

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

**CITY COUNCIL MINUTES**

Presented for approval on this 19<sup>th</sup> day of May, 2021 are the following Council minutes:

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2021

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- Special Session Minutes dated April 15, 2021
- Work Session, Executive Session, Public Forum, and Regular Session Minutes dated April 21, 2021
- Work Session, Executive Session, and Regular Session Minutes dated May 5, 2021
- Special Session Minutes dated May 10, 2021

**After Approval of Council Minutes:**

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# City of St. Helens

## CITY COUNCIL

### Special Session Minutes

April 15, 2021

*This meeting was held at the Recreation Center.*

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

**Staff Present:** John Walsh, City Administrator  
Kathy Payne, City Recorder  
Rachael Barry, Government Affairs Specialist  
Tina Curry, E2C, Tourism Coordinator (Contracted)

<b>Others:</b>	Jeremy Ruark	Stephanie Patterson
	Don Patterson	Brady Preheim
	Christina Sullivan	Tommy Sullivan
	Bill Eagle	Dana Lathrope
	Sidney Sullivan	Craig Jenk
	Claudia Eagle	Molly Matask
	Philip Stanton	Nancy Ward
	Jaime Smith	Antonia Doggett



At 5:02 p.m., Mayor Scholl opened the Special Session. The topic of this meeting is to review the tourism program and discuss future plans.

### Public Comment

\*Brady Preheim: He read his comments.

*"April 15, 2021*

*St. Helens City Council:*

*I am surprised to see a meeting on tourism, as it was just a few weeks ago that it seemed that members of the city council did not even know we had a tourism program as they asked on the record, Who is E2C, and why are we paying them \$10K ?*

*For those of us not living under a rock, we are well aware that Tina Curry, our contracted tourism director and E2C has been working in St. Helens for going on 7 years.*

*For those of us not living under a rock, noticed the 50K people that show up for Halloween each year.*

*For those of us not living under a rock, we have noticed that Halloween town EXPLODED into an internationally recognized event selected by Martha Stewart in a National magazine as the 3<sup>rd</sup>*

*best place in American to go for Halloween*

*Those of us not living under a rock know that for the 2019/2020 fiscal year, E2C made over \$18K for the city, and brought more than \$.5 million of events to our city, including 13 Nights on the River, Christmas Tree lighting, 4<sup>th</sup> of July. We also know that Halloween town alone brings in millions of dollars to our local economy. We also know that despite covid, when the entire country was shutting down, E2C had the Halloween town event. That event made MORE MONEY last year than in 2019, despite limited tickets, social distancing and the additional expense caused by covid and additional staffing - WITHOUT a SINGLE CASE of covid from these events.*

*Those of us not living under a rock also know that this event helped to saved several struggling downtown businesses that were already on the brink because of covid - some of those business even made more \$\$ in 2020 that at any other time their history.*

*Those of us not living under a rock are aware that some people don't like Halloween town. These people don't want THOSE people coming here. Halloween is not my thing either, even though it is hard to resist the urge to pull my Uhuru costume out every year...But we need jobs. We have almost no industry left.*

*Tourism is about the only thing St. Helens has going for it right now. It is not a total solution for the needed for new jobs, but it is a start in the right direction. Without it, our downtown would be closed. Pre-Tina half of downtown was empty. Now, every space is full or in development. New thriving business like Molly's Market, Running Dogs Brewery and the Plymouth Pub have opened up and are greatly needed and appreciated.*

*Those of us not living under a rock know that each year E2C brings new events to St. Helens like Kite club, Sand Island castle contest, the human gerbil balls and the LumiNights Lantern festival.*

*For those of us not living under a rock, the only tourism question you should be asking is where do we place the gold stature of Tina Curry? Do we place it in the center of the Plaza where there is already a spot for it? Or do we create a dedicated space as part of the waterfront development? Or, my favorite plan, place it in the middle of HWY 30 and Columbia Blvd with a huge welcome to Tinaville sign.*

*Sincerely,  
Brady Preheim"*

*\*Bill Eagle. He is part of the Kiwanis Club of St. Helens. He really appreciates what Halloweentown has done to the community. Thanks to Halloweentown, the service organizations have been able to help children in the community. He certainly hopes that we can continue with it. He is very happy and hopes to see it continue in the future.*

*\*Stephanie Patterson. She loves tourism. And loves what she's been able to do with tourism the past couple of years. She said that in 2020, Halloween tourism nationwide was expected to drop \$8.05 billion. That did not happen in St. Helens. We should be very proud of this. \$79 per family average four years ago...now it is up to \$90. There are a couple merchants that could not be here tonight. She read a letter from Andrew Bliss from Bemis Printing.*

*Letter from Andrew Bemis, Bemis Printing:  
"April 15, 2021*

*To Whom It May Concern:*

*I am not able to attend tonight's meeting, so I thought I would write my thoughts about Tina Curry, Tourism Director.*

*I have worked with Tina since she started with Tourism. She keeps us very busy during the summer months with printing signage, flyers, maps, cards, etc. for all the events, especially Halloweentown. Bemis Printing has been in Old Town St. Helens since the early 70's, I have been here since 2004. I have never seen more people coming through the downtown area than when her events are taking place. As a business owner in St. Helens, I know that she is increasing business and bring awareness to this town. Thank you, Tina, keep up the good work!*

*If you have any questions or concerns, please feel free to contact me.*

*Andrew Bliss  
Owner  
Bemis Printing & Graphics"*

Then Patterson read a letter from Jilly Owens who owns Jilly's on First Street.

*I have been in business in St. Helens for 30 years and I have always tried to stay out of politics. My opinion was to open my business daily and treat people with respect and generosity. This, to me, is what business owners should do to represent the goodness of our St. Helens.*

*It has come to my attention that there are those who want to relieve Tina from her duties. This would be a most detrimental action for our downtown. Tina is a wonderful girl who works hard for our tourism. She has helped to make Halloweentown what it is today. People come into my store and regale our festivities! She works very hard for all of us and I, for one, appreciate her efforts!*

*Sometimes I believe politics are fueled by prejudice and hearsay. I feel this is the basis for claims against Tina.*

*To summarize, let Tina do her magic by continuing her endless hours of work and creative ideas!*

*Sincerely,  
Jilly Owens*

Patterson said that she has had the pleasure of working with Curry. Curry is very dedicated.

\*Dana Lathrope. She thinks it's great that the Council is looking at tourism. She expressed gratitude for all that Halloweentown has brought to our community. She encouraged the Council to move forward and cooperate with other groups in the city when it comes to tourism. Her only personal comment is to encourage and improve communication with the downtown businesses. Last year, there was some confusion with regards to what was going on. She just would like to have more communication.

\*Nancy Ward. She wanted to say that she supports Curry. She doesn't know why on earth there is any question about Curry continuing. She will say that when she first heard about Halloweentown, she felt it had disaster written all over it. But it didn't. From her standpoint, we all care about what happens in St. Helens. She would like to see this Halloweentown be just as successful as the last one.

Mayor Scholl explained what the purpose of this meeting is for.

Councilor Birkle said that he is very surprised. When he was running for the Council, he heard some concerns about tourism. He made a point of meeting with Curry. He listened. He is fulfilling his responsibility that he swore to, to honestly and faithfully perform his duties as best as he can. He is responsible for spending money wisely. He has a necessary duty to understand how the program runs and to discuss these things. He is not anti-Curry or anti-Halloweentown. His hope in this discussion is to discuss tourism, not just Halloweentown. Tourism is more than Halloweentown. It is more than these other activities. What is wrong with asking questions? He asks questions because he wants to understand so that he can base his decisions on the facts. If anybody has questions, he is accessible to anybody. He feels attacked.

Mayor Scholl explained what the purpose of the meeting was for and where the tourism tax dollars comes from (hotel/motel tax).

City Administrator John Walsh explained a little bit about the history of tourism. He said that he has included in the packet for this meeting the current personal services agreement with E2C and the RFP from when she was hired. Is tourism about the tourists? About the residents? Or about the local businesses that are affected by it? We want to have an active and vibrant community.

Councilor Topaz wished to clarify that this "tax" is very specific. It is a tax. The City is imposing this on a select group of people.

Tina Curry commented that the revenues generated for tourism is to cover 100% of all the expenses that it takes to create and make the events happen. The majority of the money is being spent within the community, whether it's for hiring someone in the community, or bands, or people to help with props. This is not an income stream that has ever happened in St. Helens. When she started, there was nothing for her to build upon. People want to be a part of this, but many do not want to pay. She is hired to do a job because she knows how to do it. It's not like other departments in the City. It's kind of like a contractor for the computers...you say you want the computers to work...you expect the computers to work. It's the same with tourism. Not to look under the hood to see how many guys I had to hire today to make it work. You're hiring for a result. Hopefully, I am delivering the result. If you're not happy with that, than I'd like to know.

Walsh said that we have tourism to drive the local economy. We now have high profile developers coming to our community.

Mayor Scholl said that the purpose here is to draw people to our quaint little town that is undiscovered. He's a fisherman. He mentioned that people don't know about the downtown area.

Curry said that one of the points made is important. The big event is Halloween. She's already getting emails about Halloween. Halloween is going to be from the middle of September to the end of October. A lot of people come in the spring and during Christmas because of what happens in the fall. Of course, we aren't doing Halloweentown 24/7. She is creating events that are outside of her contract. There is a Sand Island corporate team building experience. It's very hard to have all these events and not charge people. It's not that they aren't building more things for people to come here. We are competing with all the other riverfront areas. We have to keep developing wings and arms on our one centerpiece event but it doesn't have to have anything to do with Halloween. Her job is to bring people here. One of the biggest focuses she has had, from talking with merchants, is ideas to try new things.

Mayor Scholl said that since Councilor Locke got on the Council, there had been five different

tourism directors throughout the years. All last about 2-3 years. Curry has lasted longer than any of them. There's a pattern of insanity. Trying the same thing over and over again and expecting different results. We do tweak it every year.

Councilor Topaz said that Curry mentioned this is a business. People want things for free. There are a number of community groups that work on doing things, such as parades. If we are going to have a business do this, we need to audit it so that we know what's going on. We need to prove it. A lot of arguments would go away. If we can't get our local community organizations to be a part of this, we are in trouble. A lot of our moneys used to be generated by the big mills. We need to be accountable.

Mayor Scholl asked Councilor Topaz to clarify if he was suggesting that the City hire Curry as a City employee? Topaz responded, "No," but that we need to see accountability. Council President Morten asked Topaz to clarify himself. Topaz said that we need something going on 360 days per year that encompasses a lot of people.

Councilor Chilton said that Halloweentown is not tourism. She said we have a lot of resources on our waterfront and that we have to look at the long-term investment of tourism. She said Halloweentown is going to die out. It cannot be the core of tourism. We have great resources here.

Mayor Scholl said, "It's not going away." He mentioned the fact that volunteers get burned out. We need other organizations to help out.

Councilor Topaz said that we used to have street dances from other groups. These things have cycles...here a few years and then they go away.

Curry agreed with Councilor Topaz and said that there are so many community members involved with everything she does for tourism. They work with the Kiwanis, Rotary, Boy Scouts, cheer teams, dance teams, etc.

Mayor Scholl asked Curry to clarify that out of the money she receives, she pays employees to help her with events. Curry said that there are so many groups in town teetering on whether or not we hold our event. There are no volunteers. She has to pay everyone. She reaches out to different groups to get them involved. Most of them just know to come to her asking how they can make money. In response to the comment that this is going to die in three years...she can't fathom that.

Mayor Scholl said that people are under the assumption that Curry gets \$120,000. The truth is that she has to hire people out of that \$120,000. The figure that she actually makes is very low.

Councilor Birkle said that he personally thinks that Halloweentown is going to be a long-liked event. Did he agree with everything the way it was done last year? He was out there often interacting with visitors. He is proud. He drops off event literature at his work in Hillsboro. He personally supports it. He doesn't think we need to talk about the position. He commended Curry for giving up money for four months of furlough. Is there a way for us to engage other people to promote some of the wonderful assets that we do have, such as the McCormick Park Disc Golf Course, the skate park, etc.? St. Helens is awash with natural beauty. It is beautiful. We have all kinds of natural flowers, trees...we are a preserve of nature. How can tourism support other areas in the city (bird watchers, nature people, etc.)? During his campaign, he spoke to Paul Vogel, of CCET, they talked that St. Helens is an event-based program. Halloweentown, 13 Nights, etc. Isn't there room to broaden that and attract other visitors?

Mayor Scholl said that Birkle paints a beautiful picture. Maybe bird watching could be through the Recreation Program or Parks and Trails. Those groups could highlight something like that. Tourism is to draw big events to the town to generate big money.

There was some discussion about things that Curry volunteers to do that are outside of her contract.

Mayor Scholl clarified that the City does not step in the way of anybody who wants to do an event. If people have ideas, they should come to the City, if they don't want to do it.

Council President Morten said that to follow up on what Councilor Birkle was talking about... Count our assets and that can be as simple as wind and water. What's happened now is that we have a kite club. With the water, we have Sand Island that is generating so much revenue for the City, compared to when the City was maintaining it. We have Dalton Lake, Nob Hill Nature Park... He thinks Curry is on board with doing those things and promoting those things. There are things that we are doing that go unrecognized where the City is involved. There are volunteer groups taking part in these things. He sees that our community is engaged. Tourism judges by the small businesses. Our small businesses are engaged in tourism.

Curry said that is one of the reasons they decided to develop the website [www.discovercolumbiacounty.com](http://www.discovercolumbiacounty.com). Literally more than 24 million people have visited that site. Anybody who wants to put things on the website can do that. There is a lot of visibility on that website. That's why we drive people for Halloweetown to the site. This is so that people will notice other things going on.

