



# COUNCIL REGULAR SESSION

Wednesday, May 04, 2022

## 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	Jenny Dimsho, Associate Planner
Kathy Payne, City Recorder	Matt Brown, Finance Director
Lisa Scholl, Deputy City Recorder	Sharon Darroux, Engineering Manager
Jacob Graichen, City Planner	Tina Curry, Event Coordinator

### OTHERS

Jane Garcia	Judy Thompson
Brady Preheim	Steve Toschi
Trenton Buster	Peter Olsen
Rob Jolin	

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

### PLEDGE OF ALLEGIANCE

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

- ◆ Rob Jolin. There is a homeless man who has been tied to the docks for at least a month. The rules are not being enforced. After he complained, the boat was moved but now there's another one. There are panhandlers by US Bank constantly, there's an RV across the street from the Sheriff's office, and there's a tent close to Walmart. Nobody is doing anything about it, and it needs to be enforced. They're going to become Portland. People giving them money is only enabling them. The Safeway assistant manager said they can ask them to leave their property, but they can stand on the sidewalk. They are rushed with homeless in the morning when they open their doors. He doesn't want to become Portland. Last time he was in Portland, they saw a homeless man being beat. He called the police, but they didn't do anything because the beating stopped. Who is enforcing the laws?

Mayor Scholl told Rob that they are installing a kiosk to give them the ability to evict boaters. City Code does not allow camping overnight on public property. Rob asked about the camper on Old Portland Road. Mayor Scholl said he will investigate it and follow-up with Rob. They try to address it as it's brought to their attention.

Councilor Topaz asked if the trailer is on city or county property. Council President Morten said it is on Port property.

Rob asked why the police driving by haven't addressed it. Councilor Chilton encouraged him to call the police and talk to them about it.

- ◆ Brady Preheim. He is here to talk about the Independent Contractor Agreement with E2C Corp. for Events Management on the agenda. He hopes they are ready to sign it. They have been talking about it for months. They know what Tina does. They should consider making it a three or five-year contract. If he was in her position, he would have left. There are adjustments that can be made. Regarding the boat, he thought Council already approved it. Are they going to have a hearing soon? There are events coming up this summer that will require the use of a boat. If they don't act soon, they'll miss it.
- ◆ Steve Toschi. Congratulations to the City, E2C, Tina Curry, the citizens of St. Helens, and St. Helens businesses on a resoundingly positive report concerning the audit of the City's tourism contractor, E2C. It established that tourism brought in more than \$1 million against documented expenses of \$312,000. Nearly every penny was accounted for. He thanked Councilor Birkle for announcing that the report was favorable. If they want to get rid of tourism, do it now. There are people who say they don't like Spirit of Halloweentown, tourism, or Tina. He hears that, but this town is committed to it. They established a very successful tourism program, and they live in a tourist town. They are moving forward with Spirit of Halloweentown because it's successful. People can work together. E2C has earned the right to have an 18-month contract. They have exceeded all the goals. Citizens need leadership. Tourism can be added to the agenda to report every six months, like other departments. She earned their trust, and they need to recognize it.
- ◆ Tina Curry.
  - Thanked everyone on the Council for allowing her the opportunity to work on these projects. She looks forward to continuing.
  - She's not going to re-hash the audit. It was determined that they'll share information easy for people to understand. She explained why every item does not have an invoice or receipt. CERT and volunteer groups do not have invoices. There have been times they couldn't access Wi-Fi to input cash transactions. Finance Director Brown was fine depositing the cash as general income. She has not been billing the City for the full expense of the contract. The newspaper is picking and choosing what they share. She is requesting the City announce the audit findings in a readable format.
  - The store is temporarily closed due to a medical emergency. There is a vending machine where people can purchase merchandise.
  - Reviewed 13 Nights on the River and 4<sup>th</sup> of July sponsors.
  - Thanked everyone who helps with events.
  - Looking forward to finalizing the contract and establishing a budget.
- ◆ Matt Brown, Finance Director. Asked if Council is going to vote tonight on the E2C contract for tourism. He noted a few changes that were brought up during the work session. An email was sent to the City Administrator regarding a City auditor's opinion of a process and procedure change in relation to a portion of the contract that is not best practice for government finance. That reflected change should be in the new contract. Is Council willing to hear that recommendation from the auditor and postpone the vote until the next meeting?

Mayor Scholl asked if Peter Hicks attended the work session. Walsh explained that the recommendation is for finances to run through a trust account. That does not specifically need to be in the contract. Brown said the current contract states that the tourism director or contractor would submit a revenue check at the end of December. In January, the City would write the same check back to the event organizer. It's

a way for the event organizer to not have to pay taxes on the revenue received. When that process was brought up to the City auditor, the auditor requested the contractor set up a separate trust account so they can receive revenue from the City and not declare it revenue as business. Writing checks is not best practice. Walsh said they can investigate it further but does not see a need to delay the contract.

Brown noted that the audit report does not contain an opinion. It would be inaccurate to say the tourism contractor passed or failed the audit. They can say they received the audit and are satisfied with the results.

## DELIBERATIONS

### 1. **Vacation of the entire 7th Street Right-of-Way of the South St. Helens Addition, lying Northeast of the Kaster Road Right-of-Way**

There are no controversies. Mayor Scholl recused himself since was not in attendance at the public hearing. However, he pointed out that he's in favor of the street vacation.

**Motion:** Motion made by Councilor Topaz and seconded by Council President Morten to approve the Vacation of the entire 7th Street Right-of-Way of the South St. Helens Addition, lying Northeast of the Kaster Road Right-of-Way. **Vote:** Yea: Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton; Abstained: Mayor Scholl

## ORDINANCES – *Final Reading*

### 2. **Ordinance No. 3282:** An Ordinance to Amend the City of St. Helens Zoning District Map to Add a Planned Development Overlay Zone for Certain Property Generally Located at the Northern Termini of N. 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Streets North of Deer Island Road

Mayor Scholl read Ordinance No. 3282 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Ordinance No. 3282. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

## RESOLUTIONS

### 3. **Resolution No. 1950:** A Resolution Adopting the St. Helens Water Master Plan and Water Management and Conservation Plan

Mayor Scholl read Resolution No. 1950 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1950. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### 4. **Resolution No. 1951:** A Resolution Determining that a Nuisance Exists Upon Property Located at 394 S. 12<sup>th</sup> Street within the City of St. Helens and Directing that Notice to Abate the Nuisance be Posted on Said Premises

Mayor Scholl read Resolution No. 1951 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1951.

Discussion.

Councilor Chilton requested additional details. Mayor Scholl said it's related to Code Enforcement. The property owner has a certain number of days to clean it before the City comes in to do it.

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

### 5. **Resolution No. 1952:** A Resolution to Amend the City of St. Helens Personnel Policies and Procedures Handbook (Resolution No. 1913) Regarding Payroll Policies

Mayor Scholl read Resolution No. 1952 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1952. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**6. Resolution No. 1953:** A Resolution of the City of St. Helens City Council Adopting a Strategic Workplan for 2022-2024

Mayor Scholl read Resolution No. 1953 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1953. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**APPROVE AND/OR AUTHORIZE FOR SIGNATURE**

7. Amendment No. 2 to Contract with JH Kelly, LLC for Columbia Pacific Food Bank Renovation Project
8. Independent Contractor Agreement with E2C Corp. for Events Management

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

Discussion.

Councilor Topaz said the Food Bank has not received a Certificate of Occupancy. Associate Planner Dimsho said that is correct. This is to extend the contract.

Mayor Scholl asked about the E2C contract discussion held during the work session. Walsh said it revolved around directing the contractor to have public engagement and communication. Councilor Birkle is ready to move forward with the contract. Internal procedures can be established separately from the contract. He talked about the School Board policies being similar.

Councilor Chilton said it's in the best interest of the City to move forward in a hands-off approach. It's still the City and they'll still hear concerns. After reviewing all the contracts, she has a few things that she would like to include:

- Spirit of Halloweentown community meetings
- Internal planning meetings
- Receive event reports bi-annually, like other departments and divisions

Councilor Topaz wants to make sure that's written in the contract, or it might not happen. Walsh said there is a significant amount of reporting that is required. Mayor Scholl recognized that the contract is solid. He doesn't like seeing how this process has affected internal staff.

