



# COUNCIL WORK SESSION

Wednesday, May 05, 2021

## 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  
Matt Brown, Assistant City Administrator  
Kathy Payne, City Recorder  
Lisa Scholl, Deputy City Recorder  
Mouhamad Zaher, Public Works Director  
Rachael Barry, Government Affairs &  
Project Support Specialist

Crystal King, Communications Officer  
Cameron Burkhart, Communications Assistant  
Jacob Graichen, City Planner  
Mike De Roia, Building Official  
Marimar Moreno, Code Enforcement Officer  
Matthew Kahl, City Attorney  
Bill Monahan, City Attorney

### OTHERS

Anne Scholz	Anne Collson	Art Leskowich
Jeremy	Aurora Biggers	Brady Preheim
Scott	Abby Olson	Natasha Parvey

### CALL WORK SESSION TO ORDER – 1 p.m.

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

- ◆ Art Leskowich. He would like to see the City encourage public participation in reviewing environmental projects. He suggests forming a commission, like the other boards and commissions that exist. There is very little transparency with environmental issues.

Mayor Scholl acknowledged they can add it to a future agenda for discussion.

- ◆ Brady Preheim. He commented on the letter read by Assistant City Administrator Brown. He hopes the City will make a decision today. Brown is a valuable asset to the City, along with other employees. However, he is not in agreement with Brown about the police station. The recommendation includes three sizes. He disagrees with the City selecting the largest building. He may support a 1,300 sq. ft. building. The City could have purchased the Olde School and renovated it. \$25 million is too big of a price tag. There was a mob of people who were going to lynch the City over a sugar tax. The same could happen if the City adds a \$10 fee to the utility bill to pay for it. He may even open a pitchfork and torch store in downtown St. Helens. The City also needs to address the inequities of the fee. A 100-unit apartment would pay the same fee as a residence. That is unfair. He does not think the City should spend \$10-25 million without hearing from the people. Outreach has not been good. People are going to be angry. The Council will face political consequences. He suggests the City start charging the fee to see what happens.

Councilor Birkle expressed his disturbance of Brady's reference to violent mobs, lynching parties, and pitchforks. Preheim stated that he meant that as a joke.

Mayor Scholl agreed there are three different plans. The fee will be by unit/household. They will be looking at every aspect to keep it as low as possible.

- ◆ Abby Olson, Executive Director of Riverside Community Outreach and Every Child Northwest. They serve foster care families. They began in Columbia County in 2017 and expanded services to Clatsop and Tillamook Counties last year. May is Foster Care Awareness Month. They are creating awareness and celebrating foster families. There are over 400,00 children in foster care across the United States, over 7,500 in Oregon, and 190 in Columbia County. She was a foster parent for 12 years. They adopted five kids and is a mom of 10. There is an Amazon Wish List to purchase a pair of summer shoes for every youth and teen. They are also holding a drive-thru Foster Appreciation Event. Baskets full of goodies will be given to families. She is requesting Council sponsor something at the event.

Councilor Chilton suggested getting Parks & Recreations Manager Shanna Duggan involved as part of the Recreation Center.

Discussion of a donation. It was the consensus of the Council to be able to vote during the work session when it involves spending Council funds.

**Motion:** Council President Morten moved, and Councilor Chilton seconded to donate \$1,000 to Riverside Community Outreach for their event.

Discussion.

Councilor Chilton suggested creating a process for these requests in the future. Councilor Birkle agreed.

**Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton  
Abby agreed that having an application and process is helpful for nonprofits.

Mayor Scholl asked City Administrator Walsh to provide an application on the website.

City Recorder Payne talked about the shared revenue program they did the past. All nonprofits had the same opportunity to apply for funds. Discussion ensued about resuming that process.

## DISCUSSION TOPICS

### 1. Communications Semi-Annual Report - *Crystal & Cameron*

1:28 p.m.

Communications Officer Crystal King and Term-Limited Communications Assistant Cameron Burkhart reviewed the Communications Report. A copy is included in the archive packet for this meeting. Having Burkhart to help with social media and the newsletter, allows King to focus on larger communication projects.

Council expressed their appreciation of their work.

### 2. Request from Eisenschmidt Pool - *Ann Scholz, General Manager*

2:07 p.m.

Eisenschmidt Pool General Manager Anne Scholz presented their request. A copy is included in the archive packet for this meeting. She is requesting leniency on their utility bill. They are currently paying 75% of the bill. All they want to do is get kids back in as soon as possible and keep the pool open.

Councilor Birkle asked for background about the 75% payment plan arrangement. Assistant City Administrator Brown explained that the City did not charge the pool for water and sewer for many years.

