



COUNCIL REGULAR SESSION

Wednesday, January 05, 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	Mouhamad Zaher, Public Works Director
Matt Brown, Finance Director	Lisa Scholl, Deputy City Recorder
Kathy Payne, City Recorder	Tina Curry, Event Coordinator
Jenny Dimsho, Associate Planner/Community Development Project Manager	

OTHERS

Art Leskowich	Claire Catt
Brady Preheim	Erin Salisbury
Chris Cannard	Scott

CALL REGULAR SESSION TO ORDER – 7:07 p.m.

PLEDGE OF ALLEGIANCE

Councilor Chilton read the Council Mantra.

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

- ◆ Brady Preheim. A piece of his soul dies every time they read their mantra. Number 10 talks about courtesy being a rule, but they do not follow that. Although he often disagrees with them on topics, he does believe most of them are there to serve the city and have the city's best interest at heart. He does not believe that's Councilor Topaz's purpose. Topaz has stated that he's there to disrupt the City and he's done an effective job. It needs to stop. Council is not defending staff. The censure needs to continue and be stronger. Staff would probably all tell you they continue to feel threatened by Topaz. It's Council's responsibility to make sure that doesn't happen. Brady's job is to be an a**hole and hold them accountable, but it's not their job. Once they are elected, they need to follow their mantra. Council needs to send Topaz the message that it's not okay.
- ◆ Art Leskowich. Commended everyone on the Council for the work they do and all the information they must read and understand. He attended the December 15 meeting in-person, where he referred to Shauna Stroup-Harrison's question asked at the December 1 meeting. Shauna requested an update on the lagoon and received no response. He asked the same on December 15 and did not get a response. There was an approval at the regular session for a lease agreement with DSL for log storage. There is no marine or environmentally liability associated with renting that property from the State. He understands they're maintaining their sovereign rights to the shoreline of that property. Today's work session packet included a Planning Activity Report dated

12/29/2021. He referred to the paragraph under Development Code Enforcement. ACSP, who they sold the property to for a marijuana grow operation, has constructed 10 small sheds as their strategy to obtain a producer's license. Despite being informed that permits were needed, they were installed without approvals. The buildings are placed on top of the landfill. There are prohibitions that prevent placing buildings on top of a landfill. City Planner Graichen notified OLCC of this, this month. It was recommended by OLCC's marijuana inspector in January. ACSP failed to respond to a letter sent to them last February. Why did it take 11 months for Graichen to send them a letter? There are pictures showing trenches. Concerns were also indicated about potential easement encroachment and trenching into the landfill. None of these issues have been addressed. There is no environmental oversight. The December 1 executive session meeting minutes refer to a real estate agreement. Is the City planning on selling the lagoon? They are not addressing the issue of the disposal site they are proposing the lagoon for. Now it's being discussed in executive session for potential sale. Are they trying to pull the same thing they did with the marijuana property sale and not have any environmental oversight?

Mayor Scholl said they can't answer a lot of those questions. He talked to Art after the last meeting and shared as much information as he could about the lagoon. They are not considering selling the property.

ORDINANCES – Final Reading

- 1. Ordinance No. 3276:** An Ordinance Amending St. Helens Municipal Code Title 2 Relating to Administration and Personnel

Mayor Scholl read Ordinance No. 3276 by title. **Motion:** Motion made by Councilor Birkle and seconded by Council President Morten to adopt Resolution No. 3276. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Chilton; Voting Nay: Councilor Topaz

- 2. Ordinance No. 3277:** An Ordinance to Annex and Designate the Zone of Certain Property at 35480 East Division Road

Mayor Scholl read Ordinance No. 3277 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Resolution No. 3277. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Chilton, Councilor Topaz

- 3. Ordinance No. 3278:** An Ordinance to Annex and Designate the Zone of Certain Property at 58471 Columbia River Highway

Mayor Scholl read Ordinance No. 3278 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Birkle to adopt Resolution No. 3278. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

- 4. Ordinance No. 3279:** An Ordinance to Annex and Designate the Zone of Certain Property at 58284 Old Portland Road

Mayor Scholl read Ordinance No. 3279 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Resolution NO. 3279. **Vote:** Yea: Mayor Scholl, Councilor Birkle, Councilor Topaz, Councilor Chilton

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

5. Amendment No. 2 to Edge Development Agreement for Campbell Park Sport Courts
6. Extension of Agreement with Steven Wabschall for Direct Responsible Charge at Water Filtration Facility
7. Second Amendment to Agreement with Keller Associates, Inc. for Sewer and Stormwater Master Plans Updates
8. Bennett Building Phase 2 Work Order with Arciform
9. [RATIFY] Amendment No 1 to CDBG Agreement with ODBB for Food Bank Design & Construction
10. Amendment No 2 to CDBG Agreement with ODBB for Food Bank Design & Construction

11. Contract Payments

Motion: Motion made by Council President Morten and seconded by Councilor Chilton to approve '5' through '11,' except for '8,' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

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

Discussion.

Associate Planner/Community Development Project Manager Dimsho reported that she spoke with Adam again. The roof alone, which would fix water intrusion and nesting birds, would be between \$24,000 – 30,000. The overage would only be about \$6,000, if at all. There was a question about the warranty during the work session. Adam will need to talk to his contractor about that, but it can be included in a future contract. She would prefer to do both at the same time but relies on City Administrator Walsh and Finance Director Brown regarding budget concerns about the project cost. If Council wants to approve the full scope, they can approve it tonight, with the addition of the warranty language. If they prefer to cut the project in half, she will come back to the next Council meeting with a revised scope and the warranty.

