeen's point, it would retain a LI pocket there. The property was annexed into the City after it was already developed under the County's rules.

Mayor Scholl said it meets all the qualifications and is comfortable moving forward. He appreciates that they will remain there and don't plan to sell it. When CCMH first got here, people were scared. There's a need for mental health services in the area. Oregon is ranked 48 out of 50 states for mental health services.

Dimsho is hearing approval of all the conditions.

Councilor Hubbard talked about commercial land creeping closer to industrial.

Councilor Sundeen repeated what was said during public testimony, "if it was anyone else, would they approve this?" He does not think it's out of line for that area. He is okay with approving it as submitted.

Dimsho reviewed the staff recommendation, which is a trip cap of about 1,107 daily trips within the TSP planning horizon. Any development could not trigger more than that trip cap without a process.

Mayor Scholl talked about ODOT delaying upgrades to that intersection. Can they lower the trip cap to 700 or 800? Dimsho agreed they could amend that. Graichen compared the 700 to 70 single-family dwellings.

Motion: Motion made by Mayor Scholl and seconded by Councilor Sundeen to accept the applicant's plan with condition number one, the daily trips being reduced to 700. **Vote:** Yea: Mayor Scholl, Councilor Hubbard, Councilor Sundeen

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

4. Agreement with Columbia Pacific Economic Development District for Community Development Block Grant Administration Services of Sewer Capacity Improvement Project
5. First Amendment to Emery & Sons Construction Group Progressive Design-Build Contract for the Design and Construction of Replacement of 2.0 MG Reservoir
6. Sixth Amendment to Otak, Inc. Agreement for S. 1st and Strand Streets, Road & Utility Extensions Project
- ~~7. Real Estate Purchase and Sale Agreement with Leahy Investments LLC for the Sale of City-Owned Property off Kelley Street~~

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

CONSENT AGENDA FOR ACCEPTANCE

8. Library Board Minutes dated September 11, 2023
9. Parks and Trails Commission Minutes dated September 11, 2023

Motion: Motion made by Councilor Gundersen and seconded by Council President Chilton to approve '8' and '9' above. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen; Abstain: Councilor Hubbard

CONSENT AGENDA FOR APPROVAL

10. Council Regular Session and Executive Session Minutes dated October 4, 2023
11. Declare Surplus Property - Police K9 Officer Ryder (Retirement)
12. Declare Surplus Property - Real Property (descriptions in packet)
13. OLCC Licenses
14. Accounts Payable Bill Lists

Motion: Motion made by Councilor Sundeen and seconded by Councilor Gundersen to approve '10' through '14' above.

Discussion.

Councilor Hubbard questioned number '12.' After reviewing the packet, Mayor Scholl suggested number '12' be removed and appraisals of those properties be done.

Motion to Amend: Motion made by Councilor Hubbard and seconded by Council President Chilton to not include '12.' **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

Vote of Amended Motion: Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

WORK SESSION ACTION ITEMS**Columbia Learning Center Board**

Motion: Motion made by Council President Chilton and seconded by Councilor Sundeen to appoint Councilor Gundersen to the Columbia Learning Center Board of Directors to replace Patrick Birkle as the City of St. Helens representative. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

Fire Board

Motion: Motion made by Council President Chilton and seconded by Councilor Sundeen to authorize Councilor Gundersen to apply to be on the Columbia River Fire and Rescue Board of Directors. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

Project Sprint

A presentation about Project Sprint's potential development of the Industrial Business Park was heard during the Work Session. There is a proposed earnest money agreement to lock the land while they do their due diligence researching the property. City Administrator Walsh added that this is nonbinding to purchase or lease real property. The City will work with them for 90 days and not negotiate with anyone else. They would deposit \$610,000 into an escrow account and 10% of that would not be refundable. Councilor Hubbard and Councilor Sundeen would like more time to review this. They would also like to view the subject site.

It was the consensus of the Council to hold a Special Session to review the proposal on Friday, October 20, 2023, at noon via Zoom.

REPORT FROM CITY ADMINISTRATOR JOHN WALSH

- Postponed until next meeting.

COUNCIL MEMBER REPORTS

- Postponed until next meeting.
- Councilor Sundeen thanked K9 Officer Ryder for his service.

MAYOR SCHOLL REPORTS

- Postponed until next meeting.

OTHER BUSINESS**ADJOURN – 10:51 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor