



## **COUNCIL REGULAR SESSION**

Wednesday, August 18, 2021

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### **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, Deputy City Administrator  
Kathy Payne, City Recorder  
Tina Curry, Event Coordinator

#### **OTHERS**

Jane Garcia  
Brady Preheim  
Stephanie Patterson  
Steve Toschi

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

#### **PLEDGE OF ALLEGIANCE**

**CITY COUNCIL MANTRA** – Read by Councilor Birkle

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

- ◆ Brady Preheim. The mantra is a joke because the Council violates it every week. Although, it's good to have aspirations. This Council is not normal. There are so many things they are doing wrong. It's not normal to have an hour of public comment each week with people mad at the Council. It is not acceptable for a councilor to walk out of a meeting. It is not normal for a mayor to threaten to remove a councilor. It is not normal for the mayor to attack a councilor for asking about a \$27,000 overage in a department that he supervises and knows nothing about. Hopefully, they will find out what happened to that money during tonight's report. It is not normal to have two councilors openly lie in a public meeting, on the record, and have no consequences. It is not normal for people to complain about tourism and not mention the good things that have happened, like the Sandcastle contest. He only saw the mayor there. Mayor Scholl added that Council President Morten was there as well. Brady was Chair at the Chamber when they had the tourism contract for the City. He was responsible for hiring, directing, and setting the goals for the Tourism Director and how the contract with the City was spent. He failed miserably, just like people before him. He had plans to change it but was outvoted and the contract was returned to the City. After a few sinking boats and a couple of mishaps, they finally got E2C. Since then, tourism has brought thousands of people here and continues to grow. Councilor Chilton said at the April meeting that Halloweentown will be gone in two years. It has grown every year, except

during COVID. It will continue to grow every year. What do those comments mean for potential development of the riverfront and hotel builders? Expect our town to die in two years? There is nothing in the community that brings people here like Halloweentown. They have always had softball, but it doesn't bring people here like Halloweentown. Those people have not saved the St. Helens businesses. He suggested she do some research before making a statement that will have a vast negative impact on downtown businesses. He is concerned about citizens who have Chilton as a caseworker since she is willing to lie. Councilor Topaz has also lied on public record. There should be consequences. Council should take action for the statement made that she has a list and then doesn't have a list. Topaz should have a business license. Brady will not purchase one next year if a councilor claims he has a business but doesn't have a license. They need to police themselves, not lie, and get a business license.

Mayor Scholl agreed that the Council can do better. They are committed to turning it around.

## RESOLUTIONS

1. **Resolution No. 1932:** A Resolution Determining that a Nuisance Exists Upon Property Located at 565 S. 9<sup>th</sup> Street within the City of St. Helens and Directing that Notice to Abate the Nuisance be Posted on Said Premises

Mayor Scholl read Resolution No. 1932 by title. **Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to adopt Resolution No. 1932. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

## APPROVE AND/OR AUTHORIZE FOR SIGNATURE

2. Amendment No. 2 to IGA with Columbia City for Water Filtration Discharge
3. Second Amendment to License/Permit to Enter Premises with Port of Portland for Tide Gauge Station at City Docks
4. Contract Payments

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to approve '2' through '4' above.

Discussion.

Councilor Topaz pointed out the properties on the map that look like the County's. Is it referring to the City docks or maritime docks? Mayor Scholl confirmed that the docks are owned by the City. Councilor Topaz asked about the line drawn through County buildings and parking lot. Does the City have the right to speak for County property? The map needs to be corrected.

Council President Morten suggested the City Planner review the map if there is a problem.

Councilor Topaz said the location of the tide gauge on the map is the lighthouse.

Discussion ensued about the map. Council President Morten chose to keep his motion and the City Planner can come to the next meeting if the map needs to be fixed.

