



# COUNCIL WORK SESSION

Wednesday, November 16, 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  
Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Mouhamad Zaher, Public Works Director  
Crystal King, Communications Officer

Suzanne Bishop, Library Director  
Jon Ellis, Contract Interim Finance Director  
Bill Monahan, City Attorney  
Tina Curry, Event Coordinator

### OTHERS

Ron Trommlitz	Howard Blumenthal
Stephanie Patterson	Amara Liebelt
Sierra Trass	Stann Chiotti
Lynne Pettit	Amy Bynum
Scott	

### CALL WORK SESSION TO ORDER – 2:00 p.m.

#### VISITOR COMMENTS - *Limited to three (3) minutes per speaker*

- ◆ Stan Chiotti, who has lived in St. Helens for 51 years, said this year, the Council has allowed the city to burn from the last part of October through November 13. However, the recording on the burn line said no burning allowed in St. Helens or Columbia City. He still needed to burn his yard debris. He requested the City authorize an extension of the burn permits, notify the Fire District that burning is allowed, and change the recording.

Mayor Scholl noted the Council was unaware the Fire District did not get the message. Council President Morten stated he would like to help facilitate that request as he was aware of similar cases. Severe weather had prevented burning for several weeks in October. He requested extending the burn period for another two weeks. Mayor Scholl suggested extending it through December 4, notifying the Fire District immediately of the extension and that the recording did not reflect the burn period.

Mr. Chiotti responded the Fire District was aware of it as he was there the previous day, and he went to City Administrator Walsh, noting the Fire District was the first to point a finger, stating the City controlled the situation. He requested the recording start the following day.

Communications Officer King noted they needed at least one more day to coordinate with the Fire District.

- ◆ Ron Trommlitz read a letter into the record about the City's failed 2MG Water Reservoir on Pittsburg Road where the City had been in litigation for the previous two years and all parties

claiming no liability, which had triggered the City to hire a consultant to investigate. He had previously requested the consultant's report but had been denied, leading him to wonder why it was being kept secret. He requested that the Walker report be released.

Mayor Scholl explained that nothing was being hidden in the report. It went through deposition with legal, noting the agreement from both sides was a settlement of \$600,000 on that project. This was common practice, especially with settlement agreements.

Councilor Topaz noted someone needed to be responsible for the construction mistakes at the reservoir which at the time was beyond repair including an inward and outward leak.

Council President Morten said it would not have been fair to blame staff as the problems in the reservoir went back to installation in the 1950s or 1960s.

Mayor Scholl told Mr. Trommlitz that he understood where he was coming from after hearing from Councilor Topaz. However, he still reiterated his statement that nothing was hidden in the report and its conclusion was a construction error had occurred.

Mr. Trommlitz explained that the entire thing could have been resolved by releasing the report. He noted the settlement the Council signed had nothing to do with the Walker report not being released. The mistakes made were done by people who no longer worked there.

Public Works Director Zaher explained that there were multiple factors involved, some technical and some non-technical. The City had settled and was not hiding the report. The City's legal team had advised the City not to release the report. The City was halfway through building a new reservoir and dwelling on the past would not change anything. The reservoir had been a 1924 product that had reached the end of its life. The City needed to move on.

- ◆ Howard Blumenthal had spoken with Parks & Recreation Manager Shanna Duggan who had informed him that someone tripped on the railroad tie staircase. He had been responsible for the maintenance of the staircase up until this year, which he had done according to regulation. After the previous year's Spirit of Halloweentown, he had spent six-hours hours to rebuild the top of the staircase to keep it from washing out. He had started with trying to talk to Spirit of Halloweentown staff about it. He did talk to a couple other people including City Administrator Walsh but none of them listened to what he had to say. He noted the heavy traffic on a trail that steep caused gravel to go downhill. A year before, he would have to go in and shovel gravel back up the hill on a weekly basis. This year he was not around for a few weekends and he was shocked to hear someone fell. The City keeps repeating the same story of lack of funds. There were two City Parks people who did not have enough time to go in there and do what he did. The trail was taking a beating and funds were needed to keep up with it.

Council President Morten had spoken with the Parks & Recreation Commission about a 30-page report on standards of trails and rights-of-way in parks and other areas, which talked about the type of gravel to be used around stairways, safety issues and measures to prevent people from falling and suing the City.

Mayor Scholl talked about gravel being tricky despite ongoing maintenance. He would follow up and get back to Mr. Blumenthal.

- ◆ Sierra Trass wanted to inform the Council about that year's Keep It Local Columbia County campaign that was starting the following Friday. There were 88 businesses participating in the county, with 38 of the participating businesses being from St. Helens. She also pointed out the \$391,000 raised from the previous year's campaign. She also talked about the innovative ways to bring more business like the 31 Days of Deals card, which she was taking preorders for at \$10 per preorder. The cards would also be sold at local stores. She explained the 31 Days of Deals

had daily deals at different local businesses and included over \$900 in savings. The Wonderland Card offered a chance to win \$1,500 and other prizes donated by local businesses. The cards would be available on Friday.

