



COUNCIL WORK SESSION

Wednesday, December 01, 2021

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle – arrived at 1:10 p.m.
Councilor Stephen R. Topaz
Councilor Jessica Chilton – via Zoom

STAFF PRESENT

John Walsh, City Administrator	Jacob Graichen City Planner
Matt Brown, Deputy City Administrator	Jenny Dimsho, Associate Planner
Kathy Payne, City Recorder	Rachael Barry, Government Affairs Specialist
Lisa Scholl, Deputy City Recorder	Crystal King, Communications Officer
Brian Greenway, Police Chief	Matthew Kahl, City Attorney
Mouhamad Zaher, Public Works Director	Tina Curry, Event Coordinator

OTHERS

Stephanie Patterson	Al Petersen	Jeff Clayton
Paul Vincent	Robert Hindal	Linda Zahl
Richard Mason		

CALL WORK SESSION TO ORDER – 1 p.m.

Chief Greenway addressed the Council and community members about the rash of car prowls/burglaries two nights in a row in St. Helens. He is requesting their partnership to reduce the chances of becoming a victim. The Police Department (PD) believes the group came from Portland on in a stolen vehicle and entered over 50 vehicles in the community on the west side of Highway 30. PD has a lot of video footage submitted by victims and other community members. The suspects tried to open vehicle doors. If it was locked, they moved on to the next vehicle. If they were unlocked, they stole things such as laptops, credit cards, loaded firearms, garage door openers, bank bags with money, etc. They are working on leads to apprehend the suspects. St. Helens is not alone. Cities outside the Portland metro area seem to be the target. Two vehicles were stolen from St. Helens and one from Columbia City. One of the vehicles in St. Helens had the key fob in the vehicle and was left unlocked. The following night, a male and female in a vehicle stolen from Vancouver did the same thing on the east side of Highway 30. All the vehicles that have been reported were left unlocked with valuable items inside. Greenway is asking the community to always lock their vehicles, do not leave keys or key fobs in the vehicle, and hide valuables. Help keep St. Helens safe. If someone is a victim, they need to report it. Property is being recovered and returned to owners.

Council President Morten asked if it only involved vehicles. Greenway responded that one vehicle had a garage door opener inside. The suspects entered the garage while the victims were sleeping. He encouraged them to take their garage door opener into their home. Same with shopping, take your garage door with you since they have your address on your registration. Everyone needs to do their part.

A suspect attempted to open a PD employee's car door, but it was locked, and they moved on. Council President Morten thanked Greenway for being here.

Mayor Scholl asked anyone who sees suspicious activity to report it. If you see something, say something.

Councilor Topaz asked how many people were involved. Greenway said that both crews had more than one person. Because of the sensitivity and ongoing investigation, he cannot elaborate. They are working with other agencies to collaborate.

Mayor Scholl thanked Greenway.

Mayor Scholl reminded everyone to remove their masks when they speak.

