



COUNCIL WORK SESSION

Wednesday, January 05, 2022 at 1:00 PM

COUNCIL MEMBERS:

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz
Councilor Jessica Chilton

LOCATION & CONTACT:

HYBRID: Council Chambers & Zoom (details below)

Website | www.sthelensoregon.gov

Email | kpayne@sthelensoregon.gov

Phone | 503-397-6272

Fax | 503-397-4016

AGENDA

CALL WORK SESSION TO ORDER

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

DISCUSSION TOPICS - *The Council will take a break around 3:00 p.m*

1. Presentation of Plaque to Bill Eagle in Appreciation for his Service on City Commissions
- [2.](#) Building Division Semi-Annual Report - *Mike*
3. Tourism Year-End Report
- [4.](#) Bennett Building Phase 2 Work Order with Arciform - *John/Matt/Jenny*
- [5.](#) Review Request for Proposal for Parks & Recreation Master Plan - *Matt*
- [6.](#) Review Proposed Amendments to SHMC Title 2 Administration and Personnel - *John*
7. Discussion regarding Councilor Topaz Censure
- [8.](#) City Administrator Report - *John*

ADJOURN

EXECUTIVE SESSION

Following the conclusion of the Council Work Session, an Executive Session is scheduled to take place to discuss:

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

Representatives of the news media, staff and other persons as approved, shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the Council Chambers.

FOR YOUR INFORMATION

Upcoming Dates to Remember:

- January 5, 1:00PM, Council Work Session, Council Chambers/Zoom
- January 5, 5:00PM, Urban Renewal Agency Budget Committee Meeting, Council Chambers/Zoom
- January 5, 5:30PM, Urban Renewal Agency Meeting, Council Chambers/Zoom
- January 5, 7:00PM, Council Regular Session, Council Chambers/Zoom
- January 10, 4:00PM, Parks & Trails Commission, Council Chambers/Zoom

Future Public Hearing(s)/Forum(s):

- PH: January 19, 6:45PM, Annex 58389 Columbia River Hwy (Eggers)
- PH: February 16, 6:30PM, Annex 12 Acres at Pittsburg Rd & Meadowview Dr. (Morain)

VIRTUAL MEETING DETAILS

Join: <https://us02web.zoom.us/j/85070095255?pwd=VjVrcmNwR1I5K09hVFN2OFJZcVxZz09>

Meeting ID: 850 7009 5255

Passcode: 636231

Dial: 669-900-9128

The St. Helens City Council Chambers are handicapped accessible. If you wish to participate or attend the meeting and need special accommodation, please contact City Hall at 503-397-6272 in advance of the meeting.

Be a part of the vision...Get involved with your City...Volunteer for a City of St. Helens Board or Commission!

For more information or for an application, stop by City Hall or call 503-366-8217.



P.O. Box 278, St. Helens, OR 97051
Phone: (503) 397-6272 Fax: (503) 397-4016
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BUILDING DIVISION REPORT

July 1st - December 21st, 2021

Greetings Council,

We are pleased to present this semiannual Building Division report. This report will highlight some of the milestones we have crossed in this last term, a look at what to expect in the next term and provide permit statistics.

Customer service continues to be a top priority for the Building Division. We believe this is what will set us apart and, in part, will encourage folks to continue to build in St. Helens. The foundation to this is our committed staff. Heidi Davis and Christina Sullivan keep our office and permitting in order and moving. This includes receiving customers in our office, responding to customer inquiries, ensuring fees are applied and collected accurately. They have even on occasion delayed taking breaks or lunches in their commitment to ensure customers have been completely taken care of before they leave. Our inspector John Hicks, on top of being a thorough inspector and maintaining an excellent level of building code safety, looks to be a resource to our customers, by providing not only an exceptional knowledge of code but of the building industry as a whole. Making himself available for questions and guidance both onsite and over the phone. Their hard work and commitment give our customers experiences they don't find elsewhere.

Other ways we are improving the customer experience is implementation of electronic plan review software. The e-Plan Review Project is moving forward, and we have an implementation schedule for going live in January 2022. This software project will provide the following services: Online customer portal for document upload and download of approved plans, plan reviewer features such as tools for markup, comments, scale, automated comment reports and a new feature allowing for concurrent department plan review. In November, we procured an agreement with DigiPlan software and the implementation team at TruePoint Solutions. They begun configuration of our Accella ePermitting software in December. In January, we will be training and going live to the public. The cost of this implementation project is \$9,990. After speaking with the State about newly required electronic requirements, they amended our IGA to reimburse the City for the implementation costs up to \$7,500. This reimbursement will reduce the City's burden to \$2,490. For our customers, they will be able to save in printing and transportation costs for printed plan submittal.

With the new e-Plan Review software we are able to continue to explore ways to improve our customer's experience. One of the primary concerns customers have, is how much time is needed for permit review and approval. It is important to note that our current timelines for review are within the timelines allowed by statute. However, it is our intention to improve, where we are able, even where we already meet the minimum standard. The new ePlan Review Software changes how we manage customer's submittal documents and plans. This will allow us to move forward to a concurrent plan review program. Currently, we use a



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sequential program, where an applicant must submit two or three paper copies of their construction documents and plans for their project to our offices downtown. These copies are physically routed to each department for review. In general, the documents must be approved by the reviewing department before it advances to the next department. The submittal documents must be approved by all four review cycles before being approved for issuance. This sequential process has worked for paper submittals for decades. By contrast, a jurisdiction providing a concurrent plan review program, allows our customer to use our current online ePermitting software to upload their documents from any internet connection. The software keeps the documents in one location where multiple reviewers can access for review at any time and from any computer. In this way, all the reviews can happen without being dependent on the approval from another department. If there are comments or revisions needed to the plans, one plan check sheet would be sent to the customer containing comments from all reviewers. Likewise, the customer will only need to provide one complete response, rather than the possible cycles of revisions in our current program. When we compare these two, we begin to understand the opportunity we have in addressing a primary concern for our customers...time. In initial multidepartment conversations, to determine the high-level priorities for this concurrent plan review program, we determined overall building permit review times could be reduced by as much as fifty percent. We are going to begin this concurrent plan review program using only select types of building permits. This will include New Single-Family Dwellings and Commercial Mechanical. As we implement this program, we will refine as needed and eventually will seek to expand it to other type of building permits. The Building Division would like to thank our Planning Division, Engineering Division and Public Works Department for their continued collaborative efforts in improving our customer's experience.

The Building Division is collaborating and building relationships outside our organization as well. The State requires the local building department to coordinate with the local fire district. In some regions this is a challenge, to the point that the State created additional rules, providing the very minimum requirements for Building and Fire Officials must communicate. We are pleased to report that these rules, while applicable, are not our current trajectory in regard to the relationship between St Helens Building and Fire Officials. We intend to go above and beyond in our collaborations with each other. While our roles and authority differ for various purposes, our goal of public safety is unified. In meeting with CRF&R Fire Marshal, Tad Pedersen, we are going to be working together on an agreement conveying the desire of the two organizations to work together, and detail what this collaboration would look like with regards to making plans available for fire district review and comments, joint meeting to discuss current projects and local conditions, and electronic access to plans and permits. We look forward to preparing this agreement to present to council in 2022.

The authority the City has to administer the building codes is delegated by the State of Oregon. In this term, we have been working on training and an updated operating plan. The various building codes are updated every three years and is typically referred to as the code cycle. Earlier this year, the State adopted 2021 editions of the residential, plumbing,



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and energy codes. After adoption, the code cycle moves into a 'grace period' where focus shifts to distribute the new information to all the stakeholders. For Oregon building code official, this comes in the form of training provided by the state, respective to each newly adopted code. This included classes, related to the Structural, Residential, Plumbing and Energy Efficiency codes. The building division staff has completed the required training. This validates the various State certifications we are required to maintain to continue the City's Building Program. Also, the last part of the year we have been updating our operating plan for our building program with the State. This process has been in limbo since 2016. In October of 2021, the state was able to determine a pathway moving forward and has required all local jurisdictions to provide their updated operating plan by the end of January 2022. We will also be completing this process for Columbia City as they delegate their program administration through an IGA.

Earlier in 2021 City Council directed the Building Division to seek legal counsel to update chapter fifteen of the St Helens Municipal Code. This was in part address changes in delegable authority from the State. The changes, of which the impacts are still not fully understood, dramatically changed the authority the state could delegate to local municipalities through the building codes. This left local jurisdictions to determine what to adopt locally, especially those items a community regulated under the authority of the state delegable authority. Since that discussion legal counsel has produced a draft that is currently under staff review. We are anticipating presenting the final draft to City Council Spring of 2022.

With 3.4 FTE's the Building Division has issued 298 permits from July 1st, 2021, to December 21st, 2021. In that same time, 166 Plan Reviews. We performed 3,038 inspections (avg 117/week). Please note, that this does not reflect all the reviews or inspections performed by all departments with regard to building permits.

Some of the projects and subdivisions to highlight within the community are 7th Street Container Homes, High School Renovations, Broadleaf Arbor Apartments, Popeye's Chicken, and Elkridge phase 6.

Thank you.

Michael De Roia
 Building Official
 City of St. Helens
 Office: 503-366-8228
 Fax: 503-397-4016
miked@ci.st-helens.or.us



BUILDING REPORT JUL-DEC 2021





INCORPORATED IN NEXT VERSION

RESPONSE NEEDED

PRINT LIST

DOWNLOAD LIST

DEPARTMENT FILTER

Search X

<input type="checkbox"/>	Case Markup Id	Comments	Department	Sheet / Page Reference	Doc Name	Status	Corrections Required	Author
<input type="checkbox"/>	00002	Please provide information about Vent Discharge	Plan ring	A-203	Cycle 1.pdf	Responded	<input type="checkbox"/>	Keith Hobday

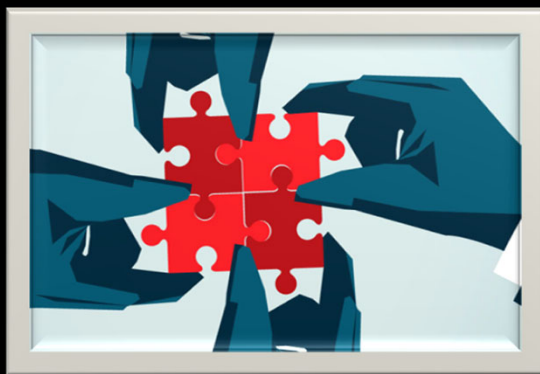
Keith Hobday: 04-04-2021 20:42:52
OK, will vent through roof. Will provide update on

Responded to 1 of 1

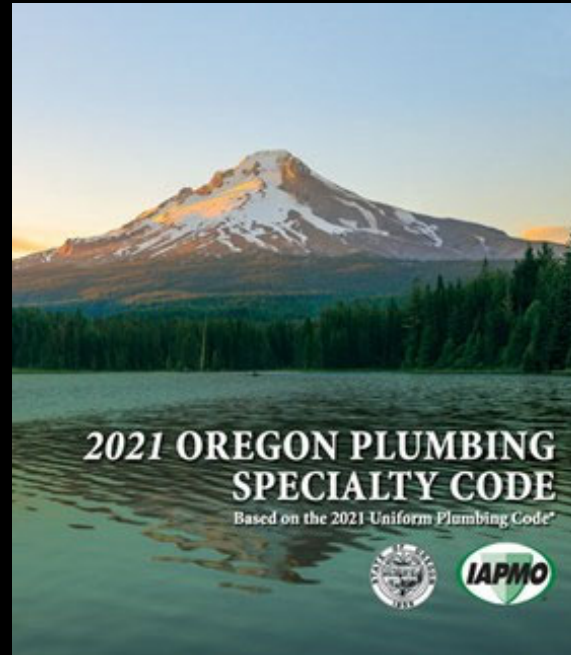
SUBMIT RESPONSES

An architectural drawing of a kitchen area. It shows cabinets, a countertop, and a sink. Annotations include "QUARTZ" with an arrow pointing to the countertop, "Please provide information about Vent Discharge" in a red dashed box with an arrow pointing to the upper cabinets, "COOKTOP 30\" KICU504X" with an arrow pointing to the countertop, and "V-GROOVE PANELING" with an arrow pointing to the lower cabinets. Dimensions like "47\"", "18\"", "36\"", and "8'0\" A-203" are also present.

E-Plan Review Project



DEPARTMENT COLLABORATION AND PROCESS IMPROVEMENT



TRAINING AND CONTINUED EDUCATION



Building Data Request Information

For 07/01/2021 through 12/20/21

www.sthelensoregon.gov

CITY OF ST. HELENS
265 Strand St.
St. Helens, OR 97051
503-397-6272
FAX: 503-397-4016

buildingsafety@sthelensoregon.gov

Permit Type	Count	Valuation
Commercial Mechanical	29	
Commercial Plumbing	31	
Commercial Structural - New	8	\$1,964,954.20
Commercial Structural - Other	27	\$2,817,950.00
Residential Mechanical	94	
Residential Plumbing	64	
Residential Structural - Multi-Family	10	\$30,184,480.47
Residential Structural - New 1 and 2 Family	16	\$4,840,171.74
Residential Structural - Other	18	\$316,989.28
Residential Structural Non-Classified	1	\$110,636.60

Inspections:	Count
Commercial Mechanical Inspection	30
Commercial Plumbing Inspection	51
Commercial Structural - New Inspection	48
Commercial Structural - Other Inspection	67
Commercial Structural Non-Classified	3
Residential Electrical Inspection	15
Residential Mechanical Inspection	476
Residential Plumbing Inspection	729
Residential Structural - New 1 and 2 Family Inspection	1,527
Residential Structural - Other Inspection	50
Residential Structural Non-Classified	42



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Building Reviews Completed

7/1/2021-12/20/2021

		Darroux	Davis	De Roia	Dimsho	Elder	Graichen	Hansen	Hicks	Johnson	Nelson	Sullivan	Tupper	Underwood	Total
Commercial	Additional Review				10		3				1				14
	Building Review			101					1	1		1			104
	Infrastructure Review					33									33
	Mechanical Review			24											24
	Planning Review				13		42								55
	Plumbing Review							5							5
	Site Review	1									39				40
	Total	1		125	23	33	45	5	1	1	40	1			275
Residential	Additional Review	2			1						3				6
	Building Review		1	8					27						36
Residential	Infrastructure Review	1				14						1	4		20
	Planning Review				20		8								28
	Plumbing Review								1						1
	Site Review	3									13			2	18
	Total	6	1	8	21	14	8		28		16	1	4	2	109
Total		7	1	133	44	47	53	5	29	1	56	2	4	2	384

Graystone Estates



Elkridge Phase 6



Forest Park



POPEYE'S CHICKEN



7th St. Container Homes



ARCIFORM

design | restore | remodel

December 22nd, 2021

City of St. Helens
265 Strand Street
St. Helens, OR 97051
Jenny Dimsho, AICP
(503) 366-8207
jdimsho@ci.st-helens.or.us

Job #:

Work Order

For the price of fifty-one thousand, six hundred eighty-four and 00/100 dollars, (\$51,684.00), Arciform will perform the scope of work outlined in this work order.