**DISCUSSION TOPICS** - *The Council will take a break around 4:00 p.m.*

**1. Finance 1st Quarter Report - Jon Ellis**

Contract Interim Finance Director Jon Ellis reviewed the FY22-23 Budget Analysis report noting a lot of the recommended adjustments were operational costs. A copy was included in the archive packet for this meeting. Key items highlighted via PowerPoint included the review process conducted in each department, updates to the report, the objective background of the report, opportunities, recommended budget amendments, conclusions made as a result of all of the budget meetings, and next steps. He noted that the recommended budget amendments to the General Fund would have zero net impact to the Ending Fund Balance. The Capital Improvement Program budget mostly affected water and sewer with most of the other changes only being around enhancing transparency. He added that the biggest drivers on the expense side of the budget were body cameras and a report writer which had not been codified into the budget.

Comments and questions from the Council, with responses provided by Ellis, were as follows:

- The accountants doing the annual audit were not likely to catch mistakes made as a result of Council mandates but would catch the egregious mistakes.
- There appeared to be no evidence of money disappearance and a forensic audit was not necessary. However, the Council's concern was more on money being moved around rather than being taken.
- Ellis was already working on recommendations and also leaving a clear paper trail to make things easily understandable for the next Finance Director, including using best practices, which would be contrary to what the previous Finance Director did.
- Ellis had met each of the department heads on a quarterly basis to discuss observed trends and measures going forward like enhancing transparency and budget flexibility like utilizing community enhancement for one-time revenues or revenues to help build a program that could be moved over to the General Fund once it was established.
- As long as money spent was a qualified expense as set up by the Council, unspent money could be moved over to make sure it was utilized like the \$406,000 more in grant money.
- The money generated from the docks would go into the general fund, which included tourism. Ellis recommended funds could be moved into the Community Enhancement Fund, or into the CIP fund for capital projects.
- Public Works Director Zaher confirmed for Mayor Scholl that Public Works positions were still in the budget but were vacant. Public Works was important in the City being fiscally responsible.
- Parks and Recreation were different divisions and the budget included separate line items for each one.
- Grants could not be used for reserves. They needed to be utilized by whoever the grant was acquired for.
- Federal grants had a component to allow for funds to cover the overhead costs of running the different programs. However, most small cities did not exercise this component.
- Failure of scheduled funding increases could have become a concern, particularly after five years.

**2. Tourism Activities Semi-Annual Report - Tina**

Tina Curry and Stephanie Patterson reviewed the semi-annual report on tourism activities. A copy was included in the agenda packet for the meeting. Key items highlighted via PowerPoint included 13 Nights on the River, Fourth of July, kites on display, Spirit of Halloweentown, Sand Island Sandcastle Competition, and the upcoming Christmas Ships event. The City was also doing more community engagement than any other city in Oregon. Retailers exceeded their goals due to the Halloween events

and sponsorship retention for multiple events remains constant. The City was also encouraging stand-alone events and offering promotional assistance. Staff also shared details about the City's vendor relationship and retention efforts, increased volunteerism, relationships with sponsors and partners, event traffic and parking management, waste management, and upgrades to improve event experience. The results seen from marketing had been incredible increasing the revenue to St. Helens and leading to a documentary being made about the success of Spirit of Halloweentown. Staff requested that Council create policies to address hostile work environments because staff did not have the authority to deal with bullying and harassment. The issues have made it difficult to hire people. Staff also shared details of crimes being committed during events. The police do not respond even when asked to and without consequences, the crimes continue to escalate.

Comments and questions from the Council, with responses provided by Tina Curry and Stephanie Patterson, were as follows:

- The City was maintaining frequent communication with vendors expressing their satisfaction with events and even forming a community among themselves.
- There was also a concern regarding whether power and water would be sufficient as the events continued to draw more attendants.
- Councilors discussed the need to substantiate claims of bullying and harassment, and they agreed with staff that policies needed to be implanted.
- There needed to be consequences for crimes and rule breaking during events like destruction of property to deter future acts. Tina had previously met with Heather Epperly to discuss incidents during the parade and how the City could support in improving things in the future.
- The financial report for Spirit of Halloweentown would be in the 2023 presentation with the goal of the report being ready by end of December after all bills had been paid.
- The ongoing education of citizens on the Tourism division was important and the work was appreciated.

#### **Break - 4:20 p.m.**

Council President Morten left the meeting.

### **3. Communications Semi-Annual Report - *Crystal***

Communications Officer Crystal King reviewed the semi-annual report on communications. A copy was included in the archive packet for this meeting. Key items highlighted included details of recent media coverage, social media management, press releases and press coverage for the Spirit of Halloweentown, the Waterfront Redevelopment project, and Streets and Utilities projects. She played a video that was shared on social media and explained that while the videos are time consuming to create, they receive more reach and engagement than any other method of communication. She also reviewed events and efforts for the following months.

