



# COUNCIL WORK SESSION

Wednesday, April 19, 2023

## APPROVED MINUTES

### MEMBERS PRESENT

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

### STAFF PRESENT

John Walsh, City Administrator	Mouhamad Zaher, Public Works Director
Kathy Payne, City Recorder	Suzanne Bishop, Library Director
Lisa Scholl, Deputy City Recorder	Bill Monahan, Contracted City Attorney
Crystal King, Communications Officer	Peter Hicks, Contracted City Attorney
Jacob Graichen, City Planner	Tina Curry, Contracted Event Coordinator
Jenny Dimsho, Associate Planner/Community Development Project Manager	

### OTHERS

Steve Topaz	Brady Preheim
Steve Toschi	Eddie
Robert Salisbury	Jennifer Massey

### CALL WORK SESSION TO ORDER – 2:00 pm

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

- ◆ Brady Preheim. Mr. Preheim stated the report for HB 3115 that said there is only one homeless person in St. Helens is wrong. The city has many more unhoused people. The problem is statewide.

Councilor Birkle clarified the report counted those on public, not private, property in St. Helens, and only one person was seen, adding Mr. Preheim seems to habitually accuse people of lying when he disagrees with information that may be an opinion or a representation, but not necessarily lying.

- ◆ Steve Topaz. Mr. Topaz spoke about DEQ's report on the back of the McCormick property at last week's CAG meeting. A 2016 presentation stated the lagoon would be used as a toxic/contaminated waste dump, but what is already there is considered toxic. The survey by Maul Foster said the water levels were okay, but they did not test the six wells they drilled on the property. They were also told there is no contamination on the Waterfront. A number of things are being described as contaminated. The tribes are concerned about contamination of the channel and have gotten a federal grant to study the Scappoose Bay, including on Nob Hill, looking for Native artifacts. In 1935, an Oregon geology group studied the rock formation which contributes to the lagoon's hazardous condition.

**DISCUSSION TOPICS****1. Planning Division Semi-Annual Report - *City Planner Jacob Graichen***

City Planner Jacob Graichen and Associate Planner and Community Development Project Manager Jenny Dimsho presented the spring edition of the semi-annual Planning Department report. A copy is included in the archive packet for this meeting.

Ms. Dimsho reviewed the projects she had been working on which include the St. Helens Industrial Business Park, Riverwalk Project Phase I, and other project management support including Business Oregon Special Public Works Fund loan program projects and Community Development Block Grant projects, Oregon Safe Routes to School Grant, State Historic Preservation Office Veterans Memorial Grant application, Certified Local Government Grant (6th cycle) process, and Urban Renewal Agency support.

Mr. Graichen presented the general planning update. Key highlights included:

- The Planning Commission filled two vacancies, will continue work on House Bill 3115, and has talked about taking on architectural standards.
- The Assessor wanted to clarify address discrepancies in their records, and 125 were corrected.
- He addressed/updated the N. 11th/12th Street Jacob's Bluff Property.

Ms. Dimsho addressed current planning which included the architectural review and land use decisions of the John Gumm School building, the former Dockside building, and the Klondike building.

Mr. Graichen reviewed current planning he had been primarily involved with, including the St. Helens High School project, National Guard Armory review, Columbia Commons commercial subdivision, the Broadleaf Arbor project, Sand Island development, a County referral near Multnomah Industrial park, a mixed use building at 6th Street and Columbia Boulevard, the original Recreation Center building at 1810 Old Portland Road being shared with the Police Department, the County referral of Family Fun RV, and three new annexations.

He reviewed the list of upcoming projects in the next six months including development review in the spring and summer months, the PGE parcel and the substation along with the police station, Mercury TMDL which DEQ imposed on the City to help prevent mercury going into streams, part two of the residential Code amendments for cottage clusters and similar, the psilocybin issue, and the Transportation Systems Plan update.

