



COUNCIL WORK SESSION

Wednesday, June 07, 2023

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Patrick Birkle
Councilor Mark Gundersen
Councilor Brandon Sundeen – Via Zoom

STAFF PRESENT

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

OTHERS

Angela Wayman	Dana Lathrope	Scott Jacobson	Steve Toschi
Brady Preheim	Alexis Lathrope	Eddie Dunton	Greg Pettit
Lynne Pettit	Steve Topaz	Evad	Dread
Jim Coleman	Megan Ryan	Josh Brown	Kanale Tumlinson
Michelle Millar	Robyn Toschi		

CALL WORK SESSION TO ORDER – 2:00 p.m.

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

- ◆ Scott Jacobson. Requesting Council delay a decision until next month on the proposed Code of Conduct. That will allow Boards and Commissions the opportunity to discuss it. He reviewed his concerns:
 - Not able to direct staff, which may impact their ability to gather information.
 - Needs to have well-defined procedures for Council to dismiss members.
- ◆ Angela Wayman. She organizes the annual Spirit of Christmas parade. They pick up food donations for Columbia Pacific Food Bank. Last year, she was charged a fee of \$100 plus the \$450 parade deposit. She is requesting a sponsorship.

Mayor Scholl made a note of it and will discuss it at tonight's meeting.

- ◆ Brady Preheim.
 - Code of Conduct is a good idea. Recommends removing Steve Toschi from the Planning Commission. If he's not removed, what is the point of having it? Even before HB3115, he was a poor member of that Commission and he's gotten worse as Chair.
 - Need to have police at 13 Nights on the River. Bill Eagle called in to his KOHI show and had negative things to say about the Police Chief. He talked about him not being a member of the community, and the reason police are not attending events.

- He did not like the Union's comments about the mystery boat. It's not a choice between the boat and police.
- ◆ Steve Toschi, Megan Ryan, Robyn Toschi. Steve talked about struggling people having the right to a warm and dry place to shelter. It is not objectionably reasonable to make people move every 24 hours. Making them do so becomes about power and control. When the City gets sued, they will have no chance of winning the 24-hour relocate rules. Courts make decisions based on evidence and will see Council did the opposite of what was recommended to them by the Planning Commission. He talked about what happened in Grants Pass. He fears for the safety of women and children if Council passes the 24-hour move along law. He was asked where the 24-hour rule came from and was informed that it was recommended by the attorney hired by the City's insurance company, and City Administrator Walsh said he wanted to go with the flow and see what others are doing. Steve told Walsh that he's too passive of a City manager and his attitude and leadership on this issue has placed all citizens in grave danger. He's afraid of ideas, accountability, and tried to suppress thought and expression of truth on this issue. He thinks that Mayor Scholl is a victim of that poor leadership. He went to the newspaper to share his concerns with the public and now the Planning Commission has been presented with a censorship law and demand for them to obey the Council. He's been defamed and shamed. The City already has an ethics law and now they are trying to pass a law that allows them to remove a Board or Commission member with false accusations. He is thankful the Planning Commission took on HB3115 and brought the truth forward. The only opposition has been from ego. They should not suppress the truth or ideas. They should reject the gag order, keep a strong Planning Commission, and not be bullied or afraid.
- ◆ Steve Topaz.
 - Mayor Scholl read the rules for visitor comments, which said that the information would be kept by City Recorder Payne and City Administrator Walsh. He reported several things on April 19 and gave the list to Payne. That information was not given to the Council.
 - He listed questions he had about the City's lagoon, concerns about contamination, and requested a public meeting to notify the community about the status. A copy of his questions is available in the archive packet for this meeting.
- ◆ Tina Curry. Since they won't have tailgating or parking downtown for 4th of July, she would like to post street closure signs at S. 1st and St. Helens Street, and at S. 4th Street so people don't try to come down Cowlitz Street.

Mayor Scholl pointed out that tailgating won't be available for a couple years. There was no objection from Council to post road closure signage.

DISCUSSION TOPICS

1. **Review Request from Hudson Garbage to Increase Garbage/Recycling Rates - *City Administrator John Walsh***

City Administrator Walsh reviewed the franchise agreement and rate increases.

Hudson Garbage District Manager Josh Brown reported that the last three years have been difficult and impacted by inflation. They are requesting a 6.5% increase on services. The County does control the transfer station fee. They are raising the tipping fee to 5.1%. He hopes that the economy improves.

Mayor Scholl said this will be open for public comment tonight.

Council expressed their appreciation of Hudson and their service to the community.

2. Discussion for the Selection of the Construction Manager/General Contractor (CM/GC) Services for the New Public Safety Building - *City Administrator John Walsh, Police Chief Brian Greenway, Public Safety Facility Project Manager David Lintz (Otak)*

City Administrator Walsh reported that 10 responses were received. They narrowed it down to the top two and recommended Howard S. Wright. Police Chief Greenway added that they are prioritizing communication engagement and using local subcontractors.

