

# City of St. Helens

## Consent Agenda for Approval

### CITY COUNCIL MINUTES

Presented for approval on this 1<sup>st</sup> day of June, 2022 are the following Council minutes:

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2022

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- Work Session, Executive Session, Public Hearing, Public Forum, and Regular Session Minutes dated May 4, 2022
- Special Session Minutes dated May 11, 2022
- Work Session, Public Hearing, Special Session, and Regular Session Minutes dated May 18, 2022

#### **After Approval of Council Minutes:**

- Scan as PDF Searchable
- Make one double-sided, hole-punched copy and send to Library Reference
- Minutes related to hearings and deliberations get copied to working file
- Save PDF in Minutes folder
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# COUNCIL WORK SESSION

Wednesday, May 04, 2022

## DRAFT MINUTES

### MEMBERS PRESENT

Council President Doug Morten  
Councilor Patrick Birkle – 1:07 p.m.  
Councilor Stephen R. Topaz  
Councilor Jessica Chilton

### MEMBERS ABSENT

Mayor Rick Scholl

### STAFF PRESENT

John Walsh, City Administrator  
Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Jacob Graichen, City Planner  
Matt Brown, Finance Director  
Sharon Darroux, Engineering Manager

Shanna Duggan, Parks & Recreation Manager  
Rachael Barry, Government Affairs Specialist  
Crystal King, Communications Officer  
Bill Monahan, City Attorney  
Tina Curry, Event Coordinator

### OTHERS

Lynne Pettit	Brady Preheim	Scott
Amy Bynum	Tammy Maygra	Art Leskowich
Sean Clark	Carrie Bisell	Natasha Parvey
Gina Sisco	Stephanie Patterson	Steve Toschi
Amy Bynum	B. Cutright	

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

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

- ◆ Steve Toschi. Congratulations to the City of St. Helens, E2C, Tina Curry, the citizens of St. Helens, and all St. Helens businesses on the resoundingly positive tourism audit report. The audit, which included dates between July 1, 2021 and December 31, 2021, established that tourism and the City brought in more than \$1 million in revenue, against documented expenses of \$312,000. Nearly every penny was accounted for. The public should appreciate that the City and Council successfully implemented the tourism program in 2021. E2C achieved outstanding fiscal success and has been honest and fair in the trust extended by the City. This is a retrospective audit. Large amounts of money were brought into a bank account that E2C had complete control over during that time. She passed the audit. Congratulations to the City for a successful tourism program. They brought events to bring people in. This is an internationally famous event and continues to be built upon. He writes reports for a living and was disappointed with a few things. The auditor could have presented the data in a better way for the public to understand. The fact that the contractor passed the audit was buried under Finding Four. It is very difficult to get the facts. The structure of the proposed contract is excellent. Improved tracking will help everyone get a better idea of expenses and revenues. Tourism is a good investment for the city and citizens.

- ◆ Brady Preheim. He commended the report. 100% of the expenses were documented. The only issue was that there was an extra \$3,000+ in revenue over seven weeks. He expressed that he may be the cause of that. Some people paid for special event tickets and items with cash. The ticket sales should have been entered into the app, but the Wi-Fi was not always working well. He did not want that to keep people from making a purchase. They had revenues over \$1 million. There was extra money. There is no missing money. How much better news can there be? People were lined up past the theater to get in. This has been a phenomenal success. It is amazing that people come to see a movie that is 20 years old. Tina is owed an apology for the misinformation and inuendo for the expenses and audit. The newspaper is not always accurate. The City does not spend any money on tourism. None of the money comes from taxpayers. It comes from hotel/motel taxes. He is looking forward to having a tourism boat. She has earned that money and knows what she wants to do with it. She continues to operate the program and do great things.
- ◆ Tammy Maygra. The newspapers have done a great injustice in their reporting. They lead people to think Tina is a "she-devil." It is obvious that it is a smear campaign. The City should put out a press release to clear her name. She has brought so much money into the community. It is a waste of time to go after her. They would like to see them clear up any miscommunications by writing down what should and should not be done. Tina does a great job. She knows what she is doing and gets the job done. Tammy would like to see the Council move on from this waste of money. They need to let people come from all over the world and enjoy the city.

## DISCUSSION TOPICS

### 1. **Update on ODOT Rail Safety and Mobility Study - Sean Clark & Gina Sisco, Port of Columbia County**

Sean Clark and Gina Sisco reviewed their presentation. A copy is included in the archive packet for this meeting. Gina clarified that it is not an ODOT study. She reviewed the study conducted. The three intersections recommended to be further studied for safety improvements:

- Gable Road
- Deer Island Road
- High School Way in Scappoose

#### Funding

- Received \$7,500 from St. Helens for Phase I
- Requesting \$7,500 from St. Helens for Phase II

Councilor Birkle asked about the significant concerns raised. Gina said there were a lot of concerns with the train wait times and schools near the crossings.

Councilor Chilton asked what happens after Phase II. Gina said they will have a final report of suggestions and funding options that will be distributed to the affected jurisdictions. They can determine whether to add the recommendations into their Transportation Systems Plan (TSP).

Councilor Topaz pointed out that the pictures on Gable Road did not indicate the large amount of building occurring there. Gina responded that it was before the apartments went in. Councilor Topaz said there's also Millard Road and the Armstrong Plant to consider. Gina acknowledged that those were not included at the time the report was written. It needs to be updated as those things are added. Councilor Topaz talked about the bridge at Port Avenue. Were traffic studies conducted about the approach? Gina said they looked at each crossing and gave a conceptual idea of what an overpass would look like. Councilor Topaz asked if studies were done going under the railroad. Gina responded that it was determined to not be feasible by the contractor.

Council President Morten asked if they looked at the 18th Street ROW. Gina said they looked at Gable Road and then went half a mile each way. Council President Morten asked how the stakeholders were selected. Gina said she reached out to people who would have interest and provide good feedback. They did include citizens. Council President Morten asked if the term "switching yard" came up. Gina said yes but it was not included in the scope. Council President Morten pointed out that moving the switching yard out of city limits is a priority of Betsy Johnson's.

Councilor Topaz said there are several industrial users who have spur lines. Were they involved? Gina said she would need to get back to him about that. She knows they looked at those.

Councilor Chilton acknowledged the problem with rail. After the study is complete, can they implement it into a real product for citizens? They have a lot going on with the Riverfront and industrial development. She wants to make sure it is worth investing more money. City Administrator Walsh commended the Port for their leadership on this project. The City was very involved throughout the process. There is value.

City Planner Graichen said the timing is good because they have been discussing updating the TSP. They were provided an opportunity to comment on the plan. One comment was that the 2011 TSP improvements at that intersection are outdated because of the 2019 Riverfront Connector Plan. Gina will talk with him about that offline.

Councilor Chilton is in favor of moving forward.

## **2. Utility Rates Presentation - *Steven Donovan & Matt***

Steve Donovan, Finance Director Matt Brown, City Planner Jacob Graichen, and Engineering Manager Sharron Darroux were in attendance to review the report. A copy is included in the archive packet for this meeting.

At the last meeting, they talked about needing to explain to customers about the value they would get from rate increases. He used a gallon of water as an example. That gallon jug cost \$1.29 at Safeway. At their house, they pay an average of ninety-eight hundredths of a cent for a gallon, and it is delivered to their house on demand. He is proposing to raise the rates consistently over the next five years.

- Reviewed the rate methodology
- Reviewed proposed definition updates for water and wastewater EDUs
- Reviewed recommended rates for the next five years to cover the costs of repairs and maintenance
  - July 1, 2022, 7.53% increase
  - July 1, 2023, 7.06% increase
  - July 1, 2024, 7.33% increase
  - July 1, 2025, 5.01% increase
  - July 1, 2026, 5.09% increase

Councilor Topaz wants to know where money is being wasted and mistakes were made. Donovan said they are not going to point fingers. Councilor Topaz said that people do not believe they are doing a good job, so do not want to give more money to do a bad job. Donovan explained that it is a rate-payer utility. They must provide clean water, fire protection, and wastewater treatment services. Councilor Topaz asked if they really need another line and design. He sees the need but wants to know the best place to put his money. They have really screwed up. Can people trust them. Donovan pointed out that America is really screwed up. They spent a lot of money on Master Plans and know how it needs to be fixed, but they must raise rates to do it. Darroux added that the Master Plans prioritize the most critical areas to repair and upsize. Councilor Topaz asked if it includes increasing size and changing design. Darroux said it could be both. Some of the lines need to be rerouted to improve flow. Brown added that even though they are proposing a rate increase, they could be much higher if they implemented everything in the Master Plan. There are a lot of projects identified. They chose the high-level needs.

Councilor Chilton asked about the reserves mentioned in the report. Donovan explained that it is the ending fund balance. They spend a certain amount of money during the year, anything leftover is carried over as reserves. That money is there for emergencies. Councilor Chilton clarified that they would use the reserves if they do nothing. Councilor Chilton asked if sewage is getting in our creeks now. Darroux said not now, but there is potential for it if they do not do anything. Most of the overflow manholes will be in people's backyards.

Council President Morten asked when Donovan was here last with a rate increase proposal. Donovan said it was 2017 and they did minor increases. Most communities do this annually. Sewer is always the most expensive. Council President Morten asked why he does not come in every other year to advise them. Donovan said they are getting good advice from Brown. He would be expensive to come in. Every City and County he is working with is dealing with the same thing. Infrastructure is aging and must be replaced.

Councilor Topaz talked about the I&I project. There was a survey identifying the problems areas. He asked if Donovan was involved in that financing. Donovan said no. Councilor Topaz said some of the drainage basins have forty-five times the flow and others have six times the flow. There is no standard answer. Donovan said he is seeing it everywhere. They must fix their problems. Councilor Topaz asked for a window of what they should look for in the future. Donovan said they have a talented group of employees to monitor it. It is important to continue updating the Master Plan.

Walsh talked about rate tolerance. Without updated Master Plans, they did not know what deficiencies existed. There is a lot of burden put back on the rate payers. They are deferring some projects knowing there is a limit to raising rates.

Brown said the intention of staff is to bring back an ordinance to update the language and a resolution for the rate increase. Is the Council okay with that or do they need more time to consider it? Council President Morten said they will discuss it further tonight when Mayor Scholl is in attendance.

### **3. Communications Semi-Annual Report - *Crystal***

Communications Officer Crystal King reviewed her report. A copy is included in the archive packet for this meeting.

- In the last five months they have released the following:
  - 21 press releases
  - 796 social media posts
  - 82 news media contacts/requests
  - 14 newsletters
- Reviewed projects/focused efforts

Councilor Topaz asked if she needs assistance. King said yes. It was looked at for the proposed budget, but there is a lot of needs at the City. They could easily do more communications with additional staff.

Council President Morten appreciates King's efficiencies and attention to detail.

### **4. Parks & Recreation Division Semi-Annual Report - *Shanna & Tory***

Parks & Recreation Manager Shanna Duggan reviewed a presentation. A copy is included in the archive packet for this meeting.

- Reviewed registrations received over the last couple of months
- Reviewed recreation facilities and parks
- Reviewed efficiencies
- Received over \$220,000 in grants in 2021/22
- Reviewed successes
- Reviewed 2022/23 goals
- Community Mobility Report on Google. Oregon is at 54% usage in parks.

Councilor Chilton is excited about the City taking over softball. Duggan is doing a wonderful job managing the transition. Councilor Chilton asked about the Campbell Park trail. Duggan responded that it is ongoing. They are unable to complete that project until the weather improves. Councilor Chilton asked what is happening with the old Recreation Center? Duggan explained that it is mainly used for sport activities and rentals. It brings in quite a bit of revenue. The Community Center is much more accessible to the community. Councilor Chilton asked about an open house for the new building. Duggan said they are waiting for rails on the ramps to increase capacity. They hope to have an open house in June.

Councilor Topaz said there is a lot of vandalism in Campbell Park. Do other parks have the same problem? Duggan said they have vandalism everywhere, but especially Campbell because it is secluded. They are working on some things to help with it. Council President Morten suggested surveillance cameras. Duggan said they are working on that. One challenge is Wi-Fi access.

**Break - 3 p.m.**

#### **5. Discussion on 2022-2024 Strategic Workplan - Rachael**

Government Affairs Specialist Rachael Barry reviewed her report. A copy is included in the archive packet for this meeting. It is on tonight's agenda for approval. The document can be amended at any time.

#### **6. Review Events Management Audit - John**

City Administrator John Walsh reviewed the audit. A copy is included in the archive packet for this meeting. It was a clean audit. One point that carries over from the audit to the contract is that the contractor can charge 5% for subcontractors. She has not been charging that because she wants to grow the program. That is about \$93,000 that she is not collecting.

