



COUNCIL REGULAR SESSION

Wednesday, October 18, 2023

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Mark Gundersen
Councilor Russell Hubbard
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Jacob Graichen, City Planner
Jenny Dimsho, Associate Planner
Suzanne Bishop, Library Director
Crystal King, Communications Officer
Bill Monahan, Contracted City Attorney
Tina Curry, Contracted Event Coordinator
Brian Greenway, Police Chief

Jose Castilleja, Police Sergeant
Evin Eustice, Police Sergeant
Doug Treat, Police Sergeant
Matt Smith, Police Corporal
Dylan Gaston, Police Detective
Jeremy Howell, Police Officer
Jamin Coy, Police Officer
Adam Hartless, Police Officer
Kolten Edwards, Police Officer
Brandon Haflich, Police Officer

OTHERS

Steve Topaz	Jennifer Shoemaker
Brady Preheim	Jane Garcia
Steve Toschi	Adrienne Linton
Michelle	Scott Jacobson
B. Gaston	Debbie Parsons
Hayley Starkey	Judy Thompson
Matt R.	Jesse Lagers
Iris Wu	Brian Varricchione
CCMH	Alex Tardiff
Catherine Hager	Tony Fleming
Cody Feakin	Jim Coleman
Al Petersen	Kellie Jo Smith
Dave Laurenson	Jesse Lagers

Adam St. Pierre	Peter Hautt
Thomas Peck	Kathy Thomas
Mary Anne Anderson	Suzie Dahl
Jen Massey	Leila Wilson
Sabrina Moore	Allison Anderson
Brianna Boice	Todd Jacobson
Jeff Humphreys	Arthur Leskowich
David Lintz	RLT
Matt	James Shober
Sid Hariharan	Eddie Dunton
Jerimy Kelly	Kai Cater
Shauna Stroup-Harrison	Nicholas Helmich

CALL REGULAR SESSION TO ORDER – 9:45 p.m.

PLEDGE OF ALLEGIANCE

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

- ◆ Brady Preheim. Council should vote no on the Kelley Street property sale. What do they plan to do about the dirt that has already been delivered? They had a hearing after the dirt was collected with no agreement. This is corruption.

- ◆ Jennifer Massey.
 - She was happy to hear the discussion taking place in the work session. They need to go back and look at all budgets to see what can be cut.
 - It was interesting to hear that the Police Department has not been involved in the permit process. She looks forward to hearing how that improves.
 - Councilor Gundersen brought up an operating levy and agreed they should consider it to get ahead of the staffing. They're stuck with the funding they have right now but it could improve with industrial development. She strongly encourages Council to consider a levy.
 - She disagreed with the statement that the Police Chief should put on a uniform. They're supposed to oversee and enforce policy and procedure.
 - She is excited about the opportunity for a semi-conductor facility. She has been involved in building and overseeing projects like that. She encouraged the Council to have appropriate representation because they will have many lawyers representing them.
- ◆ Adam St. Pierre. It may be difficult to ask the community to pass a bond when the Council just endorsed the Sheriff's Office bond last year.
- ◆ Dave Laurenson. He thanked Council for the amazing Riverfront Development project. However, there has been a huge lack of communication with business owners. They've all been impacted by the construction. Water and gas service has been turned off during business hours multiple times with no notice. Last Saturday, the contractors were out with steam rollers, asphalt trucks, and excavators downtown on a day when thousands of visitors would be arriving. The superintendent said that someone from the City scheduled it to happen on Saturday, which seemed crazy. They got the job done fast and left. He encouraged a weekly email to be sent on Fridays so businesses and residents know what will happen the following week.

Mayor Scholl addressed the work that was done. It was a company hired by NW Natural Gas. The City would never approve work on a Saturday during Spirit of Halloweentown. He encouraged Dave to call Cal when this happens, as they are supposed to be giving regular updates. Dave said there has been no outreach from Cal. They leave closure signs out when no work is being done. Mayor Scholl will investigate and get back to Dave.

- ◆ Jesse Lagers. There have been a series of challenges in town and he is here to suggest solutions.
 - Ongoing parking problems and congestion with Spirit of Halloweentown trailers downtown. Proposes stricter parking enforcement, designated parking for the trailers, community education, and improvement of public transportation for vendors.
 - Unscheduled street closures, as well as gas and water turnoffs during construction, have created significant disruption. Some of the disruptions have come at the same time as Spirit of Halloweentown, which increases traffic and parking frustrations. That has cost local businesses thousands of dollars in lost revenue and unnecessary overhead. Advanced notification would be nice for everyone.
 - The vacant storefronts are a blight on downtown. A vibrant downtown is needed to draw in more businesses and industry.
 - Businesses downtown are struggling during this time.

DELIBERATIONS

1. Sale of City-Owned Property located on Kelley Street

Mayor Scholl talked about the property. It was appraised at \$67,000. Ken Leahy expressed interest since he owned the surrounding properties. The industrial property needed dirt and Ken is a contractor who handles dirt. It was not a backdoor deal.

Councilor Hubbard said they paid too much for the dirt. The appraisal of the property was two years old. As far as building on a site, that amount of dirt must be brought in layers. He agrees with some of the comments made. They need to be up front about selling property.

Councilor Sundeen is concerned with the process and timing.

Mayor Scholl agreed that the perception is not good. They have the appraisal. Ken owns the adjacent property and has expressed interest for a long time.

Councilor Hubbard asked if there is a policy to go out for bid on property for sale. Mayor Scholl explained that the Urban Renewal Agency allows for more flexibility of selling property within the Urban Renewal area.

City Administrator Walsh said they can go back for a legal review if there are concerns about the process. Council President Chilton agreed they need to do that. There were no ill-intentions for this proposal. It's a landlocked piece of property that is not worth much to anyone but Ken. However, she does understand that they need to do it the correct way and follow guidelines.

Motion: Motion made by Councilor Hubbard and seconded by Councilor Gundersen to not accept the offer from Ken Leahy in exchange for 600 yards of dirt. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

2. Appeal of Planning Commission Decision on Conditional Use Permit (CUP.4.23), Sensitive Lands Permits (SL.4.23 - floodplain and SL.5.23 - wetlands), and Sign Permit (S.14.23) for New Police Station proposed to be located at the Southeast Corner of Old Portland Road and Kaster Road Intersection (City of St. Helens)

Mayor Scholl pointed out that that the City Council staff report was very different from the Planning Commission staff report. The building is not in a floodplain. City Planner Graichen added that they would need to interpret "critical facility" to mean the building and not the land with reference to Oregon Structural Specialty Code 1604.5, if they decide to approve it.

Councilor Gundersen attended the Planning Commission meeting. He bases decisions on the experts and their testimony. Two hydrologists reported that they will be okay moving the building up two feet. It moves it even further out of the flood zone plus there will be a secondary access road. The officers want it there and they deserve this. It will serve the community well. It's a great location and should move forward. He has no concerns about a flood.

Councilor Hubbard appreciates the reports from the police and how they will use the building. With the Planning Commission, they were building it in a flood plain but if there's a flood you can't get to it. The secondary access was put in because it's above the flood plain. Isn't the police station going to be busy if there's a flood? It's going to be an active site. The permitting and sewer issues will be a big issue. They spent so much money on the engineering for the site. Being in the building business, he's always trying to get a good product for the least amount of money. He does see the positive that the building could be located somewhere else. He is looking at it from a crisis situation.

Council President Chilton heard multiple times that the facility is out of the floodplain. They need to look at the intersection. It's not going to happen every rainy season. The concerns are during catastrophic occurrences. If police and fire both think the secondary access road will work during an emergency, then she agrees.

Councilor Sundeen goes back to Graichen's question, does it make sense. At first, he would say no, but he's not the one using the sight, nor a designer or engineer. Based on what he heard from the experts, he feels comfortable with the proposal. He is concerned about the process. How did they get this far and spend so much money? It's close to the flood zone and suggests shifting the parking lot into the flood zone and not the building. He trusts the experts and those using the facility.

Mayor Scholl agreed with the engineers. There used to be a secondhand store on the corner, across from Johnny's. There were also three houses in the proposed location and two closer to the ballfield. One house even had a full basement and the owner said it never flooded. There was only about a foot of water between the stop light and bridge during the 1996 floods. People working at the mill would agree. Councilor Hubbard pointed out that he spoke with people at Columbia River PUD who worked there then and it was four and half feet. Mayor Scholl disagreed that Boise would have let that go on. He never saw it that high. He understands why the Planning Commission was hesitant. It's not in the 100-year flood plain.

Graichen said there are four things to consider if the motion is for approval:

1. Whether the Council wants to interpret "critical facility" to mean the building and not the land with reference to Oregon Structural Specialty Code Section 1604.5.
2. Condition 2.a.iv., pertaining to the fire department connection and fire hydrant location.
3. Delete condition 2.a.xiii, pertaining to the existing sign because it was out of compliance.
4. Condition 2.a.xiv, plans show a future pedestrian passageway.

Motion: Motion made by Council President Chilton and seconded by Councilor Gundersen to approve with the staff recommendations. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen; Nay: Councilor Hubbard

3. Comprehensive Plan and Zoning Map Amendment (CPZA.1.23) at 58646 McNulty Way (Columbia Community Mental Health)

Council President Chilton and Councilor Gundersen left the room.

Mayor Scholl appreciated the references to criteria.

Councilor Sundeen appreciated that the information came from the City's reports, even though some of it may be outdated. Hopefully, they will receive the grant to update the data. He agreed that they have a surplus of industrial land and a shortage of commercial land. He appreciates that they presented their intentions for the property. There was a lot of discussion around the use of the property, but that's not what they are looking at tonight. Columbia Community Mental Health (CCMH) is not going anywhere. This will allow them to use what is already owned by them as they see fit. It does not seem to have a major impact on the traffic. He feels better about rezoning the portion along Gable Road since the other property is already developed. He also wants future plans for that property to be presented to the Planning Commission.