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

- ◆ Linda Zahl. Expressed appreciation of Chief Greenway's comments. The last time there was a rash of break-ins, they did not hear from the Chief. Her neighbors took things into their own hands and did not report concerns to the PD. They were harassing people. She is here to request the City investigate the use of drones. Her father-in-law used to operate model airplanes on their property. He always flew away from homes. There is someone in the neighborhood flying a drone across their property. She is concerned about the cameras on the drone and requesting it be addressed.
- ◆ Al Petersen. Distributed a handout titled, "Timeline of Cascades Lawsuit over ASPC/OrGro Tech parcel. (currently marijuana grown facility, part of Boise Papermill property)" A copy is included in the archive packet for this meeting. He reviewed his two concerns:
 - Something was said at the last meeting. Based on the reaction from the faces on the screen, it appeared what Councilor Topaz pointed out was not obvious. Has staff been informing them about this? Since Councilor Topaz mentioned it, it's public record. Al created a timeline based on the information discovered. The City has been sued and lost. Now, the City is arguing about whether they should pay \$130,000 to Cascade Tissues for attorney fees. The lawsuit has been appealed to the State Court of Appeals. His mom sued the City when the City was not following State law. The City took all the allegations, itemized what they had not done, re-notified, and had a new hearing under State law. This lawsuit is because the City did not follow its own City laws. He suggested Council get the thumb drive from Councilor Topaz and read the case for themselves. He is concerned about the City not following its own laws. Based on their faces, it appears they have not been notified. They need to talk to their staff.
 - He is concerned about the document in their packet regarding changes to the personnel procedures. He doesn't watch all meetings but watches quite a few. He has not seen a lot of discussion about all the proposed changes. He hopes it hasn't just been dropped on the Council. The City is saying they don't have to follow state law contracting procedures, they can follow their own. It gives more authority to City staff and increases the number of contracts that City staff can write themselves. He is concerned that they have eliminated the library director position. There are major changes, and he is very concerned that City staff can't follow laws. Now, it gives more authority to write larger contracts without even speaking with Council. He hopes they don't ignore what he said and approve all the changes tonight. Some of the changes are exceptions to state law. In order to understand the exception, they must understand the original law.

Mayor Scholl stated that selling the property was not illegal. They followed the process. They did speak with their attorneys about this during executive session. Councilor Topaz likes to ride the line of what is being said during the executive session and should be held confident. They have attorneys present who are guiding them through the process.

Councilor Topaz stated that this is what the court said on a new case. It's not the Petersen case from years ago. Mayor Scholl responded that the Council has been notified about this from their attorneys. Councilor Topaz argued that he has not been notified. Mayor Scholl said it was discussed during executive sessions when he was present. Councilor Birkle confirmed that they were informed by the attorney in executive session. Councilor Chilton confirmed they have been notified. This was discussed during executive session and was not supposed to come out of executive session, which is the reason they all looked shocked. Councilor Topaz argued that what he is talking about is public record. Mayor Scholl called for point of order. He can bring it up during his report.

DISCUSSION TOPICS - *The Council will take a break around 3:00 p.m.*

1. Discussion Regarding Proposed Beekeeping Code Amendments - Jacob

City Planner Graichen reviewed the presentation. A copy is included in the archive packet for this meeting.

The proposed amendments will do the following:

- Still prohibits beekeeping, except for mason bees, and provided certain rules are followed, honeybee keeping associated with residential uses.
- Eliminates potential conflict of law. The definition of "farm use" in the Development Code includes honeybees. Honeybee keeping associated with nonresidential uses would be determined per the Development Code.
- Honeybee keeping associated with a residential use doesn't mandate an animal facilities license or other permit. This is proposed as review of the technicalities of a honeybee raising would require some training, would be an unnecessary burden to staff and resources, and the rules are written such that poor bee management will be evident by new nuisances added to the code. And if site inspection is necessary, the basic provision should be easy to understand to determine compliance if there is a problem.
- Proposed code is based on the League of Oregon Cities Model Residential Beekeeping Ordinance (June 2018), the Oregon State University Extension Service Residential Beekeeping Best-Practices Guidelines for Nuisance-Free beekeeping in Oregon (February 2018), other jurisdiction examples and feedback from some local beekeepers.

Councilor Topaz talked about the range of two miles that bees can travel. Can he tell where the bee is from? Graichen said no, you can't tell where they're from.

There were no concerns from Mayor Scholl, Council President Morten, or Councilor Birkle.

Linda Zahl reported that there is support from a bee club and the OSU Extension Office. There are ways to bee-proof yards, such as planting certain flowers.

2. Brief on Water Districts - Jacob

City Planner Graichen reported that this topic is on the agenda as awareness because of the recent annexations. A copy of the report is included in the archive packet for this meeting.

Graichen reviewed the two water districts within the Urban Growth Boundary (UGB) and pointed the areas out on a map.

- McNulty Water District
 - Currently have an Urban Services Agreement with, which helps them make decisions.
- Warren Water District
 - If the UGB expands much, they will likely need an agreement with them.

