



# COUNCIL REGULAR SESSION

Wednesday, October 06, 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  
Joe Hogue, Police Lieutenant  
Tina Curry, Event Coordinator

### OTHERS

Brady Preheim	Claire Catt
Jane Garcia	Caroline Skinner
Howard Blumenthal	Lynne Pettit
Art Leskovich	

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

### PLEDGE OF ALLEGIANCE

Mayor Scholl led the Pledge of Allegiance.

Councilor Chilton read the Council's mantra.

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

- ◆ Howard Blumenthal. He apologized to City staff for getting upset about the Spirit of Halloweentown event at Nob Hill Nature Park. He quoted excerpts from the Parks & Trails Master Plan. A copy of his submittal is included in the archive packet for this meeting. [A copy of the Master Plan can also be found by going to <https://www.sthelensoregon.gov/parksrec> and then click on the link under Supporting Documents at the bottom of the page.]
  - Definition of nature parks – page 41
  - Nob Hill Nature Park Kiosk – page 26
  - Friends of Nob Hill Nature Park – page 86
  - Local involvement – page 146

He and Caroline have been park stewards for over 15 years. He never expected the City to use one of the best nature parks for a large event without consulting the 'Friends of' group first. It is being used over 45 days, seven weekends, with 50-100 people per hour, which is over 750 people per weekend. Around 5,000 people will go through the park over the course of the event. It is creating years of wear and tear on the park. Plants are trampled, screws are in the trees, and

there is fake sound and fake ivy. It has driven away all the locals during a beautiful time of year. He thanked the Council for allowing his group to help manage the park maintenance over the years to make it such a special nature park.

- ◆ Brady Preheim. The same subjects seem to come up at every meeting, such as tourism, and not much is done to stop it from happening. How many times will the Council allow Councilor Topaz to talk about the supposed illegal grow operation? He has already cost the City over \$1 million in revenue lost from the property sale and legal fees. Is there nothing they can do to keep him from making false verbal statements? Why is he allowed to operate a business without a business license? Why has his property not been cited as a public nuisance? Why is he allowed to live in a commercial building? Unfortunately, he is not the only violator. The Council at least censored Councilor Topaz for lying and creating disorder. What have they done to Councilor Chilton for lying to the Council and creating a hostile work environment for City contractors? They should hold each other to a higher standard. They are constantly violating their mantra. Councilor Chilton has been very disrespectful to Mayor Scholl and Council President Morten, and then complains when they same things are done to her. Around six weeks ago, Councilor Chilton said something was being done about the boats on the waterfront. Since that time, another boat and a motorhome have shown up. On a positive note, Spirit of Halloweentown has been very successful over the last two weekends. He attended two pizza parties with Sophie. People attended from the United Kingdom, Arizona, Pennsylvania, and other various states. Besides himself, everyone was out of town, which is what tourism is all about. The Plaza was full of happy people and happy children. Many of the vendors sold out of their product on Saturday and couldn't return on Sunday. Tourism does not use any taxpayer revenue, generates millions in revenue for the City and businesses, but it's what the City focuses on. He would like to know about the money spent by Public Works to remodel the Recreation Center that didn't need anything done. Why is it that Councilor Topaz is worried about tourism but not that money?
- ◆ Tina Curry. Spirit of Halloweentown update:
  - Bringing in a bigger boat to accommodate the number of people wanting to go to Sand Island for the events. The Reliant is a 60-foot boat that will be parked on the outer dock.
  - Received a 4.5 out 5 rating for the new online content management cards.
  - Vendors and merchants are reporting record sales.
  - The Dark Market is doing really well. They are able to stay in the black with their costs versus expenses.
  - The Haunted Hot Road and Rally is taking place two weeks from now. Does the City want to bring the old green truck down to participate? Mayor Scholl volunteered to drive it down and then return it. He just needs to verify with the mechanics that it's running.
  - Everything seems to be going really well.
    - Volunteers are proactive.
    - The Police Department has been helpful.
- ◆ Art Leskowich. He listened to the previous session. He has concerns about process and communication. There should have been communication with the Parks & Trails Commission and the Friends of Nob Hill Nature Park prior to using the park for Spirit of Halloweentown activities. He referenced a newspaper editorial about the water storage tank. It was alleged that the City was unable to fix the tank after numerous attempts. He recalls hearing about this over a year ago and assumed the contractor was held liable for making the repairs. Hopefully, someone can give an update about that project. He reviewed the RFQ for the industrial property. Wetlands and a former landfill were identified. It included an environmental indemnity from Boise. It did not

mention the contamination in the river. It is not always open and transparent. Contracts need to be enforceable and protect the City. Referring to the Business License Report in today's work session packet, Ison Transportation, Inc. was issued a Business License in September. They are the company that illegally moored the dredge tugboats. There is a sunken sailboat in front of the Boise terminal dock. The City says they cannot do anything about it but has paid him \$3,700 to perform dock work. It does not seem like a good way to do business.

- ◆ Caroline Skinner. Thanked the Council for the opportunity to participate via Zoom. She and Howard have lead volunteer work parties twice a year at Nob Hill Nature Park since 2004. As park stewards, she and Howard do not think they have a special claim to the park. But as park founders and active volunteers, they care about it and appreciate the opportunity to comment. They want the City to be able to honestly say that no trees were harmed for the event. Using Nob Hill Nature Park during Spirit of Halloweentown for the first time could have been handled with more sensitivity, such as presenting the proposal to the Parks & Trails Commission. The City could have something really special if they would consult their stakeholders and use a green ethic in their plans. They are asking for the use of only biodegradable materials to hang the decorations, and to not use metal, screws, nails, wires, etc. on the trees. She asked the Council to help protect the City's native oak trees in a nature park. Green tourism and eco-tourism are very real.

## PROCLAMATION

### 1. National Long-Term Care Residents' Rights Month 2021

Mayor Scholl read the proclamation into the record.

## *National Long-Term Care Residents' Rights Month October 2021*

**WHEREAS**, there are 1.3 million individuals living in 15,600 nursing homes; and over 800,000 individuals living in 28,900 assisted living/residential care facilities in the U.S.; and

**WHEREAS**, there are approximately 90 individuals living in one (1) nursing home and approximately 150 individuals living in four (4) assisted living/residential care facilities in St. Helens; and

**WHEREAS**, the federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity and autonomy; and

**WHEREAS**, all residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

**WHEREAS**, we wish to honor and celebrate these citizens, to recognize their rich individuality, and to affirm their right to vote and participate politically, including the right to have a say in their care; and

**WHEREAS**, individuals and groups across the country will be celebrating Residents' Rights Month with the theme – "Reclaiming My Rights, My Home, My Life" – to highlight the need for residents' rights to be recognized, recovered, and reasserted. The theme emphasizes the recognition of the long-term care facility as the residents' home, and the importance of residents reclaiming their own lives.

**NOW, THEREFORE**, I, Rick Scholl, Mayor of the City of St. Helens, do recognize the month of **October 2021** as **National Long-Term Care Residents' Rights Month** in the City of St. Helens, and encourage all citizens to join me in these important observances.

**RESOLUTIONS**

**Motion:** Motion made by Councilor Chilton and seconded by Council President Morten to amend the agenda to include Resolution Nos. 1934 and 1935. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

Mayor Scholl clarified that this corrects the order per Councilor Topaz's research.

**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 Council President Morten and seconded by Councilor Chilton to adopt Resolution No. 1934. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**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 Topaz, Councilor Chilton

2. **Resolution No. 1936:** A Resolution Authorizing Application and a Designated Agent for the Application to the U.S. Economic Development Administration

Mayor Scholl read Resolution No. 1936 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1936. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, and Councilor Chilton

3. **Resolution No. 1937:** A Resolution Adopting a Universal Fee Schedule, and Superseding Resolution No. 1903

Mayor Scholl read Resolution No. 1937 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1937. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**AWARD BID/CONTRACT**

4. Mackenzie for Public Safety Facility Design-Build-Bid for \$1,798,795
5. 2021 Asphalt Patching Project to S-2 Contractors, Inc. for \$68,302.50

**Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to approve '4' and '5' above.

Discussion.

Councilor Topaz reminded the Council about the earlier discussion to have a Council liaison for this project. Councilor Chilton clarified that it's for the Public Safety Facility. Mayor Scholl said that Councilor Chilton is the liaison to the Police Department. Walsh added that there will be frequent updates for the entire Council.

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

**APPROVE AND/OR AUTHORIZE FOR SIGNATURE**

6. Amendment to Contract with CBM Systems, LLC for Janitorial Services
7. Agreement with Advantage JC Excavating LLC for Clean-up of Various Properties Inside City Limits
8. Agreement with Cozy Lawn Maintenance for Clean-up of Various Properties Inside City Limits
9. Contract Payments

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '6' through '9' above.

Discussion.

Councilor Chilton asked about the contracts for clean-up. Walsh explained that they are personal service agreements to use when Council authorizes a property to be cleaned up when the owner does not do it. Councilor Chilton requested a presentation about the process. Mayor Scholl said he would explain the process in more depth to her.

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

#### **CONSENT AGENDA FOR ACCEPTANCE**

10. Parks & Trails Commission Minutes dated August 9, 2021
11. Library Board Minutes dated August 9, 2021

**Motion:** Motion made by Councilor Topaz and seconded by Councilor Chilton to approve '10' and '11' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

#### **CONSENT AGENDA FOR APPROVAL**

12. Council Minutes dated September 1 and 15, 2021
13. Declare Surplus Property - Public Works Vehicle
14. Library Technician (Makerspace Specialist) Job Description
15. New Library Makerspace Policy
16. New Library Makerspace Release of Liability and Assumption of Risk Waiver
17. Proposal from Wetland Solutions Northwest, LLC for Wetland Services at Future Public Safety Facility Property
18. Proposal from AKS for Surveying Services at Future Public Safety Facility Property
19. Proposal from Hart Crowser for Geotechnical Services at Future Public Safety Facility Property
20. Accounts Payable Bill Lists

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '12' through '20' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

#### **WORK SESSION ACTION ITEMS**

##### **Dock Ad-Hoc Committee**

Mayor Scholl referred to the discussion during the work session. The ad-hoc committee will include the Marine Board, City staff, Council liaisons, and interested citizens. Walsh added that the Marine Board also advised them to include a member of the Columbia River Yachting Association.

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Topaz to form an ad-hoc committee to oversee the docks and come to a resolution as discussed. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

#### **MAYOR SCHOLL REPORTS**

- Met with Senator Merkley's new representative, Betsy Emery. He and Government Affairs Specialist Rachael Barry discussed current projects with Betsy and took her on a tour of the area. She represents six counties.

#### **COUNCIL MEMBER REPORTS**

Council President Morten reported...

- He appreciates the public comments made earlier. He did hear from others who were really concerned about what's going on in Nob Hill Nature Park. The Kiwanis volunteered to regulate

the groups going through the park. They informed him that people are being very respectful and staying on the trails. The Parks and Recreation Manager is aware and will report to the Parks and Trails Commission with concerns. He appreciates Howard bringing his concerns.

- They are getting a lot of comments about the docks. It was timely to get that moving today.

Councilor Topaz reported...

- Following up with Art's comments, there was an article in the Spotlight regarding the reservoir. It pointed out that the problems began in 2016. There were problems with the installation and groundwater infusion. It indicates that there is contamination in the drinking water. There were no responses from staff when they were asked. The EPA has a criminal investigation ongoing in response to water being dumped into the stream. An inspector was not on site the entire time work was being done. They don't know what kind of work was being done when he was not present.

Council President Morten asked who wrote the article. Councilor Topaz responded that it was Ron Trommlitz. He was in the water system business in the past. The water is leaking 80,000 gallons a day and there is no visible water coming out around the facility. They don't know where the water is going. A huge amount of chlorinated water is being dumped into the stream, which is upsetting the EPA. The epoxy and concrete are also being washed down the stream. This has been ongoing and ignored.

Mayor Scholl reminded Councilor Topaz that he has brought this up in the past. Mayor Scholl checked on it and EPA has never investigated it.

Councilor Chilton reported...

- Attended the Centennial Celebration for the Chamber building a few weeks ago. Had a really good time celebrating the history. Had a great conversation with Senator Betsy Johnson there.
- Had a good time visiting Spirit of Halloweentown with her kids a couple weeks ago.
- Moving forward with the plans for the docks and Sand Island to make sure they are safe.
- Shout out to the Police Department. She has received a lot of good feedback from the community about them.
- Parks and Recreation Manager Shanna Duggan was a great help to the softball teams.

Councilor Birkle reported...

- The 100-year celebration for the depot anniversary was exciting. It showed a potential for having more celebrations uptown. There was good feedback from the business owners.
- Attended the last Main Street meeting. He was very impressed by the enthusiasm shown by all the members.
- He also visited Spirit of Halloweentown. He enjoyed talking with and meeting folks. It's been interesting to hear where people are visiting from. He has also met people preparing to open new businesses in town.
- Exciting to see the Klondike open again.
- He appreciates the comments about Nob Hill Nature Park. The Whispers in the Woods attraction has been very successful. He encouraged communication in the future to include all groups. Howard cleared the leaves from the trails to make them more visible.

Council President Morten appreciated Councilor Birkle's report. When Boise closed, tourism rose to help build the economy. He acknowledged Tina Curry for her hard work. She is doing it for the community and not herself.

Mayor Scholl thanked Tina Curry for taking Spirit of Halloweentown to the next level. The Waterfront is a huge project for all citizens. He requested staff give an update about the Riverfront Corridor project, Gateway Corridor project, and Urban Renewal.

Councilor Topaz asked if there is a timeline for the Highway 30 construction. Mayor Scholl responded that he is not aware of one. That is a State project.

**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