



COUNCIL WORK SESSION

Wednesday, May 17, 2023

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Patrick Birkle
Councilor Brandon Sundeen

MEMBERS ABSENT

Councilor Mark Gundersen

STAFF PRESENT

John Walsh, City Administrator	Jacob Graichen, City Planner
Kathy Payne, City Recorder	Brenda Herren-Kenaga, Reference Librarian
Crystal King, Communications Officer	Bill Monahan, Contracted City Attorney
Mouhamad Zaher, Public Works Director	Tina Curry, Contracted Event Coordinator

OTHERS

Steve Topaz	Missie Low	Steve Toschi	Russ Low
Eddie Dunton	Brady Preheim	Arthur Leskowich	Shauna Stroup Harrison
Claire Catt	Audrey Webster	Dread	Tom Davis
Toni Dogget	Stephanie Patterson	Kelly Davis	Jim Coleman
Lynne Pettit	Melanie	Debbie Reed	Michelle Millar
Evad	Rob Dunn	Jane Garcia	Lynne Pettit
Jeff Svela	Aaron Hisel		

CALL WORK SESSION TO ORDER – 2:00 pm

Mayor Scholl read a public statement regarding House Bill 3115, how it is mandatory to adopt laws that are objective and reasonable to people experiencing homelessness, and City Council's and staff's work on an ordinance in response the bill, noting City Council has expressed opposition to creating encampments in St. Helens. They believe in livability and safety and St. Helens does not have a big issue.

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

- ◆ Brady Preheim. Mr. Preheim attended the meeting on HB 3115 held by Stephen Toschi yesterday. He objected to the meeting, believing it was improperly done and provided false information. People assumed the meeting was a City function by the Planning Commission. When Mr. Toschi ran for Council, he told Mr. Preheim he wanted power. Scappoose passed an ordinance recently choosing to say where camping was not allowed. If the Council must choose a spot, he suggests the hospital property.
- ◆ Tom Davis. Mr. Davis supports what he heard from Mr. Toschi at the meeting on HB 3115, disagreeing with Mr. Preheim's description. He explained why it seemed a reasonable solution to tell people one place where they can go which is better than letting people build homeless shelters

wherever they want. Mayor Scholl stated the Council will be discussing the subject immediately following visitor comments. Mr. Davis added the Council did a good job with the city docks.

- ◆ Missie Low. Ms. Low spoke about the City's solution for boaters camping on the docks and waterfront and how it seems to have worked. She requested the same solution with HB 3115, urging the Council to think of the Planning Commission's proposal by designating a place for the police to guide a person looking to find a place to sleep with a time limit of a few days rather than an encampment.
- ◆ Stephen Toschi. Mr. Toschi talked about the open house he held last night as a citizen, which he made clear, to talk about the concerns around HB 3115. Once he explained it, people would rather have a contained encampment where people can stay for a few days than a plan like Rainier's. He spoke about some of the attendees' biggest concerns such as how to enforce the time limit, the potential size of encampment, and the suggested locations near children, softball fields, etc. He believed the best suggestion is to choose a location limited to 15 people and five days, adding the City should hear the petition with 100 signatures before moving forward. Mayor Scholl and Council President Chilton stated some people who signed said they did not understand what they were signing.
- ◆ Kelly Davis. Ms. Davis stated she witnessed signing of the petition, and the people signing were encouraged not to sign at yesterday's meeting.
- ◆ Russ Low. Mr. Low supports the Planning Commission draft for HB 3115, urging Council to adopt it and strongly opposing anything resembling Rainier's plan. He brought a petition of signatures from people urging the Council to adopt a measure that does not allow public camping and will not result in camping within 400 feet of homes, near businesses, in parks, on trails, or the waterfront.
- ◆ Shauna Harrison. Ms. Harris said she was at the meeting last night, adding her concerns about an encampment. People do not want others camping near their homes. She asked about an option to form a committee to address homelessness as a whole. She was concerned by the vilification of homeless population. People are very concerned about trash and drug use, and she requested the Council address those in Time, Place, and Manner. As a citizen she is hopeful for solutions and ordinances to help everyone. She spoke about the current housing crisis.
- ◆ Debbie Reed. Ms. Reed stated she works downtown and does not want people camping there. A designated area would be better than an encampment. She is worried about her grandkids.
- ◆ Steve Topaz. Mr. Topaz asserted public free speech is protected and the three-minute restriction at meetings is a violation of the Constitution. He wrote a complaint to the Engineering Board about sewer and storm drain problems between 3rd and 4th Street and was told the complaint was a public statement and was illegal. It was upheld by a court of appeals in the Supreme Court of Oregon when they determined free speech rights were violated by state rules. Two executive meetings held by the City where both City's attorneys were present were ruled illegal by the Ethics Attorney. He spoke about when he was a Councilor and censured, disagreeing with the censuring process. Deeming a subject before the public is both a violation of state law and a denial of free speech. He shouted for Mayor Scholl to follow the rules when he was asked to wrap up his comments.

