



COUNCIL REGULAR SESSION

Wednesday, July 20, 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
Jacob Graichen, City Planner
Jenny Dimsho, Associate Planner
Tina Curry, Event Coordinator

OTHERS

Ken Sandblast	KAJ	Shannon Julien	Kai Huschke
Shauna Stroup	Jeanne Morain	Brook Steele	Vicky Njust
Art Leskowich	Abbie Dawson	Brady Preheim	Julia G.
S. Moore	Jacob Holder	Andrea Snook	Matt Snook
Brady Preheim	Janette Schwartz	Cheryl Williams	Ken Williams
Josh Brown	Jane Garcia	Val O.	Molly Matchak
Suzanne Bishop	Jolene Walsh	Christian Walsh	Nick Hellmich
Kanale Tumlinson	Judy Thompson	Alex Tardif	Heidi Oliver

CALL REGULAR SESSION TO ORDER – 7:15 p.m.

PLEDGE OF ALLEGIANCE

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

- ◆ Nicholas Helmich. He works at a nonprofit organization that represents people in the community. Two to three weeks ago a hate crime was committed during 13 Nights on the River. The victim was a transgender female around the age of 13-14. She was wearing a Pride flag and hat from Molly's Market. The hat was ripped off and they cut up her Pride flag. They called her names that he did not want stated on the record. He is a proud member of this community and that is not what St. Helens is. He does not want to see this pushed under the rug. It has been reported to the Police Department. Another issue is regarding where he lives on S. 4th Street. He does understand that there is not a Code Enforcement Officer at this time. There is a boat parked on the corner near him that creates a visual clearance hazard. It has not been moved in years. There is an individual with at least 10 vehicles parked in their yard and on the sidewalk. It's a danger for people needing to use the sidewalk. There have been issues with drugs in the trailer in that area. He knows the Council cares about the community.

Mayor Scholl acknowledged that they would look into that area. Councilor Chilton added that they are in the process of filling the Code Enforcement Officer position. She encouraged him to call the police if he sees a crime taking place.

Councilor Birkle thanked Nicholas for bringing the hate crime to their attention. He attended the Pride event. Through a resolution, Council affirmed the right and dignity of every resident and human being. There is no room in the community for discrimination. Council President Morten added that his values include inclusion for all people in the community.

- ◆ Molly Matchak. She is here regarding the same subject as Nick. The individual was attacked by children of the same age. The grandfather and individual came in the next day crying and asking how this could happen here. She told the grandfather that she would bring this concern to Council. She provided over 100 Pride flags during the month of June. She is very open to diversity. It was heart breaking to see the grandfather in tears. The individual came in strong and only asked for two more flags. She doesn't know if there were even consequences for the other person. It was a teacher who pulled the student off the individual. The mother just responded that her son would never do that. There needs to be consequences. She hopes this never happens here again.
- ◆ Kenneth Williams. He is a local boater and belongs to three yacht clubs in the area. He has been working with Columbia River Yachting Association (CRYA) for the last several years to make improvements. He found himself violating the stay rule. They don't have issues paying the fees but would like Council to consider extending the length of stay.

Council President Morten asked if they would be willing to pay extra for extra days. Kenneth talked about how some of the boaters were boycotting the area because the docks were paid for with State Marine Board funds. He has tried to explain how they are managed locally, and some people are starting to understand. There are also a lot of folks who are opposed to paying when others show up and don't pay. He would have to survey boaters to ask if they would be willing to pay more.

Council President Morten suggested they just do it for holidays like 4th of July and Christmas. Kenneth does not think a boater would stay for a long time with the fee per day. He thinks it would be more user-friendly to change to 14 days in a 30-day period. He understands the concerns and that there could be abuse. It does not make a difference how long the stay is when there is no one to enforce it. There has also been some concern regarding boaters coming down for a quick meal. They would like consideration made for short stays to visit downtown businesses.

