



COUNCIL WORK SESSION

Wednesday, March 20, 2024

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Mark Gundersen
Councilor Russell Hubbard (via Zoom)
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator	Suzanne Bishop, Library Director
Kathy Payne, City Recorder	Brian Greenway, Police Chief
Lisa Scholl, Deputy City Recorder	Matt Smith, Police Sergeant
Jacob Graichen, City Planner	Bill Monahan, Contracted City Attorney
Jenny Dimsho, Associate Planner	Tina Curry, Contracted Event Coordinator

OTHERS

Steve Topaz	Melissa Watson	Molly Matchak
Jane Garcia	Jenni Gilbert	Ron Trommlitz
Toni Doggett	Jen Massey	Robyn Toschi
MM	Richard Mason	Mercedes Massey
Brady Preheim	Jenn	

CALL WORK SESSION TO ORDER – 2:00 p.m.

VISITOR COMMENTS - *Limited to three (3) minutes per speaker*

- ◆ Toni Doggett. Heard the Council would be discussing the possibility of moving 13 Nights on the River, which was a terrible idea. Moving the event would hurt local businesses on top of impacts from construction. Surely, accommodations could be made to keep the event downtown.
- ◆ Jane Garcia. Saw that the location of 13 Nights would be discussed due to construction projects. The Plaza was the most logical area to locate 13 Nights. People did not like change, and they were used to being by the river. Keeping events at the original location kept the changes minimal. Supporting the community needed to be a priority. Local businesses were being affected by construction, and events brought income to downtown businesses. Moving 13 Nights would be detrimental to businesses and would result in lost revenue. Supporting businesses should be a priority as their success was critical to moving forward with future developments.

Mayor Scholl announced that no decision would be made tonight regarding the location of the 13 Nights event, and he encouraged those present to hear what was discussed in the meeting before making testimony.

- ◆ Molly Matchak. Came to talk about 13 Nights. She discussed her business which had been coming out of the winter slope in March 2022. During the 13 Nights event series between March and June on Thursday nights she made \$500 to \$700 per night, and from June through August she made

up to \$1,200 per night. On the Thursday before 4th of July, she made \$2,000. She was excited about the opportunity to reopen Molly's Market. She stated it would be a shame to move 13 Nights away from the downtown area.

- ◆ Ron Trommlitz. Stated the Council did not need client privilege. He wondered why City Administrator Walsh needed to claim client privilege to deny a request for a copy of the Walker report. He was confused about who was controlling the contents of the report which investigated responsibility for the 2-million-gallon reservoir rehabilitation failure. He believed the report was being hidden. He noted the Council did not respond to comments given during Council work sessions, and he felt the issues were not of consequence to the City. News in the City was focused on the Riverfront and economics, and the reservoir was being ignored after being empty for six years. The City had taken a tour through the reservoir with contractors in June 2023 to consider replacement options. Emery & Sons gave the City a proposal in July 2023 and they had been selected as the contractor for the project. The City was responsible for maintaining transparency and public notification. Mr. Trommlitz had paid for information, but his questions went unanswered. He was irritated with the City's client privilege. He urged the Council to seek answers to questions about the reservoir.

Mayor Scholl stated he had been misunderstood in the past, and he affirmed that the Council had responded according to directions from the City Attorney.

Mr. Trommlitz wanted answers and hoped to see more comments on the issue in the future.

