



# COUNCIL REGULAR SESSION

Wednesday, November 17, 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  
Sharon Darroux, Engineering Project Manager I  
Crystal King, Communications Officer  
Tina Curry, Event Coordinator  
Chris Cannard, Events

### OTHERS

Brady Preheim	Stephanie Patterson	Art Leskowich
Colleen Ohler	Tommy Sullivan	Christina Sullivan
Byron Ohler	Peter Oslen	Emily Flock
Scott Jacobson	Lindsey Pykonen	Kelsey Almont

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

### PLEDGE OF ALLEGIANCE

Mayor Scholl led the pledge of allegiance.

Councilor Birkle read the Council mantra.

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

- ◆ Colleen Ohler. Responded to the vendor presentation.
  - Spirit of Halloweentown food vendor booth - \$1150, which is \$65/day
    - A booth at the fair is \$500 for seven days plus 25% of sales
    - The fair does not have the same attendance as Spirit of Halloweentown
    - Return vendors should not receive a discount. That helps pay for the event.
  - There are signs everywhere indicating where to park
  - When tickets are purchased, it tells people what they are paying for. The information booth and recording also tells people what the tickets include.
  - Special parking was created for the hair salon
  - The last time a vendor meeting was held, only four showed up, and she was one of them
- ◆ Byron Ohler. He made the pumpkin for the Plaza 12 years ago. He never expected it to get as large as it is now. In the early days, it was difficult with a very small budget. Disney approved

them doing a tribute to Halloweentown but said they could not do anything that reproduces the actual scenes or characters. They changed the pumpkin to make sure it was different. They cannot use Disney licensed merchandise in advertising. That year, with the lawyers involved, he and his wife paid for and ran Spirit of Halloweentown. It was a one-day event and only cost about \$170. It has grown and grown. They had record numbers this year. It is not fizzling out. Last year cannot be used for reference due to Covid and limiting visitors to 250 people per day. This year, they had 60,000-80,000 people come through. That has a positive impact on merchants. He challenged the Council to stop creating tension. Stop listening to the same 20 people who complain about everything. Instead of working with those people, ask Tina what you can do to help or tell her she's doing a good job.

- ◆ Christina Sullivan. She is disappointed to have to address the Council when there are other issues more important.
  - She wanted to address the letter from Calli Ross about herself and other workers that was read into the record at a previous meeting. An aggressive individual approached them and insisted they stop helping others and give her their attention immediately. They took time to explain to her the activities available, which she said she already participated in and enjoyed. However, she was upset about two that were inaccessible. They apologized to her about the lack of access and offered to help carry the chair up the stairs and load it onto the bus. She demanded a refund, and the event coordinator gave her a full refund at that time. There were other negative things said about the volunteers and the interactions she had with them. Christina was surprised that they weren't consulted about their perspective. It was assumed that someone who does not even live here was fully in the right. The Council took the complainants word as truth. There were many other positive experiences they had with visitors. Their workers are incredible. They take time away from their families to give back to their community.
  - As the manager of the main alcohol sponsor, she was disheartened to hear the comments earlier today. They partnered with the other alcohol sponsor to coordinate an approved OLCC license for an open container area. Their license was signed off by the City and they maintained their area as required by OLCC. They provided five alcohol monitors each week to work along with multiple signs to serve as a barricade. Their beer tenders informed customers where they could drink. There were other businesses downtown that were also selling alcohol. Some were selling it in an event fashion with no event license. They also had to turn away people trying to bring in outside alcohol. Their on-site OLCC manager even spoke with a restaurant about open containers being seen leaving their space and it was shrugged off as a non-issue. She was taken aback to hear Plymouth Pub present the situation, as they had spoken to them and brought in additional monitors to appease their concerns. One of her monitors was even thanked by Plymouth Pub management for the work being done to contain the event alcohol.
  - There was a presentation today about vendors for Spirit of Halloweentown. She has helped run a vendor booth for the last several years at various City events for dance team members, 4-H groups, and softball and youth football team members. What was presented to Council does not represent how she feels this season, or the past four seasons have gone. They, along with the majority of other vendors, were not asked to participate. She hopes future discussions can include all vendors.
  - She has been a leader for 13 Nights on the River and 4<sup>th</sup> of July. No event is perfect, and you will never please everyone. She has been screamed at, cursed at, bad mouthed, and even spit at. She has chosen to see the bigger picture and see the positive. Can the Council do the same?