Ms. Dimsho highlighted two items. The ODOT Community Paths Program awards will be announced in October. The City applied for their grant for trail route analysis from St. Helens to Scappoose. The Department of Land Conservation and Development's Technical Assistance Program will fund the Economic Opportunities Analysis update if the City applies for the program and is successful.

Mr. Graichen concluded by addressing "wild card" upcoming projects including City properties like the Millard Road property and the Riverfront property, as well as state mandates such as those regarding housing.

Mayor Scholl suggested a clause regarding the partialization of PGE in the St. Helens Industrial Business Park. If PGE ever decided to sell, that is of value to not only the City but to whoever the purchaser is, since it is a significant chunk of property. Mr. Walsh stated like a reversionary.

Mayor Scholl suggested renaming Jacob's Bluff. Mr. Graichen clarified if there is a developer they would probably have their own name in mind.

Mayor Scholl and Mr. Graichen discussed state mandates when funding is in question.

Mr. Graichen acknowledged there is a need for more Planning staff, but the questions remain of capacity available versus what can be accomplished and the matter of balancing planning ambitions with other things the City needs to do. He has been hesitant about hiring someone if they would have to let them

go due to the budget. The need for more staff depends on how much the Council wants to see accomplished.

**2. Discussion regarding Planning Commission's Proposed Code Amendments regarding Sleeping/Camping on Public Property and House Bill 3115 - *City Planner Jacob Graichen and Planning Commission Chair Steve Toschi***

City Planner Graichen reviewed the requirements of HB 3115 which does not allow the City to prohibit camping, sleeping, and lying on public property, noting the draft in the packet is probably 90 percent to 98 percent completed. The unanimous recommendation from Planning Commission is the general approach of specifying where sleeping, lying, and camping is allowed. The alternative would be based on where camping is not allowed. A copy of the presented documents is included in the archive packet for this meeting.

He outlined Planning Commission's recommendations and the corresponding alternatives, including defining a camp as established once it has been in place more than seven days in a 30-day period, providing the person/people have not been given documented notice to leave. The Commission recommended the time restriction to be five continuous days maximum at specified locations with an option of a declaration of emergency to exceed the five days at designated sites, to be approved by Council, including exceeding 30 days. This would apply to camps as well as parked cars and RVs and is similar to existing parking regulations.

Council President Chilton and Councilor Sundeen asked who would keep track of the five continuous days. He reviewed the proposed violations process of three tiers and the proposed locations of 1810 Old Portland Road, the police station, and Boise Park, noting each site's pros and cons.

Planning Commission Chair Steve Toschi spoke about the mandates and intentions of HB 3115, noting the first section of the law says if the restrictions are developed as part of a public policy for the humane treatment of homeless people, cities and counties could be immune to lawsuits. He described how the Commission chose the proposed sites and explained the thinking behind the Commission's recommendations, including established camping sites versus non-established. The Planning Commission requested to be involved as the matter moves forward. He cautioned the City against taking any action against the man living under the bridge currently because he did not know what legal vehicle the City would use to say he has to move.

Mayor Scholl thanked the Planning Commission for their work on Time, Place, and Manner. He made it clear the City is not welcoming a Portland camp in St. Helens, adding details about his recent meeting with the governor that was not based around homelessness.

Mr. Toschi reassured the public that the Planning Commission believed the Time, Place, and Manner restrictions were the best approach to prevent a situation like in Portland.

Council President Chilton stated her concerns. She was not okay with sites one and two, as they are near three softball fields for families with kids. The restrictions need to include stipulations if the City starts development on the property or if it gets sold or under construction. No one is assigned to enforce any rules regarding the camping. The bathrooms concerned her as she wondered who would pay for and take care of them.

Councilor Sundeen thanked Mr. Toschi and Planning Commission for their work. He asked who will maintain the site because they are not usually left tidy when people leave. He had concerns with all three sites, noting Boise Park is secluded and with a lot of trees and brush which could pose a fire hazard and the Recreation Center, and the ball fields are both used primarily by children and families. He would like Planning Commission to continue to be involved in the discussion.