Councilor Topaz asked if the contract can be amended. Tina has done a good job. What if they get someone else? Walsh explained that the contract includes a scope of work. There will also be a budget based on the scope of work.

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

**CONSENT AGENDA FOR APPROVAL**

9. City Council Minutes
  - Work Session, Executive Session, Public Hearing, and Regular Session Minutes dated April 6, 2022
  - Executive Session Summary Minutes dated April 18, 2022
  - Work Session and Regular Session Minutes dated April 20, 2022
10. Declare Surplus Property - Library Items
11. Accounts Payable Bill Lists

**Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to approve '9' through '11' above.

Councilor Topaz pointed out that the date on his diploma was not included in the minutes. That is important to include. The minutes will be amended to include the date.

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

### **WORK SESSION ACTION ITEMS**

#### **Request from Port of Columbia County for \$7,500 for Phase II Rail Study**

**Motion:** Motion made by Councilor Birkle and seconded by Council President Morten to approve the expenditure in support of the Phase II Rail Study. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

#### **Utility Rate Increase**

Consensus of Council for staff to bring back a resolution on June 1.

#### **Pay Back Funds from Tourism Money**

Councilor Chilton said it was brought to their attention that they have not discussed paying back funds that were borrowed for tourism. Mayor Scholl agreed that it should be paid back, but not all at once. Tourism still needs to grow. Council President Morten does not recall there was ever a discussion about repaying it. Walsh said that money was sitting there to invest into one-time projects. It was a good investment. Councilor Chilton agreed with paying the money back. Councilor Birkle likes the idea of the money being paid back eventually, but not all at once. He doesn't want to make it difficult for them to purchase the boat.

Mayor Scholl suggested a repayment of the Community Development Fund over three years at \$140,000 each year. Do they want to pay back Public Works? Councilor Chilton did not think that was appropriate.

Council President Morten repeated that he did not see it as a loan. He's not okay with it.

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Topaz to develop a payment plan to repay the Community Development Fund \$140,000 within two years. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Topaz, Councilor Chilton; Nay: Council President Morten

Council President Morten would have rather paid it back in five years.

#### **Boat Purchase**

Mayor Scholl is ready for a public hearing. It's a good deal.

Councilor Topaz expressed his desire to have a plan for parking and where the boat is docked.

A public hearing was scheduled for May 18, 2022, at 5:30 p.m.

#### **Publicly Comment on Events Management Audit**

Mayor Scholl reported that they are satisfied with the events management audit.

Councilor Chilton said they discussed having Communications share more information.

#### **Auditor RFP**

Consensus of Council to go out for an RFP for auditor services.

#### **S. 12th Street Tenants**

City Recorder Payne called for discussion of whether to give money to the tenants moving out of the S. 12<sup>th</sup> Street house. Mayor Scholl said it's common to give money when someone is evicted. Walsh said they could authorize a payment to the tenant of \$1,295 for relocation assistance and \$315 to Premier Property Management Services.

Councilor Chilton said the Fire District wants to use the home for demolition practice.

**Motion:** Motion made by Councilor Birkle and seconded by Council President Morten to authorize the payment in the amount of \$1,610 for the turnabout house on S. 12th Street, resolving the issues related to using it. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**COUNCIL MEMBER REPORTS**

Council President Morten reported...

- The Parks & Recreation Commission voted on a new member to fill the vacancy. He asked City Recorder Payne if she received the results. Payne responded that they did not make a motion with the recommendation. They will need to do that at their next meeting.

Councilor Topaz reported...