Council President Chilton brought up the floodplain concerns. Greenway responded that the contractor is aware of it and prepared.

Walsh pointed out building material examples. It is an action item for tonight.

3. Review of Final Proposed Ordinance for HB3115 - *City Planner Jacob Graichen*

City Planner Graichen pointed out the ordinance on tonight's agenda. It's an emergency ordinance with the first reading tonight and second reading on June 21, where it will take effect immediately. He reviewed his memo, proposed ordinance, and maps, which are included in the archive packet for this meeting. The rules must be objectionably reasonable from the standpoint of a homeless person or they can file a suit. He pointed out that the rules will be different for every community. He understands the emotion involved, but they must adopt something. He talked about the amount of time spent on this subject.

Mayor Scholl agreed that getting here has been a long process. They are just adhering to State law and can amend the ordinance in the future if they need to. He pointed out that they did not talk about allowing camping in residential areas at the joint meeting. Council President Chilton added that they also discussed it not being allowed in parks and business districts.

Discussion about the 24-hour and 72-hour rule. For example, once the 24 hours elapses, an officer could post a notice that they have 72 hours to move. Councilor Birkle suggests increasing it from 24 hours to 48 hours. The 24-hour limit puts an undue hardship on those already struggling.

Graichen reviewed maps showing the exclusion areas.

Councilor Sundeen thanked Graichen for his work on this. He agreed with Councilor Birkle. The 24 hours doesn't seem to solve the problem. Some people are just going through a hard time and living in their car. They may need more time to get resources. Increasing it to 48 hours would be helpful.

Councilor Gundersen thinks 24 hours is reasonable since there is also the 72 hours. The point is for them to rest and sleep.

Mayor Scholl is okay with either. The Houlton District is where a lot of the resources are, which is probably why it was excluded. Graichen added that it's central.

Mayor Scholl reminded the Council that they need to be compassionate and respectful.

Graichen can make modifications between now and tonight.

Council President Chilton added that reasonable accommodations can be made on a case-by-case basis. Graichen agreed.

Consensus of Council to leave the time as it is and adjust in the future if needed.

4. Annual Report from Planning Commission - *City Planner Jacob Graichen*

City Planner Graichen reviewed his report. A copy is included in the archive packet for the meeting.

Consensus of Council to postpone the City Council/Planning Commission joint meeting until the end of July.

Graichen reported on the number of Planning Commission meetings, what was reviewed, proactive items, and future projects. Planning Commission recommends the City hire an Associate Planning for the upcoming fiscal year.

Police Chief Greenway requested Graichen come to the Police Department to educate the officers on HB3115.

5. Annual Report from Parks and Trails Commission - *Chair Dana Lathrope*

Parks & Trails Commission Chair Dana Lathrope reviewed her PowerPoint presentation. A copy is included in the archive packet for this meeting. Dana reported on park assignments and timeline of presentations, three off-leash dog parks now, updates for each park, urban trail moving forward, and thanked Public Works and Parks staff, community members, and volunteers.

Council President Chilton asked about the rocks in Campbell Park being removed. There's an RV parked next to the restrooms. Dana responded that they plan to add cement barriers to replace the rocks.

Mayor Scholl thanked them for their work. Councilor Sundeen keeps them informed.

6. Discussion regarding Rates - *Finance Director Gloria Butsch*

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

- Covers long-range needs of the water, sewer, and storm systems. There are significant improvements scheduled this year.
- There was a lot of discussion about the Public Safety Fee at the Budget Committee meeting. The recommendation was to increase the fee to \$10. There are still some unresolved items. Raising it to \$10 could pay for one year of a new police officer. After that, they would be back in a budget problem for adding officers. At \$12, it could probably cover another officer. However, it doesn't do anything long term for the General Fund.

Council discussed the need to look at additional revenue sources and the need for additional officers and an efficient facility. Council President Chilton is concerned about the sustainability of the fee. One officer is not enough. She apologized to the officers. She does not think they have done their due diligence to fund police positions. They need to look at their assets, timber revenue, etc., and dedicate more money to law enforcement. Councilor Sundeen agreed with the need to get creative with revenue sources. He suggested they look at selling property. Mayor Scholl agreed with looking at assets.

Walsh reminded the Council that the Budget Committee agreed to look at revenues and expenditures once the budget was approved. Right now, the budget is using reserves to balance and that is not sustainable. The \$10 only covers the debt service. It's not good fiscal policy to use one-time revenues to fund long-term labor and recurring expenses. It's not sustainable.

7. Review Leak Adjustment Request from St. Frederic Catholic Church - *City Administrator John Walsh*

City Administrator Walsh reported that St. Frederic Catholic Church had a significant leak in a building that is rarely used. Leak adjustments over \$1,000 come to Council. A copy of the request and supporting documentation is included in the archive packet for this meeting.