- ◆ Janette Schwartz. She has been boating on the Columbia River and Willamette River for 20 years. She goes between Astoria, Beacon Rock, and Willamette Falls. She also belongs to two boating clubs and participates in the Christmas Ships Parade. St. Helens is her favorite destination. They have electricity, water, access to the city, and she feels safe here. She invites friends to visit when she's on the boat and doesn't want that to change. She does have concerns about the limited time. Bringing your boat out is not an easy task. You want to make the most out of it and stay for several days. They eat at restaurants and go to local businesses while they are here. The future is bright for the City docks. She won't go to the Portland docks anymore because it's too dangerous. It will grow here with a good reputation. She would be happy with six or seven days.
- ◆ Shauna Stroup Harrison. She would like the Council to look at the sewer map and hear more about the plan with the lack of sewer infrastructure, especially around Sykes Road and Gable Road. It's important to look at and create a long-term plan. She also wants clarification about how the Planning Commission voted. All of them voted in opposition except for one. There was discussion about putting a moratorium on building. She has advocated her concerns about growth and affordability. She is really concerned about the sewer backing up.

- ◆ Brady Preheim. Commended City Council on placing Finance Director Brown on administrative leave. It took them too long to do it. It should have happened when he refused to ask a simple question from the Council President. And recently he tried to gaslight the Public Works Director, Mayor, and Council President. Regarding the Planned Development Overlay, it should not be allowed. They should follow their guidelines and the Planning Commission recommendation.
- ◆ Tina Curry. Tourism update:
 - 4th of July
 - Thanked everyone for participating and making it a special day
 - Judy Thompson and her team
 - Public Works
 - CERT
 - Parking
 - Cascades
 - American Heritage Girls OR3130
 - Scouts
 - People had fun
 - It costs \$35,000 - 40,000 for the event
 - The only garbage the next day was from private fireworks. Everyone packed in and packed out their own garbage.
 - They only had three garbage bags and three rolls of toilet paper in the bathrooms, which created some problems.
 - Vending machine installed and is great
 - Penny press machine at Molly's Market
 - 13 Nights on the River is going well. There is turbulence with teenagers, which is a challenge.
 - Sandcastle competition is the first weekend of August. Hoping the boat arrives in time.
 - Spirit of Halloweentown ticket sales have begun. People can make holiday money by working on the weekends.

DELIBERATIONS

1. Planned Development (Zoning Overlay) located SE of the Intersection of Pittsburg Road and Meadowview Drive (Comstock)

Mayor Scholl stepped out.

City Planner Graichen reported that Planning Commission recommends:

- The one-acre piece and 11-acre piece be used together in a Planned Development proposal
- The minimum lot size be 7,000 sq. ft.
- The side yard setback follows the R7 requirements

The applicant is requesting:

- No limitation on the side yard setbacks
- Allow an average lot size of 7,000 sq. ft.
- Restrict the minimum lot size to 5,000 sq. ft.

Council needs to determine if they are going to uphold the Planning Commission's recommendation or do something different.

Councilor Birkle attended the Planning Commission meeting as a Council liaison. His admiration goes to everyone who stuck with it the entire six-hour meeting. He understands how strongly people feel about the community, their houses, and their property. However, he is disturbed by people trying to get into

the minds or motivations of people. The Comstock family is trying to do their best. They have to consider that citizens have the right to develop their property. Of course, they have to follow zones and laws. The Commission's deliberation was thoughtful. He appreciates that folks come to speak. The wellbeing and safety of the citizens is taken to heart.

Councilor Topaz talked about how they had voted on R7 zoning during the annexation hearing. Now they are negotiating something else? Graichen said the annexation determines zoning. The overlay is another tool. Do you allow it? If so, that's when they discuss the parameters as presented this evening.

Councilor Chilton agreed with Councilor Topaz. She was under the impression that they would stay with 7,000 sq. ft. lots. She agrees with the Planning Commission recommendation.

Councilor Birkle recalls the discussion of R7 during the annexation hearing. He appreciates the thought of proposing 7,000 sq. ft. average lots. Doing some quick math, there would have to be a lot of larger lots. It doesn't seem to make a difference in the number of lots. He is inclined to support the Planning Commission recommendation.

Council President Morten talked about the amount of time involved with this. He commends those who have come repeatedly. When he ran for Council, he wanted to raise the bar for a standard of living and keep it high for those who have raised the bar. Government can be confusing, and he wants to keep it simple. He agrees with keeping the lots at a 7,000 sq. ft. minimum.

