

City of St. Helens

Consent Agenda for Approval

CITY COUNCIL MINUTES

Presented for approval on this 6th day of September, 2023 are the following Council minutes:

2023

- Work Session, Executive Session, and Regular Session Minutes dated August 2, 2023

After Approval of Council Minutes:

- ☐ Scan as PDF Searchable
- ☐ Make one double-sided, hole-punched copy and send to Library Reference
- ☐ Minutes related to hearings and deliberations get copied to working file
- ☐ Save PDF in Minutes folder
- ☐ Update file name & signature block on Word document & copy Word document into Council minutes folder in Shared Drive
- ☐ Upload & publish in MuniCode
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COUNCIL WORK SESSION

Wednesday, August 02, 2023

DRAFT MINUTES

MEMBERS PRESENT

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

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Crystal King, Communications Officer
Suzanne Bishop, Library Director

Gloria Butsch, Finance Director
Jacob Graichen, City Planner
Amy Lindgren, Municipal Court Judge
Matthew Kahl, Contracted City Attorney
David Rabino, Contracted City Attorney

OTHERS

Eddie Dunton Claire Catt
Steve Topaz Dana
Scott Jacobson Brady
Steve Toschi

CALL WORK SESSION TO ORDER – 2:00 pm

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

- ◆ Steven Topaz. Mr. Topaz spoke about the definition of clean sediments from the Portland Harbor and how an acceptable level of contamination allows dumping into a landfill without being certified. The clean sediments can be dumped into the Columbia River at the St. Helens Bar which is just upstream from the St. Helens water intake. He talked about contaminated areas and attempts to get DEQ to clean them up: the Armstrong facility, Pope and Talbot site, the Boise White Paper Mill, and cooling lagoon. The City is designing infrastructure and business sites for the White Mill property without knowing where the contaminated areas are, and the owners of the areas will have to clean the sites after DEQ defines the areas. Hopefully, the City has alerted DEQ to the contamination problems discovered during water and sewer lines construction at the Waterfront site. He spoke about Geotech's finding after sinking test bores at the Waterfront site. If St. Helens sells any parcels of land without informing the new owners about contamination problems or builds residences on ground that could cause cancer, there may be no amount of insurance to cover the damage. He submitted a copy of his testimony into the record.
- ◆ Steve Toschi. Mr. Toschi appeared following Patrick Birkle's resignation from the Council due to work responsibilities. He thanked Mr. Birkle for his service and guidance. He praised Communications Officer King for taking great photos on the Fourth of July and congratulated the Council and E2C on the arrival of the shuttle boat. He would like to be considered to fill the vacancy on the Council and detailed his relevant background and experience.

DISCUSSION TOPICS

- 1. Municipal Court Semi-Annual Report - Judge Amy Lindgren and Prosecutor Sam Erskine**
- 2. Discuss Contracting with New Defense Attorneys - Judge Amy Lindgren and City Administrator John Walsh**
- 3. Discussion regarding a Court Flat Rate Model - City Administrator John Walsh**

The three topics above were discussed together.

Judge Lindgren had reviewed Mr. Erskine's report, noting a discrepancy between his numbers and hers regarding total cases charged in 2022 and 2023. She presented her report which is included in the archive packet for this meeting. Highlights were as follows:

- The primary enforcement in court is traffic offenses.
- Client treatment records release for DUII treatment has been resolved. She did not know about Oregon Health Authority employees, but on the Court's end, everything was working well.
- Electronic ticketing will go live soon.
- Defense attorneys would bill by the hour when she first began in 2018. Lucy Heil and Steve Sharfstein have requested a flat monthly fee. Not included in her report was that Scappoose pays Ms. Heil \$2500 a month which is the lowest she will accept. Given Ms. Heil's tenure with the Court and dedication, Judge Lindgren found an increase would be appropriate. She would like to keep another attorney who recently started, Mr. Leskin, at the per-case rate while he in a kind of probationary period.