Council President Morten likes the idea of separating tourism and Council, especially the finances. The public needs to see that tourism stands alone. There is too much confusion with how the City and tourism is intermingled.

Councilor Topaz said they need to describe tourism and Tina separately. The contract needs to keep those separate.

Councilor Chilton wants to get this done, so she did a lot of research. The only thing that concerned her in the audit was the cash deposits, but it looks like there is a resolution for that in the new contract. It was a good audit. A few points from the audit that were not addressed in the contract:

- What is the status of tourism repaying funds?
- Should there be a place in the contract for event meetings? Communication is important.
- Internal meetings with staff reviewing what is needed prior to events.
- Suggests limiting official reports to twice a year, like other departments.

Councilor Birkle is satisfied with the audit. It provides accountability. The contractor has been performing the job with financial integrity. He does not apologize for requesting an audit. It should show the residents that they take fiscal responsibility seriously.

Council President Morten asked who pays for the audit. Walsh confirmed that the City is paying for it.

Councilor Topaz asked Councilor Birkle if it could be re-written to be clearer to the public. Councilor Birkle agreed that it could be clearer. Councilor Topaz suggested the contract include a finance schedule. Councilor Birkle said that falls to Walsh and staff to make sure the contract is being followed. The audit serves as a vindication of the contractor's use of the funds and their responsibility. Councilor Topaz wants to make sure the public can easily understand it. Councilor Birkle suggested that staff help explain it easily for the public.

Councilor Chilton said it is not their job to include an opinion. It is their job to report the numbers and check system. Councilor Birkle repeated that it is positive. The contractor has done what was agreed to.

Walsh reported that the audit is public and is already in the paper. It does not cast it in the best light. He recommends releasing information on their own if they want it communicated more clearly.

### **7. Review Draft Independent Contractor Agreement for Events Management - *John***

City Administrator John Walsh reviewed the draft contract. A copy is included in the archive packet for this meeting. A few things to point out:

- Recommend a December 31, 2023 expiration
- General budget separate from the contract
- Contractor responsible for receivables and payables
- Discourage use of cash payments whenever possible
- Contractor will report net proceeds at the end of the year
- Independent contractor and not employee
- Contractor provides insurance

Councilor Topaz thought this was a contract for someone who wanted to be a tourism contractor. This already lists E2C Corporation. The document has things scratched out and lines through it. He wants a clean piece of paper. Walsh pointed out that it is titled "Independent Contractor Agreement." Councilor Topaz argued that it already has a name listed in it and looks done. It is a nasty legal point. Councilor Chilton suggested that it just be modified if they change contractors. Walsh clarified that this is to show the changes. Councilor Topaz wants a contract attorney to review the document for clarity. He wants to build a contract that anyone could use. Council President Morten sees the document as a template.

Councilor Chilton asked who makes the decision to renew the contractor. Walsh said that decision is made by the Council. Councilor Chilton asked why part of number four was removed. Walsh responded that it was redundant.

Walsh talked about the scope of work. It is basically the same, with 13 Nights on the River, 4<sup>th</sup> of July, Spirit of Halloweentown, Christmas Tree Lighting, and other events. Councilor Topaz asked if they could list possibilities under other events. Walsh said other events would come up in reports from tourism. It is for the contractor to create events to generate revenue. Councilor Topaz asked if they could add their own events. Walsh said it would be up for negotiation.

Walsh reviewed a few more details in the contract:

- Insurance
- Compensation
- Reimbursable expenses
- Subcontractors and consultant

Council Topaz asked if they could add verbiage that only local people can be hired to assist. Walsh discouraged that.

Walsh addressed the repayment of funds. Tourism was not 100% profitable every year. There is money owed to the Community Development Fund. They can pay that back now or in the future. It could be reinvested, such as for the boat. If they do purchase the boat, they will need to do a public hearing. The public needs an opportunity to comment.

Councilor Topaz talked about everything needed with purchasing a boat. Walsh responded that they have a lot of that figured out; including the moorage, captain, landing gear to get people to Sand Island, etc. Councilor Topaz is more worried about where people will park to access the boat. Councilor Chilton said they should address parking later. Right now, it is the contract and repaying the funds. Council President Morten suggests discussing that tonight when the mayor is presented.

Councilor Chilton asked if they are going to publicly comment on the audit and how they are going to do that. Walsh said it can be addressed in a press release.

**8. City Administrator John Walsh Report**

- Attended the League of Oregon Cities (LOC) Conference in Hermiston during the last meeting. It was great to be back in person. They have a nice, new three-story City Hall. He gave a presentation on the cyber-attack that occurred in 2019. It was incredibly disruptive.
- He participated in a 12-week ICMA Leadership Academy. It was about 8-10 hours a week on top of regular duties.
- They have been with Pauly, Rogers, and Co., P.C., for audit services since 2013. The contract expires December 31, 2022. Prior to that, they were with Boldt, Carlisle & Smith LLC for about 23 years. City Recorder Payne clarified that it expired December 31, 2021. They either need to go out for an RFP or extend the contract. Switching auditors offers a different perspective, but there is a loss of institutional knowledge. Council President Morten said there were many questions about the auditor when he first came on board. The finance director was opposed because of continuity. After the change, there were a lot of discrepancies. Staying with one group defeats the purpose. Having fresh eyes is healthy. He is in favor of going out for a new RFP. Brown explained that best practice is to change auditors every five years. However, it is extremely helpful to have someone who knows what to do. They are not required to change firms, but it is important to view other firms and what they can bring. Council President Morten requested it be added as an action item for a decision tonight.
- Communications Officer King distributed a Central Waterfront press release last week. It directs people to the website for additional information.
- St. Helens Industrial Business Park is moving along. They met on site to discuss harvesting rock for the site.
- Developer interviews are next week. They could potentially select one after deliberations on May 18.
- New Library Director plans to be here around June 14. Special thanks to Brenda Herren-Kenega for filling in.
- Budget Committee meeting on May 12. The newspapers have focused on the proposal to cut the vacant Youth Librarian position. They are trying to balance priorities and the need for increased public safety. Councilor Topaz asked when the Armstrong plant will be online. Walsh has not seen any development plans. That will eventually increase funding.
- Dock update
  - The kiosk has been installed. They are working on a cover for it.
  - Working on signage
  - Proposed Code amendments

Councilor Chilton asked if Walsh could investigate a quiet rail zone, like Columbia City has. Walsh said he investigated it at a former jurisdiction, and it is very difficult.

**ADJOURN** – 4:17 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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Doug Morten, Council President

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

**Executive Session Summary**

**May 4, 2022**

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**Members Present:** Doug Morten, Council President  
Patrick Birkle, Councilor  
Stephen R. Topaz, Councilor  
Jessica Chilton, Councilor

**Members Absent:** Rick Scholl, Mayor

**Staff Present:** John Walsh, City Administrator  
Kathy Payne, City Recorder  
William Monahan, City Attorney with Jordan Ramis PC



At 4:22 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.

- **Consult with Counsel, under ORS 192.660(2)(h)**
  - Update on the 2MG Water Reservoir Project litigation
  - Update on Cascades Tissue litigation
  - Update on S. 12<sup>th</sup> Street property tenant disposition
  
- **Real Property Transactions, under ORS 192.660(2)(e)**
  - Update on potential sale of property on SHIBP for fish processing business
  - Update on potential activity at central waterfront

The Executive Session was adjourned at 4:47 p.m.



ATTEST:

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Kathy Payne, City Recorder

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Doug Morten, Council President



# COUNCIL PUBLIC HEARING

Wednesday, May 04, 2022

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## DRAFT MINUTES

### MEMBERS PRESENT

Council President Doug Morten  
Councilor Patrick Birkle  
Councilor Stephen R. Topaz  
Councilor Jessica Chilton

### MEMBERS ABSENT

Mayor Rick Scholl

### STAFF PRESENT

John Walsh, City Administrator  
Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Jacob Graichen, City Planner  
Jenny Dimsho, Associate Planner  
Matt Brown, Finance Director

### OTHERS

Jane Garcia  
Brady Preheim

### OPEN PUBLIC HEARING – 6:15 p.m.

#### TOPIC

**1. Vacation of the entire 7th Street Right-of-Way of the South St. Helens Addition, lying Northeast of the Kaster Road Right-of-Way**

City Planner Graichen presented the staff report. A copy is included in the archive packet for this meeting. This is based on a motion by Council, which is different that the normal petition process. Most of the surrounding property is owned by the City, so surrounding owner consent was not needed. Staff recommendation: Based upon the facts and findings herein, staff recommends the City Council grant the street vacation with the provision that 50' wide easement be granted that follows the power line, as may be relocated due to development plans, between Kaster Road and S. 15<sup>th</sup> Street as a condition of land use approval to develop property that abuts the vacated right-of-way (ROW).

Councilor Topaz asked if there is a building proposed to be in the ROW. Graichen showed the area on a map. Part of the development will be in the ROW. However, no buildings will be in the ROW.

#### Public Comments - None

### CLOSE PUBLIC HEARING – 6:28 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Doug Morten, Council President



# COUNCIL PUBLIC FORUM

Wednesday, May 04, 2022

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## DRAFT MINUTES

### MEMBERS PRESENT

Council President Doug Morten  
Councilor Patrick Birkle  
Councilor Stephen R. Topaz  
Councilor Jessica Chilton

### MEMBERS ABSENT

Mayor Rick Scholl

### STAFF PRESENT

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

### OTHERS

Jane Garcia                      Judy Thompson  
Brady Preheim                 Steve Toschi

### OPEN PUBLIC FORUM – 6:30 p.m.

### TOPIC

#### 1. Grey Cliffs Waterfront Park In-Water Facility Presentation

Associate Planner/Community Development Project Manager Jenny Dimsho reviewed the presentation. A copy is included in the archive packet for this meeting.

The Oregon State Marine Board provided the presentation and will provide the funding for the design.

- Reviewed the existing conditions
- Goal is to provide fishing and paddle docks that are both accessible and permittable
- Reviewed permits and consultations that are needed
- Reviewed conceptual design common features
- Reviewed the location. It is only about half as far out as the St. Helens Marina.
- Preferred concept
  - 80' and 120' gangway
  - Passing lane on ramp
  - Fishing docks north of gangway landing
  - Paddle docks and ramp angled to river flow but closer to marina

**Public Comment**

- ◆ Brady Preheim. Asked if there is already a dock near there.

Dimsho showed where the Marina docks are located. There are nearby pilings that may have to be removed.

Councilor Chilton asked if there is adequate parking. Dimsho knows parking needs will increase. City Planner Graichen is working on additional parking areas in the right-of-way.

Council President Morten talked about the existing pilings. One or two are home to osprey. Dimsho said that was brought up at the Planning Commission meeting. Chair Dan Cary was quick to say that osprey are not protected species, but salmon are protected. The white point is added to the columns to keep osprey nests off because they eat salmon. The permitting agencies would prefer osprey do not nest near salmon habitat.

Councilor Topaz said people put boats in at the nearby public ramp. It will make it difficult for sail boats coming in. Dimsho said this is much further inland. Councilor Topaz argued that sail boats go through there. Councilor Topaz said there will also be a number of cars with trailers they need to provide space for, including handicap access.

- ◆ Rob Jolin. Will they be able to fish for salmon and steelhead at that dock?

Mayor Scholl said yes.

- ◆ Steve Toschi. He likes it. It is great and it will be fun. He is in favor of adding more parking.

Walsh talked about project funding. The Marine Board will pay for the design, engineering, and permits. They will also be a potential grant source. The Department of Fish & Wildlife will pay for 75% of the construction. The City will pay the remaining 25%.

Councilor Topaz said the first picture shows why they need the ramp. There is deep mud there that would make it difficult to launch. Does the ramp sink for kayaks? Dimsho said the notches are semi-submerged. There is a handrail to pull yourself out. Councilor Topaz emphasized the need to make it handicap accessible. Is there a possibility to add an electric lift for kayaks? Dimsho is not aware of any for public use.

Dimsho will bring back a contract prior to design work.