Permits

1. Building and Trade permits are not required for this scope of work. Should any government entity require a permit or alterations to the scope of work defined in this work order before issuing the appropriate permit/s or during inspections, this will constitute a change order and will be paid for by the client per the Arciform Agreement on a time and materials basis.
2. Arciform has acquired a temporary one-year contractor's license to work in the City of St. Helen's, Oregon. Cost is included in this proposal.

Protection

1. Client is responsible for the removal of all personal items from the work area prior to commencement of work.
2. Prior to demolition, to protect the health and safety of our employees, subcontractors, and clients, Arciform will conduct an asbestos and lead survey. Analytical test results are required for the following products but are not limited to paint, plaster, drywall compound, HVAC wrap, spray on textures, vinyl and linoleum flooring, insulation, electrical wire insulation, roofing underlayment and asphalt shingles.
3. If any materials are found to have asbestos (1% minimum), analytical testing and removal of asbestos materials must be performed by a licensed asbestos abatement contractor and is not included in this agreement.
4. If paint is found to have lead present (1% minimum), Arciform will implement lead-safe protocols during demolition/removal of said lead-based paint.

Travel

1. Per the Client/Arciform Agreement, travel time outside of a 15-mile radius from our office at 2303 N. Randolph Ave. in Portland, Oregon is a billable expense. This is included as a fixed cost in the work order.

Project Scope: New Metal Cornice with Flashing Cap

1. Provide, erect, and remove scaffolding. Note: maintain access to entry and payment drop box.
2. Remove existing metal cornice. Deliver to Schmeer Sheet Metal for profile matching.
3. Remove all dry-rot and framing from behind original cornice.
4. Fabricate new 24 gauge galvanized metal cornice with a separate galvanized metal flashing cap. Match original profile.
5. Rivet and seal (caulking) vertical seams in cornice.
6. Rivet and solder ledge seams.
7. Etch galvanized metal to accept primer and paint.
8. Fabricate and install custom metal L brackets in brick veneer to suspend new cornice.
9. Install pressure treated 3/4" plywood over brackets.
10. Install WRB (weather wrap barrier) over plywood.
11. Kerf one horizontal line (length of cornice) in brick veneer to accept flashing cap for cornice.
12. Install cornice.
13. Install metal cap over cornice and apply sanded caulk joint at kerf for flashing to brick veneer transition.
14. Paint cornice and metal cap. Paint selection TBD.
15. Clean up and haul away all debris from this work.

Project Scope: Brick Parapet Wall (TPO Membrane & Concrete Tiles)

1. Provide, erect, and remove scaffolding. Note: maintain access to entry and payment drop box.
2. Remove existing concrete tiles and salvage for reuse (Reuse is TBD per client).
3. Pull back existing TPO membrane.
4. Inspect parapet wall and roof under pulled back TPO for dry-rot in structural components and wood nailers (substrate for parapet tiles).
5. Wire brush brick/masonry on top of the parapet wall (birds' nests, dirt, and vegetation). Remove loose mortar from brick parapet ledge.
6. Wire brush concrete tiles, scrub and remove moss/dirt.
7. Repair broken concrete tiles with copper wire and caulking.
8. Re-seal concrete tiles.
9. Install new wood nailer anchored into brick parapet wall top.
10. Install screen and Flexim Stynthetic mortar along outside edge of brick ledge to prevent nesting birds.
11. Reinstall TPO membrane and patch membrane as necessary at top of parapet wall with Eternabond membrane tape.
12. Option: install 24 gauge prepainted (standard colors) metal flashing cap in lieu of reinstalling concrete tiles. See Selected Options.
13. Option: install 20 oz. copper hipped parapet wall cap in lieu of reinstalling concrete tiles. See Selected Options.
14. Reinstall original concrete tiles (drill tiles and secure to wood nailer substrate).
15. Clean up and haul away all debris from this work.

Client Supplied Items

The following items are not included in this agreement. Please refer to "Client Supplied Material or Labor Disclaimer." All re-used materials or salvaged items are understood to be in "as-is" condition. If said items are to be refurbished, this work will be done on a time and materials basis. This list is not meant to be all inclusive. It has been included only as a guide. Items to be provided by Client:

1. Construction and Trade permit and inspection fees if required by the City of St. Helens.
2. Taxes if required.
3. Hazardous materials (specifically asbestos) waste removal if discovered during the asbestos survey, demolition, or construction.
4. Sidewalk closure permit and fees if required by the City of St. Helens.
5. Parking permits and fees if required by the City of St. Helens.
6. Access to bathroom and cleaning facilities for site labor and clean up (Covid-19 and Lead-safe mandates).

Selected Option

The following is a list of selected items that can be added to or deducted from the agreement. Fixed price options will be applied to the first scheduled progress payment. Time and materials option invoices will be delivered every two weeks for labor & materials.

To accept an option below, please initial in the corresponding space to the left. If you do not wish to choose that option, please mark "NO" in that space. Options are to be completed within the remodel schedule established by the Project Manager.

- | | | |
|----------|--|-------------------|
| 1. _____ | Fabricate and install 24 gauge standing seam prepainted parapet cap.
Standard colors. | Add \$6,131.25 |
| 2. _____ | Fabricate and install 20 oz. copper hipped parapet wall cap. | Add \$11,198.75 |
| 3. _____ | Omit salvaging and reinstalling original concrete tile cap. | Deduct \$6,815.00 |

Payment Schedule

Although the sums set forth for each of the items are specific, the order of completion of such items is only a guide. Invoices will be delivered to Client upon reaching the milestones listed below. For fixed fee, guaranteed cost, or flat rate work, Arciform may invoice Client once each month during performance under this agreement. Additional work/change orders are either fixed price or time and materials. Fixed price additional work/change orders will be paid for prior to the commencement of the extra work. Time and materials additional work/change orders will be billed at two week intervals or added to the next scheduled progress billing. Within seven days of receipt of any invoice, Client must either issue full payment or object to the invoice. If Client objects to an invoice, Client must (a) provide reasonable notice to Arciform stating the reasons for its objection, and (b) provide Arciform with reasonable opportunity to cure Client's reasons for objection, and (c) issue partial payment to cover work not subject to its objection. Client may withhold payments pending resolution of any disputes in accordance with this agreement.

▪	Deposit upon signing	\$20,000.00
▪	Upon cornice installation (unpainted)	\$15,000.00
▪	Upon parapet wall completion	\$15,000.00
▪	Upon completion	\$ 1,684.00

Please note: some items might need to be completed after the punch list walk through. The payment is still due, but an amount based on the value of the punch list item will be determined, agreed upon and withheld until those items are completed.

Agreement

If Client agrees to the terms of this Work Order, Client will sign and return a copy of the Work Order with the deposit within 14 days of date of this agreement, as prices cannot be guaranteed after that date. See the "Arciform Agreement" for specifications to this Work Order.

Client Signature _____ Date _____

Arciform LLC _____ Date _____

ARCIFORM

design | restore | remodel

Name: City of St. Helens	Job #:
Date: 11.13.2020	
Description: Parapet and Cornice	
	PM: AS
	CC: BH

TASK	HOURS	UNITS	PRICE
307L DELIVERY DRIVER	8		\$ 360.00
307L FIELD TRAVEL/DELIVERY	20		\$ 1,460.00
300L PROJECT MANAGEMENT	24		\$ 2,280.00
300L SITE LEAD MANAGEMENT	8		\$ 584.00
417M ASBESTOS		1	\$ 187.50
417L ASBESTOS	4		\$ 380.00
427L CLEAN & PROTECT & SCAFFOLDING	12		\$ 876.00
427M CLEAN & PROTECT		1	\$ 625.00
417L DEMOLITION	28		\$ 2,044.00
417M DEMOLITION		1	\$ 93.75
417L TRASH REMOVAL	6		\$ 438.00
418L FRAMING/L BRACKETS	14		\$ 1,022.00
418M FRAMING MATERIALS		1	\$ 62.50
421S ROOFING		1	\$ 17,656.25
422L METALWORK	4		\$ 292.00
422S METALWORK		1	\$ 13,585.00
416L PAINTING CORNICE	16		\$ 1,168.00
416M PAINTING CORNICE		1	\$ 312.50
PROFIT		1	\$ 5,505.00
OVERHEAD		1	\$ 2,752.50
TOTAL COST AND PRICES			\$ 51,684.00
CONTRACT PRICE			\$ 51,684.00
PROJECTED HOURS			144

CITY OF ST. HELENS OREGON

PARKS AND RECREATION MASTER PLAN

REQUEST FOR PROPOSAL



Proposal Submittal Date:

February 8, 2022 at 3:00 pm

**City of St. Helens
Attn: Matt Brown
265 Strand Street
St. Helens OR 97051**

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The City of St. Helens is seeking a qualified firm to produce a Parks and Recreation Master Plan. This Master Plan will drive City long-range planning, direct decision-making, and resources toward a clearly defined vision for its future, including park improvements and expansions, parks and recreation facilities, open space management, city walkability, recreation programming, and staffing needs over the next 10 years. The planning process will consist of the following components:

- Needs Assessment
 - Evaluating current parks, trails, and recreation systems
 - Review existing adopted plans, including Comprehensive Plan (2006), Transportation Systems Plan (2011), Framework Plan (2015), Parks & Trails Master Plan (2015), Riverfront Connector Plan (2019). Recommend any policy or methodology changes if needed.
 - Review of 2020 Census demographics and provide summary statistics and future anticipations related to families, populations and make recommendations based on anticipated future needs.
 - Review overlapping services including County, School District, Pool District, and City Services to provide potential collaboration recommendations and/or elimination of duplicated services.
- Community Outreach & Engagement
 - Plan a community engagement process that will include two in-person community events and an online survey. Engagement events should help identify future needs in the community and identify unneeded or underutilized assets.
 - Plan for one meeting with Planning Commission for recommendation to City Council.
 - Plan for three meetings with Parks & Recreation Commission for recommendation to City Council. The first meeting should review current standards and identified requests. A second meeting should be midway through the program to recap community engagement events and a final meeting for recommendation of the final plan to City Council.
 - Plan for two meetings with City Council to present mid-way through the project and again for the final plan for adoption.
- Project Lists, Priority Setting, Pricing Estimates
 - Establish a list of projects for each park/area that identify a priority level based on the needs assessment and community engagement. This list should be broken out by specific park and or area (Trail, Park, Recreation Programs, Staffing, Facilities, etc.) along with determination of SDC eligibility for each park project.
 - Establish a level priority of each project based on community feedback. Priority setting should be identified as High (1- 5 years), Mid (6-10 years), and Low (11+ years).
 - Establish any comprehensive plan goals and policy changes if identified.
 - Each project identified should have an estimated cost for budgeting.
 - Ensure compliance and comparison with the Statewide Comprehensive Outdoor Recreation Plan (SCORP 2019-2023) to ensure priorities align to be competitive with grant applications with Oregon Parks & Recreation grant opportunities.
- Financial Planning
 - Coordinate with the City's SDC methodology consultant
 - Review/discuss financial planning for project completion that may include items such as suggested fee schedule changes for current facilities as well as additional funding opportunities

that are used in other communities to fund Parks and Recreation. This would include reviewing potential utility fees, bond/levy, or other financing methods currently used to help fund Parks and Recreation in other communities or organizations.

- Identify staffing needs and funding needs for Parks and Recreation based on current best practices.
- The firm selected will create a complete package for adoption by the governing body.

INTRODUCTION & BACKGROUND

The City of St. Helens is the 40th largest city (14,500 people) in Oregon and is located along the Columbia River approximately 28 miles northwest of Portland. The city covers an area roughly 5.9 square miles. The City of St. Helens is considered the entrance to Columbia County and is also home of Spirit of Halloweentown, a month-long celebration of Halloween that takes place all around the City in October as well as multiple annual events throughout the year. Over the last two years, the City has seen quite an expansion growth of residential development along with apartment complexes.

The City completed a Parks & Trails Master Plan back in 2015 that was done internally. The City has since then completed a number of projects from that Master Plan and identified potential new park ideas to be included.

The City began a Recreation Program in 2018 with funding from grants initially. Since 2018, the City has seen a large growth in our Recreation Program and in 2021, combined Parks and Recreation into one department with a new Parks and Recreation Manager. The Parks and Recreation Manager and department have an intergovernmental agreement to work alongside the St. Helens School District for use of facilities and this should be taken into consideration when planning out future projects as we do not want to duplicate services and features that are already offered within our community. This city and community are heavily engaged in both youth and adult sport leagues like softball and basketball. The City of St. Helens has a separate taxing district for a local pool (Eisenschmidt Pool) that operates as its own entity and taxing district.

TIME PERIOD

RFP Approval by City Council	01/05/2022
RFP Publicized	01/06/2022
Question Submittals	01/20/2022
Questions – Answers Addendum	01/21/2022 (posted on city website)
Proposals Due to City	02/08/2022 @ 3:00 PM
Estimated Internal Review by Committee	02/15/2022
Estimated Recommendation to City Council	02/16/2022

SELECTION PROCESS

Item #5.

Potential proposers may submit written questions to Matt Brown at mbrown@sthelensoregon.gov. All questions and answers will be posted as an addendum to the RFP on the city website by the date noted in the time period section. A Selection Committee will be composed of elected officials, city staff, and commission members.

DIRECTIONS FOR SUBMISSION

Proposers shall submit 5 physical copies and 1 copy via USB stick to 265 Strand Street, St. Helens OR 97051. All expenses for preparing and delivering project proposals will be borne by the proposer. All questions concerning this project during the solicitation process shall be forwarded to Matt Brown at mbrown@sthelensoregon.gov.

SUBMITTAL REQUIREMENTS

The following information must be provided in the following sequence. Sections and subsections should correspond with the sections and subsections identified below. The ideal firm shall have experience performing master and strategic planning directly related to Parks and Recreation departments/organizations. The qualifications and commitment of key personnel that would be assigned to this community are critically important in the selection of a firm. Please provide the following in your proposal in the following sequence. Proposals should be bound with cover letter on top. The entire submission document shall be no longer than 14 numbered pages; 7 pages front/back.

A. Cover Letter & Introduction

On the proposer's letterhead, include an introduction with the name, phone number, and email address of the person authorized to represent the company regarding all matters related to the proposal.