- ◆ Steve Topaz. Stated that continuing the contract for Maul Foster's lagoon investigation would be stupid. The last investigation of the lagoon had been a farce, and the tests had not produced results. He hoped the Council read the information indicating not to touch that property. The City could ask for help from other agencies if they did not understand the problems concerning the lagoon. The new study on the lagoon had left out doing critical tests. The City should be worried about the possible insurance issues from turning the cooling pond into a waste dump. Someone had been looking into building an RV park by the stream behind the Recreation Center, and they found out it was an exclusion zone. The City should be worried about possibly poisoning fish on both sides of the river, which would bring Washington and the local tribes into the conversation. The City needed to talk with other agencies. The lagoon was leaking toxins upstream of the drinking water, and the report stated the levy would fail in case of an earthquake. Mr. Topaz had a lack of confidence in the Engineering Department to deal with technical problems, and he also recommended that the Council not continue involvement with Maul Foster without more input.
- ◆ Brady Preheim. Hoped the Council would consider increasing the Police levy and stop charging the item on water bills, which he claimed was illegal. He would support using a levy to get more Police Officers and to fix the existing Police Station. He hoped the City would withdraw from the Land Use Board of Appeals (LUBA) proceedings over the Police Station site, but if the City was going to build a new station, he recommended not building it at the Kaster Rd site. He hoped the City would have a conversation with the event coordinator about 13 Nights on the River rather than telling her what to do. By contract, she would get to decide where the event would be located. Telling the event coordinator what to do would make her an employee. Mr. Preheim recommended listening to her before making a decision.
- ◆ Robyn Toschi. Grew up in St. Helens. She remembered the vibrant Houlton District and supported the City's plans to revive the area. She was sad to see empty buildings on Main Street. She was disappointed with the choice to put the new Police Station in the industrial area. The public had not been invited into the process to choose the location, and the Planning Commission should

have been involved earlier. She stated that public safety was at risk, and she suggested building the Police Station next to the Fire Station. She did not want the money moved to the Waterfront. She hoped the project would recognize the City flood map and hydrology studies. She hoped to stop the blame and collaborate together to choose a site, which was a complicated process requiring more study and discussion. She hoped the Council would compromise over the LUBA situation, ensure public safety, and acknowledge their mistakes publicly. A 45-day pause in the LUBA appeal would allow time for discussion. The architect firm had overstepped their expertise in land use, which had caused the City to make bad decisions. Ms. Toschi favored building the Police Station at the site next to the Fire Station, and she suggested seeking legal counsel regarding the site. She thanked Councilors Chilton, Gundersen, and Sundeen for their statements regarding mistakes that were made and their commitment to move forward with good decisions.

DISCUSSION TOPICS

1. **St. Helens Senior Center Semi-Annual Report - *Executive Director Melissa Watson***

Melissa Watson reviewed her report on the St. Helens Senior Center. A copy was included in the archive packet for this meeting. Key topics in the report included:

- A welcome to visit the Senior Center.
- Classes and activities such as live bands, knitting, or karaoke.
- There were 313 active Senior Center members and 110 volunteers serving the Senior Center and the Top-Notch thrift store.
- The pet food drive assisted seniors who had pets and could not afford pet food.
- Outreach and community involvement including presentations to the Lion's Club and activity in the Area Agency on Aging (AAA) Committee.
- Items that could not be used by the Senior Center were donated to a community food pantry.
- A review of building uses such as the American Association for Retired Persons (AARP) doing taxes, Medicare meetings with community members, and various club meetings.
- Upcoming events include a spring craft bazaar, Top Notch jewelry sale, and a dinner and auction fundraiser.
- The great partnership with Public Works.
- The fire alarm system at the Senior Center was failing. Quotes to upgrade the system were being received.
- New solar lights in the parking lot and help with plowing snow.
- There were 182 senior community members between Scappoose and Rainier who were served with home delivered meals. About 50,000 meals were served in the last year.
- In-house meals at the Senior Center were increasing with up to 250 community members attending at times.
- Improvements were seen from restructured staffing.
- During the snowstorm, 99 percent of meals were still delivered.
- Top Notch had continued to increase in sales and had installed new LED lighting for efficiency.
- Maintaining a 50% recycle rate for extra donated items.
- The Lions Club accepted extra books and eyeglasses.
- Voucher programs with St. Vincent De Paul and Medicine Wheel Recovery Services.
- Top Notch had closed during the snowstorm and lost about \$10,000 during that time.
- Money made above the expenses at Top-Notch went to support the Senior Center.
- Fundraising had earned over \$16,000 last year.
- The congregate infrastructure grant to fund a new generator would not be awarded.
- The Senior Center was struggling with rising food costs. Small reimbursements were received per meal from the State. They were working with partners to continue covering food costs.
- Taking classes on the grant writing process.