When they reviewed the master plans and the consultant's suggested rate increases, it was suggested to start charging customers who were not being charged. It was suggested to do it in a phased-in approach at 25%, 50%, 75%, and then 100%. They are currently paying 75%.

Councilor Topaz pointed out that the numbers have changed since the original proposal. Mayor Scholl responded that they are probably breaking even at 50%. Brown added that the consultant reviewed the SDC rates, and water, storm, and sewer rates. He suggested slow, moderate rate increases, and work on updating the master plans. They are working on the master plan updates with the new Public Works Director now.

Council President Morten pointed out the sense of urgency with this request. He suggested adjusting the rate to 50% and hold it until they get afloat. Councilor Chilton supports Council President Morten's suggestion. She wants to see long-term plans and assistance to the pool. She emphasized pursuing grant opportunities. Councilor Birkle agreed with freezing or reducing to 50%. He would like a plan to determine how future increases would occur. Councilor Topaz does not think anyone considered a pandemic. That has to be factored in the plan. At some point, they are going to have to tear the pool out and start over because it is getting old. The community is growing, and the pool will soon be too small for the population. He agreed with the 50% and suggested they investigate grant funding. Councilor Birkle pointed out that pool is a different organization.

Anne has been managing the pool for nearly 20 years. It is 80 years old and is in perfect shape. She fixes everything as soon as there is a problem. They do not need to demolish it. They are never overcrowded. They are very proud of it; it is not dying. They have applied for every grant available. They have been turned down for many because they are their own district and are not nonprofit. She appreciates the Council's consideration.

Mayor Scholl clarified the reduction to 50% until June 30, 2022, and then increase it back to 75%. Council President Morten would like that date based on COVID conditions. Mayor Scholl said Anne can bring it back to the Council at that time for reconsideration.

### **3. Update on the Nuisance Abatement at 375 S. 13th Street - *Marimar***

2:31 p.m.

Code Enforcement Officer Marimar Moreno reviewed her report. A copy is included in the archive packet for this meeting. Mark Comfort has been working on the cleanup for over a year and it still has not been abated. She asked the Council how to proceed. Mark was trying to let the owner do the cleanup, but it is not being done. The neighbors are getting frustrated.

Council President Morten confirmed that this is the same owner as years back.

Mayor Scholl spoke with the owner recently. One issue is that he has a lot of pop cans there that he is unable to redeem. This property has been an ongoing struggle. Moreno said that she was there recently and confirmed it is not just pop cans piling up.

Councilor Chilton talked about Community Action Team (CAT) sometimes being able to assist. Have they been contacted? Moreno responded that she is not aware of that. The owner is aggressive and does not allow just anyone on his property. She would like to see progress for the neighbors.

Council President Morten does not think the owner realizes the City's liability with the neighbors. They need to get back to the people complaining.

Mayor Scholl will meet with Mark on site and talk to the owner. Council President Morten will join them as well.

Payne added there is a resolution on tonight's agenda to initiate a notice of abatement for another piece of property.

**4. Discussion regarding Utility Billing Shut-Offs and Administrative Rules - *Matt***

2:39 p.m.

Before beginning this topic, Brown clarified the master plan updates have been in progress prior to the new Public Works Director beginning. The previous interim director has been actively working on it.

Brown has been in discussions with other cities about the moratorium on utility shutoffs. Many of them have returned to business as usual. There are still a few that are not conducting shut offs. As of today, there are 185 accounts in shut-off status; 56 of those are over four months past due, 17 accounts are over \$1,000, and six accounts are over \$2,000. This is directly related to not doing shutoffs. He would like to discuss a date of to begin shutoffs again. He suggests at least six months out, which would allow staff to arrange payment plans with each customer. That being said, the Administrative Rules do not have guidelines for payment plans.

Discussion ensued. Late fees have not been added and shutoffs have not occurred since Council declared a State of Emergency. There are programs available to provide assistance.

Council President Morten agreed with looking at resuming shutoffs in January. It would give people an opportunity to start catching up. However, they will need to gage COVID again at that time.

Council directed Brown to bring back proposed amendments to Administrative Rules and a date.

Walsh clarified that every customer needs to have a payment plan. There will be customers who do not do anything until their water is shutoff.

**5. Review RFQ for St. Helens Industrial Business Park - *John/Matt/Mouhamad***

2:54 p.m.

Walsh, Brown, and Zaher reviewed the RFQ. A copy is included the archive packet for this meeting. There is a lot of revenue opportunities for shovel-ready projects, and Phase I is fairly shovel-ready. They are seeking consent from the Council. Brown clarified that this is for Phase I only. They could potentially use the same contractor for Phases II and III. Putting infrastructure in makes it more marketable.