B. Project Team

- (1) An executive Summary and an organizational chart identifying team members and their areas of responsibility.
- (2) Key personnel qualifications and experience related to Parks and Recreation Master Plans.

C. Qualifications

This should include relevant project experiences as outlined project description. Include the dates for when the project was started/completed. Include what current team members were involved in this project. Identify examples of hosting community outreach events, surveys, and other forms of engagement. Experience with SCORP. Experience with any other pertinent information you feel is necessary for the City to be aware of.

D. Explanation and Description of Scope and Services

Using the project description outlined above, please identify a schedule of services you would anticipate for the City and scope of services you anticipate using to complete this project. Each phase should be identified with an estimated timeline and schedule of events. No longer than 2 pages.

E. Anticipated Cost

Clearly identify the anticipated cost based on the Scope and Services for the City.

F. References

Provide three (3) references. Firms shall provide contact information for at least three municipal, county, or other government or private sector client references specifying entity name, address, services provided, contact person, and telephone number.

G. Examples

Include a link to three examples of previous Parks and Recreation Master Plans that have been adopted by the governing agency.

EVALUTATION CRITERIA

<u>POINTS POSSIBLE</u>	<u>EVALUATION CRITERIA</u>
5	Form of proposal
10	Project Team
10	Qualifications
10	Explanation and Description of Scope and Services
15	Anticipated Cost
15	References & Examples
65	TOTAL POSSIBLE POINTS

RESERVATION OF RIGHTS

The City of St. Helens reserves all rights (which may be exercised by the City in its sole discretion) available to it under applicable laws, including without limitation, and with or without cause and with or without notice, the right to:

- A. Cancel this RFP in whole or in part, at any time before the execution of a contract by the City of St. Helens, without incurring any cost, obligations, or liabilities.
- B. Issue addenda, supplements, and modifications to this RFP
- C. Revise and modify, at any time before the RFP submittal due date, the factors and/or weights of factors the City will consider in evaluating RFP submittals and to revise or otherwise expand its evaluation methodology as set forth herein.
- D. Extend the RFP submittal due date.
- E. Investigate the qualification of any firm under consideration and require submittal confirmation of information furnished by a firm.
- F. Require additional information from a firm concerning the contents of its RFP until such time as the City declares, in writing, that a particular stage or phase of its review of the responses has been completed or closed.
- G. Reject at any time, any or all submittals, responses, and RFP submittals received.
- H. Terminate, at any time, evaluations or responses received.
- I. Appoint an evaluation committee to review RFP submittals or responses, make recommendations, and seek the assistance of outside technical experts and consultants in RFP submittal evaluation.
- J. Hold interviews and conduct discussions and correspondence with one or more of the firms responding to this RFP to seek an improved understanding and evaluation of the responses to this RFP.
- K. Seek or obtain data from any source that has the potential to improve the understanding an evaluation of the responses to this RFP.
- L. Disclose information contained in the RFP submittal to the public as required under public records law.
- M. Waive deficiencies in an RFP submittal, accept and review a non-conforming RFP submittal or seek clarifications or supplements to an RFP submittal.

City of St. Helens
ORDINANCE NO. 3276

AN ORDINANCE AMENDING ST. HELENS MUNICIPAL CODE
 TITLE 2 RELATING TO ADMINISTRATION AND PERSONNEL

WHEREAS, St. Helens Municipal Code Title 2 regarding administration and personnel requires periodic updating to current standards; and

WHEREAS, the City Council has determined that updates are needed to Title 2 of the Municipal Code to reflect current and best practices.

NOW, THEREFORE, THE CITY OF ST. HELENS, OREGON ORDAINS AS FOLLOWS:

Section 1. The above recitations are true and correct and are incorporated herein by reference.

Section 2. The City of St. Helens Municipal Code is hereby amended, attached hereto as **Attachment "A"**, and made part of this reference.

Section 3. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time: December 1, 2021
 Read the second time: January 5, 2022

APPROVED AND ADOPTED by the City Council this 5th day of January 2022, by the following vote:

Ayes:

Nays:

 Rick Scholl, Mayor

ATTEST:

 Kathy Payne, City Recorder

2.04 PUBLIC CONTRACTING CODE

2.04.010 Short title.

The provisions of this chapter and all rules adopted under this chapter may be cited as the St. Helens public contracting code. (Ord. 2942 § 3, 2005)

2.04.020 Purpose.

The purpose of the St. Helens public contracting code is to utilize public contracting practices and methods that maximize the efficient use of public resources and the purchasing power of public funds by:

- (1) Promoting impartial and open competition;
- (2) Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
- (3) ~~Taking full advantage of evolving~~ Utilizing current procurement methods that suit the contracting needs of the city as they emerge within various industries. (Ord. 2942 § 4, 2005)

2.04.030 St. Helens public contracting code.

The following rules are adopted as the city's public contracting rules. As provided by ORS [279A.065](#) ~~(65)~~(a), the Model Rules adopted by the Attorney General under ORS Chapters [279A](#), [279B](#), and [279C](#) ("the Model Rules") do not apply, unless otherwise provided for herein or as adopted by ordinance or resolution by the city of St. Helens local contract review board. (Ord. 2942 § 5, 2005)

2.04.040 Interpretation of public contracting code.

In furtherance of the purpose of the objectives set forth herein, it is the intent of the city of St. Helens that the St. Helens public contracting code be interpreted to authorize the full use of all contracting powers and authorities described in ORS Chapters [279A](#), [279B](#) and [279C](#). (Ord. 2942 § 6, 2005)

2.04.050 Code not applicable to the following public contracts.

In accordance with ORS [279A.025](#), the St. Helens public contracting code and the Oregon Public Contracting Code do not apply to the following classes of contracts:

- (1) Agreements between Governments. Intergovernmental agreements and contracts between the city of St. Helens and a public body or agency of the state of Oregon or its political subdivisions, or between the city of St. Helens and an agency of the federal government.
- (2) Grants. Except as provided below for public improvements and public works, a grant contract is an agreement under which the city of St. Helens is either a grantee or a grantor of moneys, property or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests,

commodities or other assets, for the purpose of supporting or stimulating a program or activity of the grantee and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions. While the making or receiving of a grant is not a public contract subject to the Oregon Public Contracting Code, any grant made by the city of St. Helens for the purpose of constructing a public improvement or public works project shall impose conditions on the grantee that ensure that expenditures of the grant to design or construct the public improvement or public works project are made in accordance with the Oregon Public Contracting Code and this code.

(3) Legal Witnesses and Consultants. Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the city of St. Helens is or may become interested.

(4) Real Property. Acquisitions or disposals of real property or interests in real property.

(5) Textbooks. Contracts for the procurement or distribution of textbooks.

(6) Oregon Corrections Enterprises. Procurements from an Oregon corrections enterprises program.

(7) Finance. Contracts, agreements or other documents entered into, issued or established in connection with:

(a) The incurring of debt by the city of St. Helens, including any associated contracts, agreements or other documents, regardless of whether the obligations that the contracts, agreements or other documents establish are general, special or limited;

(b) The making of program loans and similar extensions or advances of funds, aid or assistance by the city of St. Helens to a public or private person for the purpose of carrying out, promoting or sustaining activities or programs authorized by law, other than for the construction of public works or public improvements;

(c) The investment of funds by the city of St. Helens as authorized by law; or

(d) Banking, money management or other predominantly financial transactions of the city of St. Helens that, by their character, cannot practically be established under the competitive contractor selection procedures, based upon the findings of the finance director.

(8) Employee Benefits. Contracts for employee benefit plans as provided in ORS [243.105](#)(1), [243.125](#)(4), [243.221](#), [243.275](#), [243.291](#), [243.303](#) and [243.565](#).

(9) Exempt Under State Laws. Any other public contracting specifically exempted from the Oregon Public Contracting Code by another provision of law.

(10) Federal Law. Except as otherwise expressly provided in ORS [279C.800](#) through [279C.870](#), applicable federal statutes and regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of the Oregon Public Contracting Code or this code, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or this code. (Ord. 2942 § 7, 2005)

2.04.060 Model Rules.

Except as specifically provided herein, or by subsequent ordinance or resolution, the Model Rules, Divisions 46, 47, and 49, adopted by the Attorney General under ORS Chapters [279A](#), [279B](#), and [279C](#), as they now exist, and as they may be amended in the future, and in the adopted ordinances of the city of St. Helens, are hereby adopted as the city of St. Helens public contracting rules. Words and phrases used in these rules that are defined in ORS Chapter [279A](#), [279B](#) or [279C](#) and in the Model Rules shall have the same meaning as in those statutes and rules. In the event that the rules adopted by the local contract review board do not address a particular situation, the Model Rules apply. (Ord. 2942 § 8, 2005)

2.04.070 Local contract review board.

The city council of the city of St. Helens is designated as the local contract review board under the state of Oregon Public Contracting Code and this code. No special procedure shall be necessary for the city council, otherwise meeting properly at any regular or special meeting for the transaction of city business, to exercise the powers of the local contract review board. Except as expressly delegated under these regulations, the city council of the city of St. Helens reserves to itself the exercise of all of the duties and authority of a local contract review board under state and local law, including, but not limited to, the power and authority to:

- (1) Solicitation Methods Applicable to Contracts. Approve the use of contracting methods and exemptions from contracting methods for a specific contract or certain classes of contracts.
- (2) Brand Name Specifications. Exempt the use of brand name specifications for public improvement contracts.
- (3) Waiver of Performance and Payment Bonds. Approve the partial or complete waiver of the requirement for the delivery of a performance or payment bond for construction of a public improvement, other than in cases of emergencies.
- (4) Electronic Advertisement of Public Improvement Contracts. Authorize the use of electronic advertisements for public improvement contracts in lieu of publication in a newspaper of general circulation.
- (5) Appeals of Debarment and Prequalification Decisions. Hear properly filed appeals of the city administrator's determination of debarment or concerning prequalification.
- (6) Rulemaking. Adopt contracting rules under ORS [279A.065](#) and [279A.070](#) including, without limitation, rules for the procurement, management, disposal and control of goods, services, personal services, and public improvements.
- (7) Award. Award all contracts.
- (8) Delegation. Delegate to any employee or agent of the city of St. Helens any of the duties or authority of a contracting agency. (Ord. 2942 § 9, 2005)

2.04.080 Contracting agency.

The city council of the city of St. Helens is designated as the contracting agency under the state of Oregon Public Contracting Code and this code. Except as expressly delegated under these regulations, the city council of the city of St. Helens reserves to itself the exercise of all of the duties

and authority of a contracting agency under state and local law. The contracting agency may, from time to time, delegate its powers and responsibilities by board order, resolution or ordinance consistent with the Oregon Public Contracting Code, the Model Rules, and ordinances of the city of St. Helens. (Ord. 2942 § 10, 2005)

2.04.090 Delegation of authority to city administrator.

(1) General Authority. The city administrator shall be the purchasing manager for the city of St. Helens and is hereby authorized to issue all solicitations and to award all city of St. Helens contracts for which the contract price does not exceed ~~\$75,000~~\$100,000. Subject to the provisions of this chapter, the city administrator may adopt and amend all solicitation materials, contracts and forms required or permitted to be adopted by contracting agencies under the Oregon Public Contracting Code, this code or otherwise convenient for the city of St. Helens's contracting needs. The city administrator shall hear all solicitation and award protests.

(2) Solicitation Preferences. When possible, the city administrator shall use solicitation documents and evaluation criteria that:

(a) Give preference to goods that are fabricated or processed, or services that are performed entirely within the state of Oregon if the cost of the goods or services does not exceed 110 percent of the cost of the goods or services not fabricated or processed or performed entirely within the state of Oregon and, if more than one bidder or proposer qualifies for this preference, the city may give an additional five percent preference to a qualifying bidder or proposer that resides in or is headquartered in the state of Oregon; and

(b) Give preference to goods that are certified to be made from recycled products when such goods are available, can be substituted for nonrecycled products without a loss in quality, and the cost of goods made from recycled products is not significantly more than the cost of goods made from nonrecycled products.

(3) Delegation of City Administrator's Authority. The following delegations are authorized and approved by the contracting agency:

(a) Any of the responsibilities or authorities of the city administrator under this chapter may be delegated and subdelegated by written directive or order.

(b) Without such order, the city finance director, in the absence of the city administrator, shall serve as purchasing manager with all the powers, responsibilities and authorities of the administrator.

~~(c) Without such order, the city engineering manager, in the absence of the city administrator, shall serve as purchasing manager with all the powers, responsibilities and authorities of the administrator, as regards public improvements and public works contracts.~~

~~(d) Without such order, the following city department heads are delegated contract and purchasing authority, up to \$5,000: city attorney, finance director, engineering administrator, chief of police, planning administrator, building official, library director, and wastewater treatment superintendent. Amounts between \$5,000 and \$25,000 require approval of the designated department councilor.~~

~~(e) Without such order, each city department head is authorized to delegate contract and purchasing authority to another employee serving as "acting" in capacity in the department head's absence.~~

~~(f)~~ (c) Without such order, city department heads may enter into contracts authorized under the city ordinances or by the appropriate approval authority ~~(e.g., planning commission)~~ when such contracts do not expend city funds, on behalf of their respective departments and the city, provided the contract contains the concurrence and signatures of the city administrator ~~and city attorney~~ and provided the department head provides notice of such contract by placing it on the council's agenda for acceptance at the next available city council meeting.

~~(g) Without such order, the city attorney together with any applicable city department head may enter into compliance agreements and/or settlement agreements (e.g., nuisance abatement compliance agreements) in avoidance of administrative proceedings or litigation, when such agreements do not exceed \$25,000, on behalf of their respective departments and the city, provided the agreement contains the concurrence and signatures of the department head, city administrator and city attorney and provided the department head provides notice of such agreement by placing it on the council's agenda for acceptance at the next available city council meeting.~~

~~(h) Without such order the city finance director or his/her designee, with the concurrence of the city administrator and the applicable department head, are authorized to pay any bills not to exceed \$10,000 without action of the full city council provided the finance director provides notice of all such bills by placing them on the council's agenda for acceptance at the next available city council meeting.~~

~~(d)~~ (i) The following safeguards and requirements set forth below for contracts, purchases, payments, and approval of exemptions shall be observed by the city purchasing manager and all department heads:

(i) Whenever a contract officer is authorized to contract or purchase, the contract officer's authority is expressly contingent on documented compliance with public contracting regulations adopted by the city. Every contract officer is specifically authorized and required to take such actions and grant such orders and exemptions, with supporting documentation, as are necessary to achieve strict compliance with city contracting laws and procedures.