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

## CONSENT AGENDA FOR ACCEPTANCE

5. Parks & Trails Commission Minutes dated July 12, 2021
6. Library Board Minutes dated July 12, 2021
7. Planning Commission Minutes dated July 13, 2021

**Motion:** Motion made by Councilor Topaz and seconded by Councilor Chilton to approve '5' through '7' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **CONSENT AGENDA FOR APPROVAL**

8. Animal Facility Licenses
9. Accounts Payable Bill Lists

**Motion:** Motion made by Councilor Chilton and seconded by Council President Morten to approve '8' and '9' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

### **WORK SESSION ACTION ITEMS**

#### **Chamber Request for Funds Discussion**

Mayor Scholl reported that the City made a significant donation to the Chamber about three years ago for building upgrades. He has not seen other cities or the County stepping up. Councilor Topaz added that a lot of volunteers and staff also helped with the work.

Mayor Scholl reminded them that the Chamber is requesting the City pay for a full-time Visitor Center Office Coordinator and property taxes. Discussion ensued about the City supporting other programs this year. The County needs to provide financial support as well as the Chamber pursuing a grant writer.

Discussion of the visitor center sign being removed if the City does not fund the position. Council President Morten suggested local service groups possibly being able to volunteer, such as Kiwanis, Lions, and Rotary. The Chamber needs volunteers to help.

Mayor Scholl talked about the Chamber Centennial Celebration on Saturday, September 18, 1 – 7 p.m. The theme is Roaring 20's.

Mayor Scholl requested staff write a letter that Council regrets being unable to help but they hope they utilize the funds donated three years ago and ask the County and City of Scappoose for financial assistance.

#### **Contract Payment for Emery & Sons**

Deputy City Administrator Brown reported that there was a contract payment request at that previous meeting, which was not approved, for Emery & Sons Construction Group for \$27,774.45.

Council President Morten spoke with Public Works Director Zaher about it. This was done during an overlap of him beginning at the City. There was confusion about what was done and what was paid. Morten spoke with City Engineer Nelson, who explained that there is a 5% overage fee for all contracts in case it does go over. This was not an overage, but just a payment due. He is okay with it after speaking with Zaher and Nelson. City Administrator Walsh explained that the City retains that 5% until the work is complete and this is a release of that retainage.

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to pay the contract, which has been studied and found acceptable.

Discussion. The name of the contractor was not mentioned.

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

**Motion:** Motion made by Council President Morten and seconded by Councilor Topaz to pay Emery & Sons Construction Group as described by staff. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz, Councilor Chilton

**Public Safety Facility Fund**

Mayor Scholl reported that Council discussed this at length during the work session. The most fiscally responsible fee would be \$3 per month. When it was originally campaigned, they proposed the fee to be between \$6-11. They found all the funding sources possible to reduce the fee.

Councilor Topaz wants it to be clear that they can increase the amount if needed.

Council was in consensus to set the fee at \$3 and direct staff to bring back a resolution.

**MAYOR SCHOLL REPORTS**

- Camped at Sand Island Wednesday night through Saturday night. The Sandcastles were unbelievable. He encouraged everyone to ride the ferry over to the Island. He met people from Arizona who were visiting Washington and Oregon and heard about it, so came to see it.
- Citizens Day in the Park was a blast. It had a good flow, good atmosphere, and good music. The Decades will come back and perform again next year for free. Thanked Moda and all the vendors for being there. He really enjoyed it.

**COUNCIL MEMBER REPORTS**

Council President Morten reported...

- There has been a lot of public testimony about tourism and an RFP. No one who provided testimony was in favor of making changes. As President of the Council, he has to respond to it. He has also been asked about it on the street numerous times. He responds by saying it was a Council decision. He did not support it for so many reasons. He sees the potential of what tourism can do for the city. He hasn't seen that many glitches in tourism events. If they were had, they were rectified the following year. The tourism director follows through, is very committed, and upfront. He hears the word "recall" being used and it brings shivers up his back. He was a victim of a recall process during his first term, due to being outspoken during a Charter review process. It didn't go anywhere but it didn't feel good. It really shook things up. Going out for a tourism RFP is challenging the staff. They already have a lot of work to do. The Council has to have some time to be involved and figure out what they want. He respects the process. He would like to rescind the motion and have a discussion or amend the motion with an extension for a timely period, such as a year. It was too much of a bomb to digest at that time.