Councilor Gundersen was concerned whether the homeless camp was even going to be needed. The people he knows about do not want to be in a camp nor told where to go. He asked who will handle the port-a-potties and garbage. Safety and the City's liability was another concern of his.

Councilor Birkle also thanked the Planning Commission and Proactive Committee. He agreed a designated location is a must. He was uncomfortable with site two. Site one with a police presence may be the best location of the choices. He emphasized the importance of having at least one designated area and agreed with Councilor Gundersen that St. Helens will not see an influx of unhoused people. He emphasized the importance of addressing who would maintain the site.

Mayor Scholl asked the Council to visit site two to see how far it is from the ball fields. He stated his opinions about the other prospective sites and was extremely concerned about the encampments and the potential for lawsuits.

City Administrator John Walsh agreed complying with the mandate was a complex issue, wondering would the City's role be more of a manager or facilitator. Staff was trying to find City-owned property to designate.

Mr. Toschi stated Planning Commission recommended designated sites because it would be too much to expect someone who may not have the resources to figure out where all the excluded spaces are. He spoke about the potential risk of the statute the City does adopt being invalidated and how to ameliorate the risk. He agreed cost enforcement would be a concern, adding the City probably should talk about budget for management. He believed the sites would be used by people coming into town to seek help and who could potentially benefit from the City's help.

Mr. Graichen said ideally, the restrictions will be enacted and because the problem in St. Helen's is not to the scale it is elsewhere, the code will just sit in the books and resolutions can be enacted as needed.

Mayor Scholl pondered the idea of changing the site after a seven-day notice if needed, adding the overall policy could be drawn up with the two sites and run by Legal.

Council President Chilton stated she was not comfortable with naming a site within the ordinance. She would prefer a more conservative approach, based on attorney Aaron Hisel's recommendation which was to keep what the City has and say where camping is not allowed, with possibly having ideas in the queue should it need to happen. She suggested adopting the minimum of what the state requires and watching things unfold around the state.

Mr. Toschi agreed with Council President Chilton. His concern was that if they go to court, they would be asked why it is objectively reasonable to have a place without bathrooms for the unsheltered.

Council President Chilton disagreed, adding worries about a lawsuit are unrealistic. The police have stated the city does not have the problems Mr. Toschi thinks they may end up having.

Mr. Walsh suggested establishing a Time, Place, and Manner ordinance and using resolutions for changes if needed.

Councilor Birkle preferred designating a space now and not waiting until an unhoused individual approaches for a place to shelter. They should have a list of potential places.

Mayor Scholl directed Council to take any ideas they may come up with for sites to Mr. Walsh. He will pass them along to the other Councilors who can then tour the sites which Council can discuss at their June meeting.

Council's feedback on the proposals was the police should be the ones to decide whether to allow an extension of the five days camping on public property and not to specify a site in the ordinance but keep the provision in the ordinance that gives the City the tool to select the place.

**Break - 4:04 pm.**

**3. Riverfront and Downtown Parking Plan Discussion - *Public Works Director Mouhamad Zaher***

Public Works Director Mouhamad Zaher reviewed the proposed temporary parking plan, spurred by citizen concerns about parking issues. He showed the parameters of the car park, which will be approximately 100 spots, according to best standards. A fence should be installed April 25 for safety, parameters, and protection from Columbia Park where kids play. Public Works was working on printing signs to let everyone know the parking is temporary as well as painting the lines for the spots. The spots should be open by April 28 at the latest. Parking will only be available 8:00 a.m. to 10:00 p.m. Overnight parking will be towed. No camping or homeless will be allowed in the spots. The solution will only be temporary until the construction reaches the location. At that point, the parking on Strand Street will be opened back up.

Mr. Walsh added that Communications will release information about the temporary parking solution.

Councilor Sundeen asked Public Works to be mindful of ADA accessibility.

