



COUNCIL REGULAR SESSION

Wednesday, September 15, 2021

APPROVED 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, Deputy City Administrator
Kathy Payne, City Recorder
Mouhamad Zaher, Public Works Director
Jamin Coy, Police Officer

OTHERS

Brady Preheim

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

PLEDGE OF ALLEGIANCE

Mayor Scholl led the Pledge of Allegiance.

Council President Morten read the Council's mantra.

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

- ◆ Brady Preheim. He read the definition of hypocrisy, "...the practice of claiming to have a moral standard or believe to which one's own behavior does not conform." Their mantra is an example of hypocrisy. They violate it at almost every meeting. Another example is Councilor Chilton saying how badly she has been treated here, and then attacking both Councilor Morten and the Mayor. Councilor Morten and the Mayor have both been elected several times. Councilor Chilton is a first-term councilor and thinks she knows better than them. Councilor President Morten is probably one of the only councilors who has campaigned door-to-door, which she claims she has done. She then made-up complete lies about tourism and acted like the rest of the Council had a problem. Brady did a public records request for her list of issues and found out she did not have any issues but made it all up. He has interviewed many people on his radio show, and she is the only one who thought asking for her name was a trick question. He is only getting started. She is wrong to think that he will not continue to bring up the lies. Why has the rest of the Council not held her accountable? She owes the City, Council, and Tina Curry an apology for making up information. She's aligned with Councilor Topaz. Brady stated that she's not only an employee of CCMH, but also a client. He commented on the derelict boat guy. Art pointed out that the City sent him a check. There is no way he is the only vendor who could do the work. He is not going to take the City seriously about moving his boat when they are sending him a check. Find someone

else. He is the cheapest because he does not have a moorage fee, does not pay for his sewage to be pumped, etc. If you can send him a check, you can also send a ticket.

ORDINANCES – Final Reading

- 1. Ordinance No. 3270:** An Ordinance Granting to Columbia River People's Utility District a Franchise to Operate an Electric Utility and Distribution System within the City of St. Helens, Oregon

Mayor Scholl read Ordinance No. 3270 by title for the final time. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Ordinance No. 3270. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

RESOLUTIONS

- 2. Resolution No. 1934:** A Resolution of the City Council of St. Helens, Oregon Declaring City Owned Property at S. 12th Street, Tax ID 28892, as Surplus and Authorizing Sale of the Property

Mayor Scholl read Resolution No. 1934 by title. **Motion:** Motion made by Councilor Chilton and seconded by Council President Morten to adopt Resolution No. 1934.

Discussion.

Councilor Topaz read in the ORS that there needs to be a public hearing to declare a piece of property for sale. City Administrator Walsh reported that the resolutions were prepared by legal counsel. He can confirm that with them. Councilor Topaz pointed out that was brought up during the sale of the marijuana facility property.

Discussion of the process. Mayor Scholl suggested they go ahead and approve it. They can check with legal counsel and bring it back to the next Council meeting if needed. Councilor Topaz wants to make sure they follow the correct procedure. Council President Morten asked for Councilor Topaz to present the appropriate ORS.

Councilor Chilton appreciates Councilor Topaz bringing that to their attention. She trusts that Walsh will check with legal counsel and bring the information back to Council. Walsh added that it does not require a resolution but it's good to do one for a permanent record.

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

Mayor Scholl requested that Councilor Topaz bring documentation to the meeting when he does research. They need to know if what he is bringing to their attention is fact. Councilor Topaz responded that the procedure came up during the marijuana property sale in the past. Mayor Scholl responded that it was done appropriately. That property was in the Urban Renewal Area and is not required to be appraised. They can sell property for whatever price they see fit. Councilor Topaz argued that the appraisal price is the lowest price they can sell it for. Mayor Scholl said this has not come up from either of the attorneys since then, but only from Councilor Topaz. He repeated that Councilor Topaz needs to provide documentation when he finds this stuff. Councilor Topaz responded that he only learned about it this afternoon.