**Motion:** Motion made by Councilor Birkle to rescind the direction given in July to City staff to develop an RFP for tourism.

Motion died due to lack of second.

Council President Morten clarified that he is requesting Council's feedback.

Councilor Birkle recently met with Tina Curry and reviewed the April tourism meeting minutes. Council did give direction to review the contract. They had asked Walsh to return in May with something, but that didn't happen. There were a lot of other things going on that needed their attention. It was never his intent to end her contract and start fresh. He wanted a dialogue, but it never happened. He is perfectly content to go back to where they were in April to revise the contract based on changes with how things are being done now or need to be done.

Councilor Topaz said he mentioned Curry's contract in 2019 and was told it was automatically renewed but they could review it in July. That never happened. He requested an RFP be done in December and there was no backing. He has been contacted by a number of people in the community who would like to see other people be approached or have a chance at the position. To say they are too busy and couldn't do it, is not businesslike. They cannot keep making excuses. Could there be someone better than Curry? Yes. Could Curry be better than anyone else? Yes. They need to have the test. They are not

following what the Council had agreed to do. They also need a better description of the job, which requires an RFP. Councilor Birkle responded that the contract can be revised without doing an RFP.

Council President Morten requested Walsh talk about alternatives and directions they can go. Walsh explained that the Council wants to see deliverables, an audit, reports, events, and aligning the events budget with the fiscal year. Those are all possible and is what staff is working on. They are keeping the separation as a contractor and not an employee of the City. The risk in opening up an RFP or RFQ is that last time it cost them more money.

Councilor Topaz pointed out that an RFP lists the criteria that must be met.

Councilor Chilton asked why they would add job qualifications and duties to someone who is already in the position and expect them to do it. They should revamp the job, put the job back out there, and tell the person that is what is expected.

Mayor Scholl explained the history of the process. When he came on board, he found out they had been through five different people in 10 years. Some events have been successful and some not. It's helpful to ask people in the community about events that struggled or did not succeed in the past. One of the proposals, who doesn't live in the area, said they were going to run all of the events with volunteers. That does not work.

Councilor Chilton is not changing her thoughts. She will not be pushed around and strong-armed.

Council President Morten asked Walsh to bring back staff recommendations for how to proceed with the contract. Walsh responded that a staff workgroup is working to align the contractor's needs with the Council's needs. It's important to understand what events will take place and how they will support the contractor.

Discussion of the Luminight Festival. Money was spent on it, but they weren't able to hold the event due to Covid.

**Motion:** Motion made by Council President Morten to rescind the existing motion about getting an RFP on tourism and allow the City Administrator to come back with scenarios they can work through, so they all have a better understanding of what tourism is and how to best understand it as a Council.

Discussion.

**Motion restated:** Motion made by Council President Morten and seconded by Councilor Birkle to rescind the motion made in July to go out for a tourism RFP.

Discussion.

Councilor Birkle stated that he is making his decision based on the original direction Council decided on at the April meeting to revise the contract.

Mayor Scholl explained that there are many moving parts to tourism. E2C does a wonderful job. There is a small minority of people who are easily offended and have a bone to pick because they are offended. He does not answer to any group or individual. They heard positive comments from businesses. There are a certain few that are constantly negative. This is a city of 14,000 people who they have to deliver services to. Some people are just selfish and self-centered enough to get what they want. They have all seen those people out there and they are heard. Councilor Topaz said that it cuts both ways. Mayor Scholl agreed. He is not here to manipulate anyone. He thinks for himself and steps back to look at things as a whole. He asks for information when he is unsure. He is driven by the citizens.