- Increasing facility rentals during off-hours and holding more events.
- Networking with others who were doing similar work.

Senior Center memberships could be obtained by completing the application and paying the dues of \$20 per person or \$32 per couple. A membership drive would be held soon.

The Senior Center facility could be rented for \$75 per hour after filling out a rental agreement form.

2. Police Department Semi-Annual Report - *Chief Brian Greenway*

Police Chief Greenway reviewed his report. A copy was included in the archive packet for this meeting. A few highlights were:

- Calls for service during 2023
- Out of 570 arrests, only eight occurrences had called for the use of force
- Recent high-profile cases had been handled well by high-quality officers
- The process of hiring new officers
- Using the National Testing Network
- There were 153 vacancies in law enforcement jobs in Oregon, with the majority of the vacancies in the Portland metro area
- 68 people had applied for officer positions, but only nine applicants met the requirements to be interviewed for a position. Of those interviewed, only a few of the applicants would be brought before the oral board.
- There had been a steady decline in police applicants.
- Current police officers were the number one recruiters for new Officers.
- The complete application process included submitting a resume and cover letter and passing the Oregon fitness test. The requirement to pass the test had been dropped two weeks ago. Foregoing the allowed individuals to be interviewed before taking the fitness test to go to the Police Academy.
- Three agencies in Columbia County were looking for more officers.
- House Bill 110 to decriminalize narcotics in Oregon was waiting to be signed. The bill would amend the law to give Officers discretion with narcotic offenses to either arrest individuals or allow them to get treatment. Currently the County did not have the capability to deflect offenders into a drug treatment program. The goal was not to punish, but to correct behavior and find solutions to get people help.
- He was amazed daily at what officers did while working collaboratively with the community.

Chief Greenway stated only one recent application was from a lateral officer, as it took a certain caliber officer to work for the City. The process started with hiring the right individual as an investment.

Councilor Sundeen thanked Chief Greenway for his good work and stated that having high expectations had paid off. He encouraged other Councilors to read the report. He appreciated that Chief Greenway always responded to questions.

Council President Chilton was proud of Chief Greenway. She asked about report writing software. Chief Greenway said that partnering with the Sheriff's Office for software would probably save the City around \$20,000. He hoped to have report writing software in place by November 2024 to better serve the community, and he discussed the complexity of transitioning to the new software.

Chief Greenway discussed the process of having a new hire go through Police Academy in Salem for 16 weeks after going through field training. Lateral hires from other states would only have to complete a two-week class at the Police Academy, but the class was only offered once per year. Field training would still be done. Officers were recruiting daily.

Mayor Scholl stated the Mayors Association had thought Measure 110 was meant to force people to go to drug rehabilitation, but it sounded like it would just give officers more discretion to choose.

Mayor Scholl noted that during visitor comments Robyn Toschi said she was willing to suspend the LUBA appeal over the Kaster Rd site for the Police Station.

Councilor Gundersen asked if the police wanted to use the Kaster Road site for the police station. Chief Greenway confirmed he liked that site, and stated they had a lot of challenges in their current space.

Mayor Scholl talked about the process for selecting the site.

City Attorney Monahan advised the Council to avoid ex parte contact by refraining from conversations about the police station site.

City Administrator Walsh thanked Chief Greenway and Matt Smith for their work.

Chief Greenway stated they had received a grant to further the use of electronic equipment for investigations.

3. Water Leak Adjustment Request for 335 S. Columbia River Hwy. (Nishar) - *City Administrator John Walsh*

City Administrator Walsh reviewed the request for full leak adjustment of \$1,623.87 because water had been leaking for over three months. Repairs had been made. Requests over \$1,000 came to Council for approval.