Walsh said that in 2007, the City, along with the Chamber, adopted a Sustainable Tourism Plan. In that time, there is a new County-wide tourism plan. The principle focus of that plan is outdoor recreation. He was talking to Doug at the Port of Columbia County, who said that they have had over 500 kayakers in the last two weeks. We are also looking at Salmonberry as a recreation park. Halloween is just part of the tourism program.

Councilor Birkle mentioned that we could hold a basalt festival with all the basalt rock in our city.

Councilor Topaz suggested a geology show and said there's a lot of things in our tourism business that we aren't looking at. Halloweetown is for a specific group of people. Fishermen are a specific kind of group, too. Some of the things in our tourism have to have two purposes, welcoming and show off. We have to have a much more diverse tourism business. If you have kayaks, you need a place to put them in the water. The people that go salmon fishing...those are the people we have to go after. The thing that irritates him is that we haven't taken advantage of the water. We have some of the most fabulous water, but we don't promote sailing.

Mayor Scholl said that we don't have the infrastructure for all the things that Councilor Topaz just mentioned, such as dock space and launch space. We don't have the infrastructure. Fishermen spend a lot of money. Our future development, does have in-water stuff. That's a whole other step. The in-water is going to be another big permitting hurdle.

Walsh said that he's hearing a theme of outdoor recreation. The anchor event will always be a good thing...then we have the arms and wings that fill the rest of the year with activities.

Walsh said that the foundation of the agreement is an expectation that we pay a contract price, and we have a number of events that she does. Halloweetown is the anchor and 13 Nights is

one. If you'd like to see an expansion towards outdoor recreation, we can amend the contract to include that.

Councilor Birkle asked if other communities could help pay for the website. Curry said that her company, E2C, pays for the website. They allow other areas to advertise for free. She would rather see them spend their money in their towns.

Mayor Scholl said that up until most recently, there wasn't any discussion on tourism. It wasn't until about three years ago that other areas started recognizing tourism. They realized that tourism does benefit communities. The Halloween parade that Heather Epperly started is phenomenal.

Councilor Chilton asked if we have a tourism committee that advises the Council. She heard that there was one in the past. Council President Morten said that we did have one but that there was a lot of infighting and finger-pointing going on. It got out of hand. Chilton said that she thinks there should be an advisory committee.

Mayor Scholl said that we do this tourism meeting every year to discuss the tourism program.

There was a short discussion on whether or not the Council wants the City to continue putting on the 4<sup>th</sup> of July event.

There was discussion about what to include in Curry's contract. This contract is for promotion of events. Councilor Birkle was in favor of revising the contract because it is out of date.

There was discussion about how to tailor the contract to be either "tourism" or "event" related.

Audience member Dana Lathrope asked to speak. Mayor Scholl obliged. Lathrope said that she is a member of the Chamber and SHEDCO and it doesn't appear that the City is supporting the Chamber at this time and that that is unique to St. Helens. Mayor Scholl said that the City gave money to the Chamber and to Columbia County Economic Team (CCET). Lathrope said that the Chamber and SHEDCO organizations have both been transformed. She would like to see everyone work together.

Audience member Philip Stanton was offered an opportunity to comment. He said that he owns businesses in St. Helens. He has felt very positive in the past 24 months. The event, Halloweentown, he's watched it. You make decisions based on the numbers as far as the events you continue. He owns Mississippi Pizza in Portland. They have events and they gage the popularity of the events based on attendance. Curry is tenacious. She also buys from the businesses in town.

Audience member Toni Doggett was also offered an opportunity to comment. She said that at the St. Helens Marina, they have seen a lot of growth. There are a lot of good events going on around the river. We will build on those. All of this is a positive. It took her awhile...when citizens see change coming to their town, they worry that things are going to be taken over. She thinks we are definitely on the right track.

Curry played a recording from Jennifer Pugsley, a local business owner. She expressed support of Curry and E2C as the tourism coordinator. She encouraged the Council to reach out to local businesses to see how E2C has done.

Walsh reminded the Council that tourism is a lot more than E2C. It's a lot of other things that are



done to build up the community. Events are just part of it.

Council President Morten said that it's interesting to note that the last part of September and into October, are a lot of dead months throughout a lot of communities. This community picks up during that time and elevates into the holiday season. This is a bonus for families.

Councilor Topaz said that one of the things we are seeing with families is in downtown Portland....it's not a place to be. We could be the host to an area of relaxation.

Mayor Scholl said that the City has the Salmonberry Watershed that we have been working with the County on the possibility of opening it up to recreation more than it already is, including motorized vehicle trails for ATVs.

Councilor Topaz commented that one of the things they haven't covered is how to help the businesses up on the highway. Mayor Scholl said that he spoke to Lane, the owner of Skinny's, and he was very busy in October. Topaz stated that this Council doesn't talk about the other side of the highway that much. Councilor Birkle agreed. Scholl said that in other communities, when the downtown area is developed, the whole community thrives.

Walsh stated that the Council basically has three options:

1. Open the contract and amend it.
2. Keep the contract as is.
3. Go out for an RFP.

The Council was in concurrence to amend the current contract. Walsh said he would work on that and include it on the Council's May agenda.

The Special Session was adjourned at 7:03 p.m.



ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor



# COUNCIL WORK SESSION

Wednesday, April 21, 2021

## 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  
Matt Brown, Assistant City Administrator  
Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Brian Greenway, Police Chief  
Mouhamad Zaher, Public Works Director  
Margaret Jeffries, Library Director  
Sue Nelson, City Engineer  
Rachael Barry, Government Affairs &  
Project Support Specialist

Crystal King, Communications Officer  
Shanna Duggan, Parks & Recreation Manager  
Jacob Graichen, City Planner  
Jenny Dimsho, Associate Planner  
Sharon Darroux, Engineering Project Manager I  
Gretchen Kolderup, Youth Librarian  
Adam Hartless, Police Officer  
Terry Massey, Jr., Police Officer  
Tina Curry, Event Coordinator  
Bill Monahan, City Attorney

### OTHERS

Anne Scholz	Robert Conrath
Richard Mason	Jennifer Motherway
Joel Medina	Erick Holsey

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

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

- ◆ Anne Scholz, Manager of Eisenschmidt Pool. The pool is 82 years old this year. At the beginning of COVID, they found a significant water leak. It was fixed immediately and cost \$25,000. COVID forced her to lay-off 25 people, most of whom were young. They were down to nine staff members when they were able to reopen. They are still limited on programs and people in the building. In the meantime, the boiler began failing and needs to be replaced. Replacing it will save \$2,000/month in natural gas. However, the replacement costs \$105,000. Energy Trust will contribute \$42,000 towards that project. They also need to regROUT and calk the pool shelf, which will cost \$78,000, in addition to completely draining and refilling the pool. She is requesting the Council please consider a leniency on the water bill the next couple years. They are looking at major expenses and have no idea where the money will come from. There is a strong desire to keep the pool open. She thanked the Council for their time.

Council President Morten said they have given leniency on huge water bills in the past. He suggested Anne submit her request in writing for Council to review at their next meeting.

Anne summarized for the Mayor who lost connection during her comments. Mayor Scholl agreed with Council President Morten. It will be added to the next agenda for discussion. Council President Morten suggested she be in attendance for that.

- ◆ Richard Mason. He is here to find out why the dock rules are not being enforced. There are three boats that have been there over three weeks. One boat is from Canada. It is plugged into power, but he cannot tell if anyone is on board. There is another boat where he has not seen activity. He does not understand why they are not being cited. The City is doing nothing.

Chief Brian Greenway met with Prosecuting Attorney Sam Erskine in March to discuss it. It is a challenge by not having 24-hour coverage at the docks. They are investigating two solutions. 1) City hires a harbor master, assigns an employee to oversee the docks, or contracts with Brad from the Marina to oversee the docks; 2) Install a meter system that would allow for boaters to check in and receive a permit with their time stamp of arrival. Erskine and Corporal King are investigating what other jurisdictions do. They are short four officers, so do not have the manpower to patrol the docks. They will respond if they are summoned there. It is not safe for the Code Enforcement Officer to be on a dangerous waterway without proper equipment or training when tensions are high.

Richard asked why an officer cannot go there every 72 hours and document the boats. Mayor Scholl responded that they have been documenting the boats there. Commercial vessels are not allowed to be there without permission from the City. Greenway added that they need a long-term solution if this is a priority. It cannot continue to fall on the Police Department when they have complex calls that are urgent. They need a permanent system in place.

Council President Morten asked about towing boats. Boats with State licenses are in a different situation. Derelict boats can be towed anywhere but cannot be set adrift. He supports having a harbor master. The harbor master at the marina is in total control there. He suggests looking for grants to cover the cost.

Richard is concerned about a harbor master's safety if Greenway is afraid of the Code Enforcement Officer's safety.

Mayor Scholl would like more research done. He asked for the Police Department to do a google search of harbors back east.

Councilor Topaz talked about the importance of moving forward with the Waterfront Development project.

## **DISCUSSION TOPICS**

### **1. Review "If I Were Mayor..." Student Contest Entries**

Two posters, two essays, and two digital presentations were received. A copy of the submittals is included in the archive packet for this meeting. Electronic ballots were distributed to the Council. The winners will be announced at tonight's meeting.

### **2. Employee Length of Service Recognition - *Kathy 20 years and Gretchen 5 years***

1:28 p.m.

Two employees have reached milestones in their employment with the City of St. Helens.

#### 20 Years

Kathy Payne began working for the City on April 9, 2001 as the Planning Secretary. In December of 2002, she was promoted to Executive Secretary. In January of 2008, she took over many of the recorder-type duties that were under the City Administrator, and her position was reclassified to City Recorder, where she has served ever since. In February of this year, her position was retitled to properly reflect the significant amount of Human Resources duties her position encompasses. Her current title is Human Resources Coordinator/City Recorder.

5 Years

In late 2015, the City started recruiting for a Youth Librarian to join the staff to enhance the children's programming at the Library. Gretchen Kolderup was the ideal candidate and was hired in April of 2016, where she has served ever since. She has created and encouraged some amazing children's programs at the Library since she was hired.

Congratulations, Kathy and Gretchen, and thank you for your service!

Mayor Scholl talked about how wonderful Payne is to be around. She is a friend and a joy. Kolderup is doing a fantastic job working with kids and the community.

Councilor Topaz talked about Kolderup bringing new, incredible programs with COVID. She is very creative.

Council President Morten compared Payne to an anchor on the evening news. She is solid and knowledgeable. She has been through several city managers, council members, and staff members. She remains reliable and trustworthy. She is a huge resource in terms of knowledge, can fix anything, and is an incredible asset to the City.

Payne expressed how she enjoys working here more than anywhere else. She appreciates the people.

Councilor Topaz once made a comment about her job description. It was miniscule compared to what she does. She touches so many areas. She is the foundation and rock of the place. Congratulations!

Councilor Chilton congratulated both. She appreciates how friendly and kind Payne has been to her.

Councilor Birkle talked about how Payne helped make the election process easier. He thanked her for the resources she provided. She always provides information in a timely manner. He enjoys her even keel and demeanor. She has even served on the Board of the Oregon Association of Municipal Recordors. Serving in that leadership position says a lot.

Councilor Birkle worked with Kolderup when he served on Library Board. He appreciates her work. She was always prepared and has great ideas. She had concerns for both the youth and the entire community. Her partnership with Parks & Recreation Manager Duggan has been excellent.

Kolderup expressed how lucky she feels to work here and with the community. She thanked Payne for her help.

Walsh talked about Payne being a great asset. He is very appreciative of her.

Library Director Jeffries thanked Payne. She always has the answers and is very helpful. Kolderup has been a sheer delight to have on staff at the Library. She creates initiatives and follows through, as well as attracts funds to the programs. She has been a boon to the Youth Program and a wonderful colleague.

### **3. Presentation of Columbia River Fire & Rescue Awards to Officer Hartless and Officer Massey**

1:39 p.m.

Columbia River Fire & Rescue Chief Joel Medina and Division Chief Erick Holsey were in attendance to present Officer Hartless and Officer Massey with the Lifesaver Award for their actions on the morning of February 7, 2020. Hartless and Massey responded quickly, provided high quality CPR, and quick defibrillation. The actions allowed fire personnel to continue providing care and support the return of spontaneous circulation. He thanked them for their commitment to the protection of the community and supporting its health and wellbeing. Medina added that public safety at the Fire Department is only one half. The partnership with the Police Department is essential. This is just one example of police and fire coming together. It is nice to see a well-oiled machine.

Mayor Scholl acknowledged their quick actions. It is well deserved, congratulations!

Councilor Chilton thanked them. It is amazing. She is thankful for them.

Officer Hartless thanked the Fire Department for their support. It is an honor to work with them.

#### **4. Review Proposed Updates to Building Code - *Mike***

1:44 p.m.

Building Official Mike De Roia reviewed his presentation. A copy is included in the archive packet for the meeting.

- Reviewed recommendations from the 2019 Oregon Structural Specialty Code (State Building Code) to adopt. It is not a prohibition; it is a matter of ensuring safety.
  - Protection of adjoining property
  - Retaining walls greater than four feet in height
  - Fences greater than seven feet in height
  - Tanks
  - Communication towers
  - Flagpoles greater than 25 feet in height
  - Ground mounted photovoltaic system greater than 10 feet in height
  - Sign not located in a public right-of-way
  - Fixed dock, piers, or wharves with no superstructure
  - Equipment shelters not intended for human occupancy with a building area of 250 feet or less
  - Unoccupied grain elevator and silos not exempted by Oregon Law
  - Rodent proofing
  - Inground swimming pools accessory to not more than four dwellings
- Reviewed recommended Codes to adopt (outside of State Building Code)
  - Portable fire extinguishers
  - Fire safety during construction
  - Buildings or structure encroachments into the public right-of-way
  - Demolition
  - Hydraulic flood control structures
  - Mechanical equipment not specifically regulated by the State Building Codes
  - Flood resistant construction
  - Transitional housing accommodations

The attorney will review the Codes and then they will come back to the Council for approval.

