



COUNCIL REGULAR SESSION

Wednesday, June 01, 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
Crystal King, Communications Officer
Tina Curry, Event Coordinator

OTHERS

Brady Preheim
Jim Coleman

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

PLEDGE OF ALLEGIANCE

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

◆ Tina Curry.

- 13 Nights on the River begins tomorrow
 - Curtis Delgado performs tomorrow at 6:00 p.m.
 - There are a lot of vendors
 - St. Helens High School Jazz Band performs next week, the same night as Gabriel Cox
- The vending machine by the Dark Market is installed and operational
- Boat update
 - Made seat selections
 - Will add the City logo
 - Lake Oswego has purchased three boats from them
 - Confident that he is on track and will be on time with the modifications

- ◆ Jim Coleman. He is here to comment on the boat purchase. He has been in the commercial fishing business his whole life and has spent a lot of time testifying in front of Oregon Fish & Wildlife and Washington Fish & Wildlife. On May 18, he attended a meeting to provide public input on the boat purchase. A friend of his encouraged him to testify about the need for a survey. He believes every Councilor agreed that a survey would be done before purchase. He did not know there was going to be another meeting about the boat purchase. That evening, Council opened boat

purchase discussions again. At that time, Tina explained how the boat purchase would go. The survey has to be done before the purchase. He understands repairs need to be done. He went back and watched the meeting on YouTube. Council President Morten made a motion for the boat purchase but there was no mention of the survey. There was a lot of discussion about the survey and COI. Tina kept referring to the COI, saying they were good. He read a paragraph from the seller's paperwork..."this is consideration of a firm outline of known work and cost, which I will supply for \$235,000 US fee, and is to include a full inspection for practical reinstatement of the COI, as performed by US Coast Guard Sector Jacksonville. To achieve the restoration of existing restrictions found in the previous COI. Understanding that a final inspection for actual reinstatement must be done locally in Oregon by owner after receiving the vessel. Total lead time for work to be performed is estimated at 10-12 weeks..." The COI that was performed on that boat by Sector Jacksonville failed. It will not pass to haul passengers until you pay the \$250,000 and the US Coast Guard Portland does the inspection. Coast Guard might say it is great, but they might say you have troubles. Congratulations on buying a boat unseen.

Council President Morten asked if the survey is done in Oregon. Jim said no, the inspection will be done in Portland. Council President Morten said they still have time for the survey here for insurance purposes.

Councilor Birkle reviewed the draft minutes. His understanding is that a survey would be done before it is purchased and before it arrives.

Jim asked City Administrator Walsh if he had a survey done before buying his personal boat. Walsh said yes, it was part of the insurance and financing. Jim said the tourism director was in a rush to get this done. Council President Morten asked if he had any surveyors in mind. Jim said he could find one by noon tomorrow.

Mayor Scholl asked if it is typical to get a boat reinspected when it comes from a different state. Jim responded that the boat does not have a past inspection on it. It has a failed inspection on it right now. It gave a list of things that were wrong, and the seller says he is going to fix them. The boat qualifies as a 30-passenger boat to be inspected annually. Jacksonville cannot say it is good in Oregon. He would hire a surveyor today if it were him.

Mayor Scholl explained the public hearing process.

- ◆ Brady Preheim. Jim has a lot to learn about public process and how Council operates. They did everything proper, and he is glad to see the boat is coming. He is more concerned about the Waterfront discussion today. Hopefully, the Waterfront and Public Safety Facility funds are accruing interest. The City budget is not in good shape. They need to pay the money back and delay the Public Safety Facility. They could get by with a lot less for the police station. It does not make sense to accrue more debt. In addition, they no longer have a developer for the Waterfront property. He is not in agreement with spending over \$14 million on road improvements for a road that will go nowhere. He is in favor of the Waterfront, but they need to have a developer. He does not blame them for the one that did not work out. They have an \$800,000 hole in the budget from cannabis money that is being used for the Public Safety Facility. Usually when people accuse someone of taking money, they may have done something shady themselves. He would like to have an outside audit to verify that money is there.

Mayor Scholl said the Waterfront is .6%. Walsh added that the Waterfront funds are at the State. They are not in the City's accounts. It is .6% interest on funds used. Mayor Scholl said the Public Safety Facility is invested in secure investments. The recession is at the forefront of their mind. They are doing an RFP for a new auditor. Councilor Birkle added that an audit is done annually.

Council President Morten clarified the public hearing process.