Councilor Topaz asked about the water lines south of Bennett Road. Graichen responded that the City does not have water lines that far south. That is out of the City's UGB.

Mayor Scholl asked about future water service on Millard Road. Graichen said they have a sewer line behind Bing's. The closest water line is behind Les Schwab.

3. Discussion on 7th Street Container Lofts Ground Lease Amendments - *John*

City Administrator Walsh reported that this is a cleanup issue for the 7th Street container lofts. A copy of the proposed amendment is included in the archive packet for this meeting. It talks mostly about the parking lot. The parking lot remains private but is open for public use. Mayor Scholl added that it allows them the ability to police it.

Councilor Topaz asked about the public knowing they can use it. Walsh responded that it will be posted. It is on tonight's agenda for approval.

4. Discussion regarding Court Bailiff Services - *Matt*

Deputy City Administrator Brown reported that this is on tonight's agenda for approval. A copy of the proposed agreement is included in the archive packet for this meeting. They tried to fill the position but was unsuccessful. They continued to have patrol officers and sergeants fill in on court days. This is a company that the judge uses at other courts. It will help our Police Department by not taking them away from the road. They are normally working overtime when they're in the court room. They have committed to provide security for the judge. Mayor Scholl agreed that they need to protect the court.

Councilor Birkle looked at reviews. Some were not great. He appreciates hearing that the judge works with them at other jurisdictions.

Councilor Chilton asked when this will be budgeted for, where the funds come from, and when it will start. Brown responded that the funds would come from the court budget. It's a savings for the PD. There is enough money in professional services for this to take effect in January, after the contract is signed.

5. Review Proposed Bench Donation on S. 1st Street Sidewalk in Front of the Jordan Center

Public Works Director Zaher reviewed the proposal. A copy is included in the archive packet for this meeting. The bench is being proposed by Columbia Community Mental Health (CCMH) in memory of Pete Snell, who helped establish the Jordan Center. Zaher has conditionally approved the proposal with some minor conditions. CCMH proposed a metal bench, but Zaher recommends a wooden bench to be consistent with standards. He also recommends the bench not be bolted to the ground to allow for flexibility in the future. Walsh added that the City is reviewing street furniture policies for the Riverwalk and First Street and Strand Street improvements. They want to make sure it's consistent.

Council President Morten likes the idea of defining the policy. He does want it to be clear regarding type, installation, maintenance, length of time, and memorial benches that may have to be moved or removed. Zaher agreed. They are requesting the bench be placed long-term. The City reserves the right to make changes.

Councilor Topaz talked about benches being sleeping places. Will the size of the bench collect a group of night sleepers? Council President Morten responded that they passed an Ordinance that does not allow sleeping on public property, in parks, or in cars. Mayor Scholl pointed out that state laws are changing that may require the City to change their "no camping on public property" rules.

This will be approved at tonight's meeting.

6. Tourism Business Model Discussion - *John*

City Administrator Walsh reported that staff has been reviewing this and is requesting feedback from Council. He talked about the existing tourism contract and asked the Council to consider what they want for the future. More or fewer events? City or contractor led? Contractor paid at a set rate or percentage

based on sales? Spirit of Halloweentown gets bigger and better every year. They're still learning and growing. E2C has a transition plan the Council can hear as well.

Discussion of the contract including an audit of ticket sales, revenue tracking, marketing cost, etc.

Councilor Chilton wants to first discuss the current goals for tourism. Walsh suggested inviting Travel Oregon to come talk. They are tourism professionals.

Councilor Birkle talked about the attacks on Council. He welcomes a calm tourism discussion. It's never been about anti-tourism. He sent an email to Walsh asking questions about the contract. There were some things that were unclear. They have a right to view the finances. Transparency and accountability are important. He wants all merchants to be successful. He is disturbed by the conflict among merchants. He is in favor of full contractor planned events, selling the rights, but maintaining control of the contract and name. If there is an issue, it's the City's lack of capacity with personnel and finances to oversee it. The City should not be in the tourism business. They can support it and promote it, but let the professionals do what they do best. Why does the City have a Dark Market? Why does the City have a haunted hotel? Why are they competing with businesses? What's at the Dark Market is in competition with other merchants. He suggests a period of transition. Mayor Scholl agreed based on the standpoint of all the staffing needed.