#### **5. Semi-Annual Report from Planning Division - *Jacob***

2:10 p.m.

City Planner Graichen and Associate Planner Dimsho reviewed their report. A copy is included in the archive packet for this meeting.

Strategic Plan update:

- 2021 Development Code Amendments will have a first reading tonight
- N. 10th/11th Street Bluff - Graichen will be working on
- Floodplain amendments complete
- Urban Renewal Major Amendment complete
- St. Helens Industrial Business Park Parcelization and Financing Plan complete
- Riverwalk Phase I Design/Construction - Dimsho will be working on with Walsh
- Bennett Building Front Facade Design - windows are being fabricated now
- Community Development Block Grant for Columbia Pacific Food Bank Relocation
- Millard Road Request for Proposals (RFP)

- Capital Project Funding Support - reviewed grants

Planning Department Projects:

- Reviewing a lot of building permits
- Eight-plex proposed by 6th Street park
- Interviewed for new Planning Commission member
- Proposed RV park near Les Schwab Tire Center
- Property ownership being cleaned up on N. 18th Street
- Control Solutions project on the corner of Industrial and McNulty Way
- Armstrong lot line adjustment
- Semlings Pharmacy building being turned into a market
- Selling lots adjacent to the new vet office
- Grocery Outlet at Violette's Villa
- Proposed drive-thru restaurant adjacent to Grocery Outlet
- New apartments on Matzen Street completed in the last six months
- Braden Way developed
- Proposed 238-unit apartment complex on Gable Road
- Dahlgren's Building Supply is proposing to expand
- St. Helens High School will be applying for their renovations soon
- Proposed commercial subdivision in front of old Legacy Clinic
- Public Safety Facility assistance
- County purchased the Old School building. There is a proposed ramp into the building.
- Dalton Lake
- Receiving complaints about the property on the corner of Highway 30 and Pittsburg Road. Notices were sent for it to be cleaned up.
- Assisted with Business License Code amendments
- Planning Department Goals
  - Continue development review/permit processing
  - City projects
  - Strategic Plan items
  - Continue staff training
  - S. River Street to N. 2nd Street - micro transportation plan
  - Cottage Cluster and Annexation Code Amendments
  - Food truck Code Amendments
  - State mandates

Discussion of the need for another Planner in the next five-years.

**6. Review Request for Proposal for Millard Road Property - John**

2:47 p.m.

City Administrator Walsh reviewed the RFP. It is an opportunity for a public/private partnership with a public benefit. Applications are due June 11. It will be on tonight's agenda for approval to proceed.

**7. Legislative Update - Rachael**

2:52 p.m.

Government Affairs & Project Support Specialist Rachael Barry reported that the American Rescue Plan passed, and funding is becoming available. Funding requests submitted:

- Improvements at Highway 30 and Gable Road. Based on the TSP, \$800,000 was requested for a west bound turning lane. Congresswoman Bonamici connected her with Northwest Oregon Department of Transportation lead, who urged caution and expressed that the entire intersection

needs improvements. The Riverfront Connector Plan has a full intersection upgrade at \$2.2 million. After speaking with ODOT, she learned how difficult it is to work with the Railroad. If they were not able to get the full amount, the City would be responsible for the remaining. Based on that information, that request was withdrawn. The next step is to get on ODOT's Crossing Safety Programs Grant and Request List. They recommend the money for the railroad come in first, prior to seeking funding elsewhere. Railroads do not pay for anything.

- Improvements for Highway 30 safety and streetscaping from Millard Road to Deer Island Road. There is a request for \$800,000 for design and construction.
- The roundabout at the intersection of Old Portland Road, Kaster Road, and S. 18<sup>th</sup> Street.
- Riverfront funds are being sought through Business Oregon, the Infrastructure Finance Authority.
- Looked at the Industrial Park redevelopment and submitted to the Oregon Legislature through the Ways and Means process. Shoutout to Council Present Morten for sitting through hours of Ways and Means Committee testimony to request funds. It is \$3.3 million for phase one. Those funds can be spent through 2024.
- Central Waterfront Project. There is a resolution on tonight's agenda authorizing application through the Oregon Office of Emergency Management.

Councilor Topaz talked about the proposed Public Safety Facility. Will the roundabout at the intersection alleviate the flood issue? Barry is not sure. She can keep it on the radar.

Council President Morten talked about the Riverfront project. There is an opportunity for federal grants in waterways for ferry boats, such as the Portland Spirit and Sternwheeler. There has been talk about the Portland Spirit obtaining dockage in the community. Barry did not see specific funding for that but can research it. Councilor Topaz suggested a passenger ferry for connection across the river. Discussion of coordination with other agencies.

Barry will send a revised funding request to the Council.

#### **8. Review Amendments to Associate Planner Job Description - John**

Walsh reviewed the amended job description. A copy is included in the archive packet for this meeting. It adds duties for Community Development Project Manager. It is on tonight's agenda for approval.

Councilor Topaz expressed concerns about wanting Dimsho to have more authority. Discussion ensued.

#### **9. Discuss 4th of July Event**

3:18 p.m.

Mayor Scholl clarified with the Council that the City will not be doing fireworks in 2022. It will be turned over to a volunteer committee. Council needs to be in consensus if that is the decision.

Councilor Chilton asked if the City has reached out to community organizations to hand it over. Mayor Scholl responded that he wants that decision soon, so the volunteers can start raising funds immediately.

Councilor Birkle heard clearly that the City is handing it off. It does not imply that the City will not support the process. The degree of involvement from the City is coming to an end. If a year from now there are no volunteers raising the funds, the City will not step in and rescue them.

Councilor Topaz asked if they could put out an RFP for organizations to take it over. Councilor Birkle said no, that would put it under the City's control. Council President Morten agreed that does not make sense. Communication needs to be made that the City is no longer organizing it. The City could help and possibly partner.

Councilor Topaz wants a way for people to submit a proposal to take it over. Mayor Scholl will facilitate that. He wants an action item at the regular session for Council to vote on.

**10. Strategic Action Plan Updates**

Continued to tonight's meeting.

**11. City Administrator Report**

Continued to tonight's meeting.

**OTHER BUSINESS**

None

**ADJOURN – 3:27 p.m.**

**EXECUTIVE SESSION**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor



# City of St. Helens

## CITY COUNCIL

### Executive Session Summary

April 21, 2021

*This meeting was held electronically via Zoom.*

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

**Staff Present:** John Walsh, City Administrator  
Matt Brown, Assistant City Administrator (left the ES at 4:27 p.m.)  
Kathy Payne, City Recorder  
Mouhamad Zaher, Public Works Director (left the ES at 4:27 p.m.)  
Sue Nelson, City Engineer (left the ES at 4:27 p.m.)  
Bill Monahan, City Attorney with Jordan Ramis PC  
David Bowser, City Attorney with Jordan Ramis PC (left the ES at 4:27 p.m.)

**Others:** None



At 3:38 p.m., Mayor Scholl opened the Executive Session pursuant to the ORS numbers listed below and then gave Council roll call. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media were specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. Any person in attendance, including the news media, who has a recording device is directed to turn it off.

- **Real Property Transactions, under ORS 192.660(2)(e)**
  - Update on potential purchase of Childs Road property.
  - Update on potential purchase of property off of Grey Cliffs Drive adjacent to the Columbia Botanical Gardens.
  - Update on potential sale of Civic Pride Park.

4:08 p.m.

- **Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h)**
  - Update on potential litigation regarding the Pittsburg Road water reservoir.

4:27 p.m.

- **Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h)**
  - Discussion regarding potential litigation in regard to investigations concerning Councilor Topaz.
  - Update on Cascades Tissue litigation.
  - Update on the Comcast franchise ordinance.

- **Consider Dismissal/Discipline of a Public Official**, under **ORS 192.660(2)(b)**
  - No matters were discussed under this ORS.

The Executive Session was adjourned at 4:37 p.m.



ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor



# **COUNCIL PUBLIC FORUM**

Wednesday, April 21, 2021

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## **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  
Matt Brown, Assistant City Administrator  
Kathy Payne, City Recorder  
Jenny Dimsho, Associate Planner  
Mouhamad Zaher, Public Works Director  
Rachael Barry, Government Affairs & Project Support Specialist

### **OTHERS**

Seth Otto, Maul, Foster, & Alongi	Margaret
Abbi Russell, Maul, Foster, & Alongi	Jeff
Vita Larsen	Drew Miller
Michelle Damis	Art Leskovich
Pat	

### **OPEN PUBLIC FORUM VIA ZOOM – 6:00 p.m.**

#### **TOPIC**

#### **1. Update on Waterfront Redevelopment, particularly the Central Waterfront Project**

St. Helens resident Michelle Damis was the moderator for the evening. She introduced all of the participants presenting tonight and laid the ground rules for the meeting. A copy of the complete presentation is included in the archive packet for this meeting.

City Administrator John Walsh gave a high-level overview of the Waterfront Redevelopment project. The key properties are the Riverfront District (22-acre former Veneer Mill), the Central Waterfront (50-acre Wastewater Treatment Plant, lagoon, and surrounding property), and St. Helens Industrial Business Park (205-acre heavy industrial zoned land).

Public Works Director Mouhamad Zaher followed with further details on the projects. These projects are beneficial economically and environmentally. The two key projects at this time are the riverwalk and park expansion and the roadways and utility infrastructure.

Walsh pointed out the slide on the screen is a conceptual design. The consultant will submit final proposals based on connectivity. The St. Helens Industrial Business Park can potentially support employment, drive economic development, boost livability, and attractiveness. The Urban Renewal District, Enterprise Zone, and Opportunity Zone also lends to the attractiveness of the property. The

2020 parcelization and infrastructure finance plans have been completed. Zaher added that this is a great time to focus on the economic benefits.

Walsh detailed the four-phase approach to parcelization. Infrastructure is a huge component to making it useable to smaller businesses. Zaher added that the projects are listed by priority and funding. The development will add a great presence to the local community, provide convenience to everyone who lives here, and revitalize job opportunities.

Seth Otto of Maul, Foster, & Alongi reported that they have been working with the City since 2013. He talked about the projects he has been involved in with the City. Tonight, they are focusing on the Central Waterfront. It totals 50 acres; 39 of which is the lagoon. The lagoon was constructed as part of the former Boise Cascade Pulp Mill to process their water byproducts. Cascade Tissue no longer processes their byproducts through the lagoon, so it essentially sits there, except for a small portion to serve the City's municipal needs. A concept was developed to partner with entities performing maintenance dredging of materials that cannot be placed back in the water, making the lagoon an upland disposal facility. Filling the lagoon creates new, usable land. They have conducted studies to understand the conditions. For the most part, it sits on basalt. Up to this point, the project has been funded in partnership with the City and various State departments. The next steps will require additional funding. There are potential sources of federal funding. This project meets a number of the requirements for the American Rescue Plan (ARP). It brings a lot of benefit to the community and the region. The tipping fees would generate a significant financial benefit to the City and future development. He showed a possible conceptual design of the property. It is potentially 50 acres of brand-new land.

Councilor Chilton walked the property with Walsh. She asked if the American Rescue Plan is the only funding source for the project. Seth responded that the ARP is bringing \$2.8 million to St. Helens. He understands there is a list of Capital Improvement projects. A great deal could be done with some of that funding. Walsh added that progress is very contingent on funding. They are looking at multiple funding sources. It benefits the City and the region. Councilor Chilton wants it to be very clear that it is "government stimulus" for our community and they will ask about it.

Councilor Topaz read the report. He found some things disturbing.

- Appendix H. Maul, Foster, & Alongi recommended that no fill be above the level because the ability to build a stable foundation did not exist.
- He talked about the temperature being higher in the bottom of the core holes. There is a huge amount of heat being generated.
- There were a couple spots they only hit dirt and not basalt. The DOGAMI maps show there is a landslide problem in that area.
- There was a cave-in when the holes were being drilled. There was a significant amount of groundwater around the stormwater pipe.
- There is a disaster map or pollution map that shows the Multnomah Channel coming out of the Portland Harbor to the Frogmore Slough. It shows a pollution problem.
- The ground along the riverfront is unstable. The Army Corps will fill it in for free. Who pays for the unloading and dewatering equipment?
- The picture did not show a Wastewater Treatment Plant. Where is the sewer plant?
- He has real problems with the fact that the ground underneath is unstable. The membrane was placed in the 1960's. What has been in the cooling pond and the sewer plant has been polluting whatever is underneath there. The cores did not go underneath the lagoon. There is a problem underneath the ground. How do they propose to handle that?

Seth is unable to answer all of those questions tonight. He requested Councilor Topaz submit a letter or email for them to address those concerns. Councilor Topaz said he has already sent a critique to DEQ. He will send Seth a copy.

Seth agreed that there are questions about what is underlaying the lagoon. There are areas that they did not hit bedrock. That is why additional studies need to be made. What they have looked at so far does not appear to be a fatal flaw.

Councilor Topaz asked if they realized the levy once failed. Seth was not aware of that. Councilor Topaz said he spoke to people who put it back together. It was breached because of heavy stormwater.

In response to Councilor Topaz's question about the Wastewater Treatment Plant not shown on the conceptual plan, Seth said that is assuming it would be relocated.