~~(ii) With approval of the designated department councilor, department heads are authorized to enter into contracts and make purchases and approve contract exemptions between \$5,000 and not to exceed \$25,000 in public funds, provided the contract or purchase is authorized in the current city budget, and available funds are verified by the signature of either the finance director or city administrator on the contract/purchase order and the exemption order. Said contract or purchase must be made on contract forms and exemption forms approved and executed by the city attorney.~~

~~(iii) Contracts and purchases not to exceed \$5,000 may be executed or made by the city department head, and no exemption record is required to be made; provided, however, the department head shall verify available budgeted funds. The city attorney's signature is not required if standard contract forms are used. The city administrator or city finance director's signatures are not required to verify budgeted funds. Department heads are~~

~~solely responsible to keep track of such purchases and contracts and are encouraged to make a record of such purchases consistent with city policy for larger contracts.~~

~~(iv) Notwithstanding the delegation in this chapter, department heads are encouraged to keep their city council liaison informally advised of the substance of any contract or purchase. The city council, acting at a regular or special meeting, reserves to itself the power and authority to approve any contract, purchase, exemption order or authorize payment.~~

(4) Mandatory Review of Rules. Whenever the Oregon State Legislative Assembly enacts laws that cause the Attorney General to modify its Model Rules, the city administrator shall review the public contracting regulations, other than the Model Rules, and recommend to the city council of the city of St. Helens any modifications required to ensure compliance with statutory changes. (Ord. 3158 § 1, 2012; Ord. 3066 §§ 1, 2, 2007; Ord. 2942 § 11, 2005)

2.04.100 Public contracts – Additional definitions.

The following terms used in these regulations shall have the meanings set forth below:

“Award” means the selection of a person to provide goods, services or public improvements under a public contract. The award of a contract is not binding on the city of St. Helens until the contract is executed and delivered by city of St. Helens.

“Bid” means a binding, sealed, written offer to provide goods, services or public improvements for a specified price or prices.

“Concession agreement” means a contract that authorizes and requires a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from real property owned or managed by the city of St. Helens, and under which the concessionaire makes payments to the city of St. Helens based, at least in part, on the concessionaire’s revenues or sales. The term “concession agreement” does not include a mere rental agreement, license or lease for the use of premises.

“Contract price” means the total amount paid or to be paid under a contract, including any approved alternates, and any fully executed change orders or amendments.

~~“Contract review board” or~~ “local contract review board” or “LCRB” means the city council of the city of St. Helens.

“Cooperative procurement” means a procurement conducted by or on behalf of one or more contracting agencies.

“Debarment” means a declaration by the city council or city administrator under [ORS 279B.130](#) or [279C.440](#) that prohibits a potential contractor from competing for the city of St. Helens public contracts for a prescribed period of time.

“Disposal” means any arrangement for the transfer of property by the city of St. Helens under which the city of St. Helens relinquishes ownership.

“Emergency” means circumstances that create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and require prompt execution of a contract to remedy the condition.

“Energy savings performance contract” means a contract with a qualified energy service company for the identification, evaluation, recommendation, design and construction of energy conservation measures that guarantee energy savings or performance.

“Findings” are the statements of fact that provide justification for a determination. Findings may include, but are not limited to, information regarding operation, budget and financial data; public benefits; cost savings; competition in public contracts; quality and aesthetic considerations; value engineering; specialized expertise needed; public safety; market conditions; technical complexity; availability; performance and funding sources.

“Goods” means any item or combination of supplies, equipment, materials or other personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto.

“Informal solicitation” means a solicitation made in accordance with the city of St. Helens public contracting code to a limited number of potential contractors, in which the solicitation agent attempts to obtain at least three written quotes or proposals.

“Invitation to bid” means a publicly advertised request for competitive sealed bids.

“Model Rules” means the public contracting rules adopted by the Attorney General under ORS [279A.065](#).

“Offeror” means a person who submits a bid, quote or proposal to enter into a public contract with the city of St. Helens.

“Oregon Public Contracting Code” means ORS Chapters [279A](#), [279B](#) and [279C](#).

“Person” means a natural person or any other private or city of St. Helens entity having the legal capacity to enter into a binding contract.

“Personal services contract” means a contract with an independent contractor predominantly for services that require special training or certification, skill, technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of architects, engineers, land surveyors, photogrammetrists, transportation planners, attorneys, auditors and other licensed professionals, artists, designers, computer programmers, performers, consultants and property managers. The city administrator shall have discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the definition of personal services.

“Proposal” means a binding offer to provide goods, services or public improvements with the understanding that acceptance will depend on the evaluation of factors other than, or in addition to, price. A proposal may be made in response to a request for proposals or under an informal solicitation.

“Public contract” means a sale or other disposal, or a purchase, lease, rental or other acquisition, by the city of St. Helens of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement.

“Public improvement” means a project for construction, reconstruction or major renovation on real property by or for the city of St. Helens. “Public improvement” does not include:

(1) Projects for which no funds of the city of St. Helens are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or

(2) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.

“Purchasing manager” means the city administrator or designee.

“Qualified pool” means a pool of vendors who are prequalified to compete for the award of contracts for certain types of contracts or to provide certain types of services.

“Quote” means a price offer made in response to an informal or qualified pool solicitation to provide goods, services or public improvements.

“Request for proposals” means a publicly advertised request for sealed competitive proposals.

“Services” means and includes all types of services (including construction labor) other than personal services.

“Solicitation” means an invitation to one or more potential contractors to submit a bid, proposal, quote, statement of qualifications or letter of interest to the city of St. Helens with respect to a proposed project, procurement or other contracting opportunity. The word “solicitation” also refers to the process by which the city of St. Helens requests, receives and evaluates potential contractors and awards public contracts.

“Solicitation agent” means, with respect to a particular solicitation, the department head or person designated by the department head to conduct the solicitation and make an award.

“Solicitation documents” means all informational materials issued by the city of St. Helens for a solicitation, including, but not limited to, advertisements, instructions, submission requirements and schedules, award criteria, contract terms and specifications, and all laws, regulations and documents incorporated by reference.

“Standards of responsibility” means the qualifications of eligibility for award of a public contract. An offeror meets the standards of responsibility if the offeror has:

(1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the offeror to meet all contractual responsibilities;

(2) A satisfactory record of performance. The solicitation agent shall document the record of performance of an offeror if the solicitation agent finds the offeror to be not responsible under this definition;

(3) A satisfactory record of integrity. The solicitation agent shall document the record of integrity of an offeror if the solicitation agent finds the offeror to be not responsible under this definition;

(4) Qualified legally to contract with the city of St. Helens;

(5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the solicitation agent concerning responsibility, the solicitation agent shall base the determination of responsibility upon any available information or may find the offeror nonresponsible; and

(6) Not been debarred by the city of St. Helens, and, in the case of public improvement contracts, has not been listed by the Construction Contractors Board as a contractor who is not qualified to hold a public improvement contract.

“Surplus property” means personal property owned by the city of St. Helens which is no longer needed for use by the department to which such property has been assigned. (Ord. 3158 § 2, 2012; Ord. 2942 § 12, 2005)

2.04.110 Public contracts – Process for approval of special solicitation methods and exemptions.

(1) Authority of City of St. Helens City Council. In its capacity as local contract review board for the city of St. Helens, the city council, upon its own initiative or upon request of the city administrator, may create special ~~selectionsolicitationsolicitation~~, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.

(2) Basis for Approval. The approval of a special solicitation method or exemption from competition must be based upon a record before the local contract review board, ~~that contains the following:~~

~~(a) The nature of the contract or class of contracts for which the special solicitation or exemption is requested;~~

~~(b) The estimated contract price or cost of the project, if relevant;~~

~~(c) Findings to support the substantial cost savings, enhancement in quality or performance or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;~~

~~(d) Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations; and~~

~~(e) A description of the proposed alternative contracting methods to be employed.~~

~~(3)(a)~~ In making a determination regarding a special selection method, the local contract review board may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.

~~(4)(3)(a)~~ The local contract review board may approve the special solicitation or exemption after having received a written request that describes the contracting procedure, the goods or services or the class of goods or services that are the subject of the special procurement and the circumstances that justify the use of a special procurement under the standards set forth in subsection (2) of this section.

~~(5)(b)~~ The local contract review board may approve a special procurement if the local contract review board finds that the request submitted under subsection (2) of this section demonstrates that the use of a special procurement as described in the request:

(i) Is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and

(ii) Is reasonably expected to result in substantial cost savings to the city or the public or otherwise substantially promotes the public interest in a manner that could not be practicably realized by complying with the requirements of the local contract review board rules without using an exemption.

(4) Notification of the approval of an exemption to the local contract review board rules shall be published at least once in at least one newspaper of general circulation in the St. Helens area and in as many additional issues and publications as the city may determine.

(5) Any affected person may protest the approval of a special exemption in accordance with ORS [279B.400](#) and OAR [137-047-0700](#), by filing such protest within seven days from the date of publication of notice of the approval.

(6) Commencement of Solicitation Prior to Approval. A solicitation may be issued prior to the approval of a special exemption under this section; provided, that the closing of the solicitation may not be earlier than five days after the date of the hearing at which the LCRB approves the exemption. If the LCRB fails to approve a requested exemption or requires the use of a solicitation procedure other than the procedures described in the issued solicitation documents, the issued solicitation may either be modified by addendum, or cancelled. (Ord. 3201 § 1, 2015; Ord. 2942 § 13, 2005)

2.04.120 Approved solicitation methods for classes of contracts.

Having performed a public hearing in accordance with Oregon law, the following classes of public contracts and the method(s) that are approved for the award of each of the classes are hereby established by the city of St. Helens.

(1) Purchases from Nonprofit Agencies for Disabled Individuals. The city of St. Helens shall give a preference to goods, services and public improvements available from qualified nonprofit agencies for disabled individuals in accordance with the provisions of ORS [279.835](#) through [279.850](#).

(2) Public Improvement Contracts.

(a) Any Public Improvement. Unless otherwise provided in the code, or state law, or approved for a special exemption, public improvement contracts in any amount may be issued only under an invitation to bid.

(b) Nontransportation Public Improvements Up to \$100,000. Public improvement contracts other than contracts for a highway, bridge or other transportation project for which the estimated contract price does not exceed \$100,000 may be awarded using an informal solicitation for quotes.

(c) Transportation Public Improvements Up to \$50,000. Contracts for which the estimated contract price does not exceed \$50,000 for highways, bridges or other transportation projects may be awarded using an informal solicitation for quotes.

(d) Privately Constructed Public Improvements. The city of St. Helens may contribute funding to a privately constructed public improvement project without subjecting the project to competitive solicitation requirements if all of the following conditions are met with respect to the entire public improvement project:

~~(i) The city of St. Helens's contribution to the project may not exceed 25 percent of the total cost of the project;~~

(ii) The city of St. Helens must comply with all applicable laws concerning the reporting of the project to the Bureau of Labor and Industries ~~as a public works project;~~

(iii) The general contractor for the project must agree in writing to comply with all applicable laws concerning reporting and payment of prevailing wages for the project;

~~(iiiiv)~~ The funds contributed to the project may not provide a pecuniary benefit to the owner of the development for which the project is being constructed, other than benefits that are shared by all members of the community;

(iv) The performance of the general contractor and the payment of labor for the project must be secured by performance and payment bonds or other cash-equivalent security that is acceptable to the city administrator to protect the city of St. Helens against defective performance and claims for payment; and

(vi) The contract for construction of the project must be amended, as necessary, to require the general contractor to maintain adequate workers' compensation and liability insurance and to protect and provide indemnification to the city of St. Helens for all claims for payment, injury or property damage arising from or related to the construction of the project.

(3) Personal Services Contracts.

(a) Contracts for Architects, Engineers, Land Surveyors, Photogrammetrists, Transportation Planners, ~~financing~~ and Related Services.

(i) Personal services contracts with the above-enumerated professionals where the estimated cost of the contract does not exceed \$100,000, or in the case of an emergency, may be awarded in any manner which the solicitation agent deems appropriate to the city of St. Helens' needs, including by direct appointment or purchase.

(ii) Personal services contracts with the above-enumerated professionals where the estimated cost of the contract is greater than \$100,000 but does not exceed \$250,000 shall be awarded following a qualifications based selection procedure outlined in subsection (3)(a)(iii) of this section, except that the city may adjust the procedure to accommodate the city's scope, schedule or objectives for the particular project.

(iii) Personal services contracts with the above-enumerated professionals where the estimated cost of the contract is greater than \$250,000 shall be awarded following a qualifications based selection procedure focusing on the consultant's qualifications for the type of professional service required, taking into account the candidate's specialized experience, capabilities and technical competence; resources; record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration; ownership status and employment practices regarding minority, women and emerging small businesses or historically under utilized businesses; availability to the project locale; familiarity with the project locale; and proposed project management techniques. The city may not solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine consultant compensation until after the city has selected a qualified professional. If the city and the professional are unable to negotiate a reasonable and fair amount of compensation, as determined solely by the city, the city shall, either orally or in writing, formally terminate negotiations with the selected candidate and may then negotiate with the next most qualified candidate. The negotiation process may continue in this manner through successive candidates until an agreement is reached or the contracting agency terminates the consultant contracting process.

(b) Contracts for Services Other than Those with Architects, Engineers, Land Surveyors, Photogrammetrists, Transportation Planners, financing and Related Services. Personal services contracts for services other than those with architects, engineers, land surveyors, photogrammetrists, transportation planners, financing and related professionals in any amount may be awarded under a publicly advertised request for competitive sealed proposals.

(c) Personal Service Contracts for Other Services Not Exceeding ~~\$150~~100,000. Contracts for personal services other than those with architects, engineers, land surveyors, photogrammetrists, transportation planners, financing and related professionals for which the estimated contract price does not exceed ~~\$150~~100,000 may be awarded using an informal solicitation for proposals.

(d) Seventy-Five-Thousand-Dollar Award from Qualified Pool. Contracts for personal services other than those with architects, engineers, land surveyors, photogrammetrists, transportation planners, financing and related professionals for which the estimated contract price does not exceed \$75,000 may be awarded by direct appointment without competition from a qualified pool.

(e) Personal Service Contracts Not Exceeding ~~\$205~~0,000 per Year. Contracts other than those with architects, engineers, land surveyors, photogrammetrists, transportation planners, financing and related professionals for which the solicitation agent estimates that payments will

not exceed \$~~2950~~,000 in any fiscal year or \$150,000 over the full term, including optional renewals, may be awarded under any method deemed in the city of St. Helens' best interest by the solicitation agent, including by direct appointment.

(f) Personal Service Contracts for Continuation of Work. Contracts other than those with architects, engineers, land surveyors, photogrammetrists, transportation planners, financing and related professionals of not more than \$150,000 for the continuation of work by a contractor who performed preliminary studies, analysis or planning for the work under a prior contract may be awarded without competition if the prior contract was awarded under a competitive process and the solicitation agent determines that use of the original contractor will significantly reduce the costs of, or risks associated with, the work.