Council President Morten agreed with Walsh about bringing tourism professionals. From that, they can make goals and update the contract.

Discussion of scheduling a tourism workshop with Travel Oregon. It was the consensus of Council to schedule the meeting in the afternoon on Wednesday, December 29 and provide lunch. Walsh will see if Travel Oregon is available that day.

Tina reviewed her goals:

- Continue to improve tourism activities that can be managed by other people
- Things need to happen for continued momentum. They are here because of community groups who pushed the City to do something different.
- Protect what has been created
- Offer a three-year plan
- Keep funds in the black, while developing additional events and strengthening current events
- Strengthen what we have and add to it
- Invest in people moving equipment
- Invest in Sand Island as a destination
- Involve community members
- Ask more questions

Council President Morten talked about being in the black. There was a meeting with tourism around 2014 when they were asked to be bailed out with \$55,000-70,000 in unpaid bills. They have come a long way.

Mayor Scholl wants everyone to be heard. There are holes in the contract that need to be improved. Having professionals from Travel Oregon here to assist them will be helpful. Councilor Chilton would like to hear from other cities who use business models and how it works for them. Walsh has spoken with City of Astoria about events. They support partners who put together the events. However, they have a \$1.5 million budget and St. Helens has a \$75,000 budget. Council President Morten wants to ask other cities about the income and how it's spent. It's not realistic to compare with some of them.

Mayor Scholl is impressed with the events they have done with a limited budget:

- 13 Nights on the River
- Sandcastles
- 4th of July

- Spirit of Halloweentown
- Christmas Ships

Tina requested Council discuss time sensitive needs, such as rent of the masonic building, purchase a tram to move people, and purchase a boat to transport people to Sand Island. Right now, they can stay in the black by paying rent for the masonic building and purchasing either a tram or boat. They found a tram that can carry 120 people. Mayor Scholl and Tina confirmed that the City owns everything. The rent is going up from \$3,000 to 5,000 per month. Mayor Scholl asked if the store and haunted house generates at least \$120,000 annually. Tina confirmed they do.

Councilor Chilton wants to see more information about the tram first, including documentation and insurance. How will it be operated? She is opposed to continuing with the store. They are competing with other businesses in the area. Mayor Scholl said they need another year of revenue with their limited budget. He would like to add this to tonight's agenda for discussion and a decision.

Break - 3 p.m.

7. Review Proposed Municipal Code Title 2 Amendments - John

City Administrator Walsh reviewed the proposed amendments. A copy is included in the archive packet for this meeting.

- Public contracting
 - Based on State's models and rules
 - Council is the local contracting review board
 - Ability to delegate authority to City Administrator
 - Proposing increase from \$75,000 cap to 100,000
 - Continue to follow processes and report to Council
 - Proposing to remove a tier system

Councilor Topaz sees a lot of problems. It gives Walsh the ability to make decisions without informing the Council. He wants more information and time to review it. A lot of money can be spent, and things can be done by Walsh without them knowing. Until he can compare the proposed changes with the ORS's, he has problems with it.

Council President Morten talked about how a manager works. They are responsible to manage, pay the bills, and report back to the Board. Councilor Topaz is still not comfortable with it. He wants to see double-checks. Walsh's spending power should go down from \$100,000 to 50,000.