Councilor Topaz said the parcelization is a fairy tale. He sent three pictures to everyone. Some of that stuff is impossible. The fact that they are not bringing it up on the RFP, will put them in a bad spot. That whole waterfront is polluted. A couple of the cores show a problem. You cannot build anything on that parcelization.

Mayor Scholl corrected Councilor Topaz that they are only speaking of Phase I at this time. It is not a fairytale. It is a well-drawn parcelization, which goes down Kaster Road and ends at the mill. Topaz is twisting and plotting, and making these gentlemen look bad in public, and trying to make yourself look good. This will be discussed soon.

Mayor Scholl called Councilor Topaz out of order and requested Brown mute him. Mayor Scholl agreed to unmute him but reminded him to stay focused on Phase I of the development.

Councilor Topaz asked what industry they are looking for and what is the timeline. When he asked Maul Foster about the cooling pond and what they will do with the sewage plan, he was told that it has to go. Mayor Scholl repeated that this has nothing to do with Maul Foster and the sewer plant. This is about Kaster Road. Topaz continues to cut down staff members. Scholl is not going to continue to sit back and let it happen.

Councilor Birkle pointed out the parcelization plan was approved at a previous meeting. He asked how Councilor Topaz voted. Councilor Topaz talked about how the design process is wrong. He voted against it.

Councilor Chilton is concerned about the softball fields and making sure they are replaced. Council President Morten advocated to replace the ballfields in another area if those are removed.

The RFQ is on tonight's agenda for approval.

Payne clarified that Deputy City Recorder Lisa Scholl found the minutes when the resolution for parcelization was approved. All Council members voted in favor.

**BREAK - 3:11 p.m.**

**6. Discuss Discipline of Public Officer**

3:22 p.m.

Mayor Scholl read a public statement into the record:

The City Council recently was presented with a comprehensive report on the results of an extensive investigation into the alleged conduct of Councilor Stephen Topaz since he became a member of City Council in 2019. The investigation was initiated in September 2020, after several members of the public, staff, and vendors raised serious complaints about his behavior.

At a special open meeting on April 20, 2021, Councilor Topaz had an opportunity to respond to the report findings. During the investigation, he was contacted eight separate times to be interviewed about the allegations but chose not to participate. That was disappointing as his lack of involvement caused needless delay. Then, when given at least three additional opportunities to provide Council with an explanation for his actions, rather than address the specific issues raised, his responses were less than direct and sounded self-serving.

The executive summary findings of the investigation report have been made public. They show that Councilor Topaz engaged in activities which are not appropriate for a member of council. The City Council accepts the report and commits to addressing each concern.

The details of the report can be summarized in an excerpt from the executive summary of the report that says:

*"There is significant, credible evidence that Topaz has bullied staff, attempted to engage in adverse behavior against a staff member based on her gender and his own personal prejudices and made derogatory statements about staff publicly and privately based on his gender bias and personal prejudices.*

*There is also significant and concerning evidence that Topaz has made untrue or unfounded statements or omitted significant information in his statements about the City, its projects, and its employees both publicly and interpersonally which could have had the effect of creating a false impression in the minds of others about City staff and projects.*

*Topaz has made offensive public statements about citizens' race and disabilities.*

*Topaz has attempted to bring the City's focus and resources to his own personal property."*

These are all serious concerns. In addition, the investigator noted that multiple witnesses reported that Topaz *"told them he had no intention of working productively with anyone at the City."*

The City Council is greatly concerned that Councilor Topaz' actions have created a negative workplace environment for some staff members resulting in loss of productivity. It was reported that some members of staff fear that they will be the next person Topaz attacks publicly. Councilor Topaz's unwillingness or inability to explain or specifically address the allegations and investigation findings also causes the City Council great concern. The City Council values all its employees and strives to maintain a workplace where employees are enabled to do their best work on projects that further the interests of the entire community.

The City Council is now considering available actions to discipline Councilor Topaz in light of his conduct and apparent refusal to take any accountability for the investigation findings. The options are limited. The Council lacks authority to do more than to publicly reprimand him for his actions, make the public aware of the issues, and consider changes to policies and procedures to put protections in place to prevent further issues of this nature and to sanction future bad behavior. The Council is committed to establish and apply the same moral and ethical standards of behavior we expect from our employees to all Council members, as you the members of the public are entitled to demand.

End of statement.

Mayor Scholl pointed out the clear example of what is happening in the prior topic. They were just speaking about Phase I and Councilor Topaz wanted to make the City look bad and complain about Maul Foster and the lagoon. He had not right. There have been a number of incidences just like this that they have let slide. These are serious allegations. They are going to talk about how to move forward.

Mayor Scholl apologized to staff. They are being heard and Council is moving forward. They are working on putting protections in place for the future.