Associate Planner Dimsho explained that not rezoning both portions would mean that CCMH could not expand their facility in the future. They would be limited to the Light Industrial (LI) uses. To Councilor Sundeen's point, it would retain a LI pocket there. The property was annexed into the City after it was already developed under the County's rules.

Mayor Scholl said it meets all the qualifications and is comfortable moving forward. He appreciates that they will remain there and don't plan to sell it. When CCMH first got here, people were scared. There's a need for mental health services in the area. Oregon is ranked 48 out of 50 states for mental health services.

Dimsho is hearing approval of all the conditions.

Councilor Hubbard talked about commercial land creeping closer to industrial.

Councilor Sundeen repeated what was said during public testimony, "if it was anyone else, would they approve this?" He does not think it's out of line for that area. He is okay with approving it as submitted.

Dimsho reviewed the staff recommendation, which is a trip cap of about 1,107 daily trips within the TSP planning horizon. Any development could not trigger more than that trip cap without a process.

Mayor Scholl talked about ODOT delaying upgrades to that intersection. Can they lower the trip cap to 700 or 800? Dimsho agreed they could amend that. Graichen compared the 700 to 70 single-family dwellings.

Motion: Motion made by Mayor Scholl and seconded by Councilor Sundeen to accept the applicant's plan with condition number one, the daily trips being reduced to 700. **Vote:** Yea: Mayor Scholl, Councilor Hubbard, Councilor Sundeen

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

4. Agreement with Columbia Pacific Economic Development District for Community Development Block Grant Administration Services of Sewer Capacity Improvement Project
5. First Amendment to Emery & Sons Construction Group Progressive Design-Build Contract for the Design and Construction of Replacement of 2.0 MG Reservoir
6. Sixth Amendment to Otak, Inc. Agreement for S. 1st and Strand Streets, Road & Utility Extensions Project
7. ~~Real Estate Purchase and Sale Agreement with Leahy Investments LLC for the Sale of City-Owned Property off Kelley Street~~

Motion: Motion made by Council President Chilton and seconded by Councilor Sundeen to approve '4' through '6' above. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

CONSENT AGENDA FOR ACCEPTANCE

8. Library Board Minutes dated September 11, 2023
9. Parks and Trails Commission Minutes dated September 11, 2023

Motion: Motion made by Councilor Gundersen and seconded by Council President Chilton to approve '8' and '9' above. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Sundeen; Abstain: Councilor Hubbard

CONSENT AGENDA FOR APPROVAL

10. Council Regular Session and Executive Session Minutes dated October 4, 2023
11. Declare Surplus Property - Police K9 Officer Ryder (Retirement)
12. Declare Surplus Property - Real Property (descriptions in packet)
13. OLCC Licenses
14. Accounts Payable Bill Lists

Motion: Motion made by Councilor Sundeen and seconded by Councilor Gundersen to approve '10' through '14' above.

Discussion.

Councilor Hubbard questioned number '12.' After reviewing the packet, Mayor Scholl suggested number '12' be removed and appraisals of those properties be done.

Motion to Amend: Motion made by Councilor Hubbard and seconded by Council President Chilton to not include '12.' **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

Vote of Amended Motion: Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

WORK SESSION ACTION ITEMS**Columbia Learning Center Board**

Motion: Motion made by Council President Chilton and seconded by Councilor Sundeen to appoint Councilor Gundersen to the Columbia Learning Center Board of Directors to replace Patrick Birkle as the City of St. Helens representative. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

Fire Board

Motion: Motion made by Council President Chilton and seconded by Councilor Sundeen to authorize Councilor Gundersen to apply to be on the Columbia River Fire and Rescue Board of Directors. **Vote:** Yea: Mayor Scholl, Council President Chilton, Councilor Gundersen, Councilor Hubbard, Councilor Sundeen

Project Sprint

A presentation about Project Sprint's potential development of the Industrial Business Park was heard during the Work Session. There is a proposed earnest money agreement to lock the land while they do their due diligence researching the property. City Administrator Walsh added that this is nonbinding to purchase or lease real property. The City will work with them for 90 days and not negotiate with anyone else. They would deposit \$610,000 into an escrow account and 10% of that would not be refundable. Councilor Hubbard and Councilor Sundeen would like more time to review this. They would also like to view the subject site.

It was the consensus of the Council to hold a Special Session to review the proposal on Friday, October 20, 2023, at noon via Zoom.

REPORT FROM CITY ADMINISTRATOR JOHN WALSH

- Postponed until next meeting.

COUNCIL MEMBER REPORTS

- Postponed until next meeting.
- Councilor Sundeen thanked K9 Officer Ryder for his service.

MAYOR SCHOLL REPORTS

- Postponed until next meeting.

OTHER BUSINESS**ADJOURN – 10:51 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne

Kathy Payne, City Recorder

/s/ Rick Scholl

Rick Scholl, Mayor