- Requested an accounting of how much money has been spent by attorneys for the marijuana property. It seems like the City is spending more in legal fees than the marijuana people are paying for the property. Council President Morten suggested he request that information from Finance Director Brown. Topaz argued that he wants it announced publicly.
- Parking, boat, waterfront, industrial, and growth are all tied together. They keep talking about a good master plan. He has spent time talking to DEQ about the contaminated waterfront of the whole mill property. The contamination goes from the front of the riverfront, all the way back. They have been working on this since 1987. He sent information to the Council about it. They are supposedly having a public meeting about it this summer to discuss capping it with sand and charcoal. They have not contacted the Army Corps or EPA about it. Project two is the DEQ cleanup of the mill site on dry land. The City has not been informed about that.
- Administrative staff has indicated that the Library budget is going to be cut 21% by not filling the Youth Librarian position. That has brought up a fire storm in the community. Staff does not think it is worth it. This is the second position that's been removed, which is why they are not open on Sundays. Suzanne Bonamici was here to look at the Makerspace. They have a great reputation for having a super library. Many libraries have a higher budget than here. Council can reverse it. The appearance is that City staff doesn't want it.
- The DEQ contamination is a mile of waterfront that won't be able to be used. Their thought is that the dock will be pulled.

Mayor Scholl asked if Walsh has been in contact with DEQ. Walsh confirmed he has.

Councilor Chilton reported...

- The police are at critical staffing levels. It's unfortunate that they have to look at cutting any programs. They can't provide programs if they can't keep citizens safe. Staff is not doing this behind their backs. She is aware of it and supports it. Councilor Topaz said he was never informed. Police should be doubled. Councilor Chilton said they have a limited amount of funds. Councilor Topaz said they heard there is a homeless problem, which will need more manpower. They should not cut the library down when it's good for the community. Councilor Chilton understands the concerns about the library, but they need to be aware of the police issues. It's going to come to light in the Budget Committee. She uses the Makerspace. But she doesn't want to lose 24-hour police coverage. If someone breaks into her house at 3:00 a.m., she wants someone there. Councilor Topaz agreed but there's also a need for a strong library. He was not involved in any of that discussion. He found out from the library. Councilor Chilton pointed out that the information was in the budget binder. She encouraged people to reach out to the police chief. He will explain the need.

Councilor Birkle reported...

- Believes staff did what was expected to look at numbers and present them with a proposed budget. He had the opportunity to have a discussion with Walsh and Brown to get information. He fully supports the commitment to public safety. He is troubled that they may not have a youth librarian, but he'll be spending time reviewing the budget to find ways to fund police and library. He's strongly motivated by a public library. The impact Covid has had on children and his teaching colleagues is devastating. They are offering recreational opportunities, but the library can continue to be part of it. There will be discussions about it. Professional staff did not do anything

with the intent to undermine library services. He encouraged everyone to speak up and give public comment.

- Finished CERT training. He cannot attend traffic control training because of the Budget Committee meeting. It's been a fantastic experience.
- A year ago, there was a public forum at the Recreation Center to discuss tourism. The tone was set by individuals in attendance who thought they were out to get Tina Curry. They asked for a contract a year ago. In that year, the accusatory and "holier than thou" attitudes proved to be an obstacle moving forward. He's glad they are finally there. They need to move forward with a contract. Staff and Council should not accept full responsibility. He thanked Steve Toschi, Jane Garcia, Stephanie Patterson, and Tina Curry for taking the time to talk with him. He's still waiting to hear from Brady Preheim. They found they can move ahead. They have an 18-month contract. They are in a position to grow tourism.

Councilor Topaz thanked Councilor Chilton and Councilor Birkle for pointing out that they had the ability to talk with staff about the budget. He has not had that opportunity. Mayor Scholl said staff was directed to fund two more police positions. Councilor Topaz repeated that he never had a chance to talk about the library.

### **MAYOR SCHOLL REPORTS**

- His cousin, Jim Locken, passed away at 56 years old. They'll be doing a memorial service in the future.
- He received an email from the State at 5:45 p.m. tonight announcing the "If I Were Mayor... Student Contest" State winners.
  - Ellie Luke won first place at State for her poster
  - Taylor "Rosie" Parsons won first place at State for her essay
  - Hayden Stram won second place at State for his digital presentation

### **OTHER BUSINESS**

### **ADJOURN – 8:41 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne

Kathy Payne, City Recorder

/s/ Rick Scholl

Rick Scholl, Mayor