City Administrator Walsh talked about the financial impact of the proposed defense attorney contracts. Judge Lindgren explained if the case is not resolved, the defense attorneys do not get paid for it on the per-case structure. With defendants who fail to appear when the attorney has already prepared for the case, a flat fee would eliminate the attorney not getting paid for her work. Mr. Walsh said staff learned the cost was around \$2000 a month, not including the attorneys' uncompensated work.

Judge Lindgren and the Council discussed how many attorneys other cities have compared to St. Helens, what they and the state pay, misdemeanor cases in circuit courts versus municipal courts, and how Judge Lindgren figures out how many attorneys the City needs.

Judge Lindgren proposed increasing the rates defendants pay towards their attorney fees to \$250 for a new case and \$175, a \$50 increase for both which could help toward a rate increase for Ms. Heil. The rates have not increased in five years. She confirmed that the rate increase would not be unreasonable based on comparisons to other cities. She has not contemplated how long a defense attorney would have been working for the Court before becoming eligible for a rate increase but believed the question is valid whether there should be a built-in system at a certain point for a step or cost-of-living increase.

Council President Chilton expressed concern about the source of the additional money. Judge Lindgren and Mr. Walsh spoke about the importance of retention of the attorneys and the huge crisis in Oregon with people not willing to do the work because of how little they make and the high case loads.

Council President Chilton believed it would be appropriate to have a ratio analyzed of how many citizens the City has and how many lawyers are needed to represent them.

Judge Lindgren confirmed the new bailiffs were working really well. Oregon Patrol Services was looking into getting insurance to enable them to transport defendants themselves which would increase the cost of their service. Right now, the Court calls the police department who sends an officer to transport the defendant.

Councilor Sundeen said he would like to discuss Mr. Erskine's report about security during 13 Nights. Judge Lindgren will mention it to him and might be able to call in during a future Council meeting. Mayor

Scholl confirmed officers have been enforcing and had a huge presence since the incident at the first event.

4. Library Department Semi-Annual Report - *Library Director Suzanne Bishop*

Library Director Bishop presented her report which is included in the archive packet for this meeting. She addressed the following:

- Services and resources provided to the community.
- Survey results of patron use of library resources.
- Their 2023-2028 Strategic Plan goals.
- Open hours and visits statistics for Fiscal Year 22/23 and the previous four years.
- A review of database use during FY 22/23.
- An overview of their youth services.
- An update on the Makerspace.
- A progress update on the Summer Library Challenge.
- The free Columbia County Genealogy Conference in September.
- Their work in community engagement.
- A quick overview of the library staff.
- Their volunteers.
- The Library Board's new member and new officers. She thanked former Councilor Birkle for his presence on the Board.
- Friends of St. Helens Public Library.

She thanked Council for their support and their presence at the Library.

EXECUTIVE SESSION

Mayor Scholl recessed the Work Session at 2:47 p.m. to hold an Executive Session to discuss:

- Real Property Transactions, under ORS 192.660(2)(e); and
- Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h).

The Council ended the Executive Session, and Mayor Scholl reconvened the Work Session at 3:25 pm, noting the reason for the Executive Session during the Work Session was due to the City Attorney's schedule, not an emergency situation.

5. Review of Library Board 5-Year Strategic Plan - *Library Director Suzanne Bishop*

Library Director Bishop presented the proposed 2023-2028 Strategic Plan. A copy is included in the archive packet for this meeting. The foundational principle for all of the Library's work is information literacy. She reviewed the process, goals, initiatives, and desired outcomes. Goal 1 is to develop the Library as the community's "living room." Goal 2 is to engage the community in lifelong learning. Goal 3 is to enhance access to library services.

Ms. Bishop confirmed when a person borrows material from the Library, their information is secure. No one will know what the person borrowed.

Council President Chilton applauded Ms. Bishop for all of her work and her investment in bettering St. Helens.

Ms. Bishop credited the Library staff for how hard they work and how much they care. She confirmed the problem with the kids was resolved. The Library found a way to support them and make sure the teens follow the rules of conduct.