Mayor Scholl thought Councilor Topaz was part of allowing the City Administrator more power to enable the City to move more efficiently. The Council is the policy setter. He does not have any finance concerns from the five years he has served. They've won awards for finances. Councilor Topaz wants a single purchasing agent. Brown added that Council approves all the accounts payable checks at every meeting. Councilor Topaz agreed, but they are not qualified to check it. Brown said Luminights was a tourism event. It was approved by a majority of the Council. Mayor Scholl disagreed with restricting the flow of funds that allows departments to do their jobs. It's frustrating that Councilor Topaz continues to hold things up and wants to find things that are wrong. He has access to councilors, the budget, and Walsh. Instead, they get a presentation during public comments about something they haven't even completely reviewed yet. Only one item was partly true, which was a judge who made a decision without any attorneys given the opportunity to speak. They are professionals and he's tired of Councilor Topaz making them look incompetent. They need to get through the proposed amendments in an orderly fashion. He read number 12 on the Council Mantra that referred to how busy the Council and staff is. He requested Councilor Topaz spend more time researching and contacting staff and councilors in advance of the meeting and not drop the bomb during the meeting. Councilor Topaz argued that it's illegal to contact another councilor. Mayor Scholl responded that it is not. He also requested an attorney be present at all

meetings moving forward. Councilor Topaz restated that there needs to be a purchasing agent. He did not say that the person from each department couldn't initiate a purchase. Mayor Scholl said that is what Brown does. Councilor Topaz argued that Brown pays for it and shouldn't do double duty. Mayor Scholl pointed that is not efficient. It also adds more room for error. Council President Morten reminded them that they are a small organization. There's no reason Brown can't do that. Councilor Topaz said when they don't have that, it can lead to accusations of "he stole the money because no one double-checked it." Council President Morten has not heard anyone accuse someone of stealing money.

Councilor Birkle talked about the concerns Councilor Topaz had about the ORS. Councilor Birkle pointed out that this is the first reading tonight. He suggested Councilor Topaz review those and return to the next meeting with specific amendments. Mayor Scholl added that he should contact Walsh in advance. It appears that Councilor Topaz just likes to take up time by causing disruptions and making people look wrong.

Councilor Chilton said she asks questions to get things clarified. It's not to attack or second-guess City staff. This was a long report and there will be questions. She does not agree with changing the follow-up to a department councilor. For example, when Council President Morten had an issue with overages on a contract, he brought that to the Council's attention. If that had been brought to him as the Council liaison, it would have been the check system instead of wasting time at a Council meeting. It would be beneficial to have a Council liaison for the City Administrator. Another issue she found is the removal of the position number when running for Council. She doesn't recall confirming the change. Where are the survey results from that? Brown responded that it was discussed at the August 4, 2021 meeting. A survey was conducted, and he thought he shared those results with the Council. A majority of the Council preferred the popularity vote. Councilor Chilton would like to see the results of the survey and get more input from community members.

Mayor Scholl clarified that there is already a policy in place for Council liaisons. There has been plenty of opportunities in the past to contact City staff in advance of meetings. He is not saying that no one should ask questions and apologized if that's what she heard. The packet is big. They are on the first reading. They have two weeks before it can be adopted. Discussion with City staff can happen any time between now and the 15th. They can also call another councilor to ask their opinion.

Councilor Topaz checks on it with other legal people or entities. He doesn't check with the staff. He sent some information to every councilor in the past. Bill Monahan said that was illegal because it was making a point for a decision. Mayor Scholl explained that he could talk to one councilor at a time. They can discuss ideas but cannot make decisions.

Walsh explained that the public contracting code is complex. The City Administrator is the purchasing manager for the City. They are proposing to streamline the process. Everything still ends up at the Council. There is accountability. They will still follow Oregon Contracting Laws and processes. Councilor Topaz agrees that it needs to be streamlined but also wants it to be double-checked. Council President Morten explained that there is a system with double-checks already in place.

Councilor Birkle requested Council allow Walsh to review the proposed amendments and keep questions until the end.