- 3. Resolution No. 1935:** A Resolution of the City Council of St. Helens, Oregon Declaring City Owned Property at S. 10th Street, Tax ID 28878, Lot 5, Block 83 as Surplus and Authorizing Sale of the Property

Mayor Scholl read Resolution No. 1935 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Resolution No. 1935.

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

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

4. Master Grant Agreement with ODOT to Receive Federal Funds through the Federal Exchange Program
5. Contract Amendment with OTAK to Extend Scope of Work for S. 1st & Strand Streets Utility & Streets Extensions
6. Contract Payments

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '4' through '6' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

CONSENT AGENDA FOR APPROVAL

7. Council Minutes dated September 1, 2021 [Secretary's Note: The August 4 and 18, 2021 Council minutes were mistakenly included in the packet instead of the September 1, 2021 minutes.]
8. Accounts Payable Bill Lists

Motion: Motion made by Council President Morten and seconded by Councilor Chilton to approve '7' and '8' above.

Discussion.

Councilor Topaz pointed out a reference to a "heated discussion" at the end of the minutes. There are a couple of statements during that discussion that should have been clarified. One was Mayor Scholl stating who would have to sign off before he adds something to the agenda. It's not in the minutes, but he recalls that it would have to be two councilors plus the mayor. Mayor Scholl disagreed. He said that it can either be him or two councilors. His phone is on all the time and Councilor Topaz has never called him to have something added. Councilor Topaz asked if anyone else needs two councilors. Mayor Scholl said yes. Councilor Chilton confirmed that she did that to add something to the agenda. Councilor Topaz argued that according to the Charter any councilor can add something to the agenda. Councilor Birkle understands that it is two councilors to add it to the agenda. Mayor Scholl was taught from former Mayor Peterson that it took two additional councilors. He said they do it like the City of Keizer. It is perfectly legal to do it. Walsh clarified that it is not part of the Charter. They have the Governing Policy, Council rules, and training handbook. However, the Governing Policy does say a councilor can add something. Mayor Scholl asked if he could remove that since he has the power. Councilor Topaz stated that Mayor Scholl does not have veto power. Mayor Scholl pointed out that he sets the agenda. He reminded Councilor Topaz that he threatened staff if what he wanted did not get added to the agenda. Councilor Topaz said that two people would be a mistake. It needs to be written down correctly.

Mayor Scholl said he is referring to the resolution of the marijuana... Councilor Topaz argued that he was actually referring to the resolution allowing Walsh to negotiate and sign the bill of sale.

Council President Morten would like the attorney to address this issue at the next meeting, so they have it solved once and for all.

Mayor Scholl requested City Recorder Payne adjust the minutes to fill in the gaps as requested by Councilor Topaz. He asked if Councilor Topaz would be okay with that. Councilor Topaz would be very happy if it is all printed the way it was said. Mayor Scholl said it happens quite frequently between Councilor Topaz and one other member.

The minutes will be amended to reflect that the mayor or two other councilors are needed to add something to the agenda.

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

WORK SESSION ACTION ITEMS

As requested, this section was typed verbatim.

Mayor Scholl: It always seems to be going good and dandy, and they're firing at all cylinders and seemed like they were getting along really good earlier. And then out of the blue, there is nothing there because you have never even asked...from me, personally...you have threatened staff. I am baffled by your...it's his meeting and he is going to rant because he serves the citizens. You disrupt this Council...it was going so well...for what? Councilor Topaz, what is the point? What is the point you are trying to make? I want to know. Answer me that.

Councilor Topaz: Okay. I am serving the citizens, at least the citizens who confer with me of what they want to hear. So, I'm doing exactly what you're doing. And now you're yelling at me. I don't yell at you.

Mayor Scholl: I am asking for an unproductive manner...

Councilor Topaz: They think it's productive. That is a comment...

Mayor Scholl: You can't answer it. You cannot answer it.

Councilor Topaz: You don't agree with what I just said. That's why you can't accept it. I just..