ORDINANCES – Final Reading

- 1. Ordinance No. 3283:** An Ordinance Vacating a Portion of the 7th Street and South 16th Street Rights of Way

Mayor Scholl read Ordinance No. 3283 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Ordinance No. 3283. **Vote:** Yea: Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton; Abstaining: Mayor Scholl

- 2. Ordinance No. 3284:** An Ordinance Amending St. Helens Municipal Code Title 13 Relating to Definitions of Equivalent Dwelling Units for Wastewater and Water Utilities Services

Mayor Scholl read Ordinance No. 3284 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Ordinance No. 3284. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

ORDINANCES - First Reading

- 3. Ordinance No. 3285:** An Ordinance Amending St. Helens Municipal Code Section 8.28 regarding Use of the City Docks

Mayor Scholl read Ordinance No. 3285 by title. The final reading will be at the next meeting.

RESOLUTIONS

- 4. Resolution No. 1956:** A Resolution Amending the City of St. Helens' System Development Charges for Water, Wastewater, Stormwater, and Transportation

Mayor Scholl read Resolution No. 1956 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Chilton to adopt Resolution No. 1956.

Discussion.

Councilor Birkle will vote for it. He would have preferred that they had a public comment opportunity.

Mayor Scholl apologized for his response earlier. He agreed with Councilor Birkle.

Councilor Chilton wants to be sure they are thinking it through clearly. However, it does need to happen.

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

- 5. Resolution No. 1957:** A Resolution to Establish Water, Sewer, and Storm Drainage Utility Rates, Charges, and Administrative Rules

Mayor Scholl read Resolution No. 1957 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Birkle to adopt Resolution No. 1957.

Discussion.

Councilor Birkle echoed his comment from the prior resolution.

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

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

6. Extension of Contract with CBM Systems, LLC for Janitorial Services
7. Amendment to Agreement with More Power Technology Group for IT Services
8. Maul Foster & Alongi Inc. Work Order Authorization for Central Waterfront Scope 1B
9. Agreement with Keller Associates, Inc. for Engineering Consulting Services as it pertains to Sanitary Sewer, Water, and Stormwater Systems

Motion: Motion made by Council President Morten and seconded by Councilor Chilton to approve '6' through '9' above.

Discussion.

Councilor Topaz referred to the Maul Foster contract. They have a number of tests included but have forgotten to include tests they have done before. They forgot the really nasty compounds that will probably be in there. The Fire Department had foam chemicals that could have been dumped in the sewer system and may be there. Field tests were done on the last group, which included temperature, PH, gas concentration, turbidity, conductivity of the fluid, and bacterial screening. They did not record what time the tests were done or what the river levels were. Half of the levy was covered with a membrane when they built the lagoon. The membrane had to be breached, so there is gas being generated underneath. Since they are cutting a hole in the bottom, they should be able to get a sample of the plastic membrane. That should be analyzed to provide history of the ground and how the material has changed. They need to check on methane, sulfur dioxide, and radon, which all has to be done in the field. That is not included in the contract.

Council President Morten asked what he is suggesting. Councilor Topaz suggests those tests be done. It could have some very upsetting gasses, one of which could be cyanide.

Mayor Scholl is familiar with the old pulping process. He has not heard about the liner floating in years. Councilor Topaz should check his information and where it is coming from. The pulping process and breaking down of wood products lifts off gas. Councilor Topaz said it did float once. Mayor Scholl pointed out that Maul Foster is an expert. They are a reputable company. Councilor Topaz argued that he has written papers about this and knows it well.

Council President Morten pointed out that that this has to be done. This will give Councilor Topaz enough time to request additional information. Councilor Topaz wants to hold it up because the test must be done at the same time. They have evidence that there is gas in there and it is coming out. If cyanide and sulfur dioxide come into buildings after it has been filled in, they have buildings that are no longer any good. Maul Foster suddenly deleted tests that he requested. The temperature is important. They need to find out if it matches the last test.

Council Chilton suggested someone from staff who is working with Maul Foster communicate with Councilor Topaz.

Walsh explained that the Scope of Work, which is one part of transitioning the lagoon into a facility that can receive material, must be approved by DEQ. DEQ has been part of the discussion and tasks needing to be done to get to this point. Councilor Topaz repeated the need to do tests at the same time to get the same data. He has not seen the final DEQ report. He has been doing some of this since 1960 and knows what he is talking about.

Councilor Birkle believes that the authorization was developed by staff. Walsh added that this work plan has been in place for many years. DEQ and consultants have been involved in it and understand it well. They have helped develop a roadmap. Councilor Birkle said staff is aware of this and if they had any concerns, they would have brought it to their attention. Councilor Topaz asked if staff has done research on this or written papers on it. Councilor Birkle does not know. Councilor Chilton pointed out that DEQ has. Councilor Topaz has, which is why he questions it. Councilor Birkle appreciates his expertise, but it is not a sufficient reason to not move forward.