**CLOSE PUBLIC FORUM – 6:58 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Doug Morten, Council President



# COUNCIL REGULAR SESSION

Wednesday, May 04, 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	Jenny Dimsho, Associate Planner
Kathy Payne, City Recorder	Matt Brown, Finance Director
Lisa Scholl, Deputy City Recorder	Sharon Darroux, Engineering Manager
Jacob Graichen, City Planner	Tina Curry, Event Coordinator

### OTHERS

Jane Garcia	Judy Thompson
Brady Preheim	Steve Toschi
Trenton Buster	Peter Olsen
Rob Jolin	

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

### PLEDGE OF ALLEGIANCE

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

- ◆ Rob Jolin. There is a homeless man who has been tied to the docks for at least a month. The rules are not being enforced. After he complained, the boat was moved but now there's another one. There are panhandlers by US Bank constantly, there's an RV across the street from the Sheriff's office, and there's a tent close to Walmart. Nobody is doing anything about it, and it needs to be enforced. They're going to become Portland. People giving them money is only enabling them. The Safeway assistant manager said they can ask them to leave their property, but they can stand on the sidewalk. They are rushed with homeless in the morning when they open their doors. He doesn't want to become Portland. Last time he was in Portland, they saw a homeless man being beat. He called the police, but they didn't do anything because the beating stopped. Who is enforcing the laws?

Mayor Scholl told Rob that they are installing a kiosk to give them the ability to evict boaters. City Code does not allow camping overnight on public property. Rob asked about the camper on Old Portland Road. Mayor Scholl said he will investigate it and follow-up with Rob. They try to address it as it's brought to their attention.

Councilor Topaz asked if the trailer is on city or county property. Council President Morten said it is on Port property.

Rob asked why the police driving by haven't addressed it. Councilor Chilton encouraged him to call the police and talk to them about it.

- ◆ Brady Preheim. He is here to talk about the Independent Contractor Agreement with E2C Corp. for Events Management on the agenda. He hopes they are ready to sign it. They have been talking about it for months. They know what Tina does. They should consider making it a three or five-year contract. If he was in her position, he would have left. There are adjustments that can be made. Regarding the boat, he thought Council already approved it. Are they going to have a hearing soon? There are events coming up this summer that will require the use of a boat. If they don't act soon, they'll miss it.
- ◆ Steve Toschi. Congratulations to the City, E2C, Tina Curry, the citizens of St. Helens, and St. Helens businesses on a resoundingly positive report concerning the audit of the City's tourism contractor, E2C. It established that tourism brought in more than \$1 million against documented expenses of \$312,000. Nearly every penny was accounted for. He thanked Councilor Birkle for announcing that the report was favorable. If they want to get rid of tourism, do it now. There are people who say they don't like Spirit of Halloweentown, tourism, or Tina. He hears that, but this town is committed to it. They established a very successful tourism program, and they live in a tourist town. They are moving forward with Spirit of Halloweentown because it's successful. People can work together. E2C has earned the right to have an 18-month contract. They have exceeded all the goals. Citizens need leadership. Tourism can be added to the agenda to report every six months, like other departments. She earned their trust, and they need to recognize it.
- ◆ Tina Curry.
  - Thanked everyone on the Council for allowing her the opportunity to work on these projects. She looks forward to continuing.
  - She's not going to re-hash the audit. It was determined that they'll share information easy for people to understand. She explained why every item does not have an invoice or receipt. CERT and volunteer groups do not have invoices. There have been times they couldn't access Wi-Fi to input cash transactions. Finance Director Brown was fine depositing the cash as general income. She has not been billing the City for the full expense of the contract. The newspaper is picking and choosing what they share. She is requesting the City announce the audit findings in a readable format.
  - The store is temporarily closed due to a medical emergency. There is a vending machine where people can purchase merchandise.
  - Reviewed 13 Nights on the River and 4<sup>th</sup> of July sponsors.
  - Thanked everyone who helps with events.
  - Looking forward to finalizing the contract and establishing a budget.
- ◆ Matt Brown, Finance Director. Asked if Council is going to vote tonight on the E2C contract for tourism. He noted a few changes that were brought up during the work session. An email was sent to the City Administrator regarding a City auditor's opinion of a process and procedure change in relation to a portion of the contract that is not best practice for government finance. That reflected change should be in the new contract. Is Council willing to hear that recommendation from the auditor and postpone the vote until the next meeting?

Mayor Scholl asked if Peter Hicks attended the work session. Walsh explained that the recommendation is for finances to run through a trust account. That does not specifically need to be in the contract. Brown said the current contract states that the tourism director or contractor would submit a revenue check at the end of December. In January, the City would write the same check back to the event organizer. It's

a way for the event organizer to not have to pay taxes on the revenue received. When that process was brought up to the City auditor, the auditor requested the contractor set up a separate trust account so they can receive revenue from the City and not declare it revenue as business. Writing checks is not best practice. Walsh said they can investigate it further but does not see a need to delay the contract.

Brown noted that the audit report does not contain an opinion. It would be inaccurate to say the tourism contractor passed or failed the audit. They can say they received the audit and are satisfied with the results.

## DELIBERATIONS

### 1. **Vacation of the entire 7th Street Right-of-Way of the South St. Helens Addition, lying Northeast of the Kaster Road Right-of-Way**

There are no controversies. Mayor Scholl recused himself since was not in attendance at the public hearing. However, he pointed out that he's in favor of the street vacation.

**Motion:** Motion made by Councilor Topaz and seconded by Council President Morten to approve the Vacation of the entire 7th Street Right-of-Way of the South St. Helens Addition, lying Northeast of the Kaster Road Right-of-Way. **Vote:** Yea: Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton; Abstained: Mayor Scholl

## ORDINANCES – *Final Reading*

### 2. **Ordinance No. 3282:** An Ordinance to Amend the City of St. Helens Zoning District Map to Add a Planned Development Overlay Zone for Certain Property Generally Located at the Northern Termini of N. 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Streets North of Deer Island Road

Mayor Scholl read Ordinance No. 3282 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Ordinance No. 3282. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

## RESOLUTIONS

### 3. **Resolution No. 1950:** A Resolution Adopting the St. Helens Water Master Plan and Water Management and Conservation Plan

Mayor Scholl read Resolution No. 1950 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1950. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### 4. **Resolution No. 1951:** A Resolution Determining that a Nuisance Exists Upon Property Located at 394 S. 12<sup>th</sup> Street within the City of St. Helens and Directing that Notice to Abate the Nuisance be Posted on Said Premises

Mayor Scholl read Resolution No. 1951 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1951.

Discussion.

Councilor Chilton requested additional details. Mayor Scholl said it's related to Code Enforcement. The property owner has a certain number of days to clean it before the City comes in to do it.

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

### 5. **Resolution No. 1952:** A Resolution to Amend the City of St. Helens Personnel Policies and Procedures Handbook (Resolution No. 1913) Regarding Payroll Policies

Mayor Scholl read Resolution No. 1952 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1952. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**6. Resolution No. 1953:** A Resolution of the City of St. Helens City Council Adopting a Strategic Workplan for 2022-2024

Mayor Scholl read Resolution No. 1953 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1953. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**APPROVE AND/OR AUTHORIZE FOR SIGNATURE**

7. Amendment No. 2 to Contract with JH Kelly, LLC for Columbia Pacific Food Bank Renovation Project
8. Independent Contractor Agreement with E2C Corp. for Events Management

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

Discussion.

Councilor Topaz said the Food Bank has not received a Certificate of Occupancy. Associate Planner Dimsho said that is correct. This is to extend the contract.

Mayor Scholl asked about the E2C contract discussion held during the work session. Walsh said it revolved around directing the contractor to have public engagement and communication. Councilor Birkle is ready to move forward with the contract. Internal procedures can be established separately from the contract. He talked about the School Board policies being similar.

Councilor Chilton said it's in the best interest of the City to move forward in a hands-off approach. It's still the City and they'll still hear concerns. After reviewing all the contracts, she has a few things that she would like to include:

- Spirit of Halloweentown community meetings
- Internal planning meetings
- Receive event reports bi-annually, like other departments and divisions

Councilor Topaz wants to make sure that's written in the contract, or it might not happen. Walsh said there is a significant amount of reporting that is required. Mayor Scholl recognized that the contract is solid. He doesn't like seeing how this process has affected internal staff.

Councilor Topaz asked if the contract can be amended. Tina has done a good job. What if they get someone else? Walsh explained that the contract includes a scope of work. There will also be a budget based on the scope of work.

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

**CONSENT AGENDA FOR APPROVAL**

9. City Council Minutes
  - Work Session, Executive Session, Public Hearing, and Regular Session Minutes dated April 6, 2022
  - Executive Session Summary Minutes dated April 18, 2022
  - Work Session and Regular Session Minutes dated April 20, 2022
10. Declare Surplus Property - Library Items
11. Accounts Payable Bill Lists

**Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to approve '9' through '11' above.

Councilor Topaz pointed out that the date on his diploma was not included in the minutes. That is important to include. The minutes will be amended to include the date.

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

### **WORK SESSION ACTION ITEMS**

#### **Request from Port of Columbia County for \$7,500 for Phase II Rail Study**

**Motion:** Motion made by Councilor Birkle and seconded by Council President Morten to approve the expenditure in support of the Phase II Rail Study. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

#### **Utility Rate Increase**

Consensus of Council for staff to bring back a resolution on June 1.

#### **Pay Back Funds from Tourism Money**

Councilor Chilton said it was brought to their attention that they have not discussed paying back funds that were borrowed for tourism. Mayor Scholl agreed that it should be paid back, but not all at once. Tourism still needs to grow. Council President Morten does not recall there was ever a discussion about repaying it. Walsh said that money was sitting there to invest into one-time projects. It was a good investment. Councilor Chilton agreed with paying the money back. Councilor Birkle likes the idea of the money being paid back eventually, but not all at once. He doesn't want to make it difficult for them to purchase the boat.

Mayor Scholl suggested a repayment of the Community Development Fund over three years at \$140,000 each year. Do they want to pay back Public Works? Councilor Chilton did not think that was appropriate.

Council President Morten repeated that he did not see it as a loan. He's not okay with it.

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Topaz to develop a payment plan to repay the Community Development Fund \$140,000 within two years. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Topaz, Councilor Chilton; Nay: Council President Morten

Council President Morten would have rather paid it back in five years.

#### **Boat Purchase**

Mayor Scholl is ready for a public hearing. It's a good deal.

Councilor Topaz expressed his desire to have a plan for parking and where the boat is docked.

A public hearing was scheduled for May 18, 2022, at 5:30 p.m.

#### **Publicly Comment on Events Management Audit**

Mayor Scholl reported that they are satisfied with the events management audit.

Councilor Chilton said they discussed having Communications share more information.

#### **Auditor RFP**

Consensus of Council to go out for an RFP for auditor services.

#### **S. 12th Street Tenants**

City Recorder Payne called for discussion of whether to give money to the tenants moving out of the S. 12<sup>th</sup> Street house. Mayor Scholl said it's common to give money when someone is evicted. Walsh said they could authorize a payment to the tenant of \$1,295 for relocation assistance and \$315 to Premier Property Management Services.

Councilor Chilton said the Fire District wants to use the home for demolition practice.

**Motion:** Motion made by Councilor Birkle and seconded by Council President Morten to authorize the payment in the amount of \$1,610 for the turnabout house on S. 12th Street, resolving the issues related to using it. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**COUNCIL MEMBER REPORTS**

Council President Morten reported...

- The Parks & Recreation Commission voted on a new member to fill the vacancy. He asked City Recorder Payne if she received the results. Payne responded that they did not make a motion with the recommendation. They will need to do that at their next meeting.

Councilor Topaz reported...

- Requested an accounting of how much money has been spent by attorneys for the marijuana property. It seems like the City is spending more in legal fees than the marijuana people are paying for the property. Council President Morten suggested he request that information from Finance Director Brown. Topaz argued that he wants it announced publicly.
- Parking, boat, waterfront, industrial, and growth are all tied together. They keep talking about a good master plan. He has spent time talking to DEQ about the contaminated waterfront of the whole mill property. The contamination goes from the front of the riverfront, all the way back. They have been working on this since 1987. He sent information to the Council about it. They are supposedly having a public meeting about it this summer to discuss capping it with sand and charcoal. They have not contacted the Army Corps or EPA about it. Project two is the DEQ cleanup of the mill site on dry land. The City has not been informed about that.
- Administrative staff has indicated that the Library budget is going to be cut 21% by not filling the Youth Librarian position. That has brought up a fire storm in the community. Staff does not think it is worth it. This is the second position that's been removed, which is why they are not open on Sundays. Suzanne Bonamici was here to look at the Makerspace. They have a great reputation for having a super library. Many libraries have a higher budget than here. Council can reverse it. The appearance is that City staff doesn't want it.
- The DEQ contamination is a mile of waterfront that won't be able to be used. Their thought is that the dock will be pulled.

Mayor Scholl asked if Walsh has been in contact with DEQ. Walsh confirmed he has.

Councilor Chilton reported...