4. Water Leak Adjustment Request for 235 S. 1st Street - *City Administrator John Walsh*

City Administrator Walsh said a leak had found and fixed expeditiously at the masonic building that the City leased. The total adjustment request was for \$2,250.26.

5. Discuss Disposition of LUBA Appeal - *City Planner Jacob Graichen*

City Planner Graichen reported the LUBA process allowed a 90-day limbo period, which would end next week. He recommended requesting legal counsel to submit a 45-day delay to allow more time for dialog. He discussed other options including fighting the case with the current record or withdrawing the application. The attorney could be consulted during the executive session if needed. There were no objections to City Planner Graichen's recommendation.

6. Update on the Riverwalk Project - *Community Development Project Manager Jenny Dimsho*

Associate Planner Dimsho had received a bid for the Riverwalk Project from Advanced Excavating Specialists, LLC, for under \$3 million. The Engineering team had worked with Advanced Excavating Specialists previously. The contracts for the project were on the agenda for the City Council Regular Session tonight.

An image was shown of the amended Riverwalk design. The new design omitted the stage and left the existing playground to reduce costs. A press release for public outreach would go out tomorrow if the item was approved by Council at tonight's meeting, where the site plan and grant funding sources for the Riverwalk would be discussed.

Construction was estimated to begin in May 2024 and was projected to take one year. Dimsho shared more details on site design, and stated the contractor would be leery about holding public events at the site during construction. Construction was taking place on the elevated picnic area, and the stream and parking area was impacted as well.

City Administrator Walsh said the City was trying to get all the construction projects done at the same time.

Council President Chilton stated the Riverwalk Project had grant application deadlines and the decisions could not be postponed.

7. Discuss Request from Willow Bill with Regards to Flying Eagle Canoe

Mayor Scholl spoke with Communications Officer King about doing a survey to promote public input regarding "setting the Eagle free" to see what the people wanted to do with the Flying Eagle canoe.

The Council discussed Willow Bill's intentions to use the canoe and stated it was not in the City's interest to allow him to use it due to liability and insurance issues. They discussed the possibility that the canoe could be used as art in the park. If the canoe was sold as surplus property it would go to the highest bidder.

City Administrator Walsh said Willow Bill had requested to use the canoe between April 4, 2024 and October 31, 2024 which was a liability risk. There was no certification or documentation of the canoe.

Council President Chilton understood why people were upset about the canoe not being used. Her vote would be to give it to Willow Bill. She stated it was good to get community input.

Councilor Sundeen would like to see the canoe get used and not just deteriorate in the park.

City Administrator Walsh said Kalama had a totem that was displayed in their building, and he discussed the possibility of displaying the canoe. The survey would determine what people wanted to do with the canoe.

City Recorder Payne reminded the Council they had the issue of Willow Billow wanting to use the canoe. Mayor Scholl said that would be a huge liability.

8. Discuss 13 Nights on the River Venue During Construction - Mayor Scholl & E2C Corp.

Mayor Scholl talked about the upcoming construction projects on Strand Street and at the park, noting the County would be doing work on the elevator and the old school, and the intersection that would also be under construction. There were questions about where City Staff would be able to park on those days. He wondered how they could allow vendors to come in at 2:00 p.m. for events while contractors could be there working on construction projects until 7:00 p.m. each Thursday for 13 Nights on the River, and he did not know where parking could be. He could see the community being very upset about what happened with the event.

Event Coordinator Curry said the Plaza would be available, and it would be difficult to move the event to McCormick Park with the permitting, fencing, lack of power, security issues, and the limited parking. The Plaza had more square footage and the space would be adequate for vendors and bands and more people walked at the Plaza.

Mayor Scholl had researched the possibility of using McCormick Park for the event and he noted parking and safety would be an issue if the event was held downtown due to multiple construction projects.

Council President Chilton agreed McCormick Park could be used but noted that several public comments had expressed a hope to keep the event downtown.

