



COUNCIL WORK SESSION

Wednesday, July 20, 2022

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten – 1:14 P.M.
Councilor Patrick Birkle
Councilor Stephen R. Topaz
Councilor Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator	Jacob Graichen, City Planner
Kathy Payne, City Recorder	Jenny Dimsho, Associate Planner
Lisa Scholl, Deputy City Recorder	Rachael Barry, Government Affairs Specialist
Mouhamad Zaher, Public Works Director	Amy Lindgren, Municipal Court Judge
Sharon Darroux, Engineering Manager	Matthew Kahl, City Attorney
Mike De Roia, Building Official	Tina Curry, Event Coordinator

OTHERS

Steve Toschi
Art Leskovich

CALL WORK SESSION TO ORDER – 1:00 p.m.

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

- ◆ Steve Topaz, citizens of St. Helens. He thanked Council for his censure. It is very rewarding. He was invited to deliver the Hastings Lecture at the Society of Artificial Organs in Chicago in June. It was a prestigious presentation and people Googled his name and found out he was censured. They also found that Steve Duran from the old newspaper in Portland wrote about how bad he was treated at his court case regarding the drainage between 3rd and 4th Street. These are researchers, so they investigated the censure. Topaz has been a member of this society since the 1960s. They discovered that every time Topaz brought something to the Ethics Board, there was a reason for censure. The Ethics Board found Topaz correct each time. They also found out that the newspaper coverage of the censure was extensive, but they did not report the decision that Topaz did nothing wrong. They found that Topaz had 80-some papers published, had 486 people reference his good work, the Supreme Court of Oregon said the property was damaged, but he was not allowed to speak about it, and the Federal Court found that his Second Amendment rights were removed. A lot of people were there, including manufacturers, developers, and students. St. Helens painted a very dark picture of itself when they looked at the censure. He could not have done a better job of pointing out the problems in St. Helens and the censure to a public stage in a national and international setting. Thank you for bringing the story to people who read the whole thing.
- ◆ Steve Toschi. Thanked Council for the 4th of July celebration. It was important to continue with the tradition. They were able to do it by rolling it into tourism. It was a great event. Thank you

to the Lions Club for putting the flags out. The town was beautifully decorated. It was a wonderful community event that strengthened bonds. He did notice a lot more illegal fireworks this year. He suggested for next year that they emphasize that law enforcement will issue tickets and to encourage people to turn illegal fireworks in. They are dangerous.

- ◆ Art Leskowich. He agreed that it was a great 4th of July celebration. However, he heard from more than one person that the port-a-potties on the Waterfront property were less than adequate and less than maintained. In June, he sent an email to the Council and marina team members requesting information about the use of the commercial docks. There has been Ison tugs and now a new boathouse moored there. He requested an update about those vessels.

DISCUSSION TOPICS - *The Council will take a break around 3:00 p.m.*

1. Review Proposed Rates Increase for Garbage & Recycling Services - Josh Brown, Waste Connections

City Administrator Walsh reviewed the proposed rate increase. Waste Connections has been affected by increased dumping fees at the Transfer Station and a rise in diesel cost for their trucks. Per the franchise, the City is required to support them. Any time there is a rate adjustment, there must be an opportunity for the public to comment, which will be on tonight's agenda.

2. Semi-Annual Report from Building Division - Mike

Building Official De Roia reviewed the report. A copy is included in the archive packet for this meeting.

- 3.4 full-time employees
- Issued 300 building permits
- 258 plan reviews
- 807 inspections, which is lower due to reduced materials and labor
- Electronic Permitting successes
- Code updates
- Project updates

Councilor Chilton asked about Burger King and Dairy Queen. De Roia said Burger King is in the process. Dairy Queen is looking at potential sites.

Councilor Birkle talked about the childcare code and the update for alternatives to sprinklers. The area is struggling with a lack of childcare facilities. It is important that they are safe, but they need to be attainable.

Councilor Chilton asked if they look at infrastructure when approving new businesses. De Roia explained that multiple departments review the infrastructure, including Public Works, Engineering, and Planning.

Council President Morten apologized for arriving late. It was a good report.

Mayor Scholl thanked De Roia.

3. Municipal Court Semi-Annual Report - Judge Amy Lindgren and Prosecutor Sam Erskine

Judge Lindgren reviewed the Court report.

- Two full-time Clerks
- Added the bailiff position
- Pulling old cases that have unserved warrants

Mayor Scholl asked if there has been an increase in DUI's with Measure 110. Lindgren said no. It will help having Officer McClure as a certified Drug Recognition Expert, which is needed to prosecute those cases. An amendment to that bill, is that Circuit Court now has jurisdiction over those cases. That will allow them to be recorded in the e-Court system for better tracking.