Walsh continued to review the proposed changes:

- 2.04.110 Cleanup of definitions
- 2.04.110 Exceptions to the State law already exist
- 2.04.120 Cleanup language
- 2.12.010 Cleanup City Administrator language
 - The job description prevails
 - Power is delegated by Council

- Municipal Court
 - Removes redundancy from Judicial Code
- Municipal Judges
 - Requires the judge's contract be adopted by resolution
- Juries and Trials
 - Cleaning up language
- Library and Library Board
 - Correcting librarian to library director
 - Striking Council responsibilities; liaison is still there but in a different section
 - Cleaning up language
 - Council President Morten requested that it be clear of who brings recommendations to the Council – Library Director or Library Board Chair?
- Nominating procedures for officers
 - Discussed survey
 - 69% of the people who voted preferred the majority vote instead of the per position vote
- Signing of checks and warrants
 - Changing to one representative to sign
- Criminal history and background check policies
 - Updates language to current practices
- Renaming of Parks & Trails Commission
 - Proposal to rename the Parks & Trails Commission to Parks and Recreation Commission. Council President Morten talked about the history of the Bicycle & Pedestrian Commission being combined with the Parks Commission to create the Parks & Trails Commission. Parks continues to be an influx of recreation, bicycles, and pathways.

Mayor Scholl talked about an earlier comment saying what was on page 62 was illegal. Brown pointed out that this has been reviewed by our attorneys. Discussion of having an in-house attorney since legal expenses have increased substantially.

8. City Administrator Report - *John Walsh*

- The City received the Government Finance Officers Association (GFOA) budget award again this year. It is evidence of transparency and professionalism in finance and the budget. Congratulations to Brown! As of last week, only five cities out of 240 received the award. Councilor Topaz said it may not be that we're very good, but the others are so bad. Councilor Birkle thinks it's because he's very good.
- Received a request for a water bill adjustment of \$154.18. The resident left a hose running. They are only requesting that it be adjusted to be consistent with their regular monthly fee. This will be on tonight's agenda for a decision.
- Went through a solicitation process for the RFP/Q for the Parks & Trails/Recreation Master Plan. The selection committee will include himself, Brown, Chair Carmin Dunn, Associate Planner/Community Development Project Manager Jenny Dimsho, and Parks and Recreation Manager Shanna Duggan. Council President Morten would like council representation to review the proposals. Brown said he recalls it came up but there was not availability. He can send copies to the Council. They do have a preferred vendor that stood out over the other.
- The Riverwalk and Streets projects are moving along well. The plan is to have an RFP for developers on January 5.
- Riverwalk Public Forum on December 15.
- Library Director recruitment interviews begin on January 11.

- Urban Renewal Agency (URA) meeting on January 5. It is also an opportunity to create separation of the URA budget and the City budget by doing it earlier in January. Mayor Scholl would like to see proposed URA projects. Discussion of state and federal funding for projects.
- Continuing to talk to the Marine Board about Grey Cliffs Park and the beach nourishment with DSL.
- The Personal Services Agreement with Mackenzie for St. Helens Industrial Business Park is on tonight's agenda.
- Attended the Main Street meeting last night. They are proposing an amendment to the MOU. Council proposed a half-time City employee. They feel like they could do better if the City allocated the money to them. They are being slow and deliberate on the hiring.
- An in-house attorney was mentioned.
- Received a request from Government Affairs Specialist Rachael Barry about being a member of service clubs, such as Rotary. They have personal and organizational memberships. They are good community partners. Council President Morten asked who would be responsible for dues? Consensus of Council for it to be a personal commitment.
- Consensus of Council for the URA budget process to be moved to January. Discussion of switching to a biennial budget instead of annual. Mayor Scholl disagreed with it. He was concerned that they couldn't project revenue as well that way. Brown explained that they would approve the URA budget for two years but would still have supplement budget hearings to update it. The URA could meet more often but the URA Budget Committee would only have to meet once every two years. Consensus to begin meeting in January.
- A biennial budget changes the term of a Budget Committee member. Brown requested separating the URA and the City Budget Committees. No objection from Council.
- Budget Committee member Bill Eagle's term is expiring. He is interested in continuing. There are five applicants. Brown asked if the Council wants to interview the applicants. Consensus of Council wants to hold another meeting to interview them all.

ADJOURN – 4:49 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