Councilor Birkle:

- Clarified that the timeline speaks about the final conceptual design for filling the property, and not what will be placed on top.
- He hears residents asking if the material being brought in is toxic waste. He understands that City has been doing its diligence to make sure that whatever is brought is not toxic waste. Can they explain the nature of the fill?

Seth said they have identified the primary sources of fill coming from maintenance dredging of the Columbia River, Multnomah Channel, and Lower Willamette River. Some of what comes from the Willamette may have been impacted by industrial uses. Anything deemed hazardous is collected separately and sent to a controlled landfill in Arlington.

### Public Comments

- ◆ Arthur Leskowich. Reviewed his concerns.
  - It will always be a landfill and liability.
  - There was discussion of funding. It will be a minimum of 20 years to have use of the property.
  - He would like to see the alternatives they have looked at for that property and how to clean it up. He suggested using the space for marinas and floating homes.
  - There is a liability with a toxic waste landfill. It needs to go into a lined landfill a mile upstream of our drinking water intake.
  - The reports are biased with an end result in mind.
  - One of the biggest benefits is to the State of Oregon and City of Portland. A lot of the money funding this project is coming from them.
  - There is no guarantee of what is going to happen.
  - The waste is contaminated.
  - A year ago, the City was excited about a new company coming to town to make use of the Waterfront. They were unaware that the moorage area was right in the middle of the most contaminated sediments on St. Helens waterfront. He informed City personnel of what was happening, and nothing occurred. There is a fish advisory from the Portland Harbor to the edge of the Island. There has been no notice to the public about contaminated fish.
  - There are a lot of fatal flaws and a lack of transparency. He is not comfortable with the path and pace this project is taking.

Seth appreciates Art's perspective. It is an unbiased report, scientifically prepared. A lot of the funding did come from the State. As a result, there was a very involved working group that included DEQ, Department of Fish & Wildlife, and DSL.

Arthur would like the City to provide all the alternatives studied, cost benefits, and levels of those types of clean-up. He talked about the benefits versus the liability involved.

Government Affairs & Project Support Specialist Rachael Barry directed viewers to the City website for more information [www.sthelensoregon.gov](http://www.sthelensoregon.gov).

**CLOSE PUBLIC FORUM – 6:59 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, April 21, 2021

## **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  
Matt Brown, Assistant City Administrator  
Kathy Payne, City Recorder  
Rachael Barry, Government Affairs &  
Project Support Specialist

Mouhamad Zaher, Public Works Director  
Jenny Dimsho, Associate Planner  
Lisa Scholl, Deputy City Recorder  
Tina Curry, Event Coordinator

### **OTHERS**

Brady Preheim	Sebastian Bean	Olivia Fantus
Arthur Leskowich	Katelyn Wells	Anna Richardson
Becky Jesse	Addison Wells	

### **CALL REGULAR SESSION TO ORDER – 7:01 p.m.**

### **PLEDGE OF ALLEGIANCE**

Mayor Scholl lead the Pledge of Allegiance.

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

- ◆ Brady Preheim. Yesterday, he said he was in support of giving Councilor Topaz a redacted report. Since then, he received contact from a few City employees who told him they were assured that the information given in the investigation would remain confidential. Council already has a history of not protecting their employees. They certainly cannot violate their trust. The executive summary should be distributed to every person who was interviewed for their approval before releasing it. Secondly, he had the opportunity to listen to part of Councilor Topaz's tirade. The Council's failure to act shows they are being dragged along with him "on the crazy train." There is an option to remove him from office if he is mentally incompetent. Preheim suggested the Council order him to have a mental health evaluation by May 15. If he does not, then they can declare him as mentally incompetent and remove him from office. He has delayed time and time again. The audio from yesterday was very hard to hear. Council needs to protect their employees. Council needs to censure him and not allow for his continued disruptions.

### **ANNOUNCE & AWARD PRIZES TO "IF I WERE MAYOR..." STUDENT CONTEST WINNERS**

All participants received a box earlier in the day and was instructed not to open it until Mayor Scholl made the announcement. When he announced it was time to open their box if a blue balloon floated out, they won first place, and if a red balloon floated out, they won second place. First place winners

won \$150. Their entries will compete for a prize at the State level. Second place winners won \$50. All participants received a certificate, St. Helens pens, St. Helens postcard, candy, and a Wellness Program lip balm. Mayor Scholl invited all participants to join him for a pizza lunch to be scheduled in the summer.

Fun Fact: All of the entries received at least two votes. The winners only won by one vote!

**Grades 4-5 Poster Category:**

First Place Winner – Anna Richardson

Second Place Winner – Sebastian Bean

**Grades 6-8 Essay Category:**

First Place Winner – Addison Wells

Second Place Winner – Olivia Fantus

**Grades 9-12 Digital Presentation Category:**

First Place Winner – Hayden Stram

Second Place Winner – Katelyn Wells

**ORDINANCES – Final Reading**

**1. Ordinance No. 3261:** An Ordinance Vacating a Portion of S. 2nd Street Right of Way

Mayor Scholl read Ordinance No. 3261 by title for the final time. **Motion:** Motion made by Councilor Topaz and seconded by Council President Morten to adopt Ordinance No. 3261. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**2. Ordinance No. 3262:** An Ordinance to Annex and Designate the Zone of Certain Property at 35526 Firway Lane

Mayor Scholl read Ordinance No. 3262 by title for the final time. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Ordinance No. 3262. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**3. Ordinance No. 3263:** An Ordinance to Annex and Designate the Zone of Certain Property at 58830 Firlok Park Street

Mayor Scholl read Ordinance No. 3263 by title for the final time. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Ordinance No. 3263. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**ORDINANCES – First Reading**

**4. Ordinance No. 3264:** An Ordinance Amending the St. Helens Municipal Code Chapters 17.16, 17.24, 17.32, 17.40, 17.56, 17.64, 17.68, 17.72, 17.80, 17.84, 17.88, 17.92, 17.96, 17.100, 17.104, 17.108, 17.124, 17.132, 17.136, 17.152, and 19.20, and Deleting Chapter 17.128, Focusing on Duplex Housing to Comply with Oregon House Bill 2001 and Other Matters

Mayor Scholl read Ordinance No. 3264 by title for the first time. The final reading will be held at the next meeting.

**RESOLUTIONS**

**5. Resolution No. 1914:** 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. 1914 by title. **Motion:** Motion made by Councilor Topaz and seconded by Councilor Chilton to adopt Resolution No. 1914. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton



**APPROVE AND/OR AUTHORIZE FOR SIGNATURE**

6. Extension of Agreement with Columbia Pacific Economic Development District for Grant Administrative Services for the Columbia Pacific Food Bank Project
7. Contract Payments

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

**APPOINTMENTS TO CITY BOARDS AND COMMISSIONS**

8. Appointments to City Boards and Commissions

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

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to appoint Brandon Sundeen to the Parks & Trails Commission.

Question.

Councilor Chilton thought the appointment process for committees was changing. Assistant City Administrator Brown explained that Boards and Commissions already go through an interview process to select someone. The Budget Committee recently changed to follow what the others do.

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

**CONSENT AGENDA FOR ACCEPTANCE**

9. Library Board Minutes dated March 8, 2021
10. Parks & Trails Commission Minutes dated March 8, 2021

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '9' and '10' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**CONSENT AGENDA FOR APPROVAL**

11. Council Executive Session Minutes dated March 31, 2021 and Council Work Session, Executive Session, Public Hearing, and Regular Session Minutes dated April 7, 2021
12. Amended Associate Planner/Community Development Project Manager Job Description
13. Accounts Payable Bill Lists

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '11' through '13' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**WORK SESSION ACTION ITEMS**

Council President Morten would like to bring forth a Parks & Trails Commission recommendation for Columbia Botanical Gardens. Mayor Scholl suggested he present that during his report.

**STRATEGIC ACTION PLAN UPDATES****PEG Channel 29**

Brown talked about the problems with the audio during yesterday's in-person Council meeting. He and IT Specialist Darin Cox have found a solution for future meetings. However, they are still having problems uploading Zoom files to Comcast. Based on a recent community survey, Channel 29 is being used very little. Is the Council open to not streaming to Comcast? It would drastically simplify things in the Council Chambers. Videos will continue to be uploaded to YouTube with links on the Agendas page.

They would just stop uploading videos to the Comcast PEG Channel. He suggested ceasing using it for some time and revisit it if they receive comments from the public requesting it be available again.

Discussion of Comcast Ch. 29. Only recorded videos can be uploaded, and sound is not working on the program at this time.

Councilor Birkle is concerned about the perception that the City may be trying to keep people from accessing meetings. He suggested communicating the proposed change first. Brown agreed that Communications could release the information for feedback. Councilor Chilton agreed with communicating the change.

Mayor Scholl expressed that there have always been problems with the audio on the Comcast Channel. They could allow other entities to use the channel as well.

Council President Morten appreciated the channel for rebroadcasting meetings. He personally utilized it to view other Board and Commission meetings. Brown reminded him that all of the meetings are on the City's YouTube page. They could potentially use the Comcast channel to broadcast flyers with meeting and community information.

**Motion:** Motion made be Council President Morten and seconded by Councilor Topaz to move forward with fixing the audio for the Council Chambers, keep the channel to post information and direct citizens to the meeting links on YouTube, and communicate the change to the public. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Topaz, Councilor Chilton; Nay: Councilor Birkle

### **Millard Road RFP**

City Administrator Walsh reported that this is a request to put out a Request for Proposals for the Millard Road property. It is an attempt at a public/private partnership for a developer to propose projects and uses. Council will be involved in the review process.

**Motion:** Motion made be Council President Morten and seconded by Councilor Birkle to allow staff to put out an RFP for Millard Road. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **Fireworks**

Mayor Scholl summarized the discussion from the work session.

Discussion of a volunteer nonprofit organization taking over the fireworks beginning next year.

- Encourage the organization to offer sponsorship levels and accept cash and credit card donations.
- Encourage the organization to partner with other local nonprofit organizations.
- The City will continue to support the event.
- In the past, it was organized by volunteers. The City recently took it over when there were no volunteer groups willing to do it.
- Work with Communications Officer Crystal King to communicate the need for a volunteer organization.

**Motion:** Motion made by Mayor Scholl and seconded by Councilor Topaz to have the City communicate that they are currently in the process of finding a volunteer organization to take over the fireworks.

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

### **CITY ADMINISTRATOR REPORT**

- The "Smith Timber Sale" should be ready within the week. The sale would be the two units, totaling 92 acres, and containing roughly 2.7 million board feet. The bid opening is proposed to be May 26.

Council President Morten confirmed that timber prices are very high now.

**Motion:** Motion made by Mayor Scholl and seconded by Councilor Topaz to direct Walsh to direct Mason Bruce and Girard to proceed with the advertisement for timber cuts. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

- There was discussion at the tourism meeting about events not being the only piece of tourism. The State's Regional Solutions Team and County-wide Tourism Plan both have a strong emphasis on outdoor recreation.
- COVID numbers are trending downward, but not enough to keep businesses from continuing to struggle.
- With the nice weather they have had, there has been a desire to open the splash pad and turn on drinking fountains. The Governor's orders highly discourage the use of drinking fountains. The splash pad is ready to be turned on when it is allowed.

Mayor Scholl agreed with opening them when the Governor allows. Council concurred.

Council President Morten said that drinking fountains have been changed to fill-containers where he works at Mount Hood Meadows and Timberline.

- Congratulations to Officer Hartless on receiving the Lifesaving Award from Columbia River Fire & Rescue.
- Congratulations to City Recorder Payne for 20 years of service.
- There is a lot going on right now and staff is working really hard.

#### **MAYOR SCHOLL REPORTS**

- Congratulations to Officer Hartless and Officer Massey on receiving the Lifesaving Awards.
- Congratulations to the "If I Were Mayor..." Student Contest participants.
- City Planner Graichen's report during the Work Session really showed how much development is happening. Staff is working really hard. Kudos to the Planning and Building Division staff.
- There is a lot more information to come following the Central Waterfront project Public Forum. That was a good meeting.

#### **COUNCIL MEMBER REPORTS**

Council President Morten reported...

- Thank you to Lions Club member Kathy Syrstad for her dedication to our parks. They are donating benches to the City from their fundraising proceeds.
- Congratulated Brandon Sundeen for being appointed to the Parks and Trails Commission. Brandon's passion to research history is unmatched. He researched all the names located on the war memorial plaza.
- He would like the Council to consider a unanimous recommendation from the Parks & Trails Commission for staff to research options for obtaining the six acres adjacent to the Columbia Botanical Gardens.

**Motion:** Council President Morten moved to direct staff to research obtaining the property adjacent to the Columbia Botanical Gardens.

Mayor Scholl pointed out that this is sensitive based on what was discussed earlier today.

Councilor Chilton clarified that he is only asking staff to research the options and not purchase it.

Discussion ensued. A motion is not needed. Staff is already investigating it.

Motion died due to lack of second.

Councilor Topaz reported...

- The Library operations are going quite well. Youth Librarian Gretchen Kolderup was honored for her five years of service and received Employee of the Year for 2020.

- He would like a placard made for Christina Sullivan so people know who she is.

Councilor Chilton reported...

- This week has been busy with Special Sessions and Tourism Workshops. She has received a lot of feedback from community members regarding tourism, encouragement, and ideas. She is very excited about that.
- Met with the Police Chief this week and talked about changes and trainings. Shout out to Officer Hartless. That says a lot about the type of police officers they have in St. Helens.
- She is going to be coaching T-ball. She is very excited about softball and baseball in the community again.
- Encouraged people to reach out to her. She would like to hear all the different perspectives, ideas, and problem solving from community members.

Councilor Birkle reported...