**Vote:** Yea: Council President Morten, Councilor Birkle, Mayor Scholl; Nay: Councilor Topaz, Councilor Chilton; motion passes.

Councilor Chilton said she votes no because she does not respond to bullying and antagonizing to get your way. It is cowardly and she will not back down.

Mayor Scholl agreed that there were comments made about Councilor Chilton that he should have corrected during the meeting. He publicly made amends for that happening. Councilor Chilton appreciated that but said they cannot condone it any further. It happens at every meeting.

Mayor Scholl is committed to holding a respectful meeting, including Council and visitor comments.

Councilor Topaz reported...

- He was asked by a citizen if a company conducted a survey of the Boise White Paper property to make a recommendation to Council before it was purchased. If so, is that a public document?

City Recorder Payne said she will check.

Walsh requested more specific information about what he was seeking. Councilor Topaz responded that it would have details about the property with a recommendation of whether or not to purchase it. Walsh said there is an extensive environmental survey. Boise White Paper came with a 50-year indemnification that the parent company would back any cleanup efforts for industrial, park, etc. It is part of the purchase and sale document. Councilor Topaz will pass that on to the person asking him.

- Last week, he tried to bring up the fact that they had a resolution that Council gave Walsh the ability to buy or sell the marijuana plant. Looking at the Charter, it says the Council can't do that. They cannot vote to get rid of their duty. Walsh can negotiate but not sign. He passed out thumb drives to each Council member and said he would get one to Payne. It includes the suit that Boise has brought against the City. A number of the comments made by the judge are about procedure. The judge says the City has to do the procedure, and City Council is the City. If it was done by the staff it doesn't count. If staff did it wrong, it's still their problem.
- The Food Bank is on schedule for being constructed. He was told by people working there that the poorest area they see in Columbia County is St. Helens. They need jobs and training for jobs.

Mayor Scholl confirmed that the City is managing the Block Grant for the new Food Bank building.

Councilor Chilton reported...

- She is pleased to see the police station moving forward.
- She continues to work with the Police Chief to problem-solve for the docks and Sand Island.
- They represent 14,000 people in this community, not just the people sitting in this room or at Running Dogs. Go to Pacific Stainless and the other parts of the community where there are still working blue-collar families. They may not have time to come into meetings.

Council President Morten talks to people in the community and at events. Councilor Chilton said you will hear different things when you talk to different areas of the community. They should not answer to the bullying and attacking that comes into City Hall.

Councilor Birkle reported...

- He hopes to have the calm discussion about tourism that was intended in April. He is concerned by the attacks that were made during public comment. He has reached out to Curry following criticism. He also contacted people in the room to talk with them but has not heard back. He publicly apologized to an individual who spoke at a previous meeting. He met with her at Citizens Day in the Park, apologized, and had a great conversation. He appreciates Council President Morten contacting him. People may not agree with him, but he is not an unreasonable person. He is distressed that Councilor Chilton has been subjected to unacceptable comments and judgements about her character.
- He has also been subjected to a recall before. He is doing his job and will continue to serve in the position in which he was elected.

- He had a great time at Citizens Day in the Park.
- He attended the Grocery Outlet grand opening on Thursday. It was exciting to see that.
- Planning Commission met last week. There is potential development at Columbia Commons. He will be talking to them about topics to discuss during the joint meeting.
- Was glad to see the Sand Island sandcastle building went well. It's unfortunate that just because someone doesn't show up, it was seen as lack of interest or non-support. His daughter is moving to New York City this month and he was spending time with her. He makes no apologies for spending time with family.

Mayor Scholl talked about the sand there being unique. It has potential to really grow. Again, they are all here for the right reasons.

**OTHER BUSINESS****ADJOURN – 8:36 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne

Kathy Payne, City Recorder

/s/ Rick Scholl

Rick Scholl, Mayor