Event Coordinator Curry agreed construction projects could present safety issues. She stated concerns about holding the event at McCormick Park. OLCC would require fencing, garbage, and vendor control. It would also exclude boaters from the event, impact local businesses, and provide limited parking.

Mayor Scholl explained they were working with the Engineering Department and the Columbia River People's Utility District (CRPUD) to upgrade the parking and power capacity at McCormick Park through System Development Charge (SDC) funds. The gazebo could possibly serve as a beer tent. The City could be sued over the danger presented by construction projects.

Event Coordinator Curry said the beer garden permit could be provided by sponsors, and the space could be blocked off more easily in the Plaza. Event Coordinator Curry had listed the location for the event as

the Plaza on the contracts. Previous concerts held in McCormick Park had not been well attended. Drunk driving could be an issue at the park. The City would be blamed for everything if the event was moved to McCormick Park.

Council President Chilton thought McCormick Park would work for the event, although the concerns about holding the event at the park were valid, and she felt bad for local business owners.

Event Coordinator Curry stated she was sure could produce 13 Nights at the Plaza, and the County was supportive of that choice. People would work out parking or walking and staging and fencing were easier at the Plaza.

Councilor Gundersen thought it would work to hold the event at the Plaza.

Councilor Hubbard was concerned the Plaza would be a dirty mess and would need to be replanted, and he noted the importance of community safety. McCormick Park could handle the event temporarily.

Mayor Scholl understood the impact on businesses, but noted there could be a trench right next to the Plaza. It could be bad for the City to hold the event there with safety and parking issues during construction projects. The City deserved a nice waterfront and it would take one year of construction before being put back together. The City would work with Engineering on parking issues and work with the CRPUD to get power needs met. The event could be called "13 Nights on the Creek". He discussed possible parking and storage solutions for the event. He did not want to see businesses suffer but he did not know how the event could work safely downtown.

Mayor Scholl and Event Coordinator Curry talked about potential scenarios for placement and parking for the event, as well as discussing how active construction would impact safety and quality of an event at the Plaza. Mayor Scholl asked her to look at using McCormick Park. It worked for Citizen's Day in the Park, and it could work for the 13 Nights event for one year.

Council President Chilton thanked Event Coordinator Curry for the information.

Mayor Scholl suggested the additional parking by the Recreation Center could be used if the event was held at McCormick Park, and he used a map to show how the event could work.

Councilor Gundersen said it made more sense to hold the event at McCormick Park.

Councilor Sundeen agreed the event was not feasible downtown with construction. He had attended 13 Nights before but had never walked or seen anyone else walk to the event. There were lots of kids who attended the event and safety was a concern.

Mayor Scholl hoped local businesses were watching the discussion. He understood Event Coordinator Curry was advocating for businesses. He noted that a decision was not being made now. He welcomed more logical ideas for parking, keeping the event safe, and ensuring no one was upset about nearby construction during the event.

Event Coordinator Curry said she could not wait for the next meeting for a decision.

Mayor Scholl asked Event Coordinator Curry not to lobby, and state he would put together a packet for the next Council meeting. Event Coordinator Curry was concerned about event planning without a decision being made, but stated she would do what the Council wanted.

Council President Chilton asked if there was a way to give the downtown businesses the opportunity to be a vendor at the event. Councilor Hubbard suggested downtown businesses be allowed as a vendor free of charge. He also suggested using the tram to take boaters from the dock to McCormick Park.

9. Report from City Administrator John Walsh

There was discussion on consulting with legal counsel about LUBA.

Break - 4:05 p.m.

The City Administrator’s report was extended until tonight’s meeting.

ADJOURN – 4:17 p.m.

EXECUTIVE SESSION

Topics included:

- Real Property Transactions, under ORS 192.660(2)(e)
- Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h)

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne
Kathy Payne, City Recorder

/s/ Rick Scholl
Rick Scholl, Mayor