- It has been a very full two weeks with various Council meetings on various topics. He is excited about the amount of activity in the community. He encouraged all residents to become and continue to be informed, advocate for what they believe, and present their points of view.
- The Planning Commission met. He continues to be impressed with the work of the Planning Division and the level of commitment from the Planning Commission. They make some difficult decisions. He is proud and impressed with their dedication and deliberation in making decisions.
- There are several spring clean-up events this weekend.
- He is looking forward to a reduction in the number of Council meetings.
- Congratulations to the "If I Were Mayor..." Student Contest participants.
- Congratulations to the employees recognized for their length of service.
- Congratulations to our officers on receiving the Lifesaving Award.

## **OTHER BUSINESS**

Walsh reported that the Council will need to hold a short special meeting next week. It can be held on Tuesday before the Budget Committee meeting or held individually on Wednesday. Consensus of Council to hold it the same night as the Budget Committee meeting.

Mayor Scholl talked about last night's Council meeting. The Council has never had to deal with it before and it is exhausting. They are working with their attorneys to release a redacted executive summary. City employees are very valued. They want a safe, respectful work environment for everyone to feel welcome, wanted, and needed. They will not release anything, in his opinion, that will hurt anyone. Grievances were made a long time ago and action taken to open an investigation on Councilor Topaz's conduct. It has taken a long time. He apologized to staff for feeling that nothing was being done. They are continuing to work on it, and they are being heard. Please be patient. This is very unique and complex.

Council President Morten asked Walsh to field any concerns from staff members regarding the issues of redaction and bring them to Council. Mayor Scholl agreed. They are also working with their attorneys. Staff is being heard and they are working on it.

## **ADJOURN – 8:32 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 05, 2021

## 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  
Matt Brown, Assistant City Administrator  
Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Mouhamad Zaher, Public Works Director  
Rachael Barry, Government Affairs &  
Project Support Specialist

Crystal King, Communications Officer  
Cameron Burkhart, Communications Assistant  
Jacob Graichen, City Planner  
Mike De Roia, Building Official  
Marimar Moreno, Code Enforcement Officer  
Matthew Kahl, City Attorney  
Bill Monahan, City Attorney

### OTHERS

Anne Scholz	Anne Collson	Art Leskowich
Jeremy	Aurora Biggers	Brady Preheim
Scott	Abby Olson	Natasha Parvey

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

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

- ◆ Art Leskowich. He would like to see the City encourage public participation in reviewing environmental projects. He suggests forming a commission, like the other boards and commissions that exist. There is very little transparency with environmental issues.

Mayor Scholl acknowledged they can add it to a future agenda for discussion.

- ◆ Brady Preheim. He commented on the letter read by Assistant City Administrator Brown. He hopes the City will make a decision today. Brown is a valuable asset to the City, along with other employees. However, he is not in agreement with Brown about the police station. The recommendation includes three sizes. He disagrees with the City selecting the largest building. He may support a 1,300 sq. ft. building. The City could have purchased the Olde School and renovated it. \$25 million is too big of a price tag. There was a mob of people who were going to lynch the City over a sugar tax. The same could happen if the City adds a \$10 fee to the utility bill to pay for it. He may even open a pitchfork and torch store in downtown St. Helens. The City also needs to address the inequities of the fee. A 100-unit apartment would pay the same fee as a residence. That is unfair. He does not think the City should spend \$10-25 million without hearing from the people. Outreach has not been good. People are going to be angry. The Council will face political consequences. He suggests the City start charging the fee to see what happens.

Councilor Birkle expressed his disturbance of Brady's reference to violent mobs, lynching parties, and pitchforks. Preheim stated that he meant that as a joke.

Mayor Scholl agreed there are three different plans. The fee will be by unit/household. They will be looking at every aspect to keep it as low as possible.

- ◆ Abby Olson, Executive Director of Riverside Community Outreach and Every Child Northwest. They serve foster care families. They began in Columbia County in 2017 and expanded services to Clatsop and Tillamook Counties last year. May is Foster Care Awareness Month. They are creating awareness and celebrating foster families. There are over 400,00 children in foster care across the United States, over 7,500 in Oregon, and 190 in Columbia County. She was a foster parent for 12 years. They adopted five kids and is a mom of 10. There is an Amazon Wish List to purchase a pair of summer shoes for every youth and teen. They are also holding a drive-thru Foster Appreciation Event. Baskets full of goodies will be given to families. She is requesting Council sponsor something at the event.

Councilor Chilton suggested getting Parks & Recreations Manager Shanna Duggan involved as part of the Recreation Center.

Discussion of a donation. It was the consensus of the Council to be able to vote during the work session when it involves spending Council funds.

**Motion:** Council President Morten moved, and Councilor Chilton seconded to donate \$1,000 to Riverside Community Outreach for their event.

Discussion.

Councilor Chilton suggested creating a process for these requests in the future. Councilor Birkle agreed.

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

Abby agreed that having an application and process is helpful for nonprofits.

Mayor Scholl asked City Administrator Walsh to provide an application on the website.

City Recorder Payne talked about the shared revenue program they did the past. All nonprofits had the same opportunity to apply for funds. Discussion ensued about resuming that process.

## DISCUSSION TOPICS

### 1. Communications Semi-Annual Report - *Crystal & Cameron*

1:28 p.m.

Communications Officer Crystal King and Term-Limited Communications Assistant Cameron Burkhart reviewed the Communications Report. A copy is included in the archive packet for this meeting. Having Burkhart to help with social media and the newsletter, allows King to focus on larger communication projects.

Council expressed their appreciation of their work.

### 2. Request from Eisenschmidt Pool - *Ann Scholz, General Manager*

2:07 p.m.

Eisenschmidt Pool General Manager Anne Scholz presented their request. A copy is included in the archive packet for this meeting. She is requesting leniency on their utility bill. They are currently paying 75% of the bill. All they want to do is get kids back in as soon as possible and keep the pool open.

Councilor Birkle asked for background about the 75% payment plan arrangement. Assistant City Administrator Brown explained that the City did not charge the pool for water and sewer for many years.

When they reviewed the master plans and the consultant's suggested rate increases, it was suggested to start charging customers who were not being charged. It was suggested to do it in a phased-in approach at 25%, 50%, 75%, and then 100%. They are currently paying 75%.

Councilor Topaz pointed out that the numbers have changed since the original proposal. Mayor Scholl responded that they are probably breaking even at 50%. Brown added that the consultant reviewed the SDC rates, and water, storm, and sewer rates. He suggested slow, moderate rate increases, and work on updating the master plans. They are working on the master plan updates with the new Public Works Director now.

Council President Morten pointed out the sense of urgency with this request. He suggested adjusting the rate to 50% and hold it until they get afloat. Councilor Chilton supports Council President Morten's suggestion. She wants to see long-term plans and assistance to the pool. She emphasized pursuing grant opportunities. Councilor Birkle agreed with freezing or reducing to 50%. He would like a plan to determine how future increases would occur. Councilor Topaz does not think anyone considered a pandemic. That has to be factored in the plan. At some point, they are going to have to tear the pool out and start over because it is getting old. The community is growing, and the pool will soon be too small for the population. He agreed with the 50% and suggested they investigate grant funding. Councilor Birkle pointed out that pool is a different organization.

Anne has been managing the pool for nearly 20 years. It is 80 years old and is in perfect shape. She fixes everything as soon as there is a problem. They do not need to demolish it. They are never overcrowded. They are very proud of it; it is not dying. They have applied for every grant available. They have been turned down for many because they are their own district and are not nonprofit. She appreciates the Council's consideration.

Mayor Scholl clarified the reduction to 50% until June 30, 2022, and then increase it back to 75%. Council President Morten would like that date based on COVID conditions. Mayor Scholl said Anne can bring it back to the Council at that time for reconsideration.

### **3. Update on the Nuisance Abatement at 375 S. 13th Street - *Marimar***

2:31 p.m.

Code Enforcement Officer Marimar Moreno reviewed her report. A copy is included in the archive packet for this meeting. Mark Comfort has been working on the cleanup for over a year and it still has not been abated. She asked the Council how to proceed. Mark was trying to let the owner do the cleanup, but it is not being done. The neighbors are getting frustrated.

Council President Morten confirmed that this is the same owner as years back.

Mayor Scholl spoke with the owner recently. One issue is that he has a lot of pop cans there that he is unable to redeem. This property has been an ongoing struggle. Moreno said that she was there recently and confirmed it is not just pop cans piling up.

Councilor Chilton talked about Community Action Team (CAT) sometimes being able to assist. Have they been contacted? Moreno responded that she is not aware of that. The owner is aggressive and does not allow just anyone on his property. She would like to see progress for the neighbors.

Council President Morten does not think the owner realizes the City's liability with the neighbors. They need to get back to the people complaining.

Mayor Scholl will meet with Mark on site and talk to the owner. Council President Morten will join them as well.

Payne added there is a resolution on tonight's agenda to initiate a notice of abatement for another piece of property.

**4. Discussion regarding Utility Billing Shut-Offs and Administrative Rules - *Matt***

2:39 p.m.

Before beginning this topic, Brown clarified the master plan updates have been in progress prior to the new Public Works Director beginning. The previous interim director has been actively working on it.

Brown has been in discussions with other cities about the moratorium on utility shutoffs. Many of them have returned to business as usual. There are still a few that are not conducting shut offs. As of today, there are 185 accounts in shut-off status; 56 of those are over four months past due, 17 accounts are over \$1,000, and six accounts are over \$2,000. This is directly related to not doing shutoffs. He would like to discuss a date of to begin shutoffs again. He suggests at least six months out, which would allow staff to arrange payment plans with each customer. That being said, the Administrative Rules do not have guidelines for payment plans.

Discussion ensued. Late fees have not been added and shutoffs have not occurred since Council declared a State of Emergency. There are programs available to provide assistance.

Council President Morten agreed with looking at resuming shutoffs in January. It would give people an opportunity to start catching up. However, they will need to gage COVID again at that time.

Council directed Brown to bring back proposed amendments to Administrative Rules and a date.

Walsh clarified that every customer needs to have a payment plan. There will be customers who do not do anything until their water is shutoff.

**5. Review RFQ for St. Helens Industrial Business Park - *John/Matt/Mouhamad***

2:54 p.m.

Walsh, Brown, and Zaher reviewed the RFQ. A copy is included the archive packet for this meeting. There is a lot of revenue opportunities for shovel-ready projects, and Phase I is fairly shovel-ready. They are seeking consent from the Council. Brown clarified that this is for Phase I only. They could potentially use the same contractor for Phases II and III. Putting infrastructure in makes it more marketable.

Councilor Topaz said the parcelization is a fairy tale. He sent three pictures to everyone. Some of that stuff is impossible. The fact that they are not bringing it up on the RFP, will put them in a bad spot. That whole waterfront is polluted. A couple of the cores show a problem. You cannot build anything on that parcelization.

Mayor Scholl corrected Councilor Topaz that they are only speaking of Phase I at this time. It is not a fairytale. It is a well-drawn parcelization, which goes down Kaster Road and ends at the mill. Topaz is twisting and plotting, and making these gentlemen look bad in public, and trying to make yourself look good. This will be discussed soon.

Mayor Scholl called Councilor Topaz out of order and requested Brown mute him. Mayor Scholl agreed to unmute him but reminded him to stay focused on Phase I of the development.

Councilor Topaz asked what industry they are looking for and what is the timeline. When he asked Maul Foster about the cooling pond and what they will do with the sewage plan, he was told that it has to go. Mayor Scholl repeated that this has nothing to do with Maul Foster and the sewer plant. This is about Kaster Road. Topaz continues to cut down staff members. Scholl is not going to continue to sit back and let it happen.

Councilor Birkle pointed out the parcelization plan was approved at a previous meeting. He asked how Councilor Topaz voted. Councilor Topaz talked about how the design process is wrong. He voted against it.



Councilor Chilton is concerned about the softball fields and making sure they are replaced. Council President Morten advocated to replace the ballfields in another area if those are removed.

The RFQ is on tonight's agenda for approval.

Payne clarified that Deputy City Recorder Lisa Scholl found the minutes when the resolution for parcelization was approved. All Council members voted in favor.

**BREAK - 3:11 p.m.**

**6. Discuss Discipline of Public Officer**

3:22 p.m.

Mayor Scholl read a public statement into the record:

The City Council recently was presented with a comprehensive report on the results of an extensive investigation into the alleged conduct of Councilor Stephen Topaz since he became a member of City Council in 2019. The investigation was initiated in September 2020, after several members of the public, staff, and vendors raised serious complaints about his behavior.

At a special open meeting on April 20, 2021, Councilor Topaz had an opportunity to respond to the report findings. During the investigation, he was contacted eight separate times to be interviewed about the allegations but chose not to participate. That was disappointing as his lack of involvement caused needless delay. Then, when given at least three additional opportunities to provide Council with an explanation for his actions, rather than address the specific issues raised, his responses were less than direct and sounded self-serving.

The executive summary findings of the investigation report have been made public. They show that Councilor Topaz engaged in activities which are not appropriate for a member of council. The City Council accepts the report and commits to addressing each concern.

The details of the report can be summarized in an excerpt from the executive summary of the report that says:

*"There is significant, credible evidence that Topaz has bullied staff, attempted to engage in adverse behavior against a staff member based on her gender and his own personal prejudices and made derogatory statements about staff publicly and privately based on his gender bias and personal prejudices.*

*There is also significant and concerning evidence that Topaz has made untrue or unfounded statements or omitted significant information in his statements about the City, its projects, and its employees both publicly and interpersonally which could have had the effect of creating a false impression in the minds of others about City staff and projects.*

*Topaz has made offensive public statements about citizens' race and disabilities.*

*Topaz has attempted to bring the City's focus and resources to his own personal property."*

These are all serious concerns. In addition, the investigator noted that multiple witnesses reported that Topaz *"told them he had no intention of working productively with anyone at the City."*

The City Council is greatly concerned that Councilor Topaz' actions have created a negative workplace environment for some staff members resulting in loss of productivity. It was reported that some members of staff fear that they will be the next person Topaz attacks publicly. Councilor Topaz's unwillingness or inability to explain or specifically address the allegations and investigation findings also causes the City Council great concern. The City Council values all its employees and strives to maintain a workplace where employees are enabled to do their best work on projects that further the interests of the entire community.