Motion: Motion made by Councilor Birkle and seconded by Councilor Topaz to uphold the recommendation of the Planning Commission. **Vote:** Yea: Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

Councilor Birkle believes that Jeanne Morain is sincere in her desire to develop the property in a manner that fits the memory of her father-in-law.

Graichen reported that the decision is adopted by ordinance, which should occur over the next two meetings. He explained the appeal process.

A member from the audience asked when there would be discussion about the sewer lines. Councilor Chilton said they already had the discussion. It was then asked why they are approving subdivisions if they know it is an issue. Graichen said this is the first subdivision since the Sewer Master Plan was adopted. It is something new to consider.

Council President Morten reminded them that this is deliberations.

Councilor Topaz asked where the seven-foot side setback came from. Graichen responded that it has been in the Code since the 1970's.

Council President Morten turned the meeting back over to Mayor Scholl.

RESOLUTIONS

2. **Resolution No. 1962:** A Resolution of the Common Council of the City of St. Helens, Oregon, in Support of Assisted Housing Programs

Mayor Scholl read Resolution No. 1962 by title **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1962. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

3. **PUBLIC COMMENT - Increase in Garbage & Recycling Rates**

- ◆ Brady Preheim. He understands that rates increase. However, he is opposed to making it retroactive. There should be at least a 30-day notice. They are a monopoly, but you do have a choice to take it to the dump. It would be nice if their billing system worked well. You don't get a bill if you do online pay.

Resolution No. 1963: A Resolution Establishing Garbage and Recycling Rates and Superseding Resolution No. 1926

Motion: Motion made by Council President Morten and seconded by Councilor Chilton to adopt Resolution No. 1963.

Discussion.

Councilor Birkle agreed with Brady. It should not be retroactive.

City Administrator Walsh said they have been talking about the rate increase for a while. The July 6th Council meeting was cancelled, and they didn't have time to get it on the June 15th agenda.

Josh Brown, Hudson Garbage. He will look into the billing system. There have been some challenges with the auto bill pay. They bill in arrears. The services for July have not been paid yet. He understands the public's concern for the retroactive billing. They can make it effective August 1st. They are suffering through the struggling economy as well.

Councilor Chilton acknowledged Hudson Garbage being a great community partner. She thanked them for their service.

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

AWARD BID/CONTRACT

4. Award Bid for 'Salmon' Timber Sale to Interfor U.S. Timber Inc. in the amount of \$664.57 per 1,000 Board Feet

Motion: Motion made by Councilor Chilton and seconded by Councilor Birkle to approve '4' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

5. Extension of Agreement with Structural Nexus LLC for Structural Plan Review Services
6. Agreement with Richard Oberdorfer for Pro Tem Judicial Services
7. Final Plat for Columbia Commons Subdivision
8. Exclusive Negotiation Agreement with US Ecology Holdings, Inc.

Councilor Topaz objects to the US Ecology Holdings contract. He does not know how much money that will involve. There are details that have been presented at other meetings that will affect that and have not been included in discussions. It's about \$300,000 million. He asked if he could read the cost of moving stuff into the lagoon. Mayor Scholl said no, they are not here to do that. Councilor Topaz said it has to do with the US Ecology and what it will take to move stuff into that lagoon. Both Councilor Chilton and Councilor Birkle said they have not even gotten to that point yet. Councilor Topaz argued that they better do it now. Mayor Scholl clarified that this is only bringing the process public.

Motion: Motion made by Council President Morten and seconded by Councilor Birkle to approve '5' through '8' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Chilton; Nay: Councilor Topaz

APPOINTMENTS TO CITY BOARDS OR COMMISSIONS

9. Appoint Aaron Martin and Lynne Pettit to the Library Board

Councilor Topaz reported that Lynne Pettit is already serving on the Parks & Recreation Commission. Council would need to vote to allow her to serve on two boards.

Motion: Motion made by Councilor Topaz and seconded by Councilor Chilton to appoint Lynne Pettit to the Library Board and allow her to serve on two boards.

Discussion.

Councilor Birkle asked how many applications they received for the Library Board. Library Director Bishop responded that they received two applications for three positions.

Council President Morten explained that this discussion was had before. They could limit that position to serve only one term, giving other people in the community the opportunity to serve. They could also re-advertise to seek more interest. Lynne is a good choice and will serve the Library Board well.