6. Finance 4th Quarter 2022/23 Report - Finance Director Gloria Butsch

Finance Director Butsch reviewed her report. A copy is included in the archive packet for this meeting.

- Her 3rd Quarter Financial Report budget estimate for property taxes was fairly aggressive which proved true. By the end of the year, the City received about 89 percent of what was budgeted to be received in property taxes.
- She corrected a typographical error in her report: the current year's assessment collected was 97.5%, not 175%.
- Building and Development saw a slow-down since interest rates have increased. The City did come in at 13% over budget for Licenses, Permits, and Fees.
- A significant decline was seen in State Shared Revenues, particularly the cannabis taxes, which negatively impacts the General Fund. The City will need to find sustainable resources to pay for general services or make decisions about the level of service it provides. The City needs to be diligent about how to allocate one-time revenues such as the American Rescue Plan Act (ARPA) funds. As the funds are depleted, the question becomes how to continue to fund jobs and programs such as Makerspace.
- Last month the auditors performed preliminary fieldwork for the Fiscal Year 2023 audit which went well. The audit is on track to be completed by the December 31 deadline.
- The Finance Division was still catching up. She had identified a few purchasing and financial policies as well as procedures that need updating/improving and will work on them in the next couple months.
- She was invited to be on a panel at the Revenue 201 session at the Oregon Mayor's Association Conference on August 12.
- She welcomed Council's questions regarding her report or any suggestions on information they would like included in future reports.

Break - 3:54 pm**7. Discussion of Donation Properties at Highway 30 and Pittsburg Road - City Planner Jacob Graichen**

City Planner Graichen presented his report (included in the meeting packet), an aerial photo, and additional slides on the properties at Pittsburg Road and US 30 which are the parcels being donated to the City:

- The transaction documents for the property are with the escrow person and ready to be signed.
- He explained the restricted covenant on the properties. Until 2050, they cannot be used for office, medical, dental, or clinical purposes.
- He pointed out the distance of the closest sewer line which is one of the more significant issues. He spoke about the consideration of the ability to extend the sewer.
- Water at the north is there and accessible. However, if the properties were not under the same ownership, each of them having access to water would be important.
- He pointed out the wetlands on the properties and clarified the riparian buffer as shown was an estimate because the wetlands have not been delineated. There are some preexisting impacts as some of the development was there before 2003 when the laws took effect.
- He addressed right-of-way vacation considerations and utility passage and noted his presentation was from a preliminary planning perspective as Engineering had not yet been consulted.

Mayor Scholl said the property as a whole would not spark having utilities go through there because it is not feasible. Because it is a valuable piece of property, the City can either make it completely unaffordable for somebody or spark development.

Mr. Graichen spoke about the other potential consideration on the south side which is turnaround provisions. When he talked to Engineering about the capacity of sanitary sewer in the area, they asked if it was good time for sewer planning when trying to fix the conveyance issue.

Mayor Scholl suggested looking at Rite-Aid or Safeway to see what their actual sewage use is compared to if it were all houses.

Mr. Graichen confirmed the additional fee structure would apply if establishing a sanitary sewer connection and a conveyance had still not been upgraded.

Mayor Scholl talked about how the property altogether is worth \$1 million and filled Council President Chilton in on the background of considering the sale, since she was absent from the last Council meeting where the item was addressed about the City inheriting two properties that about a private property about to go on the market. Realtors he has spoken with consider it a good chunk of property with high visibility and high use. He clarified his pitch was to sell the properties to fund the police and the Makerspace out of the profits.

Mr. Graichen spoke about the strategy of waiting and using zoning/leveraging the roads as a tool or just unloading it now and confirmed the zoning is all highway commercial which does not allow housing or storage. He was not aware of the corner lot having the restricted covenant and would be shocked if it did since the Adams family has had the property for decades.

Mayor Scholl clarified the City would not advertise the sale but facilitate. The Adams already picked a Realtor. He did not believe they would want opposing Realtors, but the City could have a different Realtor which could be discussed as part of the process.

