



COUNCIL WORK SESSION

Wednesday, July 16, 2025

APPROVED MINUTES

MEMBERS PRESENT

Mayor Jennifer Massey
Councilor Mark Gundersen
Councilor Russell Hubbard
Councilor Brandon Sundeen

MEMBERS ABSENT

Council President Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Matthew Smith, Acting Police Chief
Jacob Graichen, City Planner
Mike De Roia, Building Official
Crystal King, Communications Officer

Mouhamad Zaher, Public Works Director
Sharon Darroux, Engineering Manager
Jamin Coy, Police Officer
Dylan Gaston, Police Officer
Everardo Medina, Code Enforcement Officer
Ashley Wigod, Contracted City Attorney
Jeff Kapp, Contracted City Attorney

OTHERS

Brady Preheim Al Petersen
Steve Topaz Adam
Joe Michelle

CALL WORK SESSION TO ORDER – 3:00 p.m.

CLEARING CONFUSION AND SETTING THE FACTS STRAIGHT

1. Response to June 18 Visitor Comments

Mayor Massey noted that there were no comments from the June 18th meeting that needed clarification.

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

- ◆ Brady Preheim. Expressed strong opposition to the statement read by Mayor Massey regarding visitor comment procedures, stating that rather than curbing behavior to limit freedom of speech, he opposed it. Preheim criticized the Council for agreeing with her. He argued that the statement read by Mayor Massey served to antagonize rather than achieve its intended purpose. Preheim then shifted his focus to the water taxi discussion, expressing that the water taxi should be under better management. He criticized Treadway for their handling of past events, such as the Sandcastle Competition, which seemed to have disappeared due to organizational issues. He also mentioned the Fourth of July celebration, labeling it a "complete disaster" due to poor communication and mismanagement, which ended the event multiple times, causing confusion and near accidents. Preheim also raised issues about Treadway not having appropriate permits for the building work in the haunted house and highlighted a potential citizen-led initiative

spearheaded by Harvey Bilton to prevent water bill increases, suggesting it would pass easily and create budget problems for the Council.

- ◆ Al Petersen. Expressed opposition to the adoption of an ordinance in the Council packet and had sent an email outlining his concerns. He particularly objected to clauses that made architects and engineers liable for issues beyond their control, citing an example from Philadelphia where similar contractual clauses led to professionals refusing to work with the school district. Petersen described this liability concern as overreaching and problematic. Furthermore, he criticized the current permitting processes, arguing that they are becoming excessively layered with regulations, making it both expensive and difficult for developers to navigate. He illustrated this by recounting his experience involving multiple permits for the CCMH property, where overlapping requirements from the DEQ and other agencies were burdensome. Mr. Petersen stressed that such cumulative regulations discourage developers, as they add unnecessary complexity and cost to projects, using the example of a developer who remarked on the accumulating layers of requirements cities impose without realizing the resultant barriers to growth and development.
- ◆ Steve Topaz. Presented amendments to the previously recorded meeting minutes, focusing on inaccuracies and the usage of certain terminology. He placed a particular emphasis on a past Oregon Supreme Court decision, which had examined cases involving the City of St. Helens. According to Topaz, the Court found the City's actions led to restrictions that were deemed unlawful, particularly emphasizing the restriction of speech. In his view, the City's approach to managing storm drainage issues had led to unconstitutional limitations on freedom of speech, ultimately ruled as such in Federal Court. Topaz pointed out that any restriction placed on speech, even basic ones like a three-minute speaking limit, were a violation of Constitutional rights. He reiterated that First Amendment rights were established to allow citizens to engage freely in discussions about government activities without fear of reprisal or being silenced. Topaz criticized recent Council actions to limit topics or impose specific restrictions as a breach of these freedoms, suggesting it requires the Council and City's attorney to re-evaluate their stance to comply with federal laws.