The City Council is now considering available actions to discipline Councilor Topaz in light of his conduct and apparent refusal to take any accountability for the investigation findings. The options are limited. The Council lacks authority to do more than to publicly reprimand him for his actions, make the public aware of the issues, and consider changes to policies and procedures to put protections in place to prevent further issues of this nature and to sanction future bad behavior. The Council is committed to establish and apply the same moral and ethical standards of behavior we expect from our employees to all Council members, as you the members of the public are entitled to demand.

End of statement.

Mayor Scholl pointed out the clear example of what is happening in the prior topic. They were just speaking about Phase I and Councilor Topaz wanted to make the City look bad and complain about Maul Foster and the lagoon. He had not right. There have been a number of incidences just like this that they have let slide. These are serious allegations. They are going to talk about how to move forward.

Mayor Scholl apologized to staff. They are being heard and Council is moving forward. They are working on putting protections in place for the future.

Council President Morten talked about the very serious concerns that were founded. This will cause humility to the Council and Councilor Topaz. It is going to be a dark shadow and very costly, and already has been. He reviewed the Council's Charter carefully. There is a way to resolve this quickly and right now. He encouraged Councilor Topaz to resign on his own accordance. Do any other Councilors share his concern?

Mayor Scholl agreed. He also asked Councilor Topaz to resign. They are trying to move the City forward and Topaz is trying to interject half-truths to make himself look good. He is serving the same citizens. He has a biased against employees that has been very noticeable. He is fighting everything the City does. It is frustrating to get work done with him. It is deeply affecting staff. People who are watching think Topaz is wise and knows what he is talking about, but none of the statements made by him during the previous topic were true. He is not going to stand for it anymore.

As a newly elected member, Councilor Birkle was familiar with some of the issues at Council meetings and in the press. He did not agree with much of what Topaz said. It did not reflect what was heard at meetings or read in documentation. He thought it may be a clash of personalities and Topaz was rocking the boat. It is important to ask things in a way that does not blame or shame. When he was made privy to the report, he became very concerned and alarmed at the treatment of City staff and the impact of the reputation of City staff. They have to take strong steps. He is not sure he is at the point of asking Topaz to resign, but he is asking him to follow his conscious and heart and do the right thing. Topaz was voted in by the residents. Even before they make a statement of censure, they have to ensure employees have a safe workplace. Topaz has a right to perform his duties, but the safety and dignity of employees must be assured. These are issues that have gone back a couple years and need to be addressed now.

Councilor Chilton has not had the opportunity to work with Councilor Topaz very long, so does not feel like she can ask for his resignation. As an addiction therapist, she works with people to give them a second chance. She hopes to see that change in Councilor Topaz with a second chance. She agreed with corrective measures. She supports City staff and does not agree with many of the things that have happened.

Mayor Scholl asked about moving forward with a resolution or workshop. City Attorney Bill Monahan said Council could share their thoughts to have staff draft a resolution for their review. They could also talk about other steps, such as modifications to Council policies. A group activity may be the best way to move forward.

Mayor Scholl talked about the investigation being very thorough. The findings were very factual. This is not about whistle blowing. This is not about political posturing. This is really happening. He tries to align himself with the truth. This has been very slow and methodical.

Councilor Topaz was given the opportunity to respond and stated that his attorney will provide his response. Mayor Scholl said his attorney had multiple times to respond. This is severe. He would like to set a date to work with attorneys to draft a resolution and policies.

Councilor Birkle wants to assure staff...are there things that can be done prior to the censure? Council President Morten is averse to that because they need to consult with legal counsel. He is suggesting Councilor Topaz consider resigning. This is going to be a lengthy process.

Mayor Scholl asked the attorneys if they could hash out the discipline, protection, language, etc., in a two-hour meeting. Monahan said it is possible. They have submitted a memo with options. Council could give recommendations based on those options.

Council President Morten asked if the one meeting could be an executive session within a week. Monahan said there is no opportunity to use an executive session. It has to be done in an open meeting unless Councilor Topaz agreed otherwise. Councilor Chilton will be on vacation and will not be able to attend next week. She has seen the options from the attorney and is fine with them proceeding.

Discussion of when to hold the meeting. It was the consensus of the Council to hold the meeting on Monday, May 10, 2021 at 5:00 p.m. in the Council Chambers.

## **7. Strategic Action Plan Updates**

4:02 p.m.

Brown reviewed the updates.

- There are two Memorandums of Understanding (MOUs) on tonight's agenda to change the effective dates of the salary schedule. The new financial software does not allow them to do midmonth changes in the middle of payroll. This aligns the salary schedule with the pay schedule.
  - St. Helens Police Association
  - AFSCME Union Association
- Tonight is the first reading of the Ordinance for the Public Safety Fund fee. The Ordinance does not add a fee. It adds a mechanism for the Public Safety Fund and fee. The Ad-hoc Committee met last week and reviewed two options for financing the plan through a Bond and other dedicated revenues. They will be reviewing that at the next meeting.

## **8. City Administrator Report**

4:04 p.m.

- Urban Renewal Agency meeting tonight at 6:30 p.m.
- Smith Timber Sale is out for bid right now. Bids are due May 26.
- Riverwalk projects are moving nicely.
- Phase I at the mill is about being shovel-ready.
- Working with Main Street and Board recruitments.
- Columbia County is going back to the high-risk category. Business will be receiving money from the governor.
- Met with Councilor Chilton last week to discuss tourism. He welcomes other Councilors to do the same thing. They talked about sports being an avenue for tourism.

**ADJOURN – 4:08 p.m.**

**EXECUTIVE SESSION**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

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Kathy Payne, City Recorder

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Rick Scholl, Mayor

# City of St. Helens

## CITY COUNCIL

### Executive Session Summary

May 5, 2021

*This meeting was held electronically via Zoom.*

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

**Staff Present:** John Walsh, City Administrator  
Matt Brown, Assistant City Administrator  
Kathy Payne, City Recorder  
Bill Monahan, City Attorney with Jordan Ramis PC  
Matthew Kahl, City Attorney with Jordan Ramis PC

**Others:** None



At 4:10 p.m., Mayor Scholl opened the Executive Session pursuant to the ORS numbers listed below and then gave Council roll call. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media were specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. Any person in attendance, including the news media, who has a recording device is directed to turn it off.

- **Real Property Transactions, under ORS 192.660(2)(e)**
  - Update on the transaction for the purchase of the Childs Road property.
  - Update on the potential acquisition of the Dalton Lake property.
  - Update on the potential acquisition of the property adjacent to the Columbia Botanical Gardens.
- **Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h)**
  - Update on the Columbia River PUD Franchise negotiations.

The Executive Session was adjourned at 4:34 p.m.



ATTEST:

\_\_\_\_\_  
Kathy Payne, City Recorder

\_\_\_\_\_  
Rick Scholl, Mayor



# COUNCIL REGULAR SESSION

Wednesday, May 05, 2021

## 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  
Matt Brown, Assistant City Administrator  
Kathy Payne, City Recorder  
Mouhamad Zaher, Public Works Director

### OTHERS

Brady Preheim	Chelsea Schulz	Heidi Oliver
Ginny Carlson	Casey Jolissaint	Tim Goodman
Autumn Oliver	Ken Beeler	Keith Locke
Erin Saulsbury		

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

### PLEDGE OF ALLEGIANCE

Mayor Scholl recited the Pledge of Allegiance.

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

- ◆ Casey Jolissaint. She is a St. Helens resident and is here to speak in support of the pool. They moved here 15 years ago when she was pregnant with her first son. One of the reasons they chose St. Helens was because of the pool. It is a treasure and is maintained very well. It is an asset in the community that she would hate to lose. The Recreation Program is one of the best things the City has done in the last few years. She realizes the pool is a separate district from the City, but their goals align. She would appreciate anything the City can do to keep it running.
- ◆ Ken Beeler, President of the Alano Club. He read a letter into the record that was given to the City the day before and was distributed by email to the Council, a copy is also included in the archive packet for this meeting. The Alano Club is requesting support to replace the failing HVAC system. They have a Board member who is a licensed contractor that can provide the system at cost and provide free installation.

Mayor Scholl declared that he sits on the Alano Club Board. It is very important to the community and meets the Council's mission statement.

Discussion ensued.

City Administrator John Walsh pointed out that the City owns the building. It is leased to the Alano Club, much like the lease with the Senior Center.

Councilor Chilton asked about the funding source. Assistant City Administrator Brown responded that Senior Center projects normally come out of the facilities major maintenance fund, which would likely be the same for this.

Councilor Birkle questioned the need to go out for bids since it is a City facility. Brown responded that they have solicited bids for the Senior Center. This situation is particularly unique because they have someone willing to do it at cost. Walsh added that the Council has the ability to waive the bid process and recognize the value to the community.

**Motion:** Motion made by Councilor Topaz and seconded by Councilor Chilton to accept the offer that the City buys the equipment, and they install it. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

- ◆ Brady Preheim. He was very disappointed with today's work session. He was hoping to see a unified front asking for the resignation of Councilor Topaz. It is City Council, not "City Counseling." Councilor Topaz has had many, many second chances. Ten minutes before they began deliberating his discipline, Topaz told them a bold face lie. Then he tried to disrupt deliberations by bringing up an entirely different piece of property that was not even in the discussion. Either Topaz is mentally incompetent, or he is deliberating trying to start chaos, which he has said that is his goal. The Ordinance that they draft on May 10 needs to include a mental evaluation. That would be the only way to remove him from his position. If someone from CCMH or the School Board behaved towards staff in the way Topaz has behaved, they would be terminated. Staff should be able to give an anonymous suggestion as to what should happen to him. Council has failed to protect their staff.
- ◆ Keith Locke. He has a few comments about the Councilor Topaz investigation. It is disgusting that the City has to go through this. He recommends Councilor Topaz resign. He also suggests the community form a recall for the November election. Topaz has cost the City several hundred thousand dollars. They are lucky that staff members have not sued the City as well. He thanked staff for being patient. The information needs to be released to the public, followed by a recall.
- ◆ Ginny Carlson. During her eight years on Council, she witnessed Councilor Topaz bully and badger staff in public meetings. Once he was elected, she watched him publicly harass people and create a hostile work environment. The two years she served on the Council with Topaz were the most stressful of her life in St. Helens. No one should have to work in that environment. These are not allegations; they have been substantiated. She personally knows of two staff members who have the grounds to sue and never work another day in their life. The Council cannot turn a blind eye. He is victimizing men, women, and minorities all in the name of the City of St. Helens. People have a right to work in a suitable and fair environment. If a manager at the City had behaved this way, they would already be unemployed. They had numerous conversations in executive session about his behavior and nothing changed. People should not find a scandal when they Google St. Helens.
- ◆ Matt Brown. He expressed the disappointment, anger, frustration, and lack of empathy that he and other employees are feeling towards the Council following this afternoon's meeting. Respectfully, they have failed the employees and community in their inability to make a collective decision based on actions that are factually true and have been substantiated. Brown thanked

Council President Morten for taking a stand and requesting his resignation. He also thanked Mayor Scholl for supporting that request. Following his public comments at the last meeting, he received support and outreach from employees who are not willing to be public about what has happened to them. Community members are apologizing to him for what he has been going through. Seeing today's work session agenda item brought hope that something would finally be done to protect himself and other employees. For the fourth time, he is pleading with the Council to do something. If Councilor Topaz were a City employee, he would be fired. If he were a schoolteacher, he would be fired. If he were a counselor at CCMH, he would be fired with no second chances. They have given him multiple chances to apologize, explain himself, and show he can change, and he has failed. You could see the smirk on his face during today's work session because he is winning. He continues to come into City Hall and badger employees, wasting their time, and berate them in public. Brown thanked Mayor Scholl for standing up for himself, Walsh, Mouhamad, and other employees who had to listen to that. Addressing the new councilors, he understands they came in during the middle of this and do not want to deal with it. It is not their problem or their fault. They did not start this, but neither did he. This is not why he works for the City, nor the other 70+ employees who work for the City. He had to make a lot of process, operation, and practice changes when he took his job. He did not hide behind the fact that it had been done differently in the past. He expects Councilors to do their job and protect their employees. They can show they care by acting tonight. The longer they wait to act, the larger the claims against the City will be. They have all read the full report, which he has not even had access to. He is requesting the Council suspend all interactions from Topaz with staff until the investigation is complete and there is a resolution. He should no longer be allowed to come into City Hall unannounced. He should make an appointment with one person who can answer his questions or get answers for him. He is pleading with the Council to protect and support their employees.

Mayor Scholl stated that Councilor Topaz had a lawsuit against the City in 2009. He blamed the City for his flooding basement. He lost in court. The City spent hundreds of thousands of dollars. It has been evidently clear throughout the investigation that Topaz has continued to get payback from the City. Scholl has witnessed his sexist comments against one of the employees involved in the lawsuit. This is not about him shaking things up and whistleblowing. Ask anyone who has worked for the City or been involved in the lawsuits. There is someone on the Zoom call that recently verbally assaulted him at the Safeway ATM. It was inappropriate at that time. He serves all citizens and will meet with them at any time.