- The police are at critical staffing levels. It's unfortunate that they have to look at cutting any programs. They can't provide programs if they can't keep citizens safe. Staff is not doing this behind their backs. She is aware of it and supports it. Councilor Topaz said he was never informed. Police should be doubled. Councilor Chilton said they have a limited amount of funds. Councilor Topaz said they heard there is a homeless problem, which will need more manpower. They should not cut the library down when it's good for the community. Councilor Chilton understands the concerns about the library, but they need to be aware of the police issues. It's going to come to light in the Budget Committee. She uses the Makerspace. But she doesn't want to lose 24-hour police coverage. If someone breaks into her house at 3:00 a.m., she wants someone there. Councilor Topaz agreed but there's also a need for a strong library. He was not involved in any of that discussion. He found out from the library. Councilor Chilton pointed out that the information was in the budget binder. She encouraged people to reach out to the police chief. He will explain the need.

Councilor Birkle reported...

- Believes staff did what was expected to look at numbers and present them with a proposed budget. He had the opportunity to have a discussion with Walsh and Brown to get information. He fully supports the commitment to public safety. He is troubled that they may not have a youth librarian, but he'll be spending time reviewing the budget to find ways to fund police and library. He's strongly motivated by a public library. The impact Covid has had on children and his teaching colleagues is devastating. They are offering recreational opportunities, but the library can continue to be part of it. There will be discussions about it. Professional staff did not do anything

with the intent to undermine library services. He encouraged everyone to speak up and give public comment.

- Finished CERT training. He cannot attend traffic control training because of the Budget Committee meeting. It's been a fantastic experience.
- A year ago, there was a public forum at the Recreation Center to discuss tourism. The tone was set by individuals in attendance who thought they were out to get Tina Curry. They asked for a contract a year ago. In that year, the accusatory and "holier than thou" attitudes proved to be an obstacle moving forward. He's glad they are finally there. They need to move forward with a contract. Staff and Council should not accept full responsibility. He thanked Steve Toschi, Jane Garcia, Stephanie Patterson, and Tina Curry for taking the time to talk with him. He's still waiting to hear from Brady Preheim. They found they can move ahead. They have an 18-month contract. They are in a position to grow tourism.

Councilor Topaz thanked Councilor Chilton and Councilor Birkle for pointing out that they had the ability to talk with staff about the budget. He has not had that opportunity. Mayor Scholl said staff was directed to fund two more police positions. Councilor Topaz repeated that he never had a chance to talk about the library.

### **MAYOR SCHOLL REPORTS**

- His cousin, Jim Locken, passed away at 56 years old. They'll be doing a memorial service in the future.
- He received an email from the State at 5:45 p.m. tonight announcing the "If I Were Mayor... Student Contest" State winners.
  - Ellie Luke won first place at State for her poster
  - Taylor "Rosie" Parsons won first place at State for her essay
  - Hayden Stram won second place at State for his digital presentation

### **OTHER BUSINESS**

#### **ADJOURN – 8:41 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 SPECIAL SESSION

Wednesday, May 11, 2022

## DRAFT MINUTES

### RIVERFRONT DEVELOPER RFQ COMMITTEE MEMBERS PRESENT

Rick Scholl, Mayor  
Doug Morten, Council President  
Patrick Birkle, Councilor  
Stephen R. Topaz, Councilor  
Jessica Chilton, Councilor  
Russell Hubbard, Planning Commissioner  
Steve Toschi, Planning Commissioner  
Jennifer Pugsley, Planning Commissioner  
Carmin Dunn, Parks & Recreation Commissioner  
Scot Stockwell, St. Helen School District Superintendent  
Al Petersen, Citizen-At-Large  
John Walsh, City Administrator  
Jenny Dimsho, Associate Planner/Community Development Project Manager  
Mouhamad Zaher, Public Works Director  
Sharon Darroux, Engineering Manager

### STAFF PRESENT

Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder

### OTHERS

Tina Curry	Jeff	Roy Kim
Kellie Smith	Claire Catt	Francesca Kim
Howard Blumenthal	Dominic	Channa Kim
Mike Russell	Melody Killens	Jeff Oberst
Marci Sanders	Matt Brown	

### CALL SPECIAL SESSION TO ORDER – 4:05 p.m.

City Administrator Walsh welcomed everyone. The first presenter withdrew. The room went into recess until the second presenter was available.

Special Session resumed at 4:33 p.m.

Introduction of Committee members.

### PRESENTATION

#### 1. Atkins Dame, Inc. - Withdrawn

### PRESENTATION

#### 2. RKm Development

Roy Kim introduced his team and reviewed their project history.

- RKm Development

- Roy Kim, President
- Francesca Kim, Sets Culture, HR Policies, Events, and Design
- Channa Kim, Development Manager
- Jeff Oberst, Construction Manager
- YBA Architects
  - Matt Brown AIA, Principal

Presentation review. A copy is included in the archive packet for this meeting.

- Every site is customized
- Use their own equity
- Own and manage all their developments
- What they do is for their children
- Looking for long-term partners
- Community engagement is essential
- Reviewed other projects
- Reviewed concept drawings of the Waterfront property
- Incorporate:
  - History
  - Traditions
  - Activities
  - Small town
  - Marina
  - Sand Island
- Goals
  - Complement and extend downtown
  - Establish a dynamic mix of uses
  - Maximize connectivity to the river
  - Establish a regional destination
  - Deliver carefully scaled phases
  - Deliver respectful, unique, sustainable buildings
  - Focus on the community

Councilor Topaz asked if they design into the water. Roy responded that they are working with water on the Camas/Washougal project. There is an existing floating restaurant, and they are trying to add more. It is just a much longer process. They know there is a ferry to Sand Island, and they would like to see a ferry to Sauvie Island as well. A floating stage is also something to consider.

Mayor Scholl asked if they are ahead of Camas since they have already done some of the work, including community engagement. They want complete access to the water, park expansion, businesses, and apartments. It is an Opportunity Zone with big tax breaks. Roy agree they are ahead of Camas in some ways. They would use that as a base to continue engagement showing designs.

Council President Morten was impressed with their design aspect of Parker's Landing. It was reminiscent of an architect who got his start here, Pietro Belluschi, who is internationally renown. It is beautiful. Can they continue that kind of style? Matt responded that it is a balancing act of scale and welcoming. They do not want to get too dense. Reviewing the vision and framework, a lot of the work has already been done. Meeting people to understand the character and approach is also important.

Francesca talked about community engagement. Knowing and understanding the community helps with design. It will be a one-of-a-kind creation.

Al Petersen talked about their public private partnerships. When the City talked with other developers, they discussed investments made by the developer and investments made by the City. What has their

percentage been for investments? Roy explained that the public part can include things like a plaza, splashpad, riverwalk, etc. The developer needs to get financing. The City has very little investment.

Steve Toschi said it sounds like they have retained ownership of the buildings. Will some parts of the project be developed to sale? Roy said they still own the commercial projects. They have not done a for-sale project in 20 years, which was townhouses and condos. Toschi talked about infrastructure. If they retain commercial buildings, will they partner with the City to build infrastructure? Roy said yes. Toschi talked about them coming in with their own equity. Are they financially ready to get started? Roy responded that they are ready now. They have another project going but it is already allocated. St. Helens would be independent. There are a lot of pieces to the puzzle, including interest rates and supply. They are methodical about working with the community and City. If they are selected, they are ready to move forward.

Mayor Scholl talked about other consultants they are already working with. Have they looked at those proposals? Roy acknowledged that the riverwalk is impressive. The projects right now are all 20-25% over budget. They have contractors who cannot bid because they do not have the people. Jeff added that they are seeing an increase in cost of supplies and a decline in availability. The pricing is out of control. Supply chain is getting worse. Everything will be affected by the price of fuel rising. Mayor Scholl pointed out that the contractor at the high school has reached out to local contractors. Scot Stockwell talked about the large schools they have built in the last couple of years. They are experiencing the same thing with the high school project. It is tough even finding local contractors because of the size and scope of bonding issues. Have they worked in phases to make it more attractive to local contractors? Do they have an outreach program to partner with local contractors? Jeff said one of their goals for the Gresham project was to use as many local contractors as possible. Certain projects can be broken down.

Jennifer Pugsley talked about the lack of places for people to stay during Spirit of Halloweentown. Have they participated in the development of a boutique hotel? Do they envision that to be part of their project? Channa talked about the hotel being one of the City's priorities. There are a lot of different ways they can do that. It helps to keep money in the area. Jennifer asked if they participate in the infrastructure part. Jeff said they have for both onsite and offsite.

Mayor Scholl said the City has worked with OTAK for the general footprint. They want complete public access for the boardwalk. He asked again if they were ahead of Camas, as far as infrastructure. Jeff said in those ways, yes.

Mayor Scholl talked about the Gateway Corridor Plan and the Opportunity Zone. They would set up the funding and then sell in 10 years, which results in the profits being tax-free.

Al Petersen asked how many phases there are for the Camas project. Jeff said they are on phase one right now. It is market driven. Roy added that one phase has four buildings along the front promenade street. After that, they have parcels. One is earmarked for a hotel. The streets will need to be in with the first phase. There are restaurant pads that will be developed when they have a restaurant. They are beginning an early design for a senior housing site. There are lots in the back that do not have plans yet.

Councilor Chilton asked about parking in the area. Roy responded that parking is a huge part of development. An attraction of this site is that it is large, and they can master plan for complimentary parking.

Francesca said it takes a long time to design it. They are not a typical developer. They put in a lot of energy into the design and what the community wants. Jeff added that they pay a lot of attention to the quality of what they are building because they are going to take care of it for a long time. Channa added that the facilities manager is also included in a lot of the design meetings to make sure everything is considered.

Mayor Scholl talked about the Riverwalk having CC&R's to make sure it is maintained.

Russell Hubbard asked if they take care of infrastructure from the streets and curbs, and the City is up to that point. Roy said yes.

Carmin Dunn asked about views on the bluff. How do they incorporate view corridors? Roy said they did a side view at Camas/Washougal. Matt added that they did a big cross-sectional view to understand the dynamics of the view. That is something they will carefully consider in the design. There are existing streets and houses on the bluff. They also want to connect pedestrian accessways to the Waterfront.

Mayor Scholl talked about building heights. They adopted a 55-foot height limit, with flexibility. Roy acknowledged that he saw that.

Jenny Dimsho talked about compatibility. The entire property is subject to architectural guidelines that help with the process. Can they share their experience working with those guidelines? Matt responded that he has a lot of experience with architectural guidelines. Their approach is to find unique ways to work with them. He is really interested in the older buildings and working with the basalt. Roy added that he and Francesca walked around to look at what is already here to incorporate into future development. They will partner with the City and want the ability to have conversations and work together.

John Walsh thanked them for their flexibility. The City did their best to create an RFQ. Is there something they should have asked? Roy said it was great. They had a limited amount of time to understand the area. They would also be interested in how City government operates. He has had many opportunities to work with Portland but has turned him down because he never felt comfortable with the partnership. He is comfortable with St. Helens after meeting with Walsh and Dimsho. Developers are all very skittish right now. Al Petersen asked if the uncertainty is driven by financing. Roy said it is a lot. In the short term, it is interest rates and the cost of building.

Russell Hubbard asked what they would start on first. Francesca said they look at the community. Even if they build commercial first, they need to look at how they will feed them. Roy added that apartments would rent, but they do not know how much people would pay for rent. It would be higher near the waterfront. Jeff added that every site is different. They also like to investigate other civic uses that could be incorporated into the project.

Scot Stockwell asked if they learned any lessons from the Camas/Washougal project for St. Helens to avoid? Channa said they saw a lot of the same people at community engagement events. They learned to go directly to specific groups to present and get feedback. Roy said they had good relationships there. Their riverfront is similar.

Steve Toschi asked what tenants the City was able to help bring to the Gresham project. Jeff said it was WorkSource Oregon, Mt. Hood Community College, a large medical and dental clinic that serves people without insurance, Metro East, etc. It was helpful for financing purposes to have these already in place.

Mayor Scholl asked if they are willing to sell. His chiropractor wants to sell her house in Warren and purchase a condo on the waterfront. Her business could potentially be on the ground level and live above. He talked about the amenities that St. Helens has to offer. He encouraged them to come to 13 Nights on the River. The area is growing fast. Income is increasing in the area.

Roy commended the City for having control and wanting to dictate how it is built. It is generational. Councilor Chilton likes that they appreciate that.

Carmin Dunn asked if they have done work in the past to market the remote workforce. Channa said she has a co-worker who is looking for a house in the area. They can work from anywhere now but wants to be outside of Portland. They are seeing more of that and trying to figure out how it translates.

Steve Toschi talked about driving jobs back to St. Helens. There is a very large opportunity for selling homes to people who can work from anywhere and have the means to purchase waterfront property. He would like them to consider that opportunity.