Mr. Zaher noted enforcement would be done by the police. He clarified Public Works decided not to close the fence at 10:00 p.m. However, they have the option to close it if the City wants.

Mayor Scholl said he would talk with some of the businesses about reporting if they see someone parking overnight.

**4. Review Draft Request for Proposals (RFP) for Janitorial Services**

City Recorder Kathy Payne talked about the City's current janitorial service and struggling to get them to do what is required and do it well. Staff got permission to send out a Request for Proposals (RFP) for someone local to help. She put together an RFP which is included in the meeting packet. She will send the RFP to all the janitorial and housecleaning businesses licensed in the City. It is required to consider OregonForward (QRF), and she will send the RFP to the two listed on Oregon's database that service Columbia County. The RFP is on tonight's regular session agenda for approval.

**5. Discussion regarding Request for Support of Columbia County Law Enforcement Levy**

Mayor Scholl said the request for the levy came to him. He wished Council had more information. He spoke about how the City takes law enforcement very seriously. The police currently provide 24-hour service, and they are asking citizens to pay a little extra for a new station. He wished the County had done more campaigning with open transparency to the police's budget needs for the levy. They are asking for 29 cents per thousand, but he was told a different amount on a call. He had not seen enough justification for it. He wished he would have had some contact with the Sheriff and that the Sheriff was presenting here like he did in Scappoose, adding the opportunity is always open.

Council President Chilton agreed with Mayor Scholl. The City has done a lot to make sure they have 24-hour coverage. It does not make sense for the City to endorse something that would have citizens paying double for a service they already receive in St. Helens.

Councilor Sundeen appreciates the service. He watched the meeting where Sheriff Pixley presented to Scappoose. He would welcome a discussion with the Sheriff or a representative from his department to come and present to this Council.

Councilor Gundersen would like to hear a presentation from the County as well.

Councilor Birkle had concerns about people living outside the City limits who do not have 24-hour service. Without a presentation and discussion, he did not see Council accepting the suggested resolution today.

Council President Chilton requested Chief Greenway be present if the Sheriff comes to present.

Mayor Scholl spoke about past differences in St. Helens' and the County's budgets for policing, adding he would like the County Commissioners to show the fiscal need in their budget.

The Council's consensus was not to support the resolution today.

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

Mr. Walsh presented his report:

- Due to hardships from 2008 through 2011, the City relied on Budget reserves. The City finally built the money back after a long time but has started on the path of again using the reserves. He emphasized the need to use resources wisely.
- Staff had still not received the final audit.
- The Boards and Commissions Appreciation Dinner will be held tomorrow at 5:30 pm.
- The Chamber Banquet will be on May 5.
- Black Tie & Blue Jeans will send a packet to the City.
- Carol Green retired last week.
- The RFP was open for general contractor/construction manager for the police station and was getting interest. He spoke about working with the owner's representative and looking at the site to develop an all-weather building pad.
- The Riverwalk design was getting good feedback. Staff had been working with the interpretative signage folks to tell stories along the Waterfront.
- Staff met with electrical engineers, who confirmed Columbia View Park Amphitheater has sufficient electrical supply. Mostly the wiring is great for the audio/visual component. He addressed some tipping point issues which might necessitate a small scope change but nothing of significance.
- He had a nice meeting with Nate Stice, the Regional Solutions representative for the area.
- Typically, this time of year the City would be out to bid by now for the timber harvest. This will be on tonight's agenda.
- Executive Sessions will be held after the Work Session and Regular Session to fit attorney schedules.

Councilor Sundeen asked about Council discussing supporting the high school's Safe & Sober party. Mayor Scholl suggested he bring it up during his report at the regular session for Council to discuss and vote on if needed.

**ADJOURN** - 4:48 pm.

## **EXECUTIVE SESSION**

- Real Property Transactions, under ORS 192.660(2)(e); and
- Consult with Legal Counsel/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