8. Report from City Administrator John Walsh

City Administrator Walsh reported the following:

- The Community Development Block Grant (CDBG) for the sewer project was on tonight's regular meeting agenda.
- Patrick Birkle resigned from the Council. The Charter directs the Council to discuss the process, and Councilor Sundeen read Section 32 aloud. City Recorder Payne said she has an application that was used in the past. Attorney Kahl clarified that the Council will need to declare the position vacant tonight during the regular session. At the following meeting on August 16, they will discuss the process to fill the vacancy.
- The City boat debuted in the water just in time for the Sand Island Sandcastle Festival. The City's licensed captain had been using the boat and thought it was great.
- The police station project was on schedule and budget. The project will proceed as scheduled, and the \$94,000 solar planning grant project will fit in however possible.
- The construction at the 1st Street intersection was paused because the contractors had fulfilled their requirements to date. They were asked to look at the undergrounding and the trenches. The joint utilities have agreed to come up on the bottom of the trench because going through so much rock would be expensive. The project team was trying to work with the contractor to get a price and scope of work. He and much of the team felt if it was not done now, it would never happen.
- He described his visit to the Port of Kalama last week to meet with the Port Director and learn what they had been doing. Public Works Directors Zaher and Associate Planner/Community Development Project Manager Dimsho accompanied him. Staff hoped to have a discussion soon about partnering with McMenamin's.
- The Gateway project was at about 90%. An update from the stakeholders should be able to share next month.
- The Veterans Memorial project was moving forward and was on schedule with the goal to be completed by Veterans Day.

- Associate Planner/Community Development Project Manager Dimsho was nominated to the Northwest Women's Leadership Academy.
- Next Tuesday, the Planning Commission acting as the Historic Landmarks Commission will address some grants coming up for the clock tower, Klondike, and two other proposals.
- Congresswoman Suzanne Bonamici will be in St. Helens on August 15 and will meet with the City and walk the Riverfront.
- The Riverwalk project went out to bid last week. A pre-bid meeting will be held.
- A number of movies have been filmed in St. Helens. Staff has generally been supportive and manage it with right-of-way permits, etc. Another production has shown interest, and Mr. Walsh asked how the Council felt about it. The Council had no objection and noted the production would need to be cautious with the construction downtown. Council President Chilton believed it is important to notify people what is going on.

ADJOURN – 4:55 pm

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor

City of St. Helens

CITY COUNCIL

Executive Session Summary

August 2, 2023

Members Present: Rick Scholl, Mayor
Jessica Chilton, Council President
Mark Gundersen, Councilor
Brandon Sundeen, Councilor

Members Absent: None (*Patrick Birkle resigned as of 8/1/23*)

Staff Present: John Walsh, City Administrator
Kathy Payne, City Recorder
Matthew Kahl, City Attorney with Jordan Ramis PC
David Rabbino, City Attorney with Jordan Ramis PC

Others: None



At 2:50 p.m., Mayor Scholl opened the Executive Session pursuant to the ORS numbers listed below and then gave Council roll call. Other than Labor Negotiator Consultations, representatives of the news media, designated staff, and other persons as approved shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the Council Chambers. 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 Legal Counsel/Litigation**, under **ORS 192.660(2)(h)**
 - Update on litigation with Cascades Tissue.
 - Update on potential litigation with ACSP.
- **Real Property Transactions**, under **ORS 192.660(2)(e)**
 - Nothing discussed under this ORS.

The Executive Session was adjourned at 3:20 p.m.



ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor

An audio recording of this meeting is archived at City Hall.