- Speaking for herself and many other individuals who come to Spirit of Halloweentown, she is incredibly thankful for Chris, Tina, and E2C Productions. Their attention to detail, ability to breath life into the community, and desire to support and empower the business community is an asset and value to the city. They may even love our town more than most people who live here. She thanked them for continuing to show up even when it's hard, the countless hours they work, their positive attitudes and contagious smiles despite all the bullying and attacks, for loving the community, and making the community successful. They are appreciated.
- ◆ Brady Preheim.
  - The mantra seems to be a to-do list of bad behaviors to accomplish at each meeting; including disrespecting the mayor, wasting time, revisiting the same items repeatedly after a decision was already made, opponent of uproar, and predictable service.
  - He is disappointed about the policy change to not read letters into the record.
  - Following up on the vendor presentation, the City is not an independent contractor. The employer has the legal right to control the details of how the services are performed. If the Council implements any of the ideas that were presented, they are making the tourism contractor an employee and would owe them hundreds of thousands of dollars in back pay, hourly wages, and PERS. The Council has no control over what was presented. They are abiding by the terms of the contract and the Council needs to leave them alone. He was offended by the presentation requesting a discount for nonprofits. Nonprofits typically have more money than most businesses. How many other nonprofits did the Council grant \$500 to that they didn't bother to use?
  - He doesn't understand why the tourism director was asked about promoting the Chamber of Commerce event. The Chamber is not about tourism. Their focus is the local economy and businesses. It shows him they don't understand what tourism is.
  - He will continue to bring up lies he hears in public record.
  - Councilor Topaz was at least censured for lying in public record. Now it seems like they are willing to say they will forget about it. The comment he made to Deputy City Recorder Scholl should be considered. He also attempted to blackmail the Council by saying he had a really big developer that he would bring if his censure was removed. That's a reason to make the censure stronger and last longer.

### **ORDINANCES – First Reading**

- 1. Ordinance No. 3272:** An Ordinance to Annex and Designate the Zone of Certain Property at 58241 South Division Road

Mayor Scholl read Ordinance No. 3272 by title for the first time. The final reading will be held at the next meeting.

- 2. Ordinance No. 3273:** An Ordinance to Annex and Designate the Zone of Certain Property at 35285 Millard Road

Mayor Scholl read Ordinance No. 3273 by title for the first time. The final reading will be held at the next meeting.

### **RESOLUTIONS**

- 3. Resolution No. 1939:** A Resolution Adopting the St. Helens Stormwater Master Plan

Mayor Scholl read Resolution No. 1939 by title. Motion made by Council President Morten and seconded by Councilor Birkle to adopt Resolution No. 1939.

Discussion.

Councilor Topaz sees factual problems with the Stormwater Master Plan. Some of the pipes in the ground are not indicated in the Plan. Will that be corrected? Mayor Scholl responded that there are sections highlighted in red that will be addressed. Councilor Topaz asked if the things that are wrong in the Plan will be fixed? Councilor Birkle asked why that was not brought up two weeks ago during the presentation. Councilor Topaz responded that he brought it up. There are tile pipes around the old Dillard Lake that were not installed by the City. They are not currently part of the system but are still draining water. Councilor Birkle pointed out that this was a study of the current system and improvements. He doesn't know that those concerns are relevant. Councilor Topaz wants to know what they will do with them. Councilor Chilton believes those issues will be addressed as they work through the noted problem areas highlighted in red.

Council President Morten suggested moving ahead with the approval and give Councilor Topaz leeway to work with City Administrator Walsh to speak with the Public Works Director and the City's Engineer. In the meantime, these projects continue to get backed up. People complain about the City being slow, and he would like to move forward. Councilor Topaz wants to know if they can fix the mistakes in the Plan. Councilor Birkle explained that a master plan is a vision for the future. Each project will be dealt with accordingly when the time comes.