The Committee thanked the presenters. Deliberations will be held on May 18, 2022, at 6:00 p.m.

**ADJOURN** – 6:21 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 WORK SESSION

Wednesday, May 18, 2022

## DRAFT MINUTES

### MEMBERS PRESENT

Mayor Rick Scholl  
Council President Doug Morten  
Councilor Patrick Birkle – 1:10 p.m.  
Councilor Stephen R. Topaz  
Councilor Jessica Chilton

### STAFF PRESENT

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

Sharon Darroux, Engineering Manager  
Brenda Herren-Kenaga, Interim Library Director  
Crystal King, Communications Officer  
Bill Monahan, City Attorney  
Tina Curry, Event Coordinator

### OTHERS

Lynne Pettit  
Amy Bynum  
Richard Mason

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

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

- ◆ Stephen R. Topaz. He wants to read two legal documents that have future repercussions into the record. One is from the Oregon Government Ethics Commission. Case No. 22-027XSM.

Mayor Scholl called for point of order. He can bring it up during his report tonight. Councilor Topaz argued that it needs to be discussed prior to the Engineer Fees and Audit Services. Do they not want to hear the legal things? Mayor Scholl repeated that it can be brought up during his report tonight. He needs to ask in advance for something to be added to the agenda.

Mayor Scholl asked everyone to think about where they were when Mount St. Helens blew.

### DISCUSSION TOPICS

#### 1. **Library Board Annual Report POSTPONED TO JUNE 1, 2022**

#### 2. **Review Proposed Updates to Engineering Fees - *Mouhamad and Sharon***

Public Works Director Mouhamad Zaher and Engineering Manager Sharon Darroux reviewed the proposed fee amendments. A copy is included in the archive packet for this meeting. The fees have not been updated in 18 years and are critical to support Engineering services. That is an approximate revenue loss of \$1.2 million.

Proposed fees:

- Right-of-Way Permit
  - \$100 fee

- Waive for projects with a value less than \$1,500. Mayor Scholl recommended amending the waiver to \$2,000 to be consistent with doubling the fee.
- Pavement Disturbance
  - \$100 fee
  - Waive for project with a value less than \$1,500

Zaher emphasized the need to regularly update fees. Council President Morten suggested the Finance Director regularly review the fees for updates.

- Plan Review for Public Improvements fee
  - 2% Based on Engineer's Preliminary Project Cost Estimate for Public Improvements
  - Councilor Topaz suggested the review be done by a tech to save cost. Darroux explained that it is required to be reviewed by an Engineer. Walsh added that the proposed fees are based on cost recovery.
- Public Improvements Construction Permit Fee
  - 3% Based on Engineer's Final Project Cost Estimate for Public Improvements
- Fee for Additional Plan Reviews
  - \$120/hour
- Fee for Building Permit Services
  - \$320
- Blasting Permit Fee
  - \$1,200
  - Mayor Scholl asked them to contact the City of West Linn to find out why they charge per cubic yard of material. Councilor Topaz asked if they receive assistance from a State geologist who specializes in blasting. Zaher responded that they are required to consult with DOGAMI if they disturb more than an acre of land. Darroux added that the City administers the permit. The City does not pay additional fees to the State.

Council President Morten asked who is responsible for waiving or reducing fees. Zaher responded that Council would do that.

### **3. Review Proposed Bench Donation in McCormick Park Dog Park**

Council President Morten reported that the Parks & Recreation recommended approval of the bench. The Parks Field Supervisor would be the best to recommend a bench location.

This will be voted on at tonight's meeting.

### **4. Review Request for Proposals for Audit Services - *Matt***

Finance Director Matt Brown reported that Council directed staff to bring back a draft RFP for audit services.

Councilor Topaz referred to 'C' on page 40. He would like it to include a list of scheduled money coming in and delinquent fees, such as property being leased, attorney legal fees, etc. Brown asked what the auditors would be looking at. Councilor Topaz explained that it would show if we were not receiving payment for property or services. Brown said that would be an agreement between the lessee and lessor. Councilor Topaz would still like to the accountant to show it. Brown said the Finance Director is responsible to report missing payments to the City Administrator. Councilor Topaz wants that proof to show that staff did the job. Mayor Scholl said that Councilor Topaz is asking for this under a personal agenda. The information is available and is not being hidden. There is no conspiracy to hide things. He can see that Councilor Topaz is referring to ACSP. Councilor Topaz argued that it is not necessarily them. There is also someone doing salvage work. Mayor Scholl said the audit is going to catch it if there's missing money. This is an RFP for audit services. That is not part of the discussion. Brown suggested they discuss adding it when the Council reviews the scope of services. Councilor Topaz wants it in the

RFP now. Mayor Scholl asked if that is typical. Brown said no, but there are circumstances in every city that they want them to look at, which is why it would be in the scope of services. Councilor Chilton pointed out that the information Councilor Topaz is requesting can be gotten from Brown at any time. Councilor Topaz disagreed. He has asked publicly and has been taken to the Ethics Commission for asking. Mayor Scholl pointed out that he was taken to the Ethics Commission because of his conduct of approach. This brings up that Councilor Topaz's censure ends tomorrow, so needs to be discussed tonight. Council determined that the staff's complaints had merit. Councilor Topaz asked them what the results were of the Ethics Commission complaint. They each received a copy.

Mayor Scholl brought them back to the topic. There was no objection from Council to proceed with the RFP. Mayor Scholl, Walsh, and Brown will review and rate the submittals.

#### **5. Discussion regarding Reappointing Chris Iverson to be City Representative on Columbia Learning Center Board of Directors**

Currently, Councilor Birkle and Chris Iverson are both City representatives. It will be voted on at tonight's meeting. Council President Morten encouraged Council to consider staff members for the position as well.

#### **6. Review "Salmon" Timber Sale Bid Documents - John**

City Administrator Walsh reviewed the bid documents. Brent Keller recommends one 69-acre cut. He envisions prices increasing in the future. Bids will be opened on July 20.

Discussion of cuts. Mayor Scholl recalls directing Brent to do two cuts. Council reviewed the minutes from Brent's February 2, 2022, report. After reviewing the minutes, it was determined that Brent was directed to investigate the market for two cuts and return with a proposal. His recommendation is to only do one cut right now.

#### **7. Update on Status of Dock Kiosk - John**

City Administrator Walsh reported...

- The kiosk has been installed
- The tech was here yesterday for training
- They are working with the Marine Board to get a cover
- There will be multiple signs posted in the area
- Working on Code amendments
- Reviewing a Professional Services Agreement for St. Helens Marina to manage dock enforcement
- Advisory Committee recommends a \$15/day based on a market rate analysis. It is not as much about a revenue as it is about improving the boater's experience. It is currently \$10/day for electricity, but they are proposing to reduce it to \$5/day.

Mayor Scholl recommends the price be based on the size of the boat. Larger boats should cost more since they take up more space.

Council President Morten talked about rafting, which is when one boat is moored to the dock, another boat tied to them, and could be even more. It is going to occur here. Walsh confirmed that anyone visiting the docks is expected to pay.

Councilor Chilton wants to see this move forward to enforce the docks.

Discussion of fees.

Councilor Topaz asked about boaters who only visit for three hours. Mayor Scholl said the ad-hoc committee discussed no fee for day use. There could be a button on the kiosk for day use.

Councilor Chilton asked who monitors the kiosk. Mayor Scholl said it would be St. Helens Marina if they sign an agreement to manage dock enforcement. Councilor Chilton suggested St. Helens Marina determine if they think the fee is adequate. It can be adjusted as needed.

Richard Mason, who is on the ad-hoc committee, asked about law enforcement. Mayor Scholl reported that they met with Sheriff Pixley. Some of the St. Helens Police Officers could be trained. Walsh added that there is a civil path for the dock master to issue tickets and cite into court. The police will come if there is a crime. Council President Morten asked if there is enough staff to enforce it. Can the County have marine volunteers help with enforcement? Mayor Scholl said yes. Council President Morten suggested someone at the Marina be deputized to do that. That can be discussed at the next ad-hoc committee meeting. They meet next on June 14.

Walsh said there will be cameras to view the docks. They will also have appropriate signage indicating cameras. Whoever is monitoring the docks will be able to view the cameras and kiosks.

### **8. Review Proposed Changes to Universal Fee Schedule - John**

Walsh reviewed the proposed changes to the Universal Fee Schedule.

- Library Fees
  - Remove overdue fines
- Municipal Court Fees
  - Remove expungements per State law
- Engineering Fees
  - As presented by Zaher and Darroux
- Parks & Recreation
  - Remove Rental Addition items
- Docks
  - Dock moorage fee discussed

**Break** – 3:00 p.m.

Mayor Scholl announced that they will keep the dock fee at \$15/day now to move forward with the fees as proposed.

### **9. Report from City Administrator John Walsh**

- Public hearing for boat purchase at 5:30 p.m. tonight
- Riverfront developer deliberations at 6:00 p.m. tonight
- The City has a fair amount of money sitting in accounts waiting for projects. In years past, they moved that money into Bonds. He would like to bring back a policy for Bonds to earn interest. Their current policy is \$1-5 million. Councilor Topaz asked if there are any State laws restricting it. Walsh responded that they are allowed limited investments. Council President Morten reported that a former Finance Director reported on assets and fund shifts monthly. When she retired, the reports changed to quarterly. He really appreciated the monthly financial status reports and would like to see it done again. It is the Council's most important job to be fiscally responsible. Walsh said they used to make a lot of money on interest. Councilor Chilton agreed with the need to communicate more often about financing. Consensus of the Council to explore options for Bonds.

Councilor Chilton wants to talk about policing Sand Island. They are purchasing a boat and increasing the people on the Island. How are they going to police Sand Island? What is their plan? Mayor Scholl suggested that E2C provide security on the Island during events. He would police it if he was given the opportunity. Councilor Chilton does not want to wait for another incident to discuss it. Council President Morten pointed out that theft has decreased since the camping area was privatized. It helps immensely to have a person there. They have gotten rid of homeless camps there and reduced theft. Mayor Scholl said it is usually handled by someone showing up in uniform to de-escalate the issue. Councilor Birkle

agreed with the need for a plan and to communicate it. Mayor Scholl said real enforcement only comes from an officer and they do not have a lot of backing. No one wants to stick their neck out. The Police Department is not stepping up. He will talk to them since they have an IGA with the County and there are boats available there. The County is also saying they do not have the funding. They do not know if they can commit to it. They are spending a lot of money for policing, plus they pay money to the County. Councilor Birkle agreed that they cannot promise anything. They should state what they intend to do. Councilor Topaz suggested using security services. Council President Morten talked about the garbage the Parks staff used to have to bring back from Sand Island on the barge. It really helps having someone there. Councilor Chilton just wants to be sure they are discussing a solution.

**ADJOURN** – 3:35 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, May 18, 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	Sharon Darroux, Engineering Manager
Kathy Payne, City Recorder	Jenny Dimsho, Associate Planner
Lisa Scholl, Deputy City Recorder	Crystal King, Communications Officer
Mouhamad Zaher, Public Works Director	Tina Curry, Event Coordinator

### OTHERS

Steve Toschi	Stephanie Patterson
Jane Garcia	Brady Preheim
Jennifer Pugsley	Amanda Heynemann
Don Patterson	

### OPEN PUBLIC HEARING – 5:30 p.m.

### TOPIC

#### 1. Purchase of Used Equipment described as a 30 Passenger Boat for Tourism Purposes

City Administrator John Walsh reported that the hearing is required to purchase used equipment. Tourism has been looking for a boat for quite some time and found this one. They do have a City barge, but it has reached its capacity. The purchase price is not to exceed \$250,000. They are purchasing it used and retrofitting it. It will be used for tourism activities.

Councilor Topaz has a problem with it hauling stuff. It will not work as a cargo mover with seats in it. Walsh clarified that the seats are removable. Councilor Topaz said it will not hold a tractor. Council President Morten suggested going to the army surplus store to see if any larks are available. They can hold huge pieces of equipment.

Councilor Topaz asked how and where it will be tied up to load passengers. Walsh said it will either be a side load onto a dock, or it can go right up to the beach with the front down. Councilor Topaz talked about loading and unloading 30 people. If the docks are full of yachts, how is that going to work without dedicated dock space? Mayor Scholl responded that they have taped off the dock in certain sections before. Councilor Topaz said that would require people to go up and down the ramp. It would not be a problem if there was a dock at the end of the Veneer property. Mayor Scholl said there will always be issues going up and down the ramp. Councilor Topaz wants to talk logistics. Where will the cars park? Mayor Scholl said there is available parking. Walsh explained that the boat is intended to be moored at St. Helens Marina. It will have a side and front load. Landing gear will come down to unload into the

sand. Councilor Topaz suggested they load and unload at the Veneer property. It is ideal with parking right there. Council President Morten disagreed. He would rather walk down a ramp than a rocky parking area. The boat has a three-foot gate. He does not see a problem getting people on there. Councilor Topaz said they need to come up with better logistics. Councilor Birkle said that is not what they are doing here. This is micro-management. They must determine if this use of money will serve the purpose. Administration needs to take care of the where, why, and when with staff.