It will be on tonight's agenda for a decision.

Break - 3:54 pm.

8. Review Draft Proposed Code of Conduct for City Boards, Committees, and Commissions - *City Administrator John Walsh and City Attorney Bill Monahan*

City Administrator Walsh presented the Code of Conduct. A copy is included in the archive packet for this meeting.

Contracted City Attorney Bill Monahan talked about the process of removal. He suggested adding language that a person will be given notice and the opportunity to provide a written response.

Councilor Birkle understands the City reserving the right to remove people, but he would like there to be more of a process than just a notification. Personally, he would not volunteer to join a board if he was asked to sign this. Council President Chilton asked if he thought they should notify the person of a hearing and then Council presides over that hearing. Councilor Birkle said that could be done or a more informal process.

Mayor Scholl said they need more processes in place. The conduct that took place with HB3115 was out of line with the City's mission and does not serve the citizens well. Council President Chilton agreed there need to be consequences, but they need to find the best way to get there.

City Recorder Payne recommended two councilors be the hearings officer and then make a recommendation to Council. Discussion of councilors to appoint. Councilor Sundeen recommends that one is always the council liaison over that Board/Commission. The second person could be the Council President.

Monahan pointed out that the Code of Conduct will apply to all Boards and Commissions. He recommends Municipal Code amendments to the Planning Commission section if the proposed Code of Conduct is approved.

- Remove the reference to members of the household pertaining to financial gain and refer to ORS 244 in case of future changes.
- Formalize a work plan. There may be some potential friction that could occur during projects.

Mayor Scholl requested a document to review at the joint CC/PC meeting in July. Monahan will work on that.

Monahan and Payne will work together to bring back updates for the Code of Conduct resolution tonight.

9. Report from City Administrator John Walsh

- It's been busy with lots of activities.
- A Cheer Team sponsor request was distributed to Council.
- The tourism boat is here! It's named Eagle Osprey and has been approved by the US Coast Guard.
- 4th of July agenda is being worked on. Parking was discussed earlier.
- Construction will affect businesses and residents. The contractor is sensitive to needs.
- 13 Nights on the River. There has been a lot of negative social media about fighting. Tina reported that Chief Greenway can have a couple officers down here unless there's an emergency. They have had problems with youth in the past but last week was out of control. Vendor booths were damaged. She plans to charge a small fee to enter the area to help control who comes in. She hopes to find a way for there not to be a fee in the future. She doesn't want this event ruined for those there to have a good time. It will help to have a police presence.

Chief Greenway pointed out that they are victims of Tina's success. Events have grown and have added safety issues. In the past, they were able to have Reserve Officers at 13 Nights, unfortunately, they no longer have reserves. Something happened in the nation in 2020 that emboldened people to act this way. They only have two officers working during that time and must prioritize resources. If it's predictable, it's preventable. They are not even able to help with the Kiwanis parade. They need a long-term sustainable plan. The events are going to grow. Over 13,000 people attended the Halloween parade and they only had two officers working. The national industry for law enforcement is two officers for every 500 people. That number should be doubled if there are alcohol sales. They must be proactive to keep the community safe.

Mayor Scholl agreed with the \$2 fee to help control attendees.

Council President Chilton was scared at the last Halloween parade. The number of people in the crowds was overwhelming. She strongly encouraged them to look at private security for big events.

Councilor Birkle asked what will be done with the \$2 fee. Tina explained that it is Tourism income to help pay for 13 Nights. Having only one entry point will make a difference.

Council President Chilton suggested having juvenile probation officers in attendance. That's the only way they'll behave. She also repeated the need to have private security.

Councilor Birkle asked what advice is best for bystanders. Greenway said to be a good witness and call 911, and keep hands off.

- Walsh requested moving the executive session to this evening. Council concurred. Monahan will be here at 7:30 p.m.
- Thanked Public Works for helping with the Columbia View Park gazebo quickly. There's a new floor and handrail around it for now.
- The Gateway Stakeholder Committee is reviewing different options for the S. 1st and St. Helens Street intersection, such as an arch or something on each side.
- Received confirmation from DEQ to turn one loan into three for the sewer basin projects. It will save them \$500,000 each. They are also applying for a \$2.5 million Community Development Block Grant, which would be administered through Business Oregon.
- The water reservoir project on Pittsburg Road is out for bid. They are building a new reservoir and not fixing the old one.
- Meeting with DEQ about the Central Waterfront project. Mayor Scholl read a portion of the statement that is read prior to visitor comments. The City Administrator and City Recorder are only making note if action is needed.
- Council received an action sheet for the janitorial contract. They received two bids in response to the RFP. A committee reviewed the bids and unanimously chose EcoBright. To stay on the timeline, they need to get approval tonight so they can notify the parties.

ADJOURN – 5:09 p.m.

EXECUTIVE SESSION – Recessed until after the Regular Session.

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

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Rick Scholl
Rick Scholl, Mayor