Engineering Project Manager Darroux asked Councilor Topaz what specific pipes he's referring to that are not shown on the Master Plan. Councilor Topaz responded that they run east and west from about the middle of 6<sup>th</sup> Street, including backyards, and end up just short of the apartments. They are perpendicular to the old sewer lines. They are eight-inch bell and tooth pipes. They took pictures of them when they were digging back there. Darroux agreed with Councilor Birkle's explanation of the Master Plan. It looks at the expansion of the system and improving certain problem areas, specifically with trunk lines. The smaller lines are usually addressed in-house and would not be found in the Master Plan. Walsh added that all of the plans are about addressing future capacity. It gives them a foundation for Capital Improvement Plans, priorities, and the ability to track funding for projects that are a high priority to the community. With infrastructure money available, they need to have these plans ready to go.

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

**4. Resolution No. 1940:** A Resolution Adopting the St. Helens Wastewater Master Plan

Mayor Scholl read Resolution No. 1940 by title. Motion made by Council President Morten and seconded by Councilor Birkle to adopt Resolution No. 1940.

Discussion.

Councilor Topaz wants to verify that this Master Plan will be looked at the same way as the Stormwater Master Plan just discussed. Council concurred.

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

**APPROVE AND/OR AUTHORIZE FOR SIGNATURE**

5. Infrastructure Design Work Order #1 with Mackenzie for St. Helens Industrial Business Park
6. Contract Payments

**Motion:** Motion made by Councilor Birkle and seconded by Council President Morten to approve '5' and '6' above.

Discussion.

Councilor Topaz wants to stop the design work by Mackenzie for the St. Helens Industrial Business Park (SHIBP). He attended a meeting about the pathway on the Waterfront property last week. It was very well laid out. The plan presented was 35 feet along the water's edge. It had design problems that can be taken care of. The 30-foot roadways were narrowed down to six-foot paths. Councilor Birkle pointed

out that the agenda items are for the SHIBP. Councilor Topaz went on to say that the six-foot wide path completely changes the cost. They were not told that there would be a major design change. It changes fire hydrants and fire building. They were also told during the meeting that the Marine Board did not encourage motorless... He contacted the Marine Board and was told the opposite. The architects did not show that there is going to be a wall next to the walkway. What was presented to the Council and public was completely different. Are the plans for the SHIBP exactly what it says or are they completely different? He has spoken with the Port, and they would like to access the back of their property into the White Mill and come out Kaster Road. Mayor Scholl confirmed that is in there. There is a 50-foot easement.

Councilor Topaz went on to talk about the single entrance to access the proposed Public Safety Facility. That affects the insurance being in the floodplain. He is pushing this because they were not given correct information. The City is being sued by Boise for a number of problems with the marijuana facility. The City is also being sued by Boise for expenses. There has been a ruling that says the sales of the marijuana facility are null and void because of procedure. The appeals case in Salem should have been brought to the attention of the Council so Council could advise the attorneys to move forward. Without a definitive direction, the Council is violating the law. He received this information from the courts. He has received a lot of information that does not correlate with what he's been told at these meetings. Council President Morten addressed the concerns brought up. The Public Safety Facility will have a road and easement for ingress and egress. Councilor Birkle requested Councilor Topaz provide this information to staff and Council before they discuss it. Councilor Topaz argued that it's not an option. He has done that before. He has tried to put things on the agenda prior to being censured and they were removed. He has also tried to get information to the Council and was told by the attorney that it can't be done because of meeting laws. He is trying to point out that there are a couple problems in the report. Mayor Scholl pointed out that he continues to drop bombs and waste their time. He is lumping multiple projects together. They are trying to move the City forward.

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

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

7. Amendment No. 2 to Mayer/Reed, Inc. Agreement to include Archaeological Survey
8. Library Board Minutes dated October 11, 2021
9. Planning Commission Minutes dated October 12, 2021

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '7' through '9' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Chilton

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

10. Council Work Session, Executive Session, Public Hearings, and Regular Session Minutes dated November 3, 2021
11. Animal Facility Licenses
12. Accounts Payable Bill Lists

**Motion:** Motion made by Councilor Chilton and seconded by Councilor Birkle to approve '10' through '12' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

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

None

#### **CITY ADMINISTRATOR REPORT**

- Good discussion about tourism today.
- Received a request from Toy N Joy for two \$100 utility bill credits. No objection from Council.