(4) Hybrid Contracts. The following classes of contracts include elements of construction of public improvements as well as personal services and may be awarded under a request for proposals, unless exempt from competitive solicitation.

(a) Design/Build and CM/GC Contracts. Contracts for the construction of public improvements using a design/build or construction manager/general contractor construction method shall be awarded under a request for proposals. The determination to construct a project using a design/build or construction manager/general contractor construction method must be approved by the city council or designee, upon application of the solicitation agent, in which the solicitation agent submits facts that support a finding that the construction of the improvement under the proposed method is likely to result in cost savings, higher quality, reduced errors, or other benefits to the city of St. Helens.

(b) Energy Savings Performance Contracts. Unless the contract qualifies for award under another classification in this section, contractors for energy savings performance contracts shall be selected under a request for proposals in accordance with the city of St. Helens's public contracting regulations.

(5) Contracts for Goods and Services.

(a) Any Procurement. The procurement of goods or services, or goods and services, in any amount may be made under either an invitation to bid or a request for proposals.

(b) Procurements Up to \$150,000. The procurement of goods or services, or goods and services, for which the estimated contract price does not exceed \$150,000 may be made under an informal solicitation for either quotes or proposals.

(6) Contracts Subject to Award at Solicitation Agent's Discretion. The following classes of contracts may be awarded in any manner which the solicitation agent deems appropriate to the city of St. Helens's needs, including by direct appointment or purchase. Except where otherwise provided, the solicitation agent shall make a record of the method of award.

(a) Advertising. Contracts for the placing of notice or advertisements in any medium.

(b) Amendments. Contract amendments shall not be considered to be separate contracts if made in accordance with the public contracting regulations.

(c) Animals. Contracts for the purchase of animals (e.g., specifically to include police dogs).

(d) Contracts Up to \$5,000. Contracts of any type for which the contract price does not exceed \$5,000 without a record of the method of award.

(e) Copyrighted Materials – Library Materials. Contracts for the acquisition of materials entitled to copyright, including, but not limited to, works of art and design, literature and music, or materials even if not entitled to copyright, purchased for use as library lending materials.

(f) Equipment Repair. Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.

(g) Governmentally Regulated Items. Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.

(h) Insurance. Insurance and service contracts as provided for under ORS [414.115](#), [414.125](#), [414.135](#) and [414.145](#).

(i) Nonowned Property. Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the city of St. Helens.

(j) Sole Source Contracts. Contracts for goods or services which are available from a single source may be awarded without competition.

(k) Specialty Goods for Resale. Contracts for the purchase of specialty goods by city of St. Helens for resale to consumers.

(l) Sponsor Agreements. Sponsorship agreements, under which the city of St. Helens receives a gift or donation in exchange for recognition of the donor.

(m) Structures. Contracts for the disposal of structures located on property owned by the city of St. Helens.

(n) Renewals. Contracts that are being renewed in accordance with their terms are not considered to be newly issued contracts and are not subject to competitive procurement procedures.

(o) Temporary Extensions or Renewals. Contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and nonrenewable or recently expired contract, other than a contract for public improvements.

(p) Temporary Use of Property Owned by the City of St. Helens. The city of St. Helens may negotiate and enter into a license, permit or other contract for the temporary use of property owned by the city of St. Helens without using a competitive selection process if:

(i) The contract results from an unsolicited proposal to the city of St. Helens based on the unique attributes of the property or the unique needs of the proposer;

(ii) The proposed use of the property is consistent with the city of St. Helens's use of the property and the public interest; and

(iii) The city of St. Helens reserves the right to terminate the contract without penalty, in the event that the city of St. Helens determines that the contract is no longer consistent with the city of St. Helens's present or planned use of the property or the public interest.

(q) Used Property. A solicitation agent, for procurements up to \$2050,000, and the city administrator, for procurements in excess of \$2050,000, may contract for the purchase of used property by negotiation if such property is suitable for the city of St. Helens's needs and can be purchased for a lower cost than substantially similar new property. For this purpose the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the city of St. Helens. The city administrator shall record the findings that support the purchase over \$2050,000.

(r) Utilities. Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities.

(7) Contracts Required by Emergency Circumstances.

(a) In General. When an official with authority to enter into a contract on behalf of the city of St. Helens determines that immediate execution of a contract within the official's authority is necessary to prevent substantial damage or injury to persons or property, the official may execute the contract without competitive selection and award or city council or city administrator approval, but, where time permits, the official shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.

(b) Reporting. An official who enters into an emergency contract shall, as soon as possible, in light of the emergency circumstances, (i) document the nature of the emergency, the method used for selection of the particular contractor and the reason why the selection method was deemed in the best interest of the city of St. Helens and the public, and (ii) notify the city administrator and city council of the facts and circumstances surrounding the emergency execution of the contract.

(c) Emergency Public Improvement Contracts. A public improvement contract may only be awarded under emergency circumstances if the city, pursuant to city ordinance, has made a written declaration of emergency. Any public improvement contract awarded under emergency conditions must be awarded within 60 days following the declaration of an emergency unless the city council grants an extension of the emergency period. Where the time delay needed to obtain a payment or performance bond for the contract could result in injury or substantial property damage, the city administrator may waive the requirement for all or a portion of required performance and payment bonds.

(8) Federal Purchasing Programs. Goods and services may be purchased without competitive procedures under a local purchasing program administered by the United States General Services Administration ("GSA") as provided in this subsection.

(a) The procurement must be made in accordance with procedures established by GSA for procurements by local government, and under purchase orders or contracts submitted to and approved by the city administrator. The solicitation agent shall provide the city administrator with a copy of the letter, memorandum or other documentation from GSA establishing permission to the city of St. Helens to purchase under the federal program.

(b) The price of the goods or services must be established under price agreements between the federally approved vendor and GSA.

(c) The price of the goods or services must be less than the price at which such goods or services are available under state or local cooperative purchasing programs that are available to the city of St. Helens.

(d) If a single purchase of goods or services exceeds \$150,000, the solicitation agent must obtain informal written quotes or proposals from at least two additional vendors (if reasonably available) and find, in writing, that the goods or services offered by GSA represent the best value for the city of St. Helens. This subsection does not apply to the purchase of equipment manufactured or sold solely for military or law enforcement purposes.

(9) Cooperative Procurement Contracts. Cooperative procurements may be made without competitive solicitation as provided in the Oregon Public Contracting Code.

(10) Surplus Property.

(a) General Methods. Surplus property may be disposed of by any of the following methods upon a determination by the solicitation agent that the method of disposal is in the best interest of the city of St. Helens. Factors that may be considered by the solicitation agent include costs of sale, administrative costs, and public benefits to the city of St. Helens. The solicitation agent shall maintain a record of the reason for the disposal method selected and the manner of disposal, including the name of the person to whom the surplus property was transferred.

(i) Other Governments. Without competition, by transfer or sale to another governmental entity.

(ii) Auction. By publicly advertised auction to the highest bidder.

(iii) Bids. By publicly advertised invitation to bid.

(iv) Liquidation Sale. By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts.

(v) Fixed Price Sale. The solicitation agent may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.

(vi) Trade-In. By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.

(vii) Donation. By donation to any organization operating within or providing a service to residents of the city of St. Helens which is recognized by the Internal Revenue Service as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(b) Disposal of Property with Minimal Value. Surplus property which has a value of less than \$500.00, or for which the costs of sale are likely to exceed sale proceeds may be disposed of by any means determined to be cost-effective, including by disposal as waste. The official making the disposal shall make a record of the value of the item and the manner of disposal.

(c) Personal-Use Items. An item (or indivisible set) of specialized and personal use, other than police officer's handguns, with a current value of less than \$100.00 may be sold to the employee or retired or terminated employee for whose use it was purchased. These items may be sold for fair market value without bid and by a process deemed most efficient by the city administrator.

(d) Police Officers' Handguns. Upon honorable retirement from service with the city of St. Helens, a police officer may purchase the handgun that ~~she or he~~they ~~was~~were using at the time of retirement. The purchase price shall be the fair market value of the handgun as determined by an independent appraisal performed by a qualified weapons appraiser. An officer electing to exercise this option shall notify the city of St. Helens at least 30 days prior to ~~his or her~~their expected retirement date and request an appraisal of the handgun. Upon receipt of the appraisal fee from the officer the city of St. Helens shall arrange for the appraisal. A copy of the completed appraisal shall be provided to the officer, who shall have up to 30 days from the date of retirement to purchase the handgun for the appraised fair market value.

(e) Restriction on Sale to City of St. Helens Employees. City of St. Helens employees shall not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property, but shall not be permitted to offer to purchase property to be sold to the first qualifying bidder until at least three days after the first date on which notice of the sale is first publicly advertised.

(f) Conveyance to Purchaser. Upon the consummation of a sale of surplus personal property, the city of St. Helens shall make, execute and deliver a bill of sale signed on behalf of the city of St. Helens, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

(11) Concession Agreements.

(a) General. No part of a concession agreement shall contain or constitute a waiver of any generally applicable rules, code provisions or requirements of the city of St. Helens concerning regulation, registration, licensing, inspection, or permit requirements for any construction, rental or business activity.

(b) Classes of Contracts Eligible for Award without Competition. The following concession agreements may be awarded by any method deemed appropriate by the solicitation agent, including, without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.

(i) Contracts Under \$5,000. Contracts under which the solicitation agent estimates that receipts by the city of St. Helens will not exceed \$5,000 in any fiscal year and \$50,000 in the aggregate.

(ii) Single Event Concessions. Concessions to sell or promote food, beverages, merchandise or services at a single public event shall be awarded based on any method

determined by the city administrator to provide a fair opportunity to all persons desiring to operate a concession, but in which the promotion of the public interest and success of the event shall be of predominant importance.

(c) Competitive Award. Concession agreements solicited by the city of St. Helens for the use of designated public premises for a term greater than a single event shall be awarded as follows:

(i) Small Concessions. For concession agreements for which the concessionaire's projected annual gross revenues are estimated to be \$500,000 or less, the city administrator has discretion to use either an informal solicitation or formal request for proposals process applicable to contracts for personal services. If the proposals received indicate a probability that the concessionaire's annual gross revenues will exceed \$500,000, the solicitation agent may, but shall not be required to, reissue the solicitation as a request for proposals.

(ii) Major Concessions. Concession agreements for which the concessionaire's projected annual gross revenues under the contract are estimated to exceed \$500,000 annually shall be awarded using a request for proposals. (Ord. 3158 § 3, 2012; Ord. 2942 § 14, 2005)

2.04.130 Public contracts – Informal solicitation procedures.

The city of St. Helens may use the following procedure for informal solicitations in lieu of the procedures set forth in the Model Rules.

(1) Informally Solicited Quotes and Proposals.

(a) Solicitation of Offers. When authorized by these regulations, an informal solicitation may be made by general or limited advertisement to a certain group of vendors, by direct inquiry to persons selected by the solicitation agent, or in any other manner which the solicitation agent deems suitable for obtaining competitive quotes or proposals. The solicitation agent shall deliver or otherwise make available to potential offerors a written scope of work, a description of how quotes or proposals are to be submitted and description of the criteria for award.

(b) Award. The solicitation agent shall attempt to obtain a minimum of three written quotes or proposals before making an award. If the award is made solely on the basis of price, the solicitation agent shall award the contract to the responsible offeror that submits the lowest responsive quote. If the award is based on criteria other than, or in addition to, price, the solicitation agent shall award the contract to the responsible offeror that will best serve the interests of the city of St. Helens, based on the criteria for award.

(c) Records. A written record of all persons solicited and offers received shall be maintained. If three offers cannot be obtained, a lesser number will suffice, provided that a written record is made of the effort to obtain the quotes.

(2) Qualified Pools.

(a) General. To create a qualified pool, the city administrator shall invite prospective contractors to submit their qualifications to the city of St. Helens for inclusion as participants in

a pool of contractors qualified to provide certain types of goods, services, or projects including personal services, and public improvements.

(b) Advertisement. The invitation to participate in a qualified pool shall be advertised in the manner provided for advertisements of invitations to bid and requests for proposals by publication in at least one newspaper of general statewide circulation. If qualification will be for a term that exceeds one year or allows open entry on a continuous basis, the invitation to participate in the pool must be republished at least once per year and shall be posted at the city of St. Helens's main office and on its website.

(c) Contents of Solicitation. Requests for participation in a qualified pool shall describe the scope of goods or services or projects for which the pool will be maintained and the minimum qualifications for participation in the pool, which may include, but shall not be limited to, qualifications related to financial stability, contracts with manufacturers or distributors, certification as an emerging small business, insurance, licensure, education, training, experience and demonstrated skills of key personnel, access to equipment, and other relevant qualifications that are important to the contracting needs of the city of St. Helens.

(d) Contract. The operation of each qualified pool may be governed by the provisions of a pool contract to which the city of St. Helens and all pool participants are parties. The contract shall contain all terms required by the city of St. Helens, including, without limitation, terms related to price, performance, business registration or licensure, continuing education, insurance, and requirements for the submission, on an annual or other periodic basis, of evidence of continuing qualification. The qualified pool contract shall describe the selection procedures that the city of St. Helens may use to issue contract job orders. The selection procedures shall be objective and open to all pool participants and afford all participants the opportunity to compete for or receive job awards. Unless expressly provided in the contract, participation in a qualified pool will not entitle a participant to the award of any city of St. Helens contract.

(e) Use of Qualified Pools. Subject to the provisions of these regulations concerning methods of solicitation for classes of contracts, the solicitation agent shall award all contracts for goods or services of the type for which a qualified pool is created from among the pool's participants, unless the solicitation agent determines that the best interests of the city of St. Helens require solicitation by public advertisement, in which case, pool participants shall be notified of the solicitation and invited to submit competitive proposals.

(f) Amendment and Termination. The city administrator may discontinue a qualified pool at any time, or may change the requirements for eligibility as a participant in the pool at any time, by giving notice to all participants in the qualified pool.

(g) Protest of Failure to Qualify. The city administrator shall notify any applicant who fails to qualify for participation in a pool that it may appeal a qualified pool decision to the city council in the manner described in this code. (Ord. 2942 § 15, 2005)

2.04.140 Public contracts – Use of brand name specifications for public improvements.

(1) In General. Specifications for contracts shall not expressly or implicitly require any product by one brand name or mark, nor the product of one particular manufacturer or seller, except for the following reasons:

(a) It is unlikely that such exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; or

(b) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings to the city of St. Helens; or

(c) There is only one manufacturer or seller of the product of the quality required; or

(d) Efficient utilization of existing equipment, systems or supplies requires the acquisition of compatible equipment or supplies.