- ◆ J. She is here to comment about the property at 367 N. Vernonia Road, which is next to hers. She has been in contact with the Police Department since October 2019 reporting her driveway being blocked and letting their Pitbull wander. There is a large family living on the property in an RV. They have 3-4 dogs that are not fenced or leashed. The dogs are in her yard more than their own and they are not friendly. Her kids are not able to play outside. She has been reporting that their dogs are bringing poop diapers into their yard and tearing them up. They have buckets of dirty diapers all over their yard. There is scrap metal all over their yard. She has done everything she can to be cordial about it. She no longer feels safe or heard. She has reported all sorts of things and she is at her wits end. Something really bad will have to happen before anything gets done. The Police Department has issued citations, he has been cited in court, and he does not show up. She is pleading for the Council to help.
- ◆ Erin Salisbury. She did not intend to comment today, but it feels important. Her comments were directed to Councilor Topaz. No one expects him to or believes he will resign. She has known people like him in her life, where feelings are not as valid as the facts he is pursuing. She understands that he believes he is doing good for the City and he is being the bulldog that many



of his constituents elected. None of us are the bad guy in our narrative. He is fond of reminding everyone that he has training as an engineer and that he has a brilliant mind. It is one thing to build and design a structure, like a bridge, and do all the engineering for it on paper. It is really hard to make a real bridge stand if you forget something like the sheer force of wind. How people feel about their work and how they feel about their city is the sheer force. She hopes he understands that the facts about how people feel and about how he treated people are not imaginary. He has not accounted for real-world variables, which are the people who make up the City. That is why people are upset. These are still valid facts, and they would like him to step down. She does not see any way he can repair this situation. She asked for the Council to move on and do something. Protect City employees who are working so hard.

### **ORDINANCES – Final Reading**

- 1. Ordinance No. 3264:** An Ordinance Amending the St. Helens Municipal Code Chapters 17.16, 17.24, 17.32, 17.40, 17.56, 17.64, 17.68, 17.72, 17.80, 17.84, 17.88, 17.92, 17.96, 17.100, 17.104, 17.108, 17.124, 17.132, 17.136, 17.152, and 19.20, and Deleting Chapter 17.128, Focusing on Duplex Housing to Comply with Oregon House Bill 2001 and Other Matters

Mayor Scholl read Ordinance No. 3264 by title for the final time. **Motion:** Motion made by Councilor Topaz and seconded by Council President Morten to adopt Ordinance No. 3264.

Question. Council President Morten asked to receive a copy of the updated amendments. City Recorder Payne confirmed she can provide that.

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

### **ORDINANCES – First Reading**

- 2. Ordinance No. 3265:** An Ordinance Correcting Ordinance No. 3260 Which Granted a Non-Exclusive Franchise and Right to Continue to Operate, Construct, and Maintain a Cable System in the City of St. Helens, Oregon to Comcast of Delaware II, Inc. to Revise the Name of the Franchise Holder to Comcast of Oregon II, Inc.

Mayor Scholl read Ordinance No. 3265 by title for the first time. The final reading will be held at the next meeting.

- 3. Ordinance No. 3266:** An Ordinance Amending the St. Helens Municipal Code to Create Chapter 13.30 Relating to a Public Safety Fee

Mayor Scholl read Ordinance No. 3266 by title for the first time. The final reading will be held at the next meeting.

### **RESOLUTIONS**

- 4. Resolution No. 1916:** A Resolution Determining that a Nuisance Exists Upon Property Located at 367 N. Vernonia Road within the City of St. Helens and Directing that Notice to Abate the Nuisance be Posted on Said Premises

Mayor Scholl read Resolution No. 1916 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1916.

Question. Councilor Chilton asked what happens next. Mayor Scholl explained that a notice will be posted, and they have a deadline to clean it up. If it is not cleaned up, the City will hire a contractor to clean it up and put a lien on the house.

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

### **AWARD BID/CONTRACT**

5. Award Water System Master Plan Update Project to Keller and Associates, Inc.
6. Award Contract for 2021 ADA Curb Ramp Improvements to Turney Excavating, Inc. for \$74,425

7. Award Contract for 2021 Annual Street Striping Project to Specialized Pavement Marking, Inc. for \$21,305

**Motion:** Motion made by Councilor Topaz and seconded by Councilor Chilton to approve '5' through '7' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

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

8. Memorandum of Understanding with St. Helens Police Association Regarding Salary Schedule Effective Date
9. Memorandum of Understanding with AFSCME Regarding Salary Schedule Effective Date
10. Agreement with Steven Wabschall to be Direct Responsible Charge for Water Filtration Facility
11. Contract Payments

**Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to approve '8' through '11' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

#### **CONSENT AGENDA FOR ACCEPTANCE**

12. Budget Committee Minutes dated April 2, 16, 23, and 30, 2020
13. Urban Renewal Agency Minutes dated April 30, 2020

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '12' and '13' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

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

14. RFQ for St. Helens Industrial Business Park
15. Council Open Hearing Minutes dated April 20 and Special Session Minutes dated April 27, 2021
16. OLCC Licenses
17. Accounts Payable Bill Lists

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '14' through '17' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

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

##### **Pool**

Mayor Scholl summarized the discussion from the work session.

**Motion:** Motion made by Councilor Topaz and seconded by Council President Morten to adjust the water rate for the aquatic center to 50% until June 30, 2022.

Discussion. The district will come back to the Council if they need to extend the deadline.

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

#### **MAYOR SCHOLL REPORTS**

- A letter was submitted to the Governor from the County Commissioners and City leaders. He believes that impacted her decision to reduce the level from extreme to high. COVID is very difficult. Continue to wear a mask, wash your hands, and social distance.
- They are moving forward with plans for an Independence Day celebration.
- He would like to plan for Citizens Day in the Park. They normally have it on the second Saturday of August, but that is the 100-year celebration in Scappoose. He suggested holding it August 21 or 28. They will have to wait until it is closer to determine what that will look like.

Council President Morten would like to plan for it. It is good for the community.

Mayor Scholl will check with staff and come back to Council with a date.

- Council typically takes the first Wednesday of July off from meetings. Consensus of Council to do the same this year.
- Would like to resume in-person Council meetings.

Brown confirmed that the audio issue has been resolved. Consensus of the Council to hold the next meeting in the Council Chambers with the ability to Zoom into the meeting as well. Limited visitors would be allowed in and may need to wait in the lobby.

- Apologized to staff for the time it is taking to resolve the Council Topaz investigation. They are meeting on Monday to discuss it. It is complex. They are trying to protect staff. The investigation has worn on him personally. He does not like the drama. It costs nothing to be a decent human being. He has read comments about himself. He is not affiliated with anyone. He is more conservative than liberal. People should not assume anything about him, they need to come talk to him. The people making comments about him are no different than Topaz's behavior.

### **COUNCIL MEMBER REPORTS**

Council President Morten reported...

- He talked about some of his core values and the reason he asked Councilor Topaz to resign. Topaz is a good person and does a lot for the community. But he has done a lot of horrible things to our staff. Morten is here to protect the staff. There is also an element of trust in teamwork at the City. He talked about learning trust and teamwork doing youth sports, farming, serving in Vietnam, coaching, teaching, and now serving on the Council. Along came an issue that began to divide the Council and community, which was discussion of bringing in toxic elements to fill the lagoon. The Council wanted to learn more so they met with Maul Foster in executive session and simply used the wrong ORS number. There was a disruption in the meeting. At the end of the meeting, he apologized to everyone in attendance, which included staff from the Governor's office and DEQ. That was the first time, since being on the Council, that he had a gut feeling about what happened. What happened after that is where there was the mistrust. Topaz went to the paper and suggested what happened in the executive session, which is illegal. He left himself out of it and turned the other four Council members into the Ethics Commission where they were all fined money out of their own pocket. He now has a violation of the Ethics Commission on his record, "Thank you, Mr. Topaz!" He has been harboring a lack of trust on the Council. It could be a great team with new, enthusiastic Council members, and a great mayor with enthusiasm and leadership qualities. He has a hard time moving past the mistrust. He is asking his friend, Topaz, to consider resigning. It would help him and everyone else.

Councilor Topaz reported...

- The virus is among us and the Governor is making adjustments.
- The Library is kind of open with restrictions. The best way to find out details is by calling them.

Councilor Chilton reported...

- She feels pretty attacked and wants to be transparent. Bullying is not okay. There are people listening who have personally bullied her. They have said things about her last name, about her career choice, and about people in the community who are recovering from addiction. It is not okay, and you need to practice what you preach.
- She feels blindsided by the rest of the Council. She had no idea they were going to come tonight and ask for someone's resignation. She was shocked that it was even on the table.

- She also signed the letter to Kate Brown to re-open businesses. She was really glad to see Columbia County move from Extreme to High. The pandemic is not going to go away. They have to find ways to support the community and businesses.
- She is really looking forward to the new playground in McCormick Park.

Councilor Birkle reported...

- He referred to Art Leskovich's comments at the work session concerning the creation of a commission or ad-hoc committee for advising on issues related to environmental impacts on City projects. He would like to see a goal to preserve as much of our native species as possible.
- He addressed the issue regarding Councilor Topaz. He also feels blindsided by statements that were made. He hears the pain and the urgency that Brown expressed. He was not aware that Topaz's behaviors were continuing. Birkle talked during the work session about not blaming or shaming but wonders if former Council members could have taken steps two years ago when this started. He understands the current members are responsible now to make decisions. The most important issue is having a safe workplace. He pleaded with Topaz to not continue with these behaviors that bring chaos and liability to the City, even if that means resigning. Action needs to be taken to not allow these same behaviors to continue. Is there anything they can do tonight to create a workplace that employees feel safe and productive?

Mayor Scholl responded that they do not have anything in place right now, which is why they are meeting on May 10. He wants legal advice.

Discussion of not being able to do anything until they receive legal advice. Councilor Topaz was asked if he would be willing to take administrative leave with limited access to staff. Topaz responded that his answer is the same, "my answer will come from my attorney." Councilor Birkle explained that his attorney does not need to provide him with legal counsel to have the decency to agree to not engage in the behaviors that have brought them to this point.

Mayor Scholl talked about the stress this has had on staff and Council. Life is hard enough and they should not make it more difficult. There was an example earlier where Councilor Topaz tried to make staff and the rest of the Council look like idiots. Watch the work session video just before and after the break. He will sensor Topaz and call him out every time he is misleading. Please be kind to one another. Scholl falls short sometimes and is not perfect. He apologized to staff. If the actions continue at the workplace, call the police to make a record of it. He recommends they build their own civil case. They are committed to finding something to lean on at the May 10 meeting.

## **OTHER BUSINESS**

### **ADJOURN – 8:36 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**

Monday, May 10, 2021

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### **DRAFT MINUTES**

#### **MEMBER PRESENT**

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

#### **MEMBERS ABSENT**

Councilor Jessica Chilton

#### **STAFF PRESENT**

John Walsh, City Administrator  
Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Mouhamad Zaher, Public Works Director  
Rachael Barry, Government Affairs &  
Project Support Specialist

Jacob Graichen, City Planner  
Sue Nelson, City Engineer  
Tina Curry, Event Coordinator  
Bill Monahan, City Attorney  
Peter Hicks, City Attorney  
Matthew Kahl, City Attorney

#### **OTHERS**

KOHI	Casey Jollisaint	Suella Springfield
Scott	Al Petersen	Bob Brawand
Brady Preheim	Steve P.	Doug Walker

#### **CALL SPECIAL SESSION TO ORDER – 5:10 p.m.**

#### **DISCUSSION TOPICS**

##### **1. Discussion regarding the Discipline of Councilor Stephen Topaz**

Mayor Scholl expressed the importance in reviewing future accountability measures for the entire Council, as well as the current disciplinary action. He would like to move forward with a resolution. The following is already in place:

- Resolution No. 1509 Code of Ethics
- Resolution No. 1837 Operating Rules and Procedures
- Resolution No. 1838 Governing Policies

Attorney Bill Monahan reported that they are looking for direction from Council on how to proceed. They have taken the findings from the investigation and drafted a resolution and memo with their recommendations, both of which was distributed to Council and available in the archive packet for this meeting.

- Resolution of reprimand or censure for engaging in behavior that was a violation of the City's Code of Ethics and Policies. Monahan read the draft resolution. The earliest it could be adopted is May 19.

Mayor Scholl talked about the sustained allegations resulting from the investigation. Councilor Topaz asked when he would be able to see the findings from the report, which the rest of the Council has seen. He has only seen the redacted summary. He referred to this as a "shoot Topaz in the head and foot and don't give him a gun to shoot back." Mayor Scholl argued that he was given at least three opportunities to provide an explanation for the actions. Councilor Topaz restated that he wants to see the report about him. He talked about his constitutional rights to know who is charging him and what the charges are.

Mayor Scholl reminded him that they had a meeting to review it and Councilor Topaz said he would be there but did not show up. Topaz argued that he was in the hospital. Mayor Scholl said it has been one thing after the other; his attorney has not been available, and he evaded the investigator the entire time. Topaz said his attorney was in the hospital and he cannot be interrogated without his attorney present. Scholl responded that it was not an interrogation. Topaz could not answer her calls without his attorney. COVID and distance is reality. No one ever came to his house.