- ◆ Toni Dogget. Ms. Dogget believes a homeless person would like a designated spot that is safe where they know they will not be harassed. The Council should consider a place that is reasonable, makes the citizens happy, and keeps homeless people safe.

DISCUSSION TOPICS

1. Review Amendments to Proposed HB3115 Code Changes - *City Planner Jacob Graichen*

City Planner Jacob Graichen sought Council's direction on drafting an ordinance in response to HB 3115, addressing the timeline of the process and the two general options which are, like the Planning Commission's recommendation, to focus on places where camping is allowed or the approach based on where camping is not allowed. He and Attorney Aaron Hisel spoke about the pros and cons of each approach and reviewed the details of the two potential options. Mr. Hisel confirmed that it was not legal to expel people from the city. He also confirmed that designating an area could result in liability issues for the City.

Mayor Scholl emphasized a resolution would not be set in stone and could be refined as needed. City Attorney Bill Monahan agreed that the City does have the ability to modify the regulations.

Mr. Graichen reviewed the proposed language regarding violations and shared maps showing the locations proposed by the Planning Commission.

Mr. Hisel stated, from federal case law, whether the City is offering shelter is what counts. He would not recommend under any circumstances to have the violations ramp up to a criminal level/arrestable offense, noting all the other conduct is still completely fair game to regulate.

Mayor Scholl emphasized the consensus from the joint meeting months ago was to narrow down and not allow the business district.

Councilors discussed the two options with staff responding to questions and comments from Councilors with the following key comments:

- Councilor Sundeen believed a hybrid is needed of both options and said he would like to see schools excluded. Council President Chilton and Mayor Scholl agreed that the City should decide where not to camp in order to remain conservative and watch how things develop.
- Trespassing on private property could be handled by the Police Department and any action that is independent of sleeping/resting on public property could be regulated.
- Certain sidewalks in the excluded areas proposal could still be slept on but not those in front of businesses and not in neighborhoods.
- It was discussed whether the City's ultimate decision would make it more appealing for the homeless to come to St. Helens or encourage them to go elsewhere.
- The Comprehensive Plan talks about preserving Dalton Lake as open space if annexed. It is not currently in city limits so City laws do not apply. County law applies.
 - Mr. Hisel clarified while he has not looked up St. Helens specifically, he would bet the City is home rule no matter what the County decides to do to implement the law. The City solely governs the city limits; County law does not apply to the City for things like this. He added state law is the hammer; the solution is in Salem more than it is in St. Helens.

Mr. Hisel confirmed for Mayor Scholl that he did not want to discourage any city or county that has the resources from implementing resources that may help those experiencing homelessness, but he cannot recommend the City designate campgrounds/a site because it creates issues and does not solve any of the legal issues. Under the law as it exists, the City also cannot force people to move to a designated location. Nor can he recommend homeless people be expelled from the city as a whole.

Mayor Scholl was hearing from the citizens who voted for him they did not want an encampment and to just define where people cannot camp and leave the rest open with no defined actual campground.

Councilor Birkle said he is no longer in favor of designating a spot by the ordinance. On everything else, he would like to move forward with a combination of the Planning Commission's and other staff's proposal.

Mayor Scholl stated the liaison to the Planning Commission Councilor Gundersen, who is on vacation, expressed he is in favor of the where not to camp approach. He agreed the ordinances should be where camping is not allowed rather than a defined area.

Mr. Graichen understood the direction from the Council and stated staff will work hard to have the ordinance for the Council's next meeting.

2. Annual Report from Library Board - *Library Board Chair Rob Dunn*

Library Board Chair Rob Dunn presented via PowerPoint the annual Library Board report, a copy of which is included in the archive packet for this meeting. Highlights included the list of current Library Board members; renewing their strategic plan including gathering community feedback and using it to update the plan; reviewing statistics on the library and the Makerspace from July 1, 2022, through April 30, 2023; Makerspace STEAM and crafting programs, youth programs, and adult programs; community outreach and services; the budget; addressing fundraising possibilities, and special thanks.