Mayor Scholl talked about what the cost involved. Walsh said a lot of the work to be done is based on the Certificate of Inspection (COI) for the Coast Guard. Councilor Topaz asked if they could back out of the sale if they cannot get it re-certified. Walsh responded that it is a condition of the purchase.

## **PUBLIC COMMENTS**

◆ Jim Coleman. He reviewed his comments:

- It is an interesting idea to buy a boat in Florida and truck it to Oregon. They do not know what they are going to get.
- He heard that they will be hauling equipment to Sand Island. Wasn't that turned over to a private individual? Walsh responded that the City still owns the Island.
- In 2019, the City had it with the Island and leased it to a private company. They turned over a public park to a private individual for their economic gain. They also gave away a ferry boat to Sand Island Park. The title has been transferred.
- He listened to a lot of the discussions about the purchase virtually. The purchase was brought to the Council during public testimony with a sense of urgency. He requested they slow down the process.
- Does the boat have a current survey? It is done by a private marine surveyor.
- The Coast Guard requires an annual inspection for boats carrying over six passengers. He suggested they talk to the Coast Guard about local requirements.
- He heard discussion about adding a ramp to the bow for unloading purposes. That would need Coast Guard approval.
- Landing on the beach may be a problem when the boat is full of people.
- Columbia River can be very dangerous. Is the boat safe enough for rough conditions?
- Sand Island has 90 campsites. How many people do they want on there at once? Last year, it took four hours to get help. The Police Chief said they will not respond to the Island.
- Is the Tourism Department going into the guide business? He heard ideas about charters for fishing, biking, etc. Does that put the City in competition with other guide businesses?
- How much money will be spent on a captain and crew for the year?
- How much is the annual insurance?
- How much is the moorage? He heard that Brad Hendrickson was going to provide that. They need to separate it from the Sand Island Park business.
- With the purchase price of the moorage and transportation from Florida to Oregon, he approximates that it will cost \$300,000.
- The main purpose is to support the Sand Island Sandcastle Competition. It would be good to get a better understanding of the long-term purpose for the boat. It does not make sense if it is only used for a couple weekends a year.
- This is going too fast.
- There are several charter operators who would be interested in shuttling passengers to the Island for a couple weekends.
- It scares him to spend that much money on a sight-unseen boat from Florida.

- ◆ Brady Preheim. He thinks they should respond about the boat titled being transferred. That is not correct. They leased a boat, but they never purchased it. Council President Morten said that was not correct. They purchased the boat, or it was donated, from RJ Brown. Brady went on to say that he is in favor of the boat. For the first time, they have a tourism director getting things done. Now that tourism is taking the money and making things happen, people are upset. She can make money. It is annoying that Council is even making this decision. It was made by tourism and should be spent by tourism. These business decisions need to happen faster. The money should have been left in an account to be spent for tourism. This is a known person with known successes. They should let her manage the department the way she does.
- ◆ Steve Toschi. The boat is needed to expand the ability to get public to and from Sand Island. He sees people lined up at the dock to get back and forth. At a couple events last year, there were 30 people waiting in the rain for a very long time. This boat will be better at maneuvering around in the river. It will also help expand the enjoyment of this beautiful area. The money is coming out of the tourism budget and should be able to be spent. He agreed that they do need assurances that the boat will arrive in sound condition. They need to make sure that the boat will run and do what they need it to do. It needs to lawfully perform the services they expect to keep people safe. The boat will be very popular and will expand offerings for citizens and others.

Councilor Birkle clarified that tourism is not a department. It is not money they tax citizens for, just like a lot of other funding sources. It is their duty to oversee expenses.

Councilor Chilton wants to make sure that the marine survey was done before they acquire it. What will the annual insurance cost? Walsh responded that he has not seen the formal survey. The Barge Works Company, which is in the business of building and certifying barges, has seen and inspected the boat. They are fixing anything that is wrong with it. Council President Morten agreed that they do need a survey for the insurance value of the boat. It can either be done now or when it arrives. Councilor Topaz said a Coast Guard qualified survey could be done in Florida.

Mayor Scholl is willing to vote yes, pending that the survey meets standards. Insurance will not be that bad. Councilor Chilton pointed out that this is a 30-person boat and not a personal boat, so probably costs more.

Jim Coleman said insurance will be around \$5,000/year. He talked about the survey results possibly showing the need for additional repairs.

**CLOSE PUBLIC HEARING – 6:02 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 SPECIAL SESSION**

Wednesday, May 18, 2022

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## **DRAFT MINUTES**

### **RIVERFRONT DEVELOPER RFQ COMMITTEE MEMBERS PRESENT**

Rick Scholl, Mayor  
Doug Morten, Council President  
Patrick Birkle, Councilor  
Stephen R. Topaz, Councilor  
Jessica Chilton, Councilor  
Russell Hubbard, Planning Commissioner  
Steve Toschi, Planning Commissioner  
Jennifer Pugsley, Planning Commissioner  
Carmin Dunn, Parks & Recreation Commissioner  
Scot Stockwell, St. Helen School District Superintendent  
Al Petersen, Citizen-At-Large  
John Walsh, City Administrator  
Jenny Dimsho, Associate Planner/Community Development Project Manager  
Mouhamad Zaher, Public Works Director  
Sharon Darroux, Engineering Manager

### **STAFF PRESENT**

Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Crystal King, Communications Officer  
Tina Curry, Event Coordinator

### **OTHERS**

Jane Garcia  
Brady Preheim  
Stephanie Patterson  
Don Patterson

### **CALL SPECIAL SESSION TO ORDER – 6:03 p.m.**

### **DISCUSSION TOPICS**

#### **1. Deliberations on Riverfront Developer Proposal Received**

John Walsh reported that Atkins Dame, who withdrew, has reached out to let them they are still interested if RKM Development does not work out. This Committee will make a recommendation to the Council. It is timely with the other utility and street projects happening now as well.

Council President Morten was impressed with the authentic proposal. If needed, at what point can they say this is not going to work out? He is not certain that there was a good sense of negotiating between the City and developer. Walsh said the proposal did include a process moving forward. The agreement would be a negotiation.

Mayor Scholl said he was thrown off that they would get the entire project. Tokola is interested in the project if the infrastructure is here. Atkins Dame is still interested but struggles with BOLI and prevailing wage. Why can't the City be the project manager?

Russell Hubbard said they need someone to draw the concept and plan. Atkins Dame should have been here if they were sincere. He is hearing that they want to see the infrastructure. These guys are his size, and he likes them. They are smart. They build and hold onto it. Carmin Dunn said RKM is also committed if they own it. Council President Morten was concerned with their lack of time commitment to complete the project.

Al Petersen went back and reviewed their proposal again. He agreed with Hubbard that they want to maintain all the parcels once it is developed. They negotiated a zero cost 99-year lease in one of their projects. In the end, they will end up with the property at no cost. They are still talking about a cost per sq. ft. for the property. There's still value in the 27 acres of raw land, which needs to be considered as part of the negotiation. Do they move forward with this company? They showed up. The work begins with the City, attorneys, and Council defining all that. He recommends they use an attorney who specifically deals with private land development deals.

Steve Toschi thanked Roy Kim and his family for presenting a very viable proposal. It is a very well-run company with a lot of energy. However, he does not think they are a good fit for St. Helens. They want to own and develop all the property. They were very clear that they want to own every building and get tenants in there. St. Helens is a multi-generational place. He has three generations here now. They need to build homes for people to buy here and live here in an affordable way. The amount of property that is available is very limited. They have an opportunity build 200 or more owned units, in addition to apartment and business units. To exclude ownership, says none of your children will own property on the riverfront. Politically, it will be very difficult to tell citizens that they will own nothing. There are other developers and options. They should not be trying to fit this developer into their development. It does not fit their model and they are not going to change them. At some point, they are going to run into a problem. They could scale back their RFQ and look at other things. Things happen and maybe Atkins Dame is not completely out. They talked about the working from home concept. If they are still interested, go back to them and Tokola. He really likes RKM, but they are not the right fit.

Councilor Topaz talked to other developers, including Atkins Dame. Part of their concern was that roads were already laid out and other things that were unmovable. People were afraid they could not use their own design and had to use the existing City design. They do not want to build a patchwork with other developers.

Councilor Chilton hears what Toschi is saying about the vision. It does not sound like it is desirable to sell the riverfront and possibly never have it back. The vision is for the riverfront to be usable for the community. It does not mean that people own pieces of it.

Jenny Dimsho said the main thing Toschi mentioned was the benefit of having private ownership and spreading the wealth among the community. This site was not meant for that. This will be high-end housing. The market will likely not support for-sale product on that site. Since 2017, all the developers they have spoken with about that site want to develop long-term hold properties. Experience with developers, who have qualifications to do public private partnerships, lends them to this business model. They also have a lack of full-time employees to maintain the property. Having private ownership will ensure that site is beautiful. One of the benefits in Camas and Washougal is to control the commercial tenants. It helps provide for a mix of commercial uses. They would not have that ability with private ownership.

Scot Stockwell said they need to consider whether they want to make money off the property or is it a community resource. The market is extremely tight to get contractors to bid. It is their money, and they

are going to maintain it. They will probably take 25 years to develop it. This is the best way to get community access now. He likes what they had to say but does have concerns that they only have one proposal. He is concerned about the other one saying they are interested now. What if they pull out later when things get tough? He has seen the Bethany area. It is well maintained with community events happening often.

Walsh explained that Tokola only proposed a mixed-use building and a hotel to be owned by them. The RFQ was for the entire parcel. Atkins Dame is only interested if it is a multi-family, owner occupied project.

Mayor Scholl said there are some generations that would like to own property there. He thinks developers will come after you put in the infrastructure. Developing the property into smaller parcels will make it more valuable and attractive. He is not in favor of it all being owned by one developer.

Sharon Darroux is not comfortable with one developer owning the entire piece of property "forever." Although, that is probably the only way to move the project forward and have consistency. Only having one RFQ does not give them options. She is not in favor of Atkins Dame, since they did not follow through.

Mayor Scholl asked Al Petersen if it is common to have development standards. Petersen explained that there are design standards in many cities, and they have standards for the Waterfront property. That will be up to the Planning Commission to make sure they meet the standards. Petersen talked about design not being consistent anywhere. It is an eclectic mix of buildings and styles. Most of the buildings downtown are from the 1920's and 30's. They should not get too stuck on consistency. The real question is, are they going to start negotiations with Kim or not.

Jennifer Pugsley is in full agreement with Toschi. She has four generations here. She will be retired by the time the property is developed. They do not have very many condos in the area. The median sales price in St. Helens is about \$475,000. Yachts Landing almost never has condos for sale, but if they did, they would probably sell for around \$550,000. The Baby Boomer generation wants to be in walking distance to great music and restaurants. Why would someone come here if they cannot own property on the Waterfront? She is opposed to the proposal if they are not willing to negotiate ownership.

Steve Toschi said there has not been an analysis of how many units can be built on the property. They should be able to have ownership and rental units. Yachts Landing is beautifully maintained. It is high risk to build condos, but it sounds like the market can handle it. His concern about Roy Kim's business model is that he will want to own the whole thing and not piece it out. It is probably not going to give them the flexibility they want. What is the mix they are looking for? There definitely needs to be more units for people to purchase.

Mouhamad Zaher has not heard a Plan B discussed. What if the economy takes a downturn and they are relying on one developer? The market is struggling with increasing interest rates, increasing costs, and unavailable product and contractors. There is a lot of risk. The City has already put a lot of investment into property. The developer should work around the solid framework that has already been created. He agrees that they should not sell all the land. It can be a mix. He also agrees that they should not consider the developer who did not show up. That was poor integrity. There are more options to consider.

Carmin Dunn liked RKM Development's vision and consistency for the property. The view corridors they talked about are important to her. It would be positive to have condos, but it sounds like developers are not going that route. She does not want them to hold onto the idea and not have anyone to do it. She also does not want to rush into something because it is better than what they have now. She suggests moving forward with negotiations and incorporating what was discussed tonight.

Councilor Birkle agreed with moving forward with negotiations and seeing if there is flexibility.