Attorney Peter Hicks clarified that the investigator reached out Councilor Topaz eight times over a three-month period. Topaz either did not respond or said he needed his attorney present. The first time they received any indication that Topaz actually had an attorney was in April this year. The attorney appeared at a recent Council meeting to review the executive summary. Topaz was given the opportunity to respond to the allegations at that meeting and declined. At that meeting, they discovered that Topaz's attorney was from the same law firm as the previous attorney. That firm has three attorneys. Any of those other attorneys could have attended. The investigation has been going on since September last year. Topaz was first contacted in November and never made himself available. Topaz has had at least three opportunities to discuss and respond to the allegations. In two of those meetings, the executive summary findings were shared with Topaz. At the meeting Topaz failed to attend, which was scheduled at a meeting he attended, the investigation in full was shared with all the Council members. At this point, they have decided not to turn over the investigation report, in part because of attorney client privilege and more importantly, over concerns related to retaliation as many of the investigation participants were concerned about retaliation that did in fact occur. There were 11 opportunities for him to respond.

Councilor Topaz expressed that he is not required to put the noose around his own neck. The fact that he did not show up is not a sign of guilt. It was an inconvenience. The fact that he is being charged by people who are unidentified is against the law. There are a bunch of people saying he is going to retaliate. If he mentions that someone did not their job, that is probably called harassment. If they feel bent out of shape or that boss feels bent out of shape, that is tough. He reports to the citizens of St. Helens, not to the staff and not to the Council.

Mayor Scholl argued that this was not a case of people not doing their job. This is about Councilor Topaz being a whistleblower and saying that people are not doing their job. That is absolutely not the truth. The investigation was thorough. Scholl said that Topaz admitted to the entire Council that he tried to direct funds to his project. Topaz argued that he did not. Scholl agreed that Topaz did say that 20 other neighbors would also benefit from it. That is a violation of ethics. Topaz argued that it is not when he is representing his entire neighborhood. He took Walsh to that home and showed him the water coming in. That home is four homes away from his. That is not his personal business. It is his job as a Councilor to try to get things fixed for his entire community. Scholl stated that he is not comfortable with him bringing Walsh in. Topaz argued that Walsh is a witness and is on staff. Scholl reminded him that he could have presented all of this to the investigator. Now he is wasting their time. There is video evidence multiple times of Topaz bringing these things up.

Councilor Topaz said he showed Walsh the problem. Walsh is supposed to be the communicator between Council and staff if there is a problem. The water problem could have been solved before he was even a Councilor. His six sump pumps are pumping the water out of the low end. The City put the sewer system into that area in 1912 to get rid of the water on that end, and they stopped that. That is on paper.

Mayor Scholl stated that Councilor Topaz filed a lawsuit in 2009. Topaz said it was for the City's ability to be responsible for that. It was not whether the City did it wrong. The fact that it did not follow EPA regulations is another point. The trial was whether the City was responsible, and the people said no. Scholl summarized that Topaz filed a lawsuit against the City in 2009, he lost, he appealed, and he filed again. Topaz argued that he did not appeal. He went to the State Licensing Board about the Engineering of...

Monahan reminded the Council that they are beyond the opportunity to discuss the investigation. This is about discipline and potential changes.

Councilor Birkle pointed out that speaking for the neighbors is limited according to the Code of Ethics. He personally had issues when the I&I was done at his house. Now he has to get a pump for the crawl space. However, if his neighbors contacted him about a similar problem, he would refer them to City staff and then to Council. They are not trying to re-argue a particular incident.

Councilor Birkle pointed out the need for a comma after the word "members" in the title of the draft resolution. The document is well-crafted. He reviewed documents last night to determine if Councilor Topaz was aware of the particular resolutions and policies. Resolution No. 1881, which was passed on April 15, 2020 by unanimous vote, includes individual Council member agreements. This does not mean they cannot question or raise our concerns, but they have all agreed to ways of doing that. Resolution No. 1983 Personnel Policies and Procedures, which was passed unanimously on July 1, 2020, includes a no harassment policy that does include elected officials. Birkle was not on the Council when the investigation began but read articles and attended meetings. He often scratched his head about statements Topaz made and the manner they were made. There are ways to address concerns. They need to respect the work of people and staff. The public statements in newspapers and in meetings brings discredit to the City and undermines the competence of City employees. Because Topaz has signed these documents, the draft resolution is justified. This is sufficient to move ahead with a censure.

Councilor Topaz said normal procedure when there is something you do not like or concerns from citizens is for the Councilor to talk to Walsh about it. If there is no reaction, is it the Councilor's position to not do anything because it will get people upset or is it to try to remedy the problem that is hurting our citizens, even though it is going to be done in a mean and loud way? There are a number of things said in the investigation that are wrong. The person is calling harassment is the person getting asked. He could ask anything, and it could be considered harassment. If you are doing something wrong or it could be done a better way, a question is a nice way to point it out. Since he does not have the authority to tell staff what to do, his biggest tool is a question. What happens if the question is verified that it is a problem, and the City is trying to cover it up? Is that harassment or the Councilor's job?

Council President Morten told Councilor Topaz that he does not try to solve problems on his own. When he sees them, he brings them to the Council. Explain the problem and discuss it at a work session. With his lawsuit, that had not been done. In many senses, he was not part of Council and circumvented the Council by not coming to them to deal with it. Do not circumvent the Council and go to the City Administrator. Topaz responded that he did go to Council before the lawsuit and before they were digging dirt. He has been doing it according to his way for a long time. He has been asking for a long time to have that stormwater removed. The official word was that "the City was not negligent in doing it."

Mayor Scholl called for order. Council takes these allegations seriously. They are not here to discuss the investigation. They are not here to say the City is covering stuff up. He already had a chance. Councilor Topaz argued that he was never given that chance. Scholl stated that is a lie. He is tired of the half-truths and miscommunication happening in these meetings. It makes Council and staff look incompetent. They are making hundreds of thousands of dollars, specifically the City Administrator, Public Works Director, and Finance Director, that Topaz called out recently during a meeting.

Monahan suggested Council hold a retreat to discuss how to bring forward issues and how to address mistruths stated in meetings. However, that is not what they are talking about tonight. The allegations have been substantiated. His memo includes reference to a Council communication agreement. It reviews the role of all members, such as reference to respect and supporting a decision once the vote is taken publicly, even if you voted in opposition. It should not continue to be brought up when it is not on an agenda. He suggests when disagreements are brought up to add it to a parking lot for discussion later during the meeting or at a future meeting.

Councilor Birkle talked about an example of when they were looking at the St. Helens Industrial Park Phase I RFQ. Councilor Topaz raised concerns about another part of that. It is valid to have concerns, but it did not apply to that phase. It could be added to the parking lot to discuss at a later time. It needs to be set aside to be accountable and efficient during meetings. Topaz responded, "as an Engineer," that he sees a real problem that will cascade through the whole thing. Can we bring it up if it will have an impact on future phases? Mayor Scholl reminded him they are not here to discuss that.

Councilor Topaz explained that he went to Courts, City, and the State Engineering Licensing Board, who said they had no authority. Administrative Court said he was right. The Appeals Court said he is not allowed to talk about this publicly. The Supreme Court said he is not allowed to talk about it, even the storm system is affecting a number of properties in that area. Did the investigator check out the problem?

Monahan responded that Councilor Topaz had multiple times to raise that issue and the investigator could have looked into it. Topaz interjected that it has been brought up at Council meetings. Monahan reminded Topaz that direct communication was needed. He does not know whether the investigator saw that. Hicks added that Topaz does not have to participate in the investigation. The cases Topaz is talking about is public record and anyone can look them up. However, the purpose now is to deal with the investigation findings and move on. This meeting is to discuss the resolution in relation to Topaz's conduct, as well how the Council will move forward for all Council members.

Councilor Birkle would like to move forward with procedures to protect staff. He did not call for Councilor Topaz's resignation at last week's meeting. He did not know the Mayor or Council President Morten were going to call for resignation. Mayor Scholl added that he did not know it was going to be brought up either. Council President Morten explained that he brought it up after researching the Charter and seeing that resignation was an option, which is why he suggested for Topaz to consider it. Birkle does not question that, but it was brought up later that evening that they were not unanimous. From the beginning, they have been unanimous that the issue needs to be addressed through a resolution. He has always believed and tried to protect staff. The proposal does not restrict Topaz's first amendment rights. There are things that can be done to allow Topaz to fulfil his responsibility as a Councilor, but also provide buffers and protection for City staff.

Councilor Topaz said City staff are doing something wrong. If you say, "you are doing it wrong," it is a hard indictment. It is difficult to get correction with a Union Shop. How do you address a problem when you have been informed by a citizen? Right now, it is automatically called harassment. Council President Morten responded that they need to bring it to the Council. Monahan added that there is a process in place for citizens to bring concerns to the Council. The Council makes decisions as a group. No Council member acts individually. Topaz asked what happens if the Council votes 3-2 and it is federally illegal. They have all taken an oath to follow the laws of the United States, State of Oregon, and City laws. Are you bound... Monahan responded that they are not ready to give legal advice. Any issues of legal nature should be raised through the City Administrator and he can bring it to their attention.

Monahan reviewed the attorney's recommendations:

- Public statement
- Draft resolution to approve next Wednesday as it is written or modified
- Staff is waiting on clear direction from Council and protection



- Access restrictions. This is not an effort to impede on Councilor Topaz's first amendment rights as a citizen or his duties as a Councilor. The restrictions have to be made in a way to not impede his ability to perform his duties.
  - Certain employees feel uncomfortable when they are interrupted, asked to perform tasks, and he stays for an extended period of time.
  - Voters have a right for him to perform his duties.
    - Take part in group settings and take City action.
    - There are times they may need to come to City Hall for other purposes. Given the nature of the complaints filed and substantiated, he thinks it is important to place access restrictions. He suggests restrictions be added for one point of contact. The key point of contact could be Walsh and he has the ability to delegate.
  - Consider saying that Topaz shall not be permitted to meet with any City employee or personnel with the exception of the City Administrator and City Recorder without pre-authorization of the City Administrator.
  - Consider requiring that Topaz notify the City Administrator in advance of attending an in-person meeting.
  - Consider limiting his engagements to only the individuals he is scheduled to meet with.
  - Consider directing requests for information of materials through a designated individual.
  - Consider requiring a third employee always be in attendance when he is meeting with one employee.

Hicks talked about the balance of the City being an employer and Topaz being a Councilor. As an employer, the City is required to protect employees. The recommendations would still give Topaz access to the information and people he needs. Council cannot disregard their obligation as an employer. Topaz pointed out the problem he has with that. Someone could say they are the boss and direct them not to talk to Topaz. Monahan responded that is an assumption.

Monahan used to perform trainings for the League of Oregon Cities. There is an adherent assumption that everyone is on the same team and they all believe in the quality and abilities of the other individuals. He suggests the Council obtain a facilitator and hold a retreat to help them understand the needs. It is imperative that they believe in the people who are working for them and the processes. If there are concerns from one Councilor, then it could be brought to the others. Ideally, it would be raised in a private setting to bring the facts forward without damage to anyone's integrity or reputation. Mayor Scholl confirmed they did that, which is where the Council Mantra came from. Monahan said the best efforts need tweaking. Unfortunately, not everyone has to cooperate. As a result, they may not be as productive as they want to be. He knows they have tried to make it work. Discussion ensued about the efforts made and holding another retreat, especially with new Council members on board.

Discussion of how to proceed. A resolution is the strongest way to proceed. That could be followed up with actions. It was the consensus of the Council for the resolution to address item numbers 1, 4, and 5 on the memo.

Councilor Birkle is concerned that they will not be able to act on this until a week from Wednesday. He wants to see Councilor Topaz have the decency to stop taking staff's time and harassing them. Topaz argued that he is a Councilor, and they are supposed to help them. He has not been harassing anyone. Hicks reminded him that Council does not supervise employees. The City Administrator can set conditions on how employees interact with Council members.

Monahan proceeded to review suggested amendments to existing documentation to avoid future reoccurrences and hold all Council members accountable.

- Governing policy. Change the language that assigns a Council member to a department, making it dependent on if they have not been censured or publicly reprimanded.

Councilor Topaz asked what happens if an employee makes a statement about a Councilor bothering them and the investigation shows that was not true? Right now, everything is that the employee has more power than the Councilor. Hicks repeated that hypothetical situations are extremely difficult. His duty as an employer is always to the employee first. The employee has certain things that are protected conduct, including making complaints. What matters is how the City reacts to the complaint. If the City finds that that the complaint was completely illegitimate and completely made up, the City can then determine whether to discipline the individual. It is the City's first duty to make sure that harassment, discrimination, or inappropriate conduct is stopping while the investigation is happening. Topaz responded that everything has only been in one direction so far. Mayor Scholl argued that is wrong. The employees have zero power over any of the Council. The Council can fire anyone with a 3-5 vote. Topaz does not think that applies the same to union members. Scholl apologized to the employees. They are wonderful.

- Code of Ethics, Resolution No. 1509. Can add more specific reference to potential violations of sanctions. He has seen some communities that have a very elaborate censure policy.
- Operating Rules and Procedures, Resolution No. 1837. Can add a new section for conduct outside of meetings.

Councilor Topaz asked if a Councilor could go look at a job site. Monahan said yes, any member of the public can do that. The Councilor can bring back their observations to the rest of the Council. One member of the Council may not think anything was done but the rest of the Council may think it has been addressed and are ready to move on. Council needs to discuss at a retreat how to handle that.

- Council Commitment or Communications Agreement. This would be a new agreement reviewed annually and signed by all Council members.
- Oath of Office. Create a document defining the role and expectations of Council members.

Based on discussion, the attorney will modify the resolution to include item numbers 1, 4, and 5 from the memo.

Walsh reported that his role is to serve everyone, including Council and staff. It is also developing relationships outside the City and moving the City forward. Monahan mentioned the option for Council to direct the City Administrator to channel all staff communications until the investigation is complete. Is it the Council's desire to do that? Mayor Scholl concurred. Hicks expressed that it should happen if there are any concerns about conduct still occurring. It is within the scope of the City Administrator's authority.

### **ADJOURN – 7:03 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