- Provided a letter of support to Columbia River Fire & Rescue to allow the use of an off-road vehicle on the Watershed property.
- There is an opportunity for Grey Cliffs Park to receive dredge materials from the river.
- The container homes on S. 7<sup>th</sup> Street are nearing completion. There is a lease amendment to make the lots legal to sell.
- Have a meeting scheduled to review the dock enforcement on December 14. He will make sure the docks are clear for Christmas Ships on December 11.
- The Library Director position is open until filled. He reviewed the proposed recruitment process. Council President Morten would like Walsh to be included in the discussion and vote for the new person.
- He will be attending the League of Oregon Cities (LOC) Board retreat Thursday and Friday.
- There are lots of projects going on.

### **MAYOR SCHOLL REPORTS**

- Attended the Riverwalk Technical Advisory Committee (TAC) meeting. They participated in two on-site tours. There was an issue of gazebo placement, which they found a good solution. It was exciting to see the development potential.
- Happy Thanksgiving!

### **COUNCIL MEMBER REPORTS**

Council President Morten reported:

- Exciting and long day today.
- He looks forward to staff working through comments and suggestions made for Spirit of Halloweentown. The Council is not going to micromanage and fix things. That is up to the staff.
- He is concerned about long-term energy consumption. He would like to see a study conducted on transitioning to an all-electric fleet, with exception to police. It would be a tremendous savings for the City.

Councilor Topaz reported...

- The Riverwalk meeting was very informative. One thing that was overlooked was access for emergency services. He brought up that the 30-foot-wide access from the road to the river was narrowed to six-foot wide.
- Connecting the various plans is important. All of the plans should be stopped to review for modifications and government financing.
- He has not been paid for his legal fees. His attorney asked how the Boise suit is going. They looked up the court records and discovered that the City is being sued again for \$144,500. The partial finding is that the sale of the marijuana facility is illegal. The business has been added to the suit. He is disturbed because the Council was not informed. The attorneys reported earlier this month that the PUD power station was closer and there were no problems. There is a legal problem on procedure. He has caught a lot of things this week that did not match what he was told before. If everyone brings back their thumb drives, he will give them the updates that has very little to do with substations. The Council is responsible. The staff is under the Council.
- He reviewed an article that said the average police station cost \$200 per square foot. The Oregon City station is between \$335-540. The cost seems to be very much controlled by what part of the country you live in. Deputy City Administrator Brown has his work cut out for him.

Councilor Chilton reported...

- Enjoyed the special session earlier today. It's a good way to focus on direction and City goals. She thanked staff for keeping them on track.
- She toured the new Oregon City police station and encouraged Councilor Topaz to do the same. They already have a huge cost savings in the design. Brown has worked diligently on that project.

- She has been talking with local business owners. It's nice to hear from other people in the community.
- It's not her goal to destroy Spirit of Halloweentown. She comes down, shops, brings her kids, and participates. Tourism needs an open, consistent, and transparent evaluation. They are still waiting for a staff committee report on tourism, so it will come up again in a Council meeting. It will help them analyze areas of growth. It is not an attack. It is a way to be transparent and talk to staff about needs and changes.

Councilor Birkle reported...

- Planning Commission met last week. More annexations are coming up.
- Still accepting applications for the Planning Commission until November 19.
- Popeyes is forging ahead.
- Burger King has officially begun the process of development near the old hospital.
- Had a great time Saturday pulling weeds and planting plants at Nob Hill Nature Park. He heard very positive comments from Caroline and Howard. Nob Hill Nature Park wouldn't be in existence without them. He commended them for their continued work.

Council President Morten added that Council made that a nature park much before Howard and Caroline came along. They have helped it progress.

Council President Morten reported that the Parks & Trails Commission are sponsoring a work party at the Botanical Gardens on Saturday at 9 a.m.

#### **OTHER BUSINESS**

#### **ADJOURN – 8:21 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne

Kathy Payne, City Recorder

/s/ Rick Scholl

Rick Scholl, Mayor