DISCUSSION TOPICS

2. Employee Length of Service Recognition - Jamin Coy for 10 Years

Acting Police Chief Matthew Smith presented Officer Jamin Coy with a certificate commemorating his 10 years of service to the St. Helens Police Department. Chief Smith praised Officer Coy as one of the hardest-working officers in the Department, highlighting his roles as a field training officer and member of the Columbia County Major Crimes Team. He also commended Officer Coy's willingness to work overtime shifts to ensure 24/7 coverage for the city.

3. Quarterly Reports from City Departments/Divisions (Informational)

Referencing the Planning Division report, Councilor Sundeen asked for a summary of the discrepancy with wetlands on Millard Road. City Planner Jacob Graichen explained the history of the property, referencing the ill-fated hospital project from around 2008, which involved the Columbia Health District applying for hospital development on the southerly third of Millard Road. At that time, the City owned the northern two-thirds of the property. A condition of the County's land use decision for the hospital was to record a document on the deed acknowledging the presence of wetlands, which acts as an additional layer of notice for future property owners.

Graichen noted that the developer selected in June expressed concerns about this recorded document, perceiving it as a potential barrier due to lenders' apprehensions. Additionally, the developer was worried about the document's implications regarding regulatory requirements, although Graichen emphasized

that the document does not create new regulations but simply acts as a form of notice. He clarified that the existing wetlands would remain under current city, state, and federal laws, and indicated that he had already engaged in correspondence to tackle these concerns. Graichen mentioned that he was awaiting further communication from the title company to gain clarity on the developer's issues with the document.

Councilors then asked follow-up questions regarding the exact location of the wetlands within the property and how this might affect future development plans, including any necessary adjustments to comply with land use laws. Additionally, questions were raised about the potential impact on the timeline for the resolution of these issues, particularly considering that development activity could be delayed if the concerns with the recorded document were not satisfactorily addressed. Graichen acknowledged these concerns, alluding to his discussions with the City's real estate contacts to directly address the title company, ensuring that all parties understand the document's role. The discussion reflected the Council's interest in efficiently resolving the discrepancy to avoid hindering ongoing and future development efforts on Millard Road.

Graichen also addressed the impact of Associate Planner/Community Development Project Manager Jenny Dimsho leaving, noting that being the sole planner could be challenging and lead to delayed responses in project development tasks. Current planning work would take priority, but project work might slow down. Fortunately, with development being slower now, the timeline may not be as significantly impacted, though he acknowledged the potential constraints on department resources.

4. Review Updates to Universal Fee Schedule - Finance Director Gloria Butsch

City Administrator John Walsh presented on behalf of Finance Director Gloria Butsch, who was absent due to emergency dental work. He noted that the proposed changes to the fee schedule were highlighted in the Council packet and were the ones discussed as part of the budget process.

Mayor Massey suggested postponing a detailed discussion until the next work session when Butsch could be present to address specific questions about the impact of various fees. The Council agreed to discuss approving the fee schedule in the general session later that evening, with the possibility of bringing Butsch back to the next work session for further clarification. City Recorder Kathy Payne pointed out that Butsch was hoping to make these fees effective August 1.

5. [Informational Only] Staff Report on Erosion Prevention and Sediment Control Code Revision

Engineering Manager Sharon Darroux presented information on the proposed erosion control ordinance revision. She addressed concerns raised by Al Petersen in his email, including:

1. The 1,000 square foot threshold for permits and its relation to wetlands and creeks.
2. Clarification that McNulty Creek and Milton Creek are 303(d) listed streams.
3. The liability of engineers and architects in the permit process.
4. The necessity of the ordinance as a requirement of the City's TMDL plan and DEQ requirements.
5. The possibility of adjusting the size threshold for permits.

Darroux emphasized that the City could potentially increase the size threshold for permits but noted that the half-acre minimum was a non-negotiable requirement from DEQ. She also clarified that the ordinance includes best practices for erosion control and that the Engineering team would be responsible for inspections.

Councilors asked questions about emergency work provisions, the impact on homeowners, and the possibility of adjusting the distance requirements from water bodies. Darroux agreed to look into these issues and provide more information at a future meeting.