Council President Morten talked about the very serious concerns that were founded. This will cause humility to the Council and Councilor Topaz. It is going to be a dark shadow and very costly, and already has been. He reviewed the Council's Charter carefully. There is a way to resolve this quickly and right now. He encouraged Councilor Topaz to resign on his own accord. Do any other Councilors share his concern?

Mayor Scholl agreed. He also asked Councilor Topaz to resign. They are trying to move the City forward and Topaz is trying to interject half-truths to make himself look good. He is serving the same citizens. He has a biased against employees that has been very noticeable. He is fighting everything the City does. It is frustrating to get work done with him. It is deeply affecting staff. People who are watching think Topaz is wise and knows what he is talking about, but none of the statements made by him during the previous topic were true. He is not going to stand for it anymore.

As a newly elected member, Councilor Birkle was familiar with some of the issues at Council meetings and in the press. He did not agree with much of what Topaz said. It did not reflect what was heard at meetings or read in documentation. He thought it may be a clash of personalities and Topaz was rocking the boat. It is important to ask things in a way that does not blame or shame. When he was made privy to the report, he became very concerned and alarmed at the treatment of City staff and the impact of the reputation of City staff. They have to take strong steps. He is not sure he is at the point of asking Topaz to resign, but he is asking him to follow his conscience and heart and do the right thing. Topaz was voted in by the residents. Even before they make a statement of censure, they have to ensure employees have a safe workplace. Topaz has a right to perform his duties, but the safety and dignity of employees must be assured. These are issues that have gone back a couple years and need to be addressed now.

Councilor Chilton has not had the opportunity to work with Councilor Topaz very long, so does not feel like she can ask for his resignation. As an addiction therapist, she works with people to give them a second chance. She hopes to see that change in Councilor Topaz with a second chance. She agreed with corrective measures. She supports City staff and does not agree with many of the things that have happened.

Mayor Scholl asked about moving forward with a resolution or workshop. City Attorney Bill Monahan said Council could share their thoughts to have staff draft a resolution for their review. They could also talk about other steps, such as modifications to Council policies. A group activity may be the best way to move forward.

Mayor Scholl talked about the investigation being very thorough. The findings were very factual. This is not about whistle blowing. This is not about political posturing. This is really happening. He tries to align himself with the truth. This has been very slow and methodical.

Councilor Topaz was given the opportunity to respond and stated that his attorney will provide his response. Mayor Scholl said his attorney had multiple times to respond. This is severe. He would like to set a date to work with attorneys to draft a resolution and policies.

Councilor Birkle wants to assure staff...are there things that can be done prior to the censure? Council President Morten is averse to that because they need to consult with legal counsel. He is suggesting Councilor Topaz consider resigning. This is going to be a lengthy process.

Mayor Scholl asked the attorneys if they could hash out the discipline, protection, language, etc., in a two-hour meeting. Monahan said it is possible. They have submitted a memo with options. Council could give recommendations based on those options.

Council President Morten asked if the one meeting could be an executive session within a week. Monahan said there is no opportunity to use an executive session. It has to be done in an open meeting unless Councilor Topaz agreed otherwise. Councilor Chilton will be on vacation and will not be able to attend next week. She has seen the options from the attorney and is fine with them proceeding.

Discussion of when to hold the meeting. It was the consensus of the Council to hold the meeting on Monday, May 10, 2021 at 5:00 p.m. in the Council Chambers.

## **7. Strategic Action Plan Updates**

4:02 p.m.

Brown reviewed the updates.

- There are two Memorandums of Understanding (MOUs) on tonight's agenda to change the effective dates of the salary schedule. The new financial software does not allow them to do midmonth changes in the middle of payroll. This aligns the salary schedule with the pay schedule.
  - St. Helens Police Association
  - AFSCME Union Association
- Tonight is the first reading of the Ordinance for the Public Safety Fund fee. The Ordinance does not add a fee. It adds a mechanism for the Public Safety Fund and fee. The Ad-hoc Committee met last week and reviewed two options for financing the plan through a Bond and other dedicated revenues. They will be reviewing that at the next meeting.

## **8. City Administrator Report**

4:04 p.m.

- Urban Renewal Agency meeting tonight at 6:30 p.m.
- Smith Timber Sale is out for bid right now. Bids are due May 26.
- Riverwalk projects are moving nicely.
- Phase I at the mill is about being shovel-ready.
- Working with Main Street and Board recruitments.
- Columbia County is going back to the high-risk category. Business will be receiving money from the governor.
- Met with Councilor Chilton last week to discuss tourism. He welcomes other Councilors to do the same thing. They talked about sports being an avenue for tourism.

**ADJOURN – 4:08 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