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

Motion: Motion made by Councilor Topaz and seconded by Councilor Chilton to appoint Aaron Martin to the Library Board. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

CONSENT AGENDA FOR ACCEPTANCE

10. Library Board Minutes dated April 11 and June 13, 2022
11. Planning Commission Minutes dated May 10, 2022
12. Budget Committee Minutes dated April 13 and 27, 2021 and May 12, 2022

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

CONSENT AGENDA FOR APPROVAL

13. Council Work Session and Regular Session Minutes dated June 1, 2022
14. OLCC Licenses
15. Accounts Payable Bill Lists

Motion: Motion made by Councilor Topaz and seconded by Councilor Birkle to approve '13' through '15' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

WORK SESSION ACTION ITEMS

Docks

Mayor Scholl agreed with the request to allow boaters to stay longer.

Council President Morten is in favor of extending the stay to five days.

Councilor Topaz is also in favor of extending the stay to five days. He would also like to discuss boaters who are only here for a short time.

Councilor Chilton is concerned about making changes when they haven't even gone through the whole enforcement process. How close are they to filling the harbor master position? Walsh said the harbor master will enforce whatever the Council says. This is to determine the number of days allowed to stay. The State has a maximum stay of 14 days in 30.

Councilor Birkle agreed with extending the days. However, he would be more comfortable making the decision at another meeting. There are no upcoming events that would urge a decision. Mayor Scholl pointed out that the Sandcastle Competition is coming up.

Mayor Scholl is in favor of extending the stay to five days in a two-week period.

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to amend the dock stay limitation from three days to five days. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz; Abstaining: Councilor Chilton

Leak Adjustment

City Recorder Payne asked if the adjustment is the entire overage or half overage. Mayor Scholl said they agreed on waiving the overage and directed Walsh to determine that amount.

LOC Priorities

Motion: Motion made by Councilor Birkle and seconded by Councilor Topaz to accept the staff recommendations for the LOC priorities. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

Psilocybin

Motion: Motion made by Councilor Birkle and seconded by Council President Morten to refer a two-year moratorium for implementation of the Psilocybin Measure 109 to the voters of St. Helens and direct legal counsel to write the resolution. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

COUNCIL MEMBER REPORTS

Council President Morten reported...

- He will bring an initiative from the Parks & Recreation Commission to the next meeting.

Councilor Topaz reported...

- In lieu of things they can't talk about it, he would like a forensic audit done of the City's finances, contracts, etc.

Councilor Chilton reported...

- The sewer and infrastructure problems outlined in the Master Plan have not been forgotten. They have solutions underway to start fixing them, one of which is an increase to utility bills. It's not being ignored. She encouraged people to call Public Works if they want more information
- She will be having a baby at the end of the month and be going on maternity leave. She will miss the next coupe meetings but will stay active and check emails.

Councilor Birkle reported...

- Expressed appreciation to Council and staff, and all those who reached out with condolences for the passing of this father. When he took the oath of office and at every meeting, he wanted his dad to be proud. He was a wonderful model for integrity and pride. Whether people agree with what he decides, he does that with the intent of following his father's footsteps. The last month and a half have been difficult. He is glad to be back here.

MAYOR SCHOLL REPORTS

- 4th of July was great. It was a perfect night and perfect venue. There was a lot happening behind the scenes. He loves 4th of July.
- The Columbia County Fair is happening now.
- Asked how deliberations went. Councilor Birkle said they upheld the Planning Commission's recommendation. They approved the overlay but maintained the 7,000 sq. ft. lot size and seven-foot side setbacks. Mayor Scholl apologized to the lady for crossing her property.
- He was happy to see how deliberations went for Planning Commission. He was attending the meeting in support of his neighbor's variance. He is not receiving any kind of compensation from the developer.
- He is looking forward to the Sandcastle competition. The number of sandcastles has tripled this year. He hopes people respect them like they did last year.
- The Oregon Mayor's Association (OMA) Conference is coming up.

OTHER BUSINESS

City Planner Graichen pointed out the new aerial photo that will be mounted on the wall.

ADJOURN – 8:50 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Rick Scholl
Rick Scholl, Mayor