Comments and questions from the Council, with responses provided by King, were as follows:

- The report only covered impressions gained online as print media numbers had been difficult to obtain.
- The Council commended and appreciated the work that King was doing, including putting in long hours to make sure the work was done leading to the City having robust communications.
- There were nuances to having effective communication with the Hispanic community at the library and there was a need for a certified translator to ensure accurate and nuanced communication.
- There might have been a need for an additional team member in Communications to help in case the work got overwhelming. However, Communications Assistant Cameron Burkhart has been a huge help.
- Even though the City encouraged contractors to communicate with the citizens, there was still a need for the City to put out its own communications about the projects.

- The City was striving to have more centralized communication, moving away from the somewhat disjointed model they had been using previously.

#### **4. Report from City Administrator John Walsh**

City Administrator Walsh presented his report, updating the council on upcoming events and activities, that night's regular meeting agenda items, and the following key items with comments and questions from Council as noted:

- Congratulations to newly elected officials who had begun onboarding, orientation, and training to get up to speed.
- Groundbreaking ceremony was fantastic. The weather and the crowd had been great.
- Finance Director recruitment was taking place with the first call for reviews happening December 1. Appreciation for Ellis's support and professionalism during the transition.
- A hiring freeze since the budget had been adopted with suspicion of some positions being cut. There was some budget capacity to facilitate moving forward with filling vacant Public Works positions, particularly already budgeted positions.
- Christmas decorations were out earlier that year. Christmas Ships will be here December 10, and the Christmas tree would be lit upon arrival. Burn barrels were also returning.
- Meeting with the Marine Board about dock rail repairs for some of the structural components and means of acquiring funding, which had been limited.
- Public Works Director Zaher had organized weekly contractor meetings for the Streets and Utilities projects with priority having shifted from the intersection to the Riverfront property. There was going to be limited business interruption during the holiday season.
- Toy & Joy had requested a donation as they had every year. Consensus of Council was to do three \$100 utility credits.
- House Bill 3150 addressing homelessness was going into effect July 2023. The Planning Commission had a committee on the bill, which Walsh had been participating in.
- A press release had been released to confirm the burn ban extension that Stan Chiotti had been there that day to request. However, in the future, time should be allowed for coordination.
- City Administrator Walsh would be at the OCMA Conference for the remainder of the weekend. He would also be attending the budget committee.
- The elections had resulted in two vacancies on Boards and Commissions. Parks and Recreation had three applicants to fill two positions. Garrett Lines term on the Budget Committee was expiring and even though he could have been reappointed if he expressed interest, there was a consensus that it was wise to open the position to other applicants to see who applies.

#### **5. Council Member Reports**

Councilor Topaz reported...

- The following was discussed at the last Library Board meeting:
  - Five-year Strategic Plan
  - Handling undesirable library behavior
  - Maximizing the Library's impact in the community particularly with the Hispanic community
  - Arrival of the new Youth Librarian
- Meeting with DEQ to discuss the contaminated property. DEQ had indicated they and Boise would decide what to do, even after demonstrating inadequacy in understanding the technical problems under the water. The Ethics Commission ruled the Executive Session meetings to discuss the lagoon were illegal with multiple councilors being guilty. It had been stated that the meetings would be public meetings. Maul Foster had estimated the conversion of the lagoon would cost \$70 million.
- As it was the end of his term, he wanted to document what had happened during his term: the two illegal Executive meetings, a complaint by Brown against Topaz to Walsh about draining

problems in his neighborhood, which had been thrown out, and a complaint by Brown against Topaz to the Ethics Commission about how much money had been spent on the reservoir, which was not heard. He also noted the 30% overrun of Godfrey Park because of incorrect engineering. He also highlighted to the Council that Topaz's I&I project had been a problem, but the federal court had ruled against the City due to the variance of an engineer's definition in Oregon as compared to other states. The I&I project included a bunch of sewer and drainage projects. Questions on correct procedures for selling a new property had led to court to rule that the sale was invalid, with the City's liability to legal fees case being in an appellate court.

- He was referring to a 2008 project and clarified he had not been censured by the Ethics Board for bringing an illegal executive meeting, according to Mayor Scholl. He and his attorney had been requested to respond to accusations for nine months but failed to do so. Councilor Topaz argued that the public hearing had not allowed public to attend and the electronic audio broadcast had not been audible, as confirmed by lawyers and three attendees who had been turned away at the door.

Councilor Chilton reported...

- Attended the tourism meeting and the debrief from Spirit of Halloweentown. She believed the debrief should become the norm so that business and community members a place to talk about the event. She commended Tina on how she had handled the back and forth at the meeting.

Councilor Birkle reported...

- Volunteered at the last Nob Hill work party on trail improvement.

#### **6. Mayor Scholl Report**

- Congratulated Councilors Elect Sundeen and Gundersen.
- Recognized Eric Dahlgren's contributions to the community.
- Reviewed his top priorities, which he had shared with reporters after being re-elected:
  - Hiring of a Finance Director
  - Riverfront project and disruptions to businesses and strategies for marketing the industrial properties.
- Christmas Ships will be here December 10
- Need to schedule a reception recognizing Council President Morten's 16 years of service.
- Discussed the need for a December 21 meeting. Interviews for the Finance Director position are also tentatively scheduled that day.
- Wants the Council to discuss HB3115 soon, but wants to make sure the City has the right information first.

**ADJOURN – 5:43 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