- They are waiting for the Police Department to begin doing electronic citations. Right now, officers handwrite them. The software has been purchased to scan a driver's license and then print out the citation. It will communicate with the Court system and be much more efficient. Later in the meeting, Councilor Chilton received an update from Chief Greenway. The printers are delayed due to supply chain issues.
- Hired a new Defense Attorney. They are proposing to change to a flat fee, rather than a per case fee.

Councilor Chilton asked if they are affected by the pre-trial changes. Lindgren said no, it is just Circuit Court right now. She is in the process of looking at it to mirror what they do.

Lindgren expressed that she really enjoys working here.

4. Leak Adjustment Request from CPOD LLC - John

City Administrator Walsh reported that this is regarding the bowling alley property. Comcast did work there about a year ago and drilled a hole through the water line. There was a huge water leak that the owner repaired. They tried to get Comcast to pay the water bill but was unsuccessful. The adjustment exceeds the allowed amount to be approved administratively. They plan to pay their average monthly bill. The adjustment would be the overage.

No objection from Council to adjust the bill.

5. Review League of Oregon Cities 2023 List of Legislative Priorities Ballot - John

Government Affairs Specialist Barry reviewed the staff recommendations for priorities. A copy is included in the archive packet for this meeting.

Council concurred with the list as recommended by staff.

Councilor Birkle would like to keep homelessness in their sites as well. Walsh agreed. LOC recently came out with good guidance.

6. Discussion regarding Psilocybin Measure 109 - John

City Administrator Walsh pointed out the memo from City Attorney Ed Trompke. A copy is included in the archive packet for this meeting. City Planner Graichen reviewed the options:

- Can prohibit indefinitely with a successful referendum
- Postpone the allowance for two years with a successful referendum
- Impose limited time, place, and manner provisions

Graichen said it's like marijuana. It started medical only and later added a recreational component. They adopted rules for it to be 2,000 feet between facilities. There are several different types of licenses that the State would issue. There are two focus areas:

1. Manufacturing of psilocybin products includes growing mushrooms, chemical synthesis, and packaging.
2. Licensed service center. Psilocybin products cannot be taken home. They must be taken on site.
 - a. Cannot be in residential areas
 - b. Must be 1,000-foot distance from schools
 - c. Only place a client can purchase and consume is a service center

A two-year moratorium would give them time to see how other jurisdictions handle it.

Councilor Topaz talked about requirements for the service center. What safety requirements will be followed? These are nasty compounds. It says that they were legalized for mental diseases but does not define which ones. The most reasonable decision would be to stay away from it as long as possible.

Council President Morten agreed with Councilor Topaz. They do not have research institutions in Columbia County. If there is benefit, people can cross county lines to access it.

Councilor Chilton agreed with the moratorium to see how other jurisdictions handle it. A concern brought to her attention was that the taxes will go to the State and not the City. How will this affect the community and what benefits will they see? Mayor Scholl pointed out that police officers may need to respond, but the State collected the money for it. Council President Morten asked about it being used as medication at mental health facilities. Can you cross counties to obtain it? Councilor Chilton said there are some barriers with insurance between counties. There is support for it being used for trauma related illnesses.

Councilor Birkle agreed with a moratorium. He pointed out that there is only one Council meeting left to be able to get it on the ballot.

City Planner Graichen reviewed the process if Council does nothing and applications can be submitted beginning in January.

- Licenses required for
 - Manufacturing
 - Service Centers
 - Test Labs
 - Facilitators
- Land Use Compatibility Statement for manufacturing facilities
- The City is required to act within 21 days of receiving the request

Councilor Topaz asked if they have any medical expertise on how to design a service center. Graichen responded that it would be up to the Oregon Health Authority. He assumes they are still working on that. Councilor Topaz said this can be done in a kitchen. There are barriers that need to be in place to assure it does not affect respiratory systems. Is there anyone in the State that can qualify that? It's incredible that the City is given this job to regulate.

City Attorney Matthew Kahl referred to Trompke's memo. If they do nothing, it will allow these facilities to begin operating in January per the Code. Mayor Scholl asked what the cost is to put it on the ballot. Walsh said there is no fee during a General Election. Kahl talked about the LOC templates available to create a resolution and ballot title. There is time to approve it at the next meeting and then get it to Elections.

Council agreed with putting the two-year moratorium on the ballot. Councilor Birkle pointed out that they will need rules if it does not pass on the ballot.

7. Review of Columbia Commons Subdivision Final Plat - *Jacob*

City Planner Graichen reviewed the final plat. A copy of his memo and drawing are included in the archive packet for this meeting. He is requesting the mayor's signature once everything is complete. The authorization is on tonight's agenda.

8. Review Proposed Exclusive Negotiation Agreement with US Ecology Holdings, Inc. - *John*

City Administrator Walsh reviewed the proposed agreement. A copy is included in the archive packet for this meeting. It is an open agreement with US Ecology Holdings, Inc. to explore possibilities for remediation of the City's wastewater lagoon. The biggest difference from the previous non-disclosure agreement is that it allows the public to know they are working with them. There was no objection from legal counsel on either side.

Councilor Topaz suggested that this be scrapped. This was done during an executive session that was proven not to be an executive session with this company. Mayor Scholl asked if that has been proven. Councilor Topaz said it is Case #22... Mayor Scholl said he was referenced in that case, and it has not been settled. Councilor Topaz said it is an active investigation. Councilor Chilton responded that an active investigation does not mean that it has been founded. Mayor Scholl requested that Councilor Topaz correct himself. Councilor Topaz objected and said he checked with his attorney this week. Mayor Scholl

said his attorney is wrong and has paperwork from the State to prove that. He is being slandered by Councilor Topaz's attorney and wants to talk with him regarding that. Councilor Topaz said he and their attorney had an interview with the Ethics Commission. Both him and Council President Morten questioned if this was a problem for the Ethics Commission. They were told by the attorney that it was not. They were told by the Ethics Commission that it was, and they overruled. Mayor Scholl argued that the Ethics Commission said it was worth investigating. Councilor Birkle agreed. It is under investigation. It has not been closed and there has not been a final determination. Mayor Scholl requested again that Councilor Topaz's attorney contact him. Councilor Topaz said the citizens were not involved with the information. Mayor Scholl argued that it is unfounded and untrue. They are stopping the conversation. Councilor Topaz argued that Mayor Scholl cuts off the conversation when he doesn't like what is being said. Mayor Scholl said Councilor Topaz's attorney is slandering him if he is saying he is guilty. He should ask his attorney if he is wrong in cutting him off.

Mayor Scholl said that Walsh is presenting an exclusive agreement that will go public. Councilor Topaz said the project should not go forward until they get all the data back from Maul Foster. There is a second one that Maul Foster should be doing now on that lagoon. Mayor Scholl said this has nothing to do with that. Councilor Topaz argued that it does. Mayor Scholl asked if his ethics complaint has to do with that because he does not agree with this project. He told the Ethics Commission at the last meeting that it is the reason, which was done publicly. He would like this video recording submitted as proof to the Ethics Commission. Councilor Topaz's attorney is slandering him, saying he is guilty. Councilor Topaz argued that he did not say a thing...Mayor Scholl said he just did. Councilor Chilton pointed out that Councilor Topaz repeatedly says they need to address the lagoon, and they are trying to do that right now and he is stopping them. It sounds like he only wants to complain about it not being done.

Councilor Topaz went on to say that the lagoon was a levy put around a river level body of water. That levy has some long-term construction problems. The bottom of the lagoon, because of what was dumped into it by the City and mill, is a toxic waste dump with nothing going into it. There is a contaminated shoreline that they can't get anything to if they are going to bring anything in from the water. You can't cross the shoreline.

Councilor Birkle read the purpose of the agreement. "The purpose of this Agreement is to negotiate and define the conditions under which the Parties will enter into a potential business transaction between City and USE, or one of USE's affiliates, in connection with the analysis, planning, scoping, permitting, construction, leasing, operating, and remediation, and all other activities, related to the transition of one or more of the City's wastewater lagoons, or other property, to an operating treatment, storage, and/or disposal facility, and the associated long term management and closure of the facility and property ("Purpose"). The Purpose includes negotiating terms for an agreement that will provide value to both Parties including, but not limited to, liability reduction, improved infrastructure, waterfront development, and revenue potential for the City, as well as economic value for USE." They are not committing to anything being done on the lagoon. They are committing to examining the issues Councilor Topaz has raised about the contamination. The purpose is to address the issues that he has a legitimate concern about. Mayor Scholl agreed with Councilor Birkle. Mayor Scholl said that Councilor Topaz likes to make it look like the City is hiding things, which they are not. It is unfounded and untrue. He sat in on that meeting and knows no one was trying to hide anything. Mayor Scholl is being slandered by Councilor Topaz and his attorney, saying publicly that he is guilty. He going to fight. Councilor Topaz argued that they did try to hide information that came in 2019. Mayor Scholl is trying to run the meeting and move on. He is aware of what Councilor Topaz is trying to do as part of his campaign. Mayor Scholl ended the discussion to move on to the next topic.

9. Discussion Regarding Flying Eagle Canoe and Possible Placement in New Columbia View Park Design - John

City Administrator Walsh reviewed the Columbia View Park Riverwalk 60% design. He proposes to move the Lewis & Clark dog and canoe into the same area as the play equipment. It would be nice to have it more interactive.

Councilor Topaz suggests it be covered to keep water out of it and protect it. Councilor Chilton agreed with covering it and still allowing kids to climb on it.

Council President Morten is concerned about the maintenance and preservation. The Arts & Cultural Commission, which is currently inactive, created an art inventory. They also helped maintain and preserve art in the City.

Associate Planner/Community Development Project Manager Dimsho is looking for input from the Council. There are some risks involved with putting it in the park, such as graffiti and etching into the wood. They could add a protectant layer to help with graffiti removal and either elevate it or put it in a planter to make it more difficult to access. Mayor Scholl agreed with treating it for preservation.

Discussion ensued about the canoe. It was the consensus of the Council for it to be interactive for kids to climb in and out. Councilor Birkle suggested that it take one last journey on the river.

Break – 3:06 p.m.

10. Report from City Administrator John Walsh

- Reviewed items on tonight's agenda
 - Closeout of the Community Development Block Grant for the Food Bank
 - Public hearing and resolution for the proposed garbage and recycling rate increase
 - Only received one bid for the Public Safety Facility grading project. He recommends removing it from the agenda to re-evaluate it and give Engineering the opportunity to review it and verify they are not overpaying. No objection from Council.
 - The Salmon Timber Sale is about \$1 million. There will be additional costs associated with cleanup and replanting.
- No responses were received for the Audit RFP. Pauly Rogers apologized and said they are very busy with clients and did not have time to submit. However, they do want to continue. Everyone is busy. No objection from Council to move forward with Pauly Rogers.
- COLPAC was successful getting an interest-based grant. They are targeting some of the resources towards the Library Makerspace and helping it continue.
- Dock update
 - May have recommendations for extending the stay
 - There is a boat there now that is in enforcement and may be towed away
 - Live video and information available at www.sthelensoregon.gov/about/page/courthouse-docks
 - Mayor Scholl requested the Frank Corsiglia dock sign be reposted.
- The boat reconstruction is underway and should be ready in time for the Sand Island Sandcastle Festival.
- There are street tree planters along Columbia Blvd. and First Street. Last year's heat wave damaged a lot of those trees. It puts a strain on Parks & Recreation staff resources to keep them watered. Parks & Recreation Manager Duggan and Government Affairs Specialist Barry contacted the businesses who wanted to manage the trees adjacent to their business. Some of them have taken over the maintenance, the other trees are just getting water less frequently. Council President Morten talked about the tree planters being a compromise for trees to be planted in that area. It was not sustainable. They need to review the ordinance and plant trees. Walsh agreed that street trees belong in the ground.

- The Columbia County Fair is this week.
- There will be a Citizens Day in the Park debrief on August 17. Council agreed it was a good event.
- There will be a 4th of July debrief coming up as well. Councilor Topaz pointed out the need for a key to unlock the Plaza flagpole so they can raise and lower it.
- 13 Nights on the River has been really good. There have been some challenges with youth.
- The 1st and Strand Street utilities project is out for bid.
- The Riverwalk is a little bit behind because of park improvements and moving the playground. It should go out for bid in late fall.
- With Barry's helped, they have secured a \$1.9 million grant for the Central Waterfront. Part of that includes putting a drill rig on a barge in the lagoon to drill core samples. Councilor Topaz asked if the core samples will go just to the membrane, or all the way down. Walsh is not sure but believes it will be until refusal.
- Growing Rural Oregon supports local entrepreneurs. It was decided that the City would take the lead for at least the first year. They are currently working on contract documents.
- Mainstreet Executive Director Amara Liebelt is now on board.

Councilor Birkle asked about the agreement for Pro Tem Judicial Services on tonight's agenda. Walsh said it's in case the City's judge is conflicted.

Council President Morten asked if Council is willing to recuse Walsh from tonight's meetings. He has a conference to be at in Bend tomorrow morning. Mayor Scholl said he is needed at tonight's meetings.

ADJOURN – 3:48 p.m.

EXECUTIVE SESSION

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Rick Scholl
Rick Scholl, Mayor