Mayor Scholl talked about the need for apartment units. Council President Morten agreed. The most important thing is to develop time constraints.

Al Petersen recommends starting negotiations with a clear understanding that they are not giving away the whole property. He suggested asking the developer if they would be in it for one-third of the property.

Councilor Topaz talked about Yachts Landing walling off a piece of the Waterfront. If they are going to do a condo development like that, they have to have public access to the water. How much can they go back and forth?

Jenny Dimsho explained that the Riverwalk and public access along the river is not negotiable. RKM is very supportive of the public access that was designed. She is not hearing a lot of concerns about their qualifications to do the project. There seems to be more concerns about the ownership. Do they feel comfortable doing an additional market study with RKM to see if some ownership is possible? It is a mix of uses and they need to determine what the market can support. Do they want a public resource that they can move forward quickly on or are they holding out to make more money?

John Wash pointed out that they did ask for a development proposal for the entire site. When they enter into an exclusive negotiating agreement, it will give them the opportunity to feel each other out. It could be multiple developers doing pieces. RKM is very qualified.

Councilor Topaz said there are people with enough money to do it themselves. He does not want them to worry about no one else being able to take it on.

Mayor Scholl agreed that they are qualified. This is a great place to live, and they have a lot to offer. He is hoping they are negotiable, but it did not sound that way. They wanted the entire piece of property. Carmin Dunn said they seemed like they were willing to listen. Councilor Chilton suggested the Committee look at their priorities of what they envision first.

**Motion:** Al Petersen moved to start negotiations with the single proposal presented, with the clear understanding that not the entire project is up for negotiation. Councilor Topaz second.

Discussion.

Scot Stockwell asked if they wanted to add something about ownership of homes and condos. Jenny Dimsho said that can be part of the market study.

**Amended Motion:** Al Petersen moved to begin negotiations with RKM, with the understanding that it is not 100% of the site, and they include a market study for the types of units built on the site.

Mayor Scholl said they would develop the entire site, but not own the entire site. OTAK has already designed the infrastructure. Discussion ensued about infrastructure.

Scot Stockwell encouraged them to not be so specific in the motion. Councilor Chilton suggested the motion just be to negotiate with them.

Steve Toschi agreed with Councilor Chilton. The public's views of what they see for the site has not been completely considered. They may get pushback from the public when they find out they cannot own any part of it. He is against the RFQ. Roy Kim may not be in favor of multiple ownerships. If that is a priority, they need to know early on. Maybe they could move forward with half of the project that Roy Kim would develop and own? He suggested a motion to enter into the discussion to initially determine if the company is willing to consider building units for purchase. If not, are they willing to take a 10-acre piece of it?

**Amended Motion:** Al Petersen moved to begin negotiations to develop the property, but not the entire site, and to include a study for potential housing units on the property. Councilor Topaz seconded.

John Walsh reminded them that this a recommendation to City Council.

**Vote:** Yea: Councilor Topaz, Jenny Dimsho, Sharon Darroux, Mouhamad Zaher, Council President Morten, Scot Stockwell, Russell Hubbard, Al Petersen, Carmin Dunn, Councilor Birkle, John Walsh, Councilor Chilton, and Mayor Scholl; Nay: Steve Toschi and Jennifer Pugsley

Jennifer Pugsley asked what it costs the City to do the study. If he has not done it in 20 years, why would he do it now? Steve Toschi agreed. Why are they asking him for a study? Mayor Scholl responded that it is not just a study. It is also the negotiation to see if he is still interested.

**OTHER BUSINESS**

**ADJOURN – 7:06 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, May 18, 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  
Crystal King, Communications Officer  
Tina Curry, Event Coordinator

### OTHERS

Jane Garcia	Steve Toschi
Brady Preheim	Brenda Herren-Kenaga
Stephanie Patterson	Erin Salisbury
Don Patterson	

### CALL REGULAR SESSION TO ORDER – 7:13 p.m.

### PLEDGE OF ALLEGIANCE

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

- ◆ Tina Curry. Clarification about the boat:
  - Certification of Inspection (COI) has been done. It is good until 2023. It is just a verification that the business is insured.
  - The boat they are buying is not really what they see. They have an expert making repairs, installing new engines, new seating, new wiring, hydraulic lift front load, replacing all the gears, and coating the pontoons for the sand landing. He contracts with public agencies all over the country.
  - One criterion is that they must stay a mile from shore.
  - A marine safety officer in Portland is working with the Oregon Coast Guard to make sure improvements meet local requirements.
  - They wanted the front-loading hydraulic ramp because they realize the docks can and have been an issue. The boat will be stored at the St. Helens Marina, but it will mostly leave from the City docks. Parking will be on the Waterfront. If there is a parking issue in the future, they will address that.
  - The boat is 40 feet long, flat deck with powder railing, a fixed canopy over the entire length, and it was formerly a tour boat for 30 passengers with twin Yamaha outboards.
  - It has a custom-built triple axel trailer.

- The total cost would be similar to a new boat.
- Having the COI now expedites the time they can get the boat here. It will be here in time for the Sandcastle competition.
- The max they will spend is \$250,000, including shipping.
- She heard concerns about Sand Island. Brad Hendrickson is very supportive of moving tourism forward. They support him and his intentions.

Councilor Topaz asked who handled the inspection. Tina said it was the Department of Homeland security.

Council President Morten talked about the survey. It is done by an independent contractor, who is liable for their survey. That needs to be done once the boat arrives to determine if additional work needs to be done. He clarified that Brad Hendrickson does not own Sand Island. He manages the campground. The entirety of the Island is there for the public.

- ◆ Brady Preheim. The Council puts the fun in disfunction. They should ask Tina the questions instead of making assumptions. She is a professional and they need to treat her that way. This is not something she did without research. This is time sensitive. The police issue on Sand Island is not a tourism issue. The boat would help them get there and patrol the Island. Police said they would not go there routinely but would in an emergency. He is concerned about the Waterfront. Not having ownership of the land is a huge issue. They made a good decision. It is a good plan, and they will see what the developer comes back with. His other concern is about parking. In all the plans, there is no parking and that is needed for Spirit of Halloweentown. They need to think long-term.
- ◆ Steve Toschi. He thanked the Council for including himself and other members of the Planning Commission in the Riverfront RFQ discussions. It was a great process and discussion. As they move forward, analysis of the mix of development needs to be discussed. As a Planning Commission member, he hears about the economic revitalization of downtown and the Houlton District. How will the Riverfront development help with that? He agreed with Jim Coleman, there should be a survey on the boat. It could be done now and later. It would assure the City that they are getting what they paid for.
- ◆ Erin Salisbury. Thanked the Council for their work to improve the city. She is here to give a St. Helens Main Street Alliance update. They just released the posting for the new Executive Director position. She invited the Council to their next meeting, Tuesday, May 31, 2022, 6:30 p.m., at the Columbia Theater. They can come early at 6:00 p.m. for an opportunity to check out the new theater. They have completed the grant and received all the money.

Mayor Scholl asked City Recorder Payne to publish a public notice of a possible quorum that night. It is important to attend. They are getting a brand new old-fashion theater.

Erin reported that they have a permanent office space in the Houlton District, at Columbia Blvd. and 18<sup>th</sup> Street. They are sharing space with the LifeEmpowered Administrative offices.

- ◆ Wife of a Police Officer. (anonymous letter read into the record by City Recorder Payne)  
*"Mayor Scholl, I cannot be in person for tonight's meeting but wanted this letter to be read for the record. I watched this afternoon's work session and I found your comments of our police officers both offensive and appalling. Your comment of the St Helens Police Department "not stepping up" when it comes to responding to Sand Island is false and inflammatory. Might I remind you and the rest of council that our officers are underworked, understaffed and in my opinion underpaid for the work they do each and every day to keep us safe. Are you trying to*

*drive our officers away from our city? Our officers work in a substandard facility and have been for 30 years, yet show up for work everyday when they could easily go to another city and work. It is ironic that you and Councilor Morten blame past council members for not doing the right thing in regards to city planning and raising utility rates, yet continue to do the exact same thing failing to properly staff and fund our police department. A bit hypocritical if you ask me. Our officers need both the training and equipment to respond to sand island and the docks and you and the rest of council have opted to ignore their request, even after the police brought this in front of you at a past council meeting. You continue to place earning money from tourism over the safety of our officers and now want to buy a boat knowing our city does not have the means to respond to the island in case of an emergency. Maybe instead of blaming your failures on our cops, you can fix the problem they brought to you in the first place. If you can't, please resign you position so someone who can get the job done can be appointed."*

Mayor Scholl appreciates our officers. They work extensively. There were promises being made to police it. He is continuously worked on this project to get an IGA with the County, get a boat, and discuss training. The State is required to be at Sauvie Island even though their boats are moored here. That comment was not directed at our officers. He apologized if he was misunderstood and stuck his foot in his mouth. His hands are tied serving the citizens as well. He was misunderstood. It was not his intent to say they are not doing their job. He would love to sit down with the Chief, Sheriff, District Attorney, and City Prosecutor to work collaboratively on a solution. He has reached out to the State Police as well. The County used to have a Marine Division. He was not trying to attack any officers. He is pro-police and supports having more of them. They are overworked. Who wants to have that job? He apologized again to the wife of the officer.

Council President Morten apologized for blaming past Council members for not planning and raising rates. That has to be a miscommunication on his part or the wife of the officer. His priority is to live in a safe community with good, adequate police protection. He oversaw the Police Department for two years. During that time, they grew with department needs and more officers. Shortly after that, he moved back to Public Works and Parks. He apologized for the miscommunication and slighting the department.

Mayor Scholl is committed to finding a solution. He serves the citizens. He apologized again. He has exhausted all avenues and his frustration may have come out. There must be a way of collaborating. He will continue to support the officers.

### **Deliberations for Purchase of Boat**

Mayor Scholl reported that a public hearing was held. A survey needs to be conducted. Councilor Topaz pointed out that the rules in Florida are different than here. Councilor Chilton agreed that is why they need to do the inspection here. Is the insurance paid from the tourism fund? Tina said yes. City Administrator Walsh added that a Purchase and Sale Agreement will need to be signed.

**Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to enter into an agreement with BargeWorx LLC in an amount not to exceed \$250,000.

Discussion.

Councilor Topaz does not think anything should be done until the Coast Guard hull inspector inspects it.

Councilor Birkle would like for a marine survey done prior to the purchase and again when it is in their possession. Councilor Chilton said they know the boat would not pass an inspection right now because of all the work being done. Council President Morten added that it is insured. Councilor Birkle is asking questions to understand. He does not understand why it becomes an issue when they talk about it. He appreciates the discussion and clarification. He is obligated to ask these things.

Councilor Topaz said the survey may determine that the boat is nonrepairable to the standards to transport passengers. Mayor Scholl agreed that a survey is needed. When it comes to aluminum and electrolysis, they need to make sure they do not have a wafer-thin hull. Electrolysis is not detectable from the outside. They do not want aluminum welded to the bottom. They should approve it with the condition that the survey be done before it is purchased and when it arrives. If something is overlooked, they are liable.

Tina repeated that it has a current COI, which means it is licensed to be in the water until 2023.

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

### **ORDINANCES – First Reading**

- 1. Ordinance No. 3283:** An Ordinance Vacating a Portion of the 7th Street and South 16th Street Rights of Way

Mayor Scholl read Ordinance No. 3283 by title. The final reading will be held at the next meeting.

- 2. Ordinance No. 3284:** An Ordinance Amending St. Helens Municipal Code Title 13 Relating to Definitions of Equivalent Dwelling Units for Wastewater and Water Utilities Services

Mayor Scholl read Ordinance No. 3284 by title. The final reading will be held at the next meeting.

### **RESOLUTIONS**

- 3. Resolution No. 1954:** A Resolution Adopting a Universal Fee Schedule, and Superseding Resolution No. 1937

Mayor Scholl read Resolution No. 1954 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1954. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

- 4. Resolution No. 1955:** A Resolution Authorizing a Designated Agent for the Application to the State of Oregon Office of Emergency Management for the Purpose of Obtaining Financial Assistance through the Hazard Mitigation Grant Program (HMGP)

Mayor Scholl read Resolution No. 1955 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1955. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **APPOINTMENTS TO CITY BOARDS & COMMISSIONS**

- 5. Appoint Scott Jacobson to Parks & Recreation Commission & Russ Low to Planning Commission**

**Motion:** Motion made by Councilor Birkle and seconded by Council President Morten to appoint Scott Jacobson to the Parks & Recreation Commission and Russ Low to the Planning Commission.

Discussion.

Council President Morten reported that there were two interviews conducted for Parks & Recreation. It was very close. He supports the recommendation.