Councilor Chilton prefers approving what was already approved, which would just be the roof cost. Then they can review it during the budget cycle. Council President Morten agreed.

Vote: Nay: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton
All opposed

It will be added to the next meeting agenda.

CONSENT AGENDA FOR ACCEPTANCE

- 12. Parks and Trails Commission Minutes dated October 11, 2021
- 13. Library Board Minutes dated November 8, 2021
- 14. Planning Commission Minutes dated November 9, 2021

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '12' through '14' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

CONSENT AGENDA FOR APPROVAL

- 15. Council Work Session, Executive Session, Public Hearings, and Regular Session Minutes dated December 1, 2021
- 16. Request for Proposal for Parks & Recreation Master Plan
- 17. New Engineer I Job Description
- 18. New Engineer II Job Description
- 19. New Engineering Technician II Job Description
- 20. New Engineering Technician III Job Description
- 21. New Engineering Division Intern Job Description
- 22. New Water Quality Division Intern Job Description
- 23. Accounts Payable Bill Lists

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '15' through '23' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

WORK SESSION ACTION ITEMS**Councilor Topaz Censure**

Motion: Motion made by Councilor Birkle and seconded by Councilor Chilton to extend the restrictions another six months.

Councilor Birkle explained that the motion reflects additional thought since the work session. There was further concern raised in an email that leads him to believe it needs to be done. It's not enforceable, but they don't have any other sanctions. This is not to silence him or keep him from bringing concerns to staff or council.

Councilor Chilton recognized that Councilor Topaz hasn't gone above and beyond breaking rules. However, his lack of insight is scary. She hopes that he spends time reflecting on how he treats staff and does his job.

Council President Morten said he was serious about being in a position of a parole board. He tried to give Councilor Topaz an opportunity during the work session to address the people who felt intimidated or bullied, and he passed on the opportunity. He gave him another opportunity to apologize before tonight's meeting and he didn't do it. Morten knows what it's like to be a person who intimidates and is scary. He was that person when he came out of Vietnam and was in a classroom with students and athletes. He was confronted and learned a lot from it. Topaz needs to listen and accept some of the things the women are saying about him. Council just wants an acknowledgement that he has learned from it, and it won't continue.

Mayor Scholl agreed with what was said. Council has an authority that comes with the job title, which can be intimidating to staff. The lack of acknowledgment of feelings is appalling. It's not okay. No one is safe from a 3-5 vote. He doesn't want anyone to feel like they are unliked and afraid to do their job. He believes in the mantra and is here for the citizens.

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

The censure restrictions were continued. He can still do his job but needs to check with City Administrator Walsh and City Recorder Payne first. He can continue going to the library. It's unfortunate there were issues today, which occurred during a public meeting and documented.

MAYOR SCHOLL REPORTS

- It was a good Main Street meeting last night. They received a grant from CCET to help retain a part-time employee. He thanked Sheri Stuart for her help. Main Street is vitally important to the community.
- There is a lot of rain. Sandbags are available at the City Shops.
- He thanked staff for the Urban Renewal update. It was very informative.

COUNCIL MEMBER REPORTS

Council President Morten reported...

- He is very excited about the positive financial impacts of the Urban Renewal.
- He is also excited about the Parks Master Plan. There was pushback from Nob Hill Nature Park when people were using the trails during Halloweentown. The City does not have any standards for trails. He looked at other agencies that have design standards and submitted the information to Parks & Recreation Manager Duggan. She was impressed and will report on it.

Councilor Topaz reported...

- Library Director applications are currently being reviewed.
- Thanked the Council for the censure and the process up to that. They have shown that if Topaz follows the law he will be censured, which includes reporting illegal executive session meetings;

bringing up stormwater projects that were not done right; and if a City staff member is not doing their job and has indicated it has not been done, it's considered humiliating to the person. All of this is documented. For people looking to relocate their company here, this investigation has shown that outsiders are not wanted in this town. Talking to construction companies, he's found that they have had problems with staff. Brady says he is always causing problems. Topaz confirmed that is something he has tried to do. Following the law is not the way of St. Helens. He appreciates that they didn't back away from standard procedure.

Councilor Chilton reported...

- Happy new year! Hopefully this year will be better.
- She learned a lot about Urban Renewal today. She understands more and can share that with the community.
- She is excited about the Parks Master Plan. Her passion is softball fields and increasing parks.
- There are a lot of projects coming up.
- There is a retreat in a couple weeks to review goals. She hopes they can work together to become a better team.

Councilor Birkle reported...

- People ask if he's having fun, and he says no. But there are no regrets. It's been more challenging than he anticipated. Having this position has given him the opportunity to engage with people in the community and learn a lot from consultants and staff.
- He attended the Main Street meeting last night and had an opportunity to talk with someone about Urban Renewal.
- He has been talking with Government Affairs Specialist Barry about having a coffee conversation, like a town hall, with community members. They represent different constituents. It's important to get out of their circle and talk to other people.
- He still wants to look at bringing back the Youth Council to have a representative with them at the dais. It would build on the work being done by Duggan.
- The Recreation Program is going well according to the 4th graders in his class.

OTHER BUSINESS

Mayor Scholl agreed with Councilor Birkle. The more you give, the more you get.

City Recorder Payne reported that the timeframe to open the Community Grant applications is this month. She requested permission to open it and send out a press release.

Motion: Motion made by Mayor Scholl and seconded by Councilor Topaz to direct Payne to open the Community Grant application process and send a press release. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

Mayor Scholl acknowledged Bill Eagle and what he said during the work session. Scholl tries his best to follow the mantra.

ADJOURN – 8:01 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Rick Scholl
Rick Scholl, Mayor