COUNCIL REGULAR SESSION

Wednesday, August 02, 2023

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Mark Gundersen
Councilor Brandon Sundeen (via Zoom)

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder

OTHERS

Diana Wiener	Jenn Massey
Brady Preheim	Arthur Leskowich
Eddie Dunton	J. Bar
Jim Coleman	Lucy Heil

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

PLEDGE OF ALLEGIANCE

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

- ◆ Diana Weiner. Diana and her husband are temporarily living in Scappoose while their house in St. Helens is being rebuilt after a fire. She expressed interest in the vacant Council position and mentioned that she planned to run last year but was not able to due to the fire. She talked about her background:
 - Serves on the Library Board
 - Secretary for St. Helens Main Street Alliance
 - Bachelor's Degree in History from Lewis & Clark College
 - Law Degree from Lewis & Clark Law School
 - Previously worked in Insurance Defense Litigation
 - Currently works for a global tech company as a senior director, working remotely, with flexible hours
 - Appreciates the Council's work
 - Committed to the future of St. Helens
 - Loves the community

OTHER BUSINESS

Mayor Scholl read Councilor Birkle's resignation letter into the record. Councilor Birkle expressed that he is no longer able to devote the time needed to serve on City Council with an increased workload as a teacher. He recognized the hard work of staff and the commitment from Council members to serve. St. Helens has a bright future and he will continue to advocate for it.

Mayor Scholl explained the process to accept the resignation and declare the vacancy.

Motion: Motion made by Council President Chilton and seconded by Councilor Gundersen to accept Councilor Birkle's resignation and declare the position vacant. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen

Council will announce the process to fill the vacancy at the next regular meeting.

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

1. Oregon Community Development Block Grant Contract for Sewer Capacity Improvement Project
2. Agreement with Lucy Heil to Provide Legal Assistance to Indigent Defendants Charged with Criminal Misdemeanors
3. Agreement with Steve Sharfstein to Provide Legal Assistance to Indigent Defendants Charged with Criminal Misdemeanors

Motion: Motion made by Councilor Gundersen and seconded by Council President Chilton to approve '1' through '3' above.

Discussion.

City Administrator Walsh pointed out the discussion in the Work Session for Lucy Heil to have a different rate. He recommends changing her contract from \$2,000/month to \$2,500/month.

Amendment to Motion: Motion made by Councilor Gundersen and seconded by Council President Chilton to amend the agreement with Lucy Heil from \$2,000/month to \$2,500/month. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen

Vote to Approve the Original Motion With the Amendment: Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen

CONSENT AGENDA FOR APPROVAL

4. Council Minutes dated June 21, 29, and July 5, 2023
5. Library Board 5-Year Strategic Plan
6. Accounts Payable Bill Lists
7. Declare Surplus Property - Police Dept.

Motion: Motion made by Council President Chilton and seconded by Councilor Gundersen to approve '4' through '7' above. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen

WORK SESSION ACTION ITEMS

None

COUNCIL MEMBER REPORTS

Council President Chilton...

- She was sad to hear about Councilor Birkle's resignation. She thanked him for his work and the time he spent to meet with each department. He will be missed.

Councilor Sundeen reported...

- Spending time traveling before the end of summer.
- He enjoyed working with Councilor Birkle and thanked him for his dedicated service. They will continue to see him in the community.
- Attended a rock event at the Library. It was very well done and he appreciates their work.
- Attended National Night Out at the Sheriff's Office last night. It was good to see community partners there.
- They live in a great community.

Councilor Gundersen reported...

- Councilor Birkle was the first person to reach out to him when he was elected. He will be missed and wishes him the best.

MAYOR SCHOLL REPORTS

- Talked about the demands of serving on Council. Councilor Birkle will be missed. He always came prepared and had a good perspective on views he may not have seen himself.
- Received a Community Development Block Grant (CDBG) for the sewer upgrades. It is great for the community.
- Will be attending the Oregon Mayors Conference August 10-12.
- Sand Island Sandcastle Competition this weekend. Attendees can access Sand Island by paying a small fee to take the boat.
- Black Tie & Blue Jean event on Saturday.
- The whole City is under construction. Downtown parking will get worse when the temporary lot closes for construction. They deserve to have a nice Waterfront property.
- Making progress on the new police station.
- Honored to serve with Council and staff.

ADJOURN – 7:18 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor