



# **COUNCIL REGULAR SESSION**

Wednesday, September 01, 2021

---

## **APPROVED MINUTES**

### **MEMBERS PRESENT**

Mayor Rick Scholl  
Council President Doug Morten  
Councilor Patrick Birkle  
Councilor Stephen R. Topaz

### **MEMBERS ABSENT**

Councilor Chilton (Zoom technical difficulties)

### **STAFF PRESENT**

John Walsh, City Administrator  
Matt Brown, Deputy City Administrator  
Kathy Payne, City Recorder  
Mouhamad Zaher, Public Works Director  
Sue Nelson, City Engineer  
Tina Curry, Event Coordinator

### **OTHERS**

Brady Preheim  
Art Leskovich

### **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. She is 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. He is tired of the "poor me." This is him at level one and he is just getting started. He's going to bring up her saying she has lists but then lying that she doesn't. He doesn't understand why the Council has not held her accountable for lying. She's aligned with Councilor Topaz, who is crazy. Brady stated that she's not only an employee of CCMH, but also a client. He commented on the derelict boats that many have spoken about. He has not been concerned about them until he saw a guy using the restroom in the river. That bothers him. There are at least three people living on the boat and likely has raw sewage coming off of it. He keeps hearing that they can't do anything about. However, several of his boats are on City property. If the City can't control what people dump on their

property, then he is going to start bringing his garbage down and dumping it on City property. He understands they may not be able to do anything about the boat, but the canoe is on City property and can be confiscated.

- ◆ Art Leskovich. Thanked Brady. That was a good segue to what he is going to talk about it. What has been done since August 4<sup>th</sup> when Jim Coleman talked about the derelict boats in front of the Boise property?

Mayor Scholl explained that they are communicating with Government Affairs Specialist Rachael Barry, Jim Coleman, Russ Low, Toni Doggett, and the County to work together. Unfortunately, government processes take time. Council President Morten added that the Police Chief is going to be in charge of Sand Island and the derelict boats in that area. The Council is in charge of the kiosk on the City docks. The kiosk will provide accountability.

Art said he is not interested in Sand Island and the public docks. They were talking about the property that the City leases from the State. The area Jim showed pictures of is the most contaminated area of the waterfront. Does Council know who the owner is of those vessels? Mayor Scholl said the owner is Roger Ison. Art went on to say that his vessels have been around for years. He is a problem case. They were moored at docks owned by Port of Columbia County and the Port posted no trespassing signs. He suggested that the City take measures and post signs for criminal trespassing and coordinate with the Port. He will be doing his own letter writing because a month is too long for nothing to have happened. He referred to an article that talks about coalition of State agencies, local government, law enforcement, communication action groups engaged in cooperative actions to take care of abandoned boats and long-term unpermitted camping. It was more in the North Portland area. He suggested the City contact DSL North Operations Manager Chris Castelli, Oregon State Marine Board Policy and Environmental Program Manager Josh Mulhollem, Governor Kate Brown, Beverly Clarno, and State Treasurer Tobias Read. He confirmed that Deer Island Tug Services, Ison Transportation Inc. is the owner of at least two of those vessels. There is a sunken sailboat with only the mast sticking up from the water. That's the most contaminated area of the waterfront. He googled it and it comes up in the City of St. Helens Business License listing with Ison Transportation. Referring to the Accounts Payable Bill List in the packet, the City is paying Ison Transportation, Inc. \$3,107.13 for Sand Island dock repairs. He cannot believe the City would do business like that. Is he paying to keep his vessels there? What agreement does he have with the City to have his vessels there?

Mayor Scholl responded that he does not have an agreement with the City.

Art will move forward with his letter writing campaign to include the governor's office and outside agencies. This never should have happened with the working relationship they have. He suggested they move forward in a timely manner to take care of the problem.

Mayor Scholl clarified for the record that they have been working on it since August 4<sup>th</sup>. They are gathering the local leaders before going to the State. City Administrator Walsh added that he has spent hours on the phone with DSL and the Marine Board.

Mayor Scholl said they have told Roger Ison to leave multiple times. He is the only one with a tugboat in the area that can do repairs to the Sand Island docks when they are damaged by logs. That is why the work was performed. Walsh confirmed that he was the only one to do it and the Marine Board was paying for it. The City will be reimbursed for it.

Mayor Scholl said the City assumes liability if they take money from Roger Ison. They continue to ask him to move his vessel.

**ORDINANCES – First 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 first time. The final reading will be held at the next meeting.

**RESOLUTIONS**

- 2. PUBLIC COMMENT - Increase in Drop Box Rates**

No public comment.

**Resolution No. 1933:** A Resolution Establishing Drop Box Rates and Superseding Resolution No. 1898

Mayor Scholl read Resolution No. 1933 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1933.

Discussion. Council President Morten clarified that Resolution No. 1933 replaces Resolution No. 1898.

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

**APPROVE AND/OR AUTHORIZE FOR SIGNATURE**

3. Concession Agreement with Shiver Me Ice Cream Mobile Ice Cream Truck
4. Agreement with Strategic Networks Group, Inc. (SNG) for Broadband Economic Case and Market Demand Assessment
5. First Amendment to Agreement with Pacific Northern Environmental DBA Advanced Electrical Technologies for the Water Filtration Facility SCADA Update
6. Work Order No. 2 with Mayer/Reed, Inc. for the Riverwalk Phase I and Phase II Design Work
7. First Amendment to Contract with Edge Development for Campbell Park Sports Courts Installation
8. Contract Payments

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '3' through '8' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

**CONSENT AGENDA FOR ACCEPTANCE**

9. Contract with Ken Leahy Construction for Soil Stabilization by Cement Amending the Sub-Grade in an Area of Campbell Park

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '9' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

**CONSENT AGENDA FOR APPROVAL**

10. Council Minutes dated August 4 and 18, 2021
11. Accounts Payable Bill Lists

**Motion:** Motion made by Council President Morten and seconded by Councilor Birkle to approve '10' and '11' above.

Discussion.

Councilor Topaz pointed out missing items on the August 4<sup>th</sup> and 18<sup>th</sup> minutes. They were indicated as discussion at the end. He made a number of comments referring to numbers and it was not in the written minutes. There was also a suggestion by the Mayor that in order for Councilor Topaz to put anything on the agenda it takes two additional councilors. Mayor Scholl argued that is not what he said. Councilor Topaz went on to say that the Charter says anyone can add an agenda item and it only requires one

councilor. He checked with Walsh who told him that he and City Recorder Payne “found some strange problems with it.” Those words are not in the written minutes. Until the minutes are corrected, he does not think they should be approved.

Mayor Scholl said he needs approval from two other councilors to add something to the agenda or you can request the Mayor add it to the agenda. Councilor Topaz argued that it’s against the Charter. Walsh clarified that the Charter is silent on the meeting rules. They found it in the Resolution for the Governing Rules. Councilor Topaz said the Charter says differently. Historically, people have gone to Payne to add items to the agenda. To have such a rigorous restriction is not... The point is that the discussion was not in the minutes. Unless it’s added, the minutes are null and void.

Councilor Birkle explained that minutes are not verbatim. They have recordings on file. The purpose of minutes is to accurately reflect the content of the meeting. If he wants the minutes to be revised or amended, he needs to be specific about what should be changed.

Council President Morten suggested that Councilor Topaz present written material to be included in the packet.

Mayor Scholl repeated the method to add items to the agenda. He said that Councilor Topaz has never called him to ask for items to be added to the agenda. Other councilors have done that, and he has added what they requested.

Councilor Topaz said the Charter does not give the Mayor veto power, which was just described. He has given written requests to Payne, and she decided not to put it on and never informed the Mayor. He did submit two documents at one of the meetings from the Ethics Commission. It was not noted in the minutes that they were submitted. [Secretary’s Note: The Ethics Commission documents were submitted at the July 21, 2021 Council Regular Session and are reflected in the minutes.]

Mayor Scholl suggested saying “for the record” when he wants to make sure something is included in the minutes. He has a problem hearing half-truths and facts that don’t meet what they already investigated.

Councilor Birkle suggested that Councilor Topaz be specific when he wants minutes amended.

Walsh suggested reviewing the Charter and Council rules at a future work session. Councilor Birkle does not see anything in the Charter referring to what Councilor Topaz was saying.

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

## **WORK SESSION ACTION ITEMS**

### **Utility Bill Adjustment**

The property owner requested a leak adjustment of \$641.52. The repairs were made but exceeds administrative authority.

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve the leak adjustment of \$641.52. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

## **MAYOR SCHOLL REPORTS**

- It was a good Main Street meeting last night with a lot of new members. It was a total shift of power. They are doing a lot and he looks forward to seeing what happens.
- He received a call from the County asking if there is interest from the Council to resume City/County Quarterly Dinners.

Council President Morten suggested proceeding with caution during the pandemic. Otherwise, he is in favor of resuming. Mayor Scholl said they have been talking about it resuming for three months but have

postponed. Councilor Topaz suggested having meals delivered and hold the meeting via Zoom. Councilor Birkle is in favor of resuming. Mayor Scholl directed staff to advise the County that there is a general consensus to proceed with the meetings.

### **COUNCIL MEMBER REPORTS**

Council President Morten reported...

- It's fire season and very dangerous for wildfires. They are sitting on the edge of a catastrophic area which is called Dalton Lake Nature Preserve. It's been identified by the State Fire Marshall's Office as one of the premier areas vulnerable to wildfires. He encouraged everyone to be on alert. Grey Cliffs had a fire about two weeks ago, which was started by a cook stove. A homeowner saw the flame and used a garden hose to extinguish it. They were extremely lucky. They don't want to see fires and people losing their homes. Suspicious activity should be reported to the police.

Councilor Topaz reported...

- He had a conversation with the superintendent's office. They asked about interest in resuming the Youth Council.

Council President Morten said it would take someone from Council to facilitate it. Councilor Birkle reported that he has offered to investigate it and be involved. Council President Morten suggested a Council member and staff member facilitate it together. He supports Councilor Birkle leading it.

Mayor Scholl reported that Parks & Recreation Manager Shanna Duggan is also facilitating a Youth Leaders Club.

Councilor Birkle reported...

- He visited the N. 7<sup>th</sup> Street condo development and walked through the units.
- They have a ways to go to address affordable housing in the community.
- He talked to the people from Grace Baptist Church distributing food at McCormick Park. They are working with Community Action Team (CAT) to address hunger needs. With winter coming up, he wants to be more proactive in addressing the needs for shelter, hygiene, and food for our houseless population.
- Brady talked about the derelict boats. He asked what was said concerning the Police Department enforcing the boats.

Brady said the City can remove the boats on their property. Councilor Birkle thought he heard something about the Police being inept. Brady clarified that their response has been inept.

Councilor Topaz addressed Councilor Birkle's comments about the unhoused. Many of the unhoused go to the Library during the day, which is being impacted by the pandemic.

Mayor Scholl expressed his gratitude for community partners. CAT is aware of the homeless population. The N. 7<sup>th</sup> Street condos are phenomenal. It's been a challenging project.

### **OTHER BUSINESS**

### **ADJOURN – 7:50 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne  
Kathy Payne, City Recorder

/s/ Rick Scholl  
Rick Scholl, Mayor