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

CONSENT AGENDA FOR APPROVAL

10. City Council Minutes

- Work Session, Executive Session, Public Hearing, Public Forum, and Regular Session Minutes dated May 4, 2022
- Special Session Minutes dated May 11, 2022
- Work Session, Public Hearing, Special Session, and Regular Session Minutes dated May 18, 2022

11. Amended Finance Director Job Description
12. Accounts Payable Bill Lists

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

WORK SESSION ACTION ITEMS

None

COUNCIL MEMBER REPORTS

Council President Morten reported...

- Parks & Recreation Commission will have a work party at the Botanical Gardens on Saturday. He and Jerry Belcher will provide pizza.
- In response to Jim Coleman's testimony, when the boat gets here, there are very confident surveyors in the area that will give them a value on the boat and list any needed repair items. That is necessary for insurance purposes. He hopes Tina takes care of that with Tourism funds.

Councilor Topaz reported...

- They had a funny hiccup in the Waterfront Development. He agreed with a comment made that they do not have their act together. They need to look hard at the master plan. There are a number of things that need to be done together and not piece meal. Council President Morten often talks about needing to get rid of the switching yard. It is definitely in the wrong place but is vital to have in the area. How do they plan to move it? Materials come here by truck, train, boat, and car. The boat shipping business says they need a Waterfront area to use, which is contaminated underwater right now. How do they make sure it gets to be useful? DEQ has called that project cleaning up/double-checking. The ground for the mill also must be cleaned up. Transportation and the Connector Plan, from Gable Road to the Waterfront, should be re-examined. They had several different suggestions than what was in the framework plan. It was more in line with what the architects said eight years ago. It is time for an overall Master Plan – what are they going to do with the lagoon, what has to be done to make the lagoon something, what are they going to do with the Waterfront, what are they doing to with the switchyard, what are they going to do with the Connector Plan? All of those things make St. Helens. They know the sewer plant will not meet specifications and cannot be re-permitted under the new rules. It is time for a concerted effort into looking at all the problems at once. Doing a piece here in there will end in disaster. Council President Morten said that the switching yard came up several years ago. Senator Betsy Johnson was an advocate for moving it closer to Scappoose. She oversaw State spending as Chair of the Ways and Means Committee. He does not know the status at this point. It is not going to happen overnight.

Councilor Chilton reported...

- Applauded the hard work and attention given to efforts to get law enforcement to Sand Island and keep the docks safe and clean. St. Helens Police Department will be trained in partnership with the Sheriff's Office. They have made a lot of headway towards getting a Harbor Master at the docks.
- Memorial Day was a good opportunity to reflect on all of those who have served and sacrificed their lives for this country.
- 13 Nights on the River begins tomorrow.
- She is excited to see the Kiwanis Parade is coming back.

Councilor Birkle reported...

- April was Asian Pacific Islander Heritage Month. He is glad that the community is accepting and welcoming of all individuals.

- June 1 begins Pride Month. They recognize the contributions and struggles of LGBTQ individuals. They are very important members of the community, and he is glad they have made the statement as a City affirming the rights and welcomeness of all. They do not always live up to their beliefs, but as a Council and professional staff, they always try to honor and respect all people.
- Since being hired at Columbia City School, he has been bound and determined to take his students on a walking field trip to Dalton Lake Nature Preserve. It looks like it will happen the last week of school. They are trying to make an effort for students to learn more about environmental protection. He invites Council to join them on the field trip after completing a background check release form.

Council President Morten reported...

- A survey is important to put a value on the boat. It is also a stamp that the repair work was done in Florida. A survey here is important. Councilor Topaz asked what happens if the survey fails. Council President Morten said there is no such thing as failing a survey. It will list what needs to be done to fix any problems.

MAYOR SCHOLL REPORTS

- It was a good Main Street meeting last night. They are in the process of hiring an administrator. The theater did a great job with the improvements. They expressed their thankfulness for Building Official Mike De Roia.
- He thanked the Council for approving resolutions 1956 and 1957. There is a lot of work that needs to be done.
- 13 Nights on the River begins tomorrow.
- The Kiwanis Community Parade is on June 18. He will check with Public Works about driving the old truck.
- Citizens Day in the Park is June 25. Let him or Deputy City Recorder Scholl know if they are having any problems getting donations. All the donors from past years are participating again. Public Works will be helping with road closures. There are about 50 vendors.

OTHER BUSINESS

ADJOURN – 8:06 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Rick Scholl
Rick Scholl, Mayor