(2) Authority of City Administrator. The city administrator shall have authority to determine whether an exemption for the use of a specific brand name specification should be granted by recording findings that support the exemption based on the provisions of subsection (1) of this section.

(3) Brand Name or Equivalent. Nothing in this section prohibits the city of St. Helens from using a "brand name or equivalent" specification, from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the city of St. Helens, or from establishing a qualified product list. (Ord. 2942 § 16, 2005)

2.04.150 Public contracts – Bid, performance and payment bonds.

(1) Solicitation Agent May Require Bonds. The solicitation agent may require bid security and a good and sufficient performance and payment bond even though the contract is of a class that is exempt from the requirement.

(2) Bid Security. Except as otherwise exempted, the solicitations for all contracts that include the construction of a public improvement and for which the estimated contract price will exceed \$75,000 shall require bid security. Bid security for a request for proposal may be based on the city of St. Helens's estimated contract price.

(3) Performance Bonds.

(a) General. Except as provided in these regulations, all public contracts are exempt from the requirement for the furnishing of a performance bond.

(b) Contracts Involving Public Improvements. Prior to executing a contract for more than \$50,000 that includes the construction of a public improvement, the contractor must deliver a performance bond in an amount equal to the full contract price conditioned on the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The performance bond must be solely for the protection of the city of St. Helens and any public agency that is providing funding for the project for which the contract was awarded.

(c) Cash-in-Lieu. The city administrator may permit the successful offeror to submit a cashier's check or certified check in lieu of all or a portion of the required performance bond.

(4) Payment Bonds.

(a) General. Except as provided in these regulations, all public contracts are exempt from the requirement for the furnishing of a payment bond.

(b) Contracts Involving Public Improvements. Prior to executing a contract for more than \$50,000 that includes the construction of a public improvement, the contractor must deliver a payment bond equal to the full contract price, solely for the protection of claimants under ORS [279C.600](#).

(5) Design/Build Contracts. If the public improvement contract is with a single person to provide both design and construction of a public improvement, the obligation of the performance bond for the faithful performance of the contract must also be for the preparation and completion of the design and related services covered under the contract. Notwithstanding when a cause of action, claim or demand accrues or arises, the surety is not liable after final completion of the contract, or longer if provided for in the contract, for damages of any nature, economic or otherwise and including corrective work, attributable to the design aspect of a design-build project, or for the costs of design revisions needed to implement corrective work.

(6) Construction Manager/General Contractor Contracts. If the public improvement contract is with a single person to provide construction manager and general contractor services, in which a guaranteed maximum price may be established by an amendment authorizing construction period services following preconstruction period services, the contractor shall provide the bonds required by subsection (1) of this section upon execution of an amendment establishing the guaranteed maximum price. The city of St. Helens shall also require the contractor to provide bonds equal to the value of construction services authorized by any early work amendment in advance of the guaranteed maximum price amendment. Such bonds must be provided before construction starts.

(7) Surety – Obligation. Each performance bond and each payment bond must be executed solely by a surety company or companies holding a certificate of authority to transact surety business in Oregon. The bonds may not constitute the surety obligation of an individual or individuals. The performance and payment bonds must be payable to the city of St. Helens or to the public agency or agencies for whose benefit the bond is issued, as specified in the solicitation documents, and shall be in a form approved by the city administrator.

(8) Emergencies. In cases of emergency, or when the interest or property of the city of St. Helens probably would suffer material injury by delay or other cause, the requirement of furnishing a good and sufficient performance bond and a good and sufficient payment bond for the faithful performance of any public improvement contract may be excused, if a declaration of such emergency is made in accordance with the provisions of SHMC [2.04.120](#)(7), unless the city council requires otherwise. (Ord. 2942 § 17, 2005)

2.04.160 Public contracts – Electronic advertisement of public improvement contracts.

In lieu of publication in a newspaper of general circulation in the city of St. Helens metropolitan area, the advertisement for an invitation to bid or request for proposals for a contract involving a public improvement may be published electronically by posting on the city of St. Helens's website; provided, that the following conditions are met:

(1) The placement of the advertisement is on a location within the website that is maintained on a regular basis for the posting of information concerning solicitations for projects of the type for which the invitation to bid or request for proposals is issued; and

(2) The solicitation agent determines that the use of electronic publication will be at least as effective in encouraging meaningful competition as publication in a newspaper of general circulation in the city of St. Helens metropolitan area and will provide costs savings for the city of St. Helens, or that the use of electronic publication will be more effective than publication in a newspaper of general circulation in the city of St. Helens metropolitan area in encouraging meaningful competition. (Ord. 2942 § 18, 2005)

2.04.170 Appeal of debarment or prequalification decision.

(1) Right to Hearing. Any person who has been debarred from competing for city of St. Helens contracts or for whom prequalification has been denied, revoked or revised may appeal the decision to the city council as provided in this section.

(2) Filing of Appeal. The person must file a written notice of appeal with the city administrator within three business days after the prospective contractor's receipt of notice of the determination of debarment, or denial of prequalification.

(3) Notification. Immediately upon receipt of such notice of appeal, the city administrator shall notify the city council of the appeal.

(4) Hearing. The procedure for appeal from a debarment or denial, revocation or revision of prequalification shall be as follows:

(a) Promptly upon receipt of notice of appeal, the city administrator shall notify the appellant of the time and place of the hearing;

(b) The city council shall conduct the hearing and decide the appeal within 30 days after receiving notice of the appeal from the city administrator; and

(c) At the hearing, the city council shall consider de novo the notice of debarment, or the notice of denial, revocation or revision of prequalification, the standards of responsibility upon which the decision on prequalification was based, or the reasons listed for debarment, and any evidence provided by the parties.

(5) Decision. The city council shall set forth in writing the reasons for the decision.

(6) Costs. The city council may allocate the costs for the hearing between the appellant and the city of St. Helens. The allocation shall be based upon facts found by the council and stated in the decision that, in the council's opinion, warrant such allocation of costs. If the council does not allocate costs, the costs shall be paid as by the appellant, if the decision is upheld, or by the city of St. Helens, if the decision is overturned.

(7) Judicial Review. The decision of the city council may be reviewed only upon a petition in the circuit court of Columbia County filed within 15 days after the date of the decision. (Ord. 2942 § 19, 2005)

2.12 CITY ADMINISTRATOR

2.12.010 Position created.

There is hereby created and established for the city of St. Helens the office and position of “city administrator.” ~~and the person who fills such position shall be appointed in the manner and for such term as all other officers of the city of St. Helens are appointed in accordance with the City Charter. The position shall be held by the city recorder and administered by him/her in conjunction with his/her other duties.~~ (Ord. 3030 § 2, 2007)

~~2.12.020 Financial department head.~~

~~The city administrator shall report directly to the city council, shall be the administrative head of the central business office and the financial department of the city of St. Helens, and shall do all things with respect to management of the city and as central business office and the financial department as are permitted or directed by statute, charter, ordinance and the city council. (Ord. 3030 § 3, 2007)~~

2.12.030 Power and authority – Duties.

The city administrator shall exercise all authority and power herein delegated, or hereinafter delegated, to him/her/them by the city council. ~~and shall have the same responsibility with respect to the central business office and financial department as do other municipal officers with respect to the departments of which they are the department head.~~ The duties of the city administrator are listed in the job description that is approved by City Council. shall include, but shall not be limited to, any one or all of the following: preparing, reviewing and approving all orders on the treasury; investing municipal funds; budgeting municipal funds; internal auditing of all municipal financial operations; managing and administering the central business office and finance department; and managing the cash inflow and outflow of the city of St. Helens. The duties and responsibilities hereinabove listed shall not be interpreted as limiting the authority of the city administrator but shall be interpreted as merely a partial definition of his/her/their responsibilities. (Ord. 3030 § 4, 2007)

2.12.040 Salary.

The salary of the city administrator shall be fixed included in the yearly unrepresented salary schedule that is approved by City Council. ~~and determined by action of the city council. (Ord. 3030 § 5, 2007)~~

2.20 MUNICIPAL JUDGES

2.20.010 Appointment resolution.

In order to appoint any municipal court judge as the judicial officer of the city under Chapter V, Section 21, of the Charter of the city of St. Helens, the council shall enact a resolution naming the appointee, the effective date of the appointee, and stating terms and conditions of employment. Municipal court judges shall have all the charter and statutory powers of judicial officers and city judges. (Ord. 2383 § 1, 1982)

2.20.020 Pro tempore judges.

There may be more than one municipal court judge appointed for the same term. One or more municipal judges pro tempore may be appointed by resolution to act in the absence of an appointed municipal court judge.

(1) Pro tempore judges shall have all the charter and statutory powers of judicial officers and city judges.

(2) Pro tempore judges shall be appointed for whatever term and at whatever compensation designated by the council. (Ord. 2383 § 2, 1982)

2.20.030 Administration.

The municipal court judge so designated shall conduct court for the transaction of judicial business and administer the court calendar. (Ord. 2383 § 3, 1982)

2.20.040 Salary.

The salary of the municipal court judge shall be established ~~by contract terms agreed pursuant to the personal services agreement agreed upon by the municipal court judge and city council annually by resolution during the city budget process and said salary shall not be reduced during the judge's term of office. Compensation for municipal court judges pro tem shall be set in written order or resolution of the council.~~ Municipal court judge and pro tem compensation is not determined based upon fluctuations in municipal court revenue. (Ord. 2947 § 2, 2005)

2.20.050 Term of office.

~~The municipal court judge term of office shall be determined by the agreed contract terms that are agreed between the municipal court judge and city council. The term of office of the St. Helens municipal court judge shall be stated in the resolution appointing the judge pursuant to this chapter. The term shall be two years from the date of initial appointment when the appointment is made in an odd-numbered year. Otherwise, the appointment is for one year or the unexpired term of the departing judge. The term for a pro tem shall be as set forth in the resolution appointing the judge pro tem.~~ (Ord. 2947 § 3, 2005)

2.20.060 Standards of conduct and performance.

The city of St. Helens municipal court judge shall conduct ~~himself or herself themselves~~ in accordance with all of the applicable rules of the Government Standards and Practices Commission and applicable rules in the Oregon Code of Judicial Conduct, Rules of Professional Conduct, Revised Oregon Code of Judicial Conduct, including but not limited to the following:

~~(1) The judge shall have his or her performance and conduct shall be measured against the following standards:~~

~~(a) A judge shall observe high standards of conduct so that the integrity, impartiality and independence of the judiciary are preserved and shall act at all times in a manner that promotes public confidence in the judiciary and the judicial system.~~

~~(b) A judge shall not commit a criminal act.~~

~~(c) A judge shall not engage in conduct that reflects adversely on the judge's character, competence, temperament or fitness to serve as a judge.~~

~~(d) A judge shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.~~

~~(e) A judge shall not allow family, social or other relationships to influence judicial conduct or judgment.~~

~~(f) A judge shall not use the position to advance the private interests of the judge or any person, nor shall a judge convey or permit anyone to convey the impression that anyone has a special influence with the judge, but a judge may provide a character or ability reference for a person about whom the judge has personal knowledge.~~

~~(g) A judge shall not testify as a character witness except pursuant to subpoena.~~

~~(h) A judge shall not hold membership in any organization that the judge knows is a discriminatory organization. For purposes of this rule, "discriminatory organization" means an organization that, as a policy or practice and contrary to applicable federal or state law, treats persons less favorably in granting membership privileges, allowing participation or providing services on the basis of sex, race, national origin, religion, sexual orientation, marital status, disability or age.~~

~~(2) The judge shall be impartial and diligent in the performance of his or her judicial duties:~~

~~(a) A judge's performance of judicial duties shall take precedence over all other activities, and a judge shall not neglect the business of the court.~~

~~(i) A judge shall provide to every person who has a legal interest in a proceeding, and to that person's lawyer, the right to be heard according to law.~~

~~(ii) A judge shall not communicate or permit or cause another to communicate with a lawyer or party about any matter in an adversary proceeding outside the course of the proceeding, except with the consent of the parties or as expressly authorized by law or permitted by this rule.~~

~~(iii) A judge may communicate ex parte when circumstances require for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits; provided, that:~~

~~(A) The judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication; and~~

~~(B) The judge makes provision by delegation or otherwise promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.~~

~~(iv) Except as provided in subsection (2)(a)(v) of this section, a judge shall promptly disclose to the parties any communication not otherwise prohibited by this rule that will or reasonably may influence the outcome of any adversary proceeding. The disclosure shall identify the person with whom the communication occurred and the substance of the communication, and the judge shall give the parties a reasonable opportunity to respond to the information disclosed.~~

~~(v) Subsection (2)(a)(iv) of this section does not limit or require disclosure to a party of any discussions about legal or administrative matters or other matters in the record related to a case that occur between a judge and any of the following: another judge of the same level; employees of the court; or employees of the judicial branch of government.~~

~~(b) A judge shall not, while a proceeding is pending in any court within the judge's jurisdiction, make any public comment that might reasonably be expected to affect the outcome or impair the fairness of the proceeding. The judge shall require similar abstention on the part of court personnel who are subject to the judge's direction or control. This rule shall not prohibit a judge from making public statements in the course of official duties, from explaining for public information the procedures of the courts, from establishing a defense to a criminal charge or civil claim against the judge or from otherwise responding to allegations concerning the judge's conduct in the proceeding.~~

~~(c) A judge possessing knowledge that another judge or a lawyer has committed a violation of the rules of judicial or professional conduct or law that raises a substantial question as to that individual's honesty, trustworthiness or fitness as a judge or lawyer shall inform the Commission on Judicial Fitness and Disability or the Oregon State Bar Disciplinary Counsel.~~

~~(d) A judge possessing knowledge or evidence concerning another judge or lawyer shall reveal that knowledge or evidence on request by a tribunal or other authority empowered to investigate or act upon the conduct.~~

~~(e) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality reasonably may be questioned, including but not limited to instances when:~~

~~(i) The judge has a bias or prejudice concerning a party or has personal knowledge of disputed evidentiary facts concerning the proceeding;~~

~~(ii) The judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously was associated served during the association as a lawyer in the matter, or the judge or the lawyer has been a material witness in the matter;~~

~~(iii) The judge knows that the judge, individually or as a fiduciary, or the judge's spouse, parent or child, wherever residing, or any other person residing in the judge's household has a financial interest in the subject matter in controversy, is a party to the proceeding or has any other interest that could be substantially affected by the outcome of the proceeding;~~

~~(iv) The judge, the judge's spouse, parent or child, wherever residing, or any other person residing in the judge's household:~~

~~(A) Is a party to the proceeding, or an officer, director, partner or trustee of a party;~~