Mayor Scholl: I'm just clearly stating an observation of a fact that I have been running this meeting with you for two years and you continue to do this...when Councilor Carlson and Councilor Locke were here...and continue to do with Councilor Birkle and Councilor Chilton.

Councilor Topaz: I'm not here for a friendship meeting. I'm just trying to get something straight.

Mayor Scholl: I just want to state that it's not just the Council because they have two new council members. It's just you.

Councilor Topaz: I'm talking about procedure. It has nothing to do with anybody.

Mayor Scholl: It's been going on for two years. You watch it... Any citizens out there watching, refer to four years ago when he was elected and start watching. I'm not making this sh** up.

End verbatim minutes.

New Public Safety Facility

Deputy City Administrator Brown said the one Work Session Action Item was for Council to give direction to he and Walsh to work with Mackenzie and come back to Council with a scope to move forward on the public safety facility. Consensus of Council to proceed.

MAYOR SCHOLL REPORTS

- Requested a retreat to review all of the plans, such as the Corridor Plan, Gateway Plan, etc. There are some that he and the new Councilors have not participated in. He suggested City Planner Graichen and Associate Planner/Community Development Project Manager Dimsho participate.
- Spirit of Halloweentown is kicking off this weekend.
- Looking forward to the rain this weekend. Everything is very dry. The 50-acre fire up Aldercreek Road was scary.
- Wants to start talking about the return on investment for the Waterfront to help the community understand why the City is putting so much money into the development.

COUNCIL MEMBER REPORTS

Council President Morten reported...

- Rich Mason spoke this afternoon. He would like an update from the Police Department and Administration about the kiosk and Sand Island. Mayor Scholl said there will be a report at the next work session.
- He is concerned about fire safety. There have been three fires since he brought it up last time. One was behind a restaurant on Columbia View Blvd. It was close to getting out of hand. Mayor Scholl added that Officers Coy and Howell responded to the fire. Morten went on to report that it was very scary for our small town. Most municipalities have their police and fire in the same agency, but St. Helens is separated. He would like to request the Fire District provide a semi-annual report. There are a lot of areas in the city for a fire to take off. Thankfully, there will be rain this weekend.

Councilor Topaz reported...

- There are boats docked along the mill property. He asked Walsh to report on what is happening with the toxic ground of that area that Boise and DEQ were working on.

Walsh reported that it's just the area where chip-loading was done, and the barge transferred. Councilor Topaz said there was previous discussion about covering it instead of removing it. Walsh said he has been working with the Governor's Office and DEQ. Councilor Topaz pointed out that they could lose the use of it.

Council President Morten asked whose responsibility it is to pay for the clean-up. Walsh responded that the City was very strategic to not purchase the submerged lands. That clean-up is the responsibility of Boise, or its parent company. Mayor Scholl added that Boise is responsible for anything upland as well.

Councilor Topaz said that the underwater in downtown Portland is EPA and the Army Corps of Engineers, and high tide is DEQ. Is it all DEQ here? It's underwater. Walsh responded that it may be related to a superfund designation. DEQ is our state regulatory agency for that.

- He distributed an outline for a new tourism RFP. A copy is included in the archive packet for this meeting. You don't hire someone and then give them a job description after they are hired. It's acceptable for a regular employee but not acceptable for a vendor.

Motion: Motion made by Councilor Topaz to do an RFP on tourism, and for staff to add to the outline he presented. He wants very measurable points of what has to be done.

Council President Morten supports the outline as his report but not as a mandatory statement for staff to do. He would like time to review and discuss it. He hopes this doesn't supersede what the Council was going to do. This is what Councilor Topaz wants to do. Councilor Topaz said the Council had an RFP for tourism but then got rid of it. He is trying to re-establish an RFP. Council President Morten said the Council was going to meet to discuss what should be in the RFP.

Councilor Chilton seconded the motion.

Discussion.

Councilor Chilton and Councilor Topaz want to set a meeting to discuss the tourism RFP further. Mayor Scholl thought staff was already working on an RFP.