Councilor Birkle talked about how qualified the applicants were for Planning Commission. Russ Low's background in waterfront development was particularly impressive.

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

### **CONSENT AGENDA FOR ACCEPTANCE**

6. Planning Commission Minutes dated April 12, 2022
7. Parks & Recreation Commission Minutes dated April 11, 2022

**Motion:** Motion made by Councilor Chilton and seconded by Council President Morten to approve '6' and '7' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

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

8. Declare Surplus Property - Police Department
9. Request for Proposals for Audit Services
10. Accounts Payable Bill Lists

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '8' through '10' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

#### **WORK SESSION ACTION ITEMS**

##### **Bench Donation from Jerry Allen to be Placed at McCormick Park**

Consensus of Council to approve the bench.

##### **Reappointment of Chris Iverson to Columbia Learning Center Board of Directors**

**Motion:** Motion made by Councilor Chilton and seconded by Council President Morten to reappoint Chris Iverson to the Columbia Learning Center Board of Directors. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

##### **Councilor Topaz Censure Expires Tomorrow**

Councilor Topaz presented a preliminary review from the Oregon Government Ethics Commission (OGEC) regarding Case No. 22-027XSM. A copy is included in the archive packet for this meeting. He was the respondent and complainant. The recommended action was to move to investigate possible violations of ORS 192.660. Preliminary Review: "The Oregon Government Ethics Commission (Commission) received a self-reported complaint from Stephen Topaz on February 8, 2022 alleging that the members of the City Council for the City of St. Helens may have violated the executive session provisions of Oregon Public Meetings law by participating in an executive session when the Board discussed topics that did not correspond to the statutory authority cited. (#PR1). Receipt of the complaint was acknowledged in a letter..." Mayor Scholl asked if he is giving his report right now. They are talking about the censure right now. Councilor Topaz said the next paragraph addresses the censorship. Councilor Topaz went on to read, "...to Stephen Topaz. The Commission invited Mr. Topaz to provide any information that would assist the Commission in conducting its preliminary review. Background: In 2019, Complainant, Stephen Topaz, filed a complaint against himself and the other members of the St. Helens City Council (Case No. 19-188XSM). The investigation in that case indicated that the City Council violated ORS 192.600(2) by discussing matters in an executive session that were not authorized by and exceeded the scope permitted under the statutory provisions cited..."

Council President Morten asked why that was important. It was his accusation against the Council. Councilor Topaz disagreed. It states that Topaz filed a complaint in 2019 against himself and the other members. Mayor Scholl argued that this does not pertain to the censorship. Councilor Topaz said a point was made in his censorship that he threw the Council under the table by filing the Ethics Complaint in 2019. Mayor Scholl argued again that it was not part of his censorship. He failed to attend the meeting. Councilor Topaz reminded him that he had just gotten out of the hospital and could not attend. Mayor Scholl said the allegations were investigated and found to have merit. They gave Councilor Topaz and his attorney the opportunity to remedy it, but they still did not show up.

Councilor Topaz referred to the OGEC Preliminary Review again. It said the attorney was present in downtown Portland. The attorney should have stopped them. Mayor Scholl repeated that it has nothing to do with the censorship. Councilor Topaz went on to say the City's attorney did not stop the executive

meeting. The attorney did not do their legal duty as required. The investigation attorney was probably not legally competent.

Councilor Chilton explained that the censorship is not just about the investigation. He continued to harass staff. He addressed the allegations by trying to clear the air about the nickname he used for a bluff in town. It was inappropriate and racist. Councilor Topaz corrected her that it is a historic thing having to do with a sewer system. He and his attorney have never been presented with the allegations on paper. Mayor Scholl said they tried for months.

Mayor Scholl called for point of order. He tried to give Councilor Topaz an opportunity to comment. The rest of the Council will discuss it now. They have already extended the censorship once in order to protect staff from a hostile work environment. It was indeed happening to multiple people and sustained. Topaz had every opportunity to participate. Councilor Topaz said he should ask staff that is in the audience now. Mayor Scholl called for point of order again. Councilor Topaz objected. Mayor Scholl went on to explain the attorney referenced at the executive session had nothing to do with the censorship. They have multiple attorneys. Councilor Topaz failed to show up. His comments were very misleading. He had five months to respond and never did.

Councilor Chilton said Walsh was assigned to oversee the censorship. Did Councilor Topaz stay in compliance with the censorship? Walsh said he does not comply with the part of checking in with him before coming into City Hall or speaking with staff. He comes and goes as he pleases and talks to whomever. Councilor Chilton asked what the point is of continuing it if he does not comply. Walsh added that he has not observed any harassment.

Councilor Topaz said he was allowed to speak with staff at the library. There is a staff member here now that they can ask if he has ever harassed or was impolite to other staff. Mayor Scholl is not going to ask them that. They were not even part of it. Councilor Topaz said there were no names listed and that is legally important. Mayor Scholl pointed out there were names, but they were redacted. He could have seen the original document if he showed up. Laughing, Councilor Topaz argued that witness names cannot be redacted. Mayor Scholl asked him why it is funny that people working here felt threatened by him. Councilor Topaz argued that he cannot control how people feel threatened. Mayor Scholl apologized to the police officer's wife. He must accept that he did that. Councilor Topaz said he never received any names to know who to apologize to. Mayor Scholl argued that he had five months to respond and never took the opportunity. Councilor Topaz spoke with the president of the union and asked if anyone came to them to report complaints, but there were none.

Mayor Scholl said he has never made the effort to apologize and acknowledge there are feelings. Councilor Topaz argued that he does not know who they are.

Councilor Chilton asked what the point of the censorship if he is not going to follow it. Mayor Scholl said it is not okay to do nothing. People felt bullied in the work environment. Councilor Topaz argued that there are no witnesses without names. Mayor Scholl said those four or five staff members he made feel that way...Councilor Topaz argued that he said 17 at another meeting...is it 17 or four or five?

Councilor Birkle is conflicted. He understands what Councilor Chilton is saying. If they are not enforcing it, what is the point. What is done when Councilor Topaz comes in? What can be done? No one has brought unacceptable behaviors to Walsh's attention. Whether or not it was intended, there has never been acknowledgement of any kind of responsibility or impact. He makes mistakes at school with his students, and he owns up to it. Councilor Topaz has never recognized that he has done anything wrong. He has authority over employees and needs to own up to it.

Councilor Topaz argued that he only has authority over Walsh and the Library Director. Everyone else, he just gets upset. He is sworn to uphold Federal, State, and City laws. If he reminds City employees that they are not performing to the law and they get upset, is it more important that they got upset or

more important that they do their job and follow the law. Councilor Chilton said it depends on how he does that. Harassing them, calling them names, and wasting their time while they try to work is inappropriate. Councilor Topaz agreed. Now tell him who he did that to? Councilor Birkle is afraid of what he would do if he had the names. Councilor Topaz said he cannot apologize without the names. Councilor Chilton does not think he wants to apologize. He just wants to attack the person. Council President Morten suggested he apologize to all those he offended right now. Councilor Topaz agreed that people have been afraid of him, and he is not worried about that. He did not harass anyone.

Mayor Scholl said Councilor Topaz is always about winning. He needs to be able to accept when people are offended and respond humbly. Councilor Topaz said no one ever came to him. Councilor Chilton pointed out that Matt Brown said it publicly. Councilor Topaz said that Matt Brown has done a number of things wrong.

Mayor Scholl called for point of order. Councilor Topaz objected.

Mayor Scholl is appalled at Councilor Topaz's combative response. He does not even acknowledge what he did. Can he ever apologize? Councilor Topaz said he can but not here. Mayor Scholl said if this were an employee, they would have let them go.

Councilor Birkle asked if they discussed what the response should be if Councilor Topaz came to staff without checking with Walsh and Payne first. Council President Morten said they cannot enforce it. Councilor Birkle is in favor of continuing the censure but there are no teeth to enforce it.

**Motion:** Motion made by Mayor Scholl and seconded by Council President Morten to continue Councilor Topaz's censure through the end of his term, December 31, 2022. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle; Nay: Councilor Chilton; Abstained: Councilor Topaz

Councilor Birkle thinks it is important that the censure stands since no action has been taken to remedy it.

Mayor Scholl offered for Attorney Hicks to revisit this with Councilor Topaz and his attorney. Councilor Topaz wants it done in public. Mayor Scholl said they cannot do that in order to protect staff members. Councilor Topaz said there was a meeting with such poor audio that you could not hear it.

Councilor Chilton does not condone his actions by voting no. She is just not sure the censorship is affective.

Council President Morten said he would have voted differently if Councilor Topaz publicly apologized. He did not even acknowledge what he has done.

Mayor Scholl just wants Councilor Topaz to acknowledge what he has done. They want to be a cohesive team. He needs constructive criticism too.

### **SPECIAL SESSION ACTION ITEM**

#### **Recommendation to Enter Negotiations with RKM for the Riverfront Development**

The Committee wants them to do the project but not own the entire project.

**Motion:** Motion made by Councilor Birkle and seconded by Councilor Topaz to accept the recommendation of the Riverfront Development Advisory Committee. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **COUNCIL MEMBER REPORTS**

Council President Morten reported...

- Received a request from Parks & Recreation Commission Member Brandon Sundeen. He will be doing cleanup at the McCormick Park Veterans Memorial Plaza at 9:00 a.m. on Saturday and invited Council members to come help.

Councilor Topaz reported...

- Going back to December 2020, they were informed by their attorneys that the City was being sued for power problems and payment by Boise Cascade. It was indicated that our attorneys would ask for a dismissal. In July 2021, the attorneys came back and said the judge did not allow for a dismissal. At that time, he gave a thumb drive to all the Council members showing that the judge declared the sale of the marijuana property null and void, and a recommendation that it was going to happen. He referred to report A176949, a copy of the case view is included in the archive packet for this meeting, between Cascades Holding and St. Helens. It is a notification that the City is appealing the problem. It is actually two appeals. One is that Boise Cascades says the City owes their attorneys \$131,000...the other whether it goes... On May 5, 2022 the Court motioned to extend the discussion. On April 6, 2022, there was another extension. On March 7, 2022, there was another extension. On February 8, 2022, there was another extension. They are blowing about \$20,000/month on lawyer fees for the extensions. Unless Council authorized the appeal, it should not have happened. That is about half a million in legal fees and it is still in Court. They have a lot of money for legal fees that they were told there would be no problems in December 2020. Mayor Scholl does not know there is a lot of truth there. Councilor Topaz said the paper came from the State. He is not lying. Mayor Scholl agreed that it is a State ruling from a judge, but they have been a tenant for a long time. There have been all kinds of issues with power. They are trying to work together. Councilor Topaz argued that it is related to the court case, not power.

Councilor Chilton reported...

- Thanked Mayor Scholl and Council President Morten for publicly apologizing regarding the letter. She regrets not saying something when it was being discussed. It was not the Council's intention to put blame on the police. The Council needs to fix the problem, not the police. They decided to develop the Island and they need to make sure it is safe. Their needs to be a plan for emergencies. She feels bad that they were discouraged. The police work hard, and they are appreciated. That is why they are increasing the number of officers and building a new station. Mayor Scholl said they need to work together. Councilor Chilton said they lead the police, so need to start that. The police did the research and brought back the options to Council. It is time to work on it again. Council President Morten suggested adding it to a work session agenda for discussion. City Recorder Payne acknowledged that it is on the agenda. Councilor Chilton talked about considering other options, such as a security guard. Councilor Topaz asked if there a line item for marine officer in the budget since it is additional training. Mayor Scholl said the Chief talked to them about the certification needed. They need insight to come up with a remedy.
- She is excited to sit on the interview panel for new officers. There were 14 applicants. Recruitment is moving forward.
- She is participating in a charity golf tournament at Crooked River for the Moose Lodge this weekend.

Councilor Birkle reported...

- He is anxious to hear about the CERT traffic safety training that his wife attended tonight.

### **MAYOR SCHOLL REPORTS**

- He apologized for his behavior earlier. They are committed to adding two new officers. They have given raises. He has respect for the officers and what they do. He appreciates their efforts and wishes they could pay more. It is a very complex issue. He was very concerned about what happened at the Island in the past. He encouraged everyone to be humble and listen to each other. There is a lot of controversy. Policing is very important.
- He recognized the "If I Were Mayor..." Student Contest State winners:
  - Presented Rosie Parsons with first place for her essay at Columbia County Christian School.

- Presented Ellie Luke with first place for her poster at Arthur Academy.
- Presented Hayden Stram with second place for his digital presentation in the Council Chambers since he is homeschooled.
- The first-place winners are invited to the Mayor's Conference in August to be honored.

**OTHER BUSINESS**

**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