~~(B) Is acting as a lawyer in the proceeding;~~

~~(C) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; or~~

~~(D) Is, to the judge's knowledge, likely to be a material witness in the proceeding.~~

~~(f) A judge shall be responsible for knowing about the judge's financial interests, including such interests relating to service as a fiduciary, and shall make reasonable efforts to be informed about the financial interests of the judge's spouse, domestic partner, parents and children, wherever residing.~~

~~(g) For purposes of this subsection:~~

~~(i) "Fiduciary" includes relationships such as personal representative, trustee, conservator and guardian;~~

~~(ii) "Financial interest" means more than de minimus ownership of a legal or equitable interest or a relationship as director, advisor or other active participant in the affairs of a party, except that:~~

~~(A) Ownership in a mutual or common investment fund that owns securities is not a "financial interest" unless the judge participates in the management of the fund;~~

~~(B) Holding an office in an educational, religious, charitable, fraternal or civic organization is not a "financial interest" in property of the organization;~~

~~(C) The proprietary interest of a policyholder in a mutual insurance company, a depositor in mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest; and~~

~~(D) Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.~~

~~(h) A judge who is disqualified under this subsection may, rather than withdraw from the proceeding, disclose on the record the basis of the disqualification. If, after such disclosure, the parties all agree in writing or on the record that the judge's relationship is immaterial or that the judge's financial interest is insubstantial, the judge may participate in the proceeding. Any writing, signed by or on behalf of all parties, shall be incorporated in the record of the proceeding.~~

~~(i) A judge shall be faithful to the law and shall decide matters on the basis of the facts and applicable law.~~

~~(j) A judge shall not be swayed by partisan interests, public clamor or fear of criticism.~~

~~(k) A judge shall maintain order and decorum in proceedings before the judge.~~

~~(l) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, court personnel and members of the public.~~

~~(m) A judge shall not act in a way that the judge knows, or reasonably should know, would be perceived by a reasonable person as biased or prejudiced toward any of the litigants, jurors, witnesses, lawyers or members of the public.~~

~~(n) A judge shall require lawyers and court personnel who are subject to the judge's direction or control to act in accord with the principles embodied in subsections (1) and (2) of this section. (JR 2-101—JR 2-110)~~

~~(3) Conflict with Judicial Obligations:~~

~~(a) A judge shall not serve as an officer, director, trustee or advisor of a private or public corporation or of an educational, religious, charitable, fraternal, political or civic organization if the corporation or organization regularly engages in proceedings that would ordinarily come before the judge or in adversary proceedings in any court in Oregon.~~

~~(b)(i) A judge shall not personally solicit funds for any private or public entity or for any educational, religious, charitable, fraternal, political, or civic organization, or use or permit the use of the prestige of the judicial office, including a reference to the judge's official position, for that purpose.~~

~~(ii) Notwithstanding subsection (3)(b)(i) of this section, a judge may:~~

~~(A) Assist a private or public entity devoted to improvement of the law, legal education, the legal system, or the administration of justice in raising, managing, or investing funds;~~

~~(B) Personally solicit funds from or make recommendations to private and public granting agencies with respect to private or public entities devoted to the improvement of the law, legal education, the legal system, or the administration of justice;~~

~~(C) Permit the judge's name and position to be identified in stationery or other materials listing officers, directors, trustees, or committee members of a private or public entity devoted to the improvement of the law, legal education, the legal system, or the administration of justice;~~

~~(D) Appear at, participate in, or permit the judge's name or title to be used in connection with, fundraising events for private or public entities devoted to the improvement of the law, legal education, the legal system, or the administration of justice;~~

~~(E) Assist a not-for-profit private or public educational, religious, charitable, fraternal, or civic organization in raising, managing or investing funds. Such assistance may not include making a direct request for financial support for the entity as part of the judge's involvement or permitting the judge's title to be used in connection with such a request.~~

~~(iii) "Personally solicit funds," as used in this subsection, means a direct request for financial support in person, by letter, by telephone, or by any other means of communication but does not include receiving and handling funds or goods donated or offered in exchange for goods or services sold to raise funds.~~

~~(iv) "Assist ... in raising, managing or investing funds," as used in this subsection, means any fundraising activity other than personally soliciting funds.~~

~~(c) A judge shall not directly or indirectly accept gifts, bequests, favors or loans from anyone, except that a judge may accept:~~

~~(i) Gifts incident to a public testimonial to the judge, publications supplied by publishers on a complimentary basis for official use or invitations to the judge to attend law-related functions or activities related to the improvement of law, legal education, the legal system, or the administration of justice;~~

~~(ii) Ordinary social hospitality; gifts, bequests, favors or loans from relatives; gifts from friends for wedding, birthday or other personal occasions; loans from lending institutions in the regular course of business on terms generally available to persons who are not judges; or scholarships, fellowships or grants awarded on terms applied to other applicants;~~

~~(iii) Any other gift, bequest, favor or loan only if the donor is not a party or other person whose interests have come or are likely to come before the judge.~~

~~(d) Nonpublic information acquired by a judge in a judicial capacity shall not be used or disclosed for any purpose not related to judicial duties. (Ord. 2947 § 4, 2005)~~

2.20.070 Supervision – Removal.

Pursuant to City Charter no appointed official may supervise the judge's performance; accordingly, the city council alone may take action to remove a judge for misconduct in office or willful violation of applicable rules or standards of conduct; however, the council may refer said complaint or investigation to the Oregon State Bar for appropriate investigation or action, and the council may, in its sole discretion, appoint a hearing examiner, investigator or citizen board to conduct a hearing or investigation and make recommendations to the council regarding the judge's conduct or performance. A judge shall not be removed during ~~his or her~~their term of office except if the judge ceases to be qualified for office, e.g., no longer an active member of the Oregon State Bar, or except for misconduct or violation of applicable rules or standards of conduct. Notwithstanding the above, the council may, without cause, remove the sitting municipal court judge upon payment of a severance ~~equal to the compensation due for the unexpired term of the judge~~in accordance with the terms of the personal services agreement. (Ord. 2947 § 5, 2005)

2.20.080 Complaints.

No complaint concerning the municipal court judge shall be accepted or considered by the council unless the complainant has submitted such complaint in writing and verified the truthfulness of the allegations and facts asserted in the complaint. The council may summarily dismiss the complaint if it is determined to be unfounded or refer the matter to the appropriate agency for a hearing. (Ord. 2947 § 6, 2005)

2.24 JURIES AND JURY TRIALS

2.24.010 Master jury list.

At least once a year, upon order of the municipal judge, the court clerk shall prepare or obtain a master list of names and places of residence of persons selected by random means from electoral rolls. If the master list becomes exhausted or the presiding judge believes it soon will become so, additional jurors may be added to the master list from the electoral rolls in the same random manner as before, and these persons may be summoned in the same manner as those added to the term jury list. (Ord. 2544 § 1, 1988)

2.24.020 Jury term list.

Not less than 10 days from the beginning of the jury term ordered by the municipal judge, a term jury list of names and places of residence of persons randomly selected from the master jury list shall be prepared. The number of names on the list shall be determined, as needed, by the municipal judge. (Ord. 2544 § 2, 1988)

2.24.030 Disqualification of jurors.

When it appears to the municipal judge that the person whose name is drawn is dead, ~~or~~ resides out of the city, or is otherwise ineligible to serve, the ballot shall be destroyed. If it appears to the municipal judge, ~~or he has good reason to believe~~, that a person whose name is drawn is temporarily absent from the city, or is ill, or is so engaged as to be unable to attend at the time of the trial without great inconvenience, the ballot shall be laid aside, the name not placed on the jury list for the trial for which the jury is being selected, but such ballot shall be returned to the jury box after the drawing is completed. (Ord. 2544 § 3, 1988)

2.24.040 Juror summons.

Not less than ~~10-21~~ days before the beginning of the jury term, the court clerk shall mail notice of summons, juror questionnaire, and information letter to each person on the term jury list. If the term jury list becomes exhausted or the presiding judge believes it may become so, additional jurors may be selected from the master list and added to the term jury list in the same random manner as before. These may be summoned either by written notice through the mail or by official personal delivery, at a reasonable period of time before attendance is required. (Ord. 2544 § 4, 1988)

2.24.050 Juror orientation.

At the time a person is summoned to serve as a juror, the municipal judge shall question the person to determine the eligibility of that person to serve as a juror. This may be accomplished by sending juror eligibility forms to each prospective juror by mail or official delivery along with the summons. Failure to complete and return the form with accurate information and by a specified date without a proper showing of just cause for such a failure can result in punishment for contempt. Review of the juror questionnaire shall usually be done ~~at the juror orientation for each jury term prior to the trial date~~. The municipal judge shall ~~explain the duties of jurors, discuss the questionnaire with prospective jurors and~~ determine the eligibility of a sufficient number of jurors for ~~two jury panels for the term trial~~. (Ord. 2544 § 5, 1988)

~~2.24.060 Trial schedule.~~

~~An initial list of trials for each jury panel shall be distributed to eligible jurors that become members of a jury panel at the juror orientation. New or rescheduled trials may be added to the jury panel's trial schedule by mail or actual notice at any time during the term. (Ord. 2544 § 6, 1988)~~

~~2.24.070 Pretrial conference.~~

~~The municipal judge shall schedule pretrial conferences at least three working days prior to each scheduled trial. A written, pretrial summary prepared by the city and defense counsel may be approved by the judge prior to the scheduled date of pretrial. If a pretrial summary is not approved in advance, the city attorney, defense counsel, and the defendant shall appear at City Hall at the scheduled pretrial date and time. The municipal judge may establish by order such forms and procedures deemed necessary for the pretrial conference. (Ord. 2544 § 7, 1988)~~

2.24.080 Juror confirmation.

Each juror shall be instructed to contact the municipal court clerk prior to each scheduled jury trial assigned to that juror and to record confirmation of their availability. ~~After the pretrial conference, the municipal court clerk shall record the telephone message informing jurors of the final trial scheduled.~~ The municipal court clerk shall prepare the jury list from juror confirmations for the municipal judge. (Ord. 2544 § 8, 1988)

2.24.090 Final jury selection.

At the time of trial, ~~all summoned jurors not previously excused six confirmed eligible potential jurors~~ shall be called by the municipal judge for to the jury box for voir dire examination by the city attorney and defense counsel. Potential jurors may be excused by the municipal judge for cause as defined under state law. Each attorney may exercise up to three ~~preemptory~~ peremptory challenges in the manner directed by the municipal judge. (Ord. 2544 § 9, 1988)

2.24.100 Juror compensation.

Jurors who appear at the trial and serve as jurors shall receive as compensation for such services the sum of \$10.00 for each day of attendance upon the municipal court. (Ord. 2544 § 10, 1988)

2.24.110 Notice – Contempt of court.

When a jury is drawn, summons therefor shall be issued and mailed by the municipal judge. Any person notified to appear as a juror and disregarding such notice may be adjudged in contempt of court by the municipal judge. (Ord. 2544 § 11, 1988)

2.28 CITY LIBRARY AND LIBRARY BOARD

2.28.010 Public library established.

There is hereby established a public library to be known as the "city of St. Helens public library" pursuant to ORS 357-~~417(1)(a)~~. (Ord. 2627 § 1, 1991)

2.28.020 Financing.

The city proposes to finance the library out of the general fund of the budget, but does have authority and may finance the library by an annual serial levy, providing the same has been approved by the qualified voters of the city. (Ord. 2627 § 2, 1991)

2.28.030 Hearings.

The public library shall not be abolished, nor shall support be withdrawn therefrom, unless at least two public hearings are first held at least 90 days apart. Notice of the public hearings shall be given in a newspaper of general circulation within the city for two successive weeks at least 30 days prior to each hearing. (Ord. 2627 § 3, 1991)

~~2.28.040 Council responsibility.~~

~~The librarian library director is directly responsible to the city council city administrator, unless otherwise provided by city ordinance. AB annually the mayor assigns to individual councilmembers councilors liaison responsibility for city departments. The mayor shall assign at least one city councilperson councilor liaison responsibility for the operation of the public library. The liaison councilor shall be responsible for reporting to the city council on the general operation of the library facility, including personnel matters and expenditures of all budgeted funds. The councilperson councilor shall seek the counsel of and consult with the library board and may take part in their deliberations, but the councilperson councilor shall not be a voting member of the library board. The councilperson councilor shall serve as a liaison between the library board and the city council. (Ord. 2943 § 1, 2005; Ord. 2627 § 4, 1991)~~

2.28.04~~0~~5 Library rules and compliance therewith.

The ~~librarian library director~~ shall promulgate rules of conduct to be observed by patrons of the library. Failure to comply with the library rules shall constitute a violation and may be prosecuted as provided in SHMC 1.06.060 through 1.06.160. (Ord. 3152 § 1, 2011)

2.28.0590 Gifts and bequests.

The board may solicit gifts and bequests of real or personal property or funds (other than fees and fines) to benefit the library.

Acquisition of real or personal property by gift shall occur by a legal instrument of conveyance or other writing transferring title of the real or personal property to the city, and such instrument shall clearly define the rights and responsibilities of all parties. The city council shall

decide whether to accept all such gifts of property on behalf of the city and the library that have a value in excess of more than \$250.00 or that impose financial obligations on the city.

All property or funds shall be administered by the city in accordance with its terms. Funds donated to the library shall be placed in a special account and shall be subject to expenditure only for the purpose for which donated, except that donated funds without specific limitations as to use may be used for general library purposes.~~to be used exclusively for the improvement of the library or as designated by the donor. Funds in this account may only be expended after they have been properly budgeted or approved by the city.~~

Donated funds shall be used for improvements in addition to, and not in lieu of, the normal support provided to operate the library out of the city general fund.

2.28.050.30.010 Library board.

The library board shall consist of at least seven members and no more than nine members appointed by the mayor and confirmed by the city council. One of the members shall be the member of the city council annually designated as the council liaison to the Public Library library board by the mayor. The council member shall be an ex officio, nonvoting member of the commission library board who seeks counsel of and consults with the library board and may take part in their discussions. A majority of members shall be residents of the city. No member of the library board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall any such member receive a salary or any payment for material or for any services rendered the board. Board members may be reimbursed for expenses incurred in the performance of their duties. (Ord. 3212 § 1, 2017; Ord. 2627 § 5, 1991)

2.30.020 28.060 Terms of office —Vacancies.

At their first meeting, two of the newly appointed members of the library board shall fill vacancies then existing. The other newly appointed members shall choose their term of office by lot as follows: one member shall hold office for a term expiring on June 30, 2018, and the other newly appointed member shall hold office for a term beginning July 1, 2017, and ending on June 30, 2021. Succeeding appointees shall hold office for a term of four years from July 1st in the year of their appointment. At the expiration of the term of any board member, the mayor shall appoint a new member or may reappoint a member for a term of four years with the confirmation of the city council.