Councilor Birkle understood that the RFP was approved. Then, Councilor Morten came to a meeting with concerns about the RFP. By a vote of 3-2, the RFP was rescinded. He chose to vote to rescind it based on the April tourism meeting directing staff to review the contract. He does not believe that there should be a motion that the content of Councilor Topaz's submittal be included in the RFP. He does not support the current motion but hopes they set a date and time to have a discussion.

Mayor Scholl asked the Council to consider the other people involved, both citizens and the people hired. They are sending a message to Tina that she is not good enough by constantly bringing it up. Councilor Chilton pointed out that they have not discussed it since April. Mayor Scholl reminded them they could talk to Tina directly as well.

Councilor Topaz stated that other parts of town have not had the interest and intensity of Halloweentown, or any other tourism, which is an inadequacy of Tina. Tina is a contractor and should have hallmarks to be judged against. The present contract does not include many hallmarks and audits to verify the job is being done. The contract needs to be cleaned up.

Mayor Scholl pointed out number eight on the Council's Mantra, "I will never come to a Council meeting having made a promise to an individual or group." Councilor Topaz said he has not made any promises. Mayor Scholl argued that Councilor Topaz talked about other groups not benefitting. Councilor Topaz said that is our citizens and they are not a group. Mayor Scholl pointed out that he has also heard Councilor Topaz refer to "my people." Councilor Topaz disagrees and thinks it's inadequate.

Vote: Yea: Councilor Topaz and Councilor Chilton; Nay: Mayor Scholl, Council President Morten, Councilor Birkle

Councilor Chilton reported...

- She reviewed the Public Safety Facility with the Chief and other staff. Mackenzie had a good grasp of the project. She was glad to see Council agreed.
- Fall sports and school is underway.
- She is looking forward to the joint meeting with Planning Commission next week.
- She is extremely proud of the work they are seeing from Public Works. Public Works Director Zaher and Parks and Recreation Manager Duggan are showing great leadership. She recommended anyone who missed their presentation this afternoon to go back and watch it.

Councilor Birkle reported...

- He attended the Hometown Heroes 9/11 event at the Courthouse. They read the names of those who died on 9/11. Sgt. Eustice represented the Police Department and participated in the reading of the names. It was a very profound experience. It is a good reminder of the commitment from our public safety officers.
- The 100th Anniversary of the train depot is on Saturday, September 18th.
- He did some Youth Council research since the last meeting. He will be sharing his research with Council and staff.
- He had the honor of sitting in for Councilor Morten at the Parks & Trails Commission meeting on Monday.

Council President Morten said he was unable to attend the Parks & Trails Commission meeting because he was eulogizing the daughter of past mayor Heinie Heumann. Prior to this meeting, he was looking through everything she left that had belonged to Heinie. There's a lot of history that will be given to the Columbia County Museum Association. He did retain ownership of the left-handed bamboo putter because he golfed a lot with Heinie.

Councilor Birkle talked about the importance of remembering the people who contributed to the history of St. Helens.

- Parks & Trails Commission meeting update:
 - The Lions Club gave a presentation about the equipment they help maintain at McCormick Park.
 - Discussion about revisions to the Parks Master Plan.
 - It is a very dedicated Commission.
 - He continues to be impressed with Duggan's work.

- Parks Field Supervisor Thad Houk retired after 23 years of service. There is a retirement reception for him on September 23rd.
- National Hispanic Heritage Month began today. There are 7.2% of St. Helens residents that claim Hispanic origin. He reviewed the history about the significance of the date. The St. Helens community has many Hispanic-owned and operated businesses. The City also has a number of staff who are of Hispanic heritage and bilingual.

Councilor Topaz talked about the trees in the parks and city. Was there any discussion at the Parks & Trails Commission about taking care of the deer during the dry weather? Councilor Birkle said it was not discussed.

OTHER BUSINESS

ADJOURN – 8:09 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne

Kathy Payne, City Recorder

/s/ Rick Scholl

Rick Scholl, Mayor