6. Discussion regarding Water Taxi - *City Administrator John Walsh*

City Administrator John Walsh presented information on the City-owned water taxi, including its current status and challenges:

- The boat has a valid inspection from 2023 to 2028 but faces issues with its Certificate of Inspection (COI) and a letter of deficiencies.
- The Coast Guard has suggested entering a Jones Act waiver small vessel program, which would limit passenger capacity to 12, down from the current 25-27.
- The City faces liability issues and high insurance costs for operating the boat.
- The boat is used infrequently, mainly for events.

Walsh presented several options for the council to consider:

- Keep the boat and have the city operate it
- Keep the boat and have someone else operate it
- Sell the boat

Council discussed various aspects of these options, including:

- The potential interest from the Sand Island Campground in operating the boat
- The current value of the boat and potential sale price
- The requirements for different passenger capacities and associated Coast Guard regulations
- The lack of public safety capabilities for Sand Island events

Council directed Walsh to gather more information on:

- Potential terms for selling or leasing the boat to the Sand Island Campground
- Current market value of the boat
- Outstanding requirements from the Coast Guard for both 12-passenger and 20-passenger operations
- Options for consignment or surplus property declaration

Walsh is working with a maritime expert and agreed to bring this information back to the next Council meeting.

7. Review Purchase and Sale Agreement and Ground Lease for 1771 Columbia Blvd. - *City Administrator John Walsh*

Contracted City Attorney Jeff Kapp presented the details of the purchase and sale agreement (PSA) and ground lease for the property at 1771 Columbia Boulevard. Key points included:

- The sale price is \$1,250,000, with potential adjustments based on closing date and consumer price index.
- The closing is triggered by the death of the current owner, Wayne Weigandt.
- The City has a 90-day due diligence period to investigate the property.
- After the due diligence period, the City enters a ground lease allowing it to use the property until the sale closes.
- The ground lease gives the City most aspects of ownership without having the deed.
- The rent for the ground lease is \$6,250 per month, adjusting annually based on CPI.

Councilors asked questions about the timing of tenant removal, the City's obligations under the ground lease, and the condition of the property upon transfer. Kapp clarified these points and emphasized that the agreement protects the City's interests while accommodating the seller's desire to delay the actual sale.

8. Discussion regarding Operational Levy

Mayor Massey introduced a proposal for a charter amendment that would require voter approval for imposing, increasing, or modifying fees collected through the City's utility billing system. She presented a draft of the proposed amendment, which included:

- Definitions of fees, utility billing, and majority vote
- Requirements for voter approval of new fees and changes to existing fees
- A sunset provision for any approved fees
- The ability for the City Council to reduce fees without voter approval

Council discussed the benefits of this proposal, including increased transparency and accountability. They also considered the differences between implementing this as an ordinance versus a charter amendment.

Contracted City Attorney Ashley Wigod clarified that a charter amendment would be more restrictive and permanent than an ordinance, requiring voter approval to change in the future. She also noted the timing considerations for getting such a measure on the ballot.

Council expressed general support for the concept and directed staff to prepare a referral text and ballot summary for further discussion at the next Council meeting.

9. Report from City Administrator John Walsh

Walsh provided updates on various City activities and events, including:

- Recent community events such as the 13 Nights celebrations, Fourth of July festivities, and the Columbia County Fair
- His attendance at the Oregon City Manager's Conference in Bend
- Progress on performance evaluations for City staff
- Ongoing negotiations with developers for waterfront projects
- Updates on Project Arcadia, including environmental clearances and expected timeline
- Improvements and progress at the Project Arcadia facility

Council asked follow-up questions about the timeline for Project Arcadia's production start and expressed appreciation for Walsh's report.

ADJOURN - 4:46 p.m.

EXECUTIVE SESSION

- Labor Negotiations, under ORS 192.660(2)(d)
- Real Property Transactions, under ORS 192.660(2)(e)
- Exempt Records/Confidential Attorney-Client Privileged Memo, under ORS 192.660(2)(f)
- Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h)

Respectfully transcribed by ClerkMinutes and submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Jennifer Massey
Jennifer Massey, Mayor