Appointments made under this chapter shall be for a term of four years from July 1st in the year of their appointment. Members appointed previously under this chapter shall continue in office

until the expiration of their term of office. The terms of office of each ~~Library B~~board member shall be for a period of four years with no more than two full-term ~~commissioners~~members being replaced each year. ~~Appointments are normally made in June with terms of office to commence on July 1st. The provisions of the ordinance amending this section do not alter the terms of office of current commissioners and said positions shall continue in accordance with their terms.~~ At the expiration of the term of any board member, the mayor shall appoint a new member or may reappoint a member for a term of four years with the confirmation of the city council. No person shall hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the board after an interval of one year.

2.30.030– Vacancies.

If a vacancy occurs, the mayor shall appoint a new member to complete the unexpired term with the ~~consent~~ affirmation of the city council. ~~No person shall hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the board after an interval of one year.~~

2.30.040 Removal/resignation

A ~~Library B~~board member may be removed from the ~~commission~~board, for cause, following a hearing before the city council. A ~~commissioner~~board member may resign in lieu of removal following a hearing. Cause for removal includes but is not limited to misconduct in office or nonperformance of official duties, violation of government standards and practices, conviction of a crime, including the crime of official misconduct, as well as any other actions or conduct by the commissioner which is detrimental to the reputation and good will of the city of St. Helens. Notwithstanding the above provisions for removal, ~~a~~ Any board member failing to attend three consecutive board meetings without approval of the board shall be deemed to have resigned their position. In the event of such resignation, the council shall be notified, the position declared vacant and reappointment procedures commenced. Nothing herein prohibits a ~~commissioner~~member who has resigned by operation of this section from being reappointed to the ~~commission~~board.

~~Any board member failing to attend three consecutive board meetings without approval of the board may be removed by the city council and a new member appointed to complete the unexpired term. (Ord. 3212 § 2, 2017; Ord. 2627 § 6, 1991)~~

2.30.050 ~~29.070~~ Officers.

A ~~M~~majority of the members of the board shall comprise a quorum. At the first meeting of each ~~fiscal~~ year, the board shall elect a chair~~man~~ and a vice-chair~~man~~. The past-chair, chair, and vice-chair ~~who~~ shall serve for a term of one year. At the end of the fiscal year, the vice-chair will

assume the role of chair and the chair will assume the role of past chair for the coming fiscal year. The ~~librarian~~ library director shall designate a library employee to serve as secretary to the board and keep a record of its action. The board shall have authority to make and alter rules, with approval of the city council, for its government and procedure.

2.30.060 Meetings.

The ~~Library B~~board shall meet as often as deemed appropriate by the ~~commission~~board but not less than once every other calendar month or as otherwise directed by the city council. All meetings of the ~~Library B~~board shall be open to the public and shall in all respects fully comply with Oregon public meetings law. Special meetings of the ~~commission~~board shall require not less than 24 hours' notice to local newspapers and posting of meeting notice in public places reasonably calculated to give notice to interested parties. The ~~Library B~~board shall have the authority to make and alter written rules for the conduct of its business, including rules of procedure for conduct of public meetings and public hearings. The adoption of bylaws is expressly authorized, subject to the consent of the city council. For purposes of conducting business, a quorum shall require the attendance of a majority of the members that are currently appointed to the Board at the time of the meeting. Minutes of ~~Library B~~board meetings and activities shall be regularly submitted to the city council for review and acceptance. (Ord. 3229 § 1, 2018)

2.3028.0780-Duties and powersResponsibilities.

The duties of the library board shall include:

- (1) Keeping informed about current trends in library services and administration;
- (2) Studying library growth and needs in the city and its vicinity;
- (3) Developing long-range plans for library service and facilities, consistent with city priorities and with state, regional, and national goals pertinent to libraries;
- (4) Recommending types of library service for the city and its vicinity;
- ~~(5) Investigating sources of funding for library services and facilities;~~
- ~~(6)(5)~~ Recommending policies for the acceptance and use of gifts for library purposes;
- ~~(7)(6)~~ Participation in the annual budgetary process of the city where the process pertains to the library;
- ~~(8)(7)~~ Recommending policies and procedures conducive to efficient and effective operation of the library;
- ~~(9)(8)~~ Reviewing and recommending terms for contracts and working relationships with other public agencies regarding library services;
- ~~(10)(9)~~ Encouraging widespread public support and use of the library;
- ~~(11)(10)~~ Submitting an annual report to the city council; and
- (11) Performing other duties as authorized by the city council;

(12) Serving on Ad-Hoc committees and work groups as determined necessary; including but not limited to, a material review panel when a request has been submitted to reconsider library materials; and

(12) sServing on an appeal panel when an excluded patron requests reinstatement of library privileges.

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~~2-28.000 Gifts and bequests.~~

~~The board may solicit gifts and bequests of real or personal property or funds (other than fees and fines) to benefit the library.~~

~~Acquisition of real or personal property by gift shall occur by a legal instrument of conveyance or other writing transferring title of the real or personal property to the city, and such instrument shall clearly define the rights and responsibilities of all parties. The city council shall decide whether to accept all such gifts of property on behalf of the city and the library that have a value in excess of \$250.00 or that impose financial obligations on the city.~~

~~All property or funds shall be administered by the city in accordance with its terms. Funds donated to the library shall be placed in a special account to be used exclusively for the improvement of the library or as designated by the donor. Funds in this account may only be expended after they have been properly budgeted or approved by the city.~~

~~Donated funds shall be used for improvements in addition to, and not in lieu of, the normal support provided to operate the library out of the city general fund.~~

2.32 NOMINATING PROCEDURES FOR CITY OFFICES

2.32.010 Nominating procedures.

City officers shall be nominated by the same procedures as provided in state election laws for nominating candidates for nonpartisan offices except as provided in this chapter. (Ord. 2504 § 1, 1986)

2.32.020 Nominating petitions and declarations of candidacy.

~~Nomination petitions and declarations of candidacy for city council shall clearly indicate one position number for the candidacy that corresponds to a city council position that is to be filled in that general election. (Ord. 2515, 1986; Ord. 2504 § 2, 1986)~~ The form of nominating petition for all candidates for elective positions within the City shall substantially conform to the form designated by the Secretary of State.

2.32.030 Declaration fee.

~~The fee for declarations of candidacy for city office shall be as set forth in the most recent universal fee schedule adopted by council. (Ord. 3219 § 1, 2017; Ord. 2504 § 3, 1986)~~ A person filing a nomination petition shall pay a fee, which shall be tendered at the time of the filing of the completed nomination petition. The fee shall be set forth in the most recent universal fee schedule adopted by city council.

2.32.040 Signatures required.

~~Nominating petitions shall contain at least 30 signatures of qualified electors residing in the city that are registered to vote in at least two city precincts. (Ord. 2504 § 4, 1986)~~ Nominating petitions shall contain ~~at least 30 valid signatures of qualified electors~~ the required number of signatures of electors as set forth in ORS 249.072(2). Such qualified electors shall be duly registered voters under the laws of Oregon and shall be currently eligible to vote at any regular or special election of the city of St. Helens.

2.32.050 Position number.

~~Effective upon the swearing-in of the newly elected city councilors in January, 1987, each city councilmember shall be assigned a position number, 1 through 4, based on the alphabetical order of their last name. Hereafter, candidates for city council shall be nominated and elected by the city electors at large by position number. (Ord. 2515, 1986; Ord. 2504 § 5, 1986)~~

2.32.060 List of candidates.

~~The city election officer shall include in the certified statement of city offices to be filled and candidates nominated in each general election the list of the city council candidates by the position number for which they have been nominated. (Ord. 2504 § 6, 1986)~~ The city elections officer shall file with the Columbia County clerk a statement of the city offices to be filled and for which candidates are to be nominating candidates for nonpartisan offices except as provided in this chapter. (Ord. 2504 § 1, 1986.

2.40 SIGNING OF CHECKS AND WARRANTS

2.40.010 Signing of checks and warrants.

All checks and warrants of the city of St. Helens must be signed by at least ~~two~~one representatives of the city who ~~are~~is legally authorized to sign said checks or warrants. (Ord. 2293 § 1, 1979)

2.40.020 Authorized signatures.

The persons authorized to sign checks or warrants on behalf of the city of St. Helens shall be as follows:

- (1) The Finance Director of the city of St. Helens; and
- (2) The City Administrator of the city of St. Helens; and
- (3) The City Recorder of the city of St. Helens; and
- (4) The Mayor or the President of the Common Council of the city of St. Helens

~~(1) The mayor or the president of the common council of the city of St. Helens; and~~

~~(2) The recorder or the person specifically appointed as assistant recorder of the city of St. Helens. (Ord. 2293 § 2, 1979)~~

2.40.030 Required signatures. SHARE

Any checks or warrants drawn on the city of St. Helens must be signed by one of the individuals named in SHMC 2.40.020, ~~two~~ four ~~individuals named in SHMC 2.40.020(1), and one of the two individuals named in SHMC 2.40.020(2).~~ (Ord. 2293 § 3, 1979)

2.72 CRIMINAL HISTORY RECORD CHECK POLICIES

2.72.010 Purpose.

The purpose of this chapter is to authorize the city of St. Helens police department to access Oregon State Police (OSP) criminal offender information through the Law Enforcement Data System (LEDS) to run background checks for prospective employees, city volunteers, liquor license applicants, social gaming license applicants, and any other applicant for whom the St. Helens Municipal Code requires a background check. (Ord. 3126 § 1, 2010)

2.72.020 Procedure.

All proceedings pursuant to this chapter shall be conducted in accordance with ORS ~~181.555~~181A.230 and OAR 257-010-0025, which establish procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS), and as supplemented below.

(1) Parties subjected to a background check under the provisions of this chapter will be required to authorize the city to conduct a criminal offender information check through the OSP LEDS system.

(2) The city administrator, human resources coordinator, or designee will maintain the criminal history authorization forms for those doing work on behalf of the city and request that a criminal history check be made if it is determined that this will be in the best interest of the city in filling the position.

(3) The city of St. Helens police department will conduct the check on the prospective employee, volunteer, or applicant, and report to the city administrator, human resources coordinator, or designee whether the person's record indicates "no criminal and/or traffic infraction record" or "criminal and/or traffic record does not meet the standards set for that position."

(4) If the person's record is reported as "criminal record and/or traffic record does not meet standards set for that position," the city ~~administrator~~ may, in accordance with OAR 2547-010-0025(1)(c), request a written criminal history report from the OSP Identification Services Section and pay the applicable fee for this service. The city ~~administrator~~ may make a written criminal and/or driving history record available to the selecting official for his/her/their consideration in determining whether the prospective employee meets the standards set for the position.

(5) The written criminal history record on persons who are not hired or appointed as a volunteer will be retained by the city ~~administrator~~ in accordance with the requirements of OAR ~~166-200-0090~~ 166-200-0305(3) and thereafter will be destroyed by shredding.

(6) The criminal history record of applicants and volunteers with a criminal history that are hired or appointed will become a part of the confidential personnel file of that employee or volunteer. Access to confidential personnel files is limited to authorized persons who have an official need to access such files as sanctioned by law or regulation.

(7) Applicants for employment or appointment as a volunteer who have a felony criminal history or a history of conviction of a misdemeanor will be closely examined to determine if the person possesses the required degree of public trust and confidence. Each selection will, however, be made

on an individual case-by-case basis, taking into account the person's qualifications, the requirements of the particular job or volunteer post applied for and the results of the criminal history check. Factors such as the age of the offender at the time of the offense, the type of offense and subsequent rehabilitation, and the public sensitivity of the position under consideration shall be taken into account in evaluating a criminal history report.

(8) Hiring an applicant or appointing a volunteer with a criminal history record will require a positive recommendation by the police department official conducting the background investigation and the approval of the city administrator, after full disclosure and consideration of the criminal history of the applicant. (Ord. 3126 § 2, 2010)

Chapter 2.74

PARKS AND ~~TRAILS~~ RECREATION COMMISSION

Sections:

- [2.74.010 Creation of commission.](#)
- [2.74.020 Membership.](#)
- [2.74.030 Terms of office.](#)
- [2.74.040 Vacancies.](#)
- [2.74.050 Removal/resignation.](#)
- [2.74.060 Officers.](#)
- ~~[2.74.070 Secretary.](#)~~
- [2.74.080 Meetings.](#)
- [2.74.090 Responsibilities, powers and duties.](#)

2.74.010 Creation of commission.

There is hereby created within the city of St. Helens a parks and ~~trails~~ recreation commission. (Ord. 3229 § 1, 2018)

2.74.020 Membership.

The parks and ~~trails~~ recreation commission shall consist of 10 members, including one council member and nine at-large members. One of the 10 members shall be the member of the city council annually designated as parks and trails ~~commissioner and~~ council liaison to the public works (including parks) department by the mayor. The council member shall be an ex officio, nonvoting member of the commission who seeks counsel of and consults with the parks and recreation commission and may take part in their discussions. No less than six of the at-large members shall be residents of the city of St. Helens. At-large members are appointed by the mayor with the consent of the city council. Parks and recreation ~~trails~~ commission membership is an unpaid voluntary appointed position and members shall receive no compensation for their service except for expenses specifically budgeted and authorized by the city council. (Ord. 3229 § 1, 2018)

2.74.030 Terms of office.

The terms of office of each at-large parks and recreation ~~trails~~-commissioner shall be for a period of four years with no more than two full-term commissioners being replaced each year. Appointments are normally made in December with terms of office to commence on January 1st. The provisions of the ordinance amending this section do not alter the terms of office of current commissioners and said positions shall continue in accordance with their terms. (Ord. 3229 § 1, 2018)

2.74.040 Vacancies.

Any vacancies on the parks and recreation~~trails~~ commission shall be filled by appointment of the mayor at any time, with the consent of the council. Said appointment shall be for the remainder of the unexpired term of the vacated commissioner position. (Ord. 3229 § 1, 2018)

2.74.050 Removal/resignation.

An at-large parks and recreationtrails commissioner may be removed from the commission, for cause, following a hearing before the city council. A commissioner may resign in lieu of removal following a hearing. Cause for removal includes but is not limited to misconduct in office or nonperformance of official duties, violation of government standards and practices, conviction of a crime, including the crime of official misconduct, as well as any other actions or conduct by the commissioner which is detrimental to the reputation and good will of the city of St. Helens. Notwithstanding the above provisions for removal, a parks and recreationtrails commissioner who is absent from three consecutive regular parks and recreationtrails commission meetings without an excused absence as approved by the commission shall be deemed to have resigned his/her position on the commission. In the event of such