Exploring fundraising possibilities was discussed, including partnering with Friends of the Library. Mr. Dunn noted the Makerspace does not require a library card and brings people to town who then patronize other local businesses.

3. Semi-Annual Report on Recreation Program - *Recreation Manager Shanna Duggan*

Recreation Manager Shanna Duggan is out sick. This topic is postponed.

BREAK

The Council took a short recess.

4. Public Works Department Semi-Annual Report - *Public Works Director Mouhamad Zaher*

Public Works Director Mouhamad Zaher presented via PowerPoint the Public Works Department semi-annual report. A copy is included in the agenda packet for this meeting. He noted the Information Technology Division will be addressed at a later time. Highlights included Public Works' mission and operations; current projects; work on emergency preparedness; engineering projects and costs savings/cost recovery; 2023 accomplishments in facilities, parks and maintenance; removing mowing obstacles at McCormick Park; costs savings at the Recreation Center; a caustic system update; grinder pump replacement; upcoming water quality projects; and a Waterfront road and utilities extension project update which included the project roadmap and timeline, project cost saving measures, and a February 2023 site drone video showing project progress.

He recognized the talented people on his Public Works team, especially the hard work of Roger Stauffer, his mentorship of the rest of the team, and his work on the police building.

Questions and feedback from the Council were addressed as follows:

- The lifespan of the polyethylene product to replace copper pipes connecting the existing water line to the main line is much better.
- The Ranney Well #3 is in Columbia City.
- Close to \$600,000 was already in the budget for the 2.0 MG reservoir, and the plan rebuilding within the existing reservoir will give the City a reservoir that is good for another minimum 20 to 30 years

guaranteed. Mr. Zaher told his team there is no room for failure. The project will be done right this time, guaranteed.

- The caustic system is not included in the recently updated Master Plan.
- Mayor Scholl noted the manholes at the Waterfront are elevated because that is closer to the elevation the development will be when completed, the finished grade.
- The specific Station 18 to 25 in the Waterfront project is the only designated area that has to be collected, cleaned, and pulled off to a special contaminated disposal outside of the city. The rest is minor contamination that can be collected in a Baker tank, tested for disposal to the City's wastewater treatment, cleaned, and discharged.
- The depth of the trenches depends, and varies from 8 to 10 to some 30 ft.

Mayor Scholl said he is very proud of the Public Works Department and how far it has come.

Mr. Zaher thanked Public Works' frontline supervisors Public Works Supervisor Dave Elder, Facilities Maintenance Supervisor Buck Tupper, Engineering Manager Sharon, Water Quality Manager Aaron Kunders, and Field Supervisor/Safety Coordinator Ethan Stirling.

5. Report from City Administrator John Walsh

City Administrator John Walsh reported:

- The whole City is busy and consumed by work and projects.
- The police station project is being partially funded through multiple grants awarded to the City. The selection process for the construction management/general contractor is going well with 20 interested parties and 10 submitted applications.
- Final plans for the Riverwalk Project are complete and under review with the Building Division. It is hoped construction can begin immediately after 13 Nights. The temporary parking lot will be going offline in three to four weeks. Blackberry bushes on the bank will be mitigated at the same time.
- He has been working with Finance Director Gloria Butsch on finalizing the budget documents to come to the Council for adoption.
- He is working to get the City auditor to the Council at the second meeting in June to present. The insurance agent Chris Iverson will come back to give his annual report to the Council in the next couple of weeks.
- He congratulated new members on boards and commissions after the Election Day results.
- The City's ask of Senator Weber for the reservoir is dependent on the state revenue forecast which came out positive. The challenge right now is to get the legislature back in office and do some work.

Mayor Scholl confirmed regarding Citizens Day donors, IGA will donate half the cost of 500 hotdogs and 500 hamburgers and buns. Sunshine is also a yes. Council President Chilton added that Cascades is a no.

City Recorder Kathy Payne reported the Alano Club lease is up and they have submitted a request to renew. The Council will be presented with the letter for authorization tonight to approve the five-year lease.

The Code of Conduct discussion will be addressed at the next City Council work session.

6. City Appointment to Columbia Learning Center Foundation Board of Directors - Councilor Birkle's term expires 5/31/23

Council President Chilton nominated Councilor Birkle for another term to the Columbia Learning Center Foundation Board of Directors. Councilor Birkle accepted via the chat feature.

ADJOURN – 5:07 pm

EXECUTIVE SESSION - None

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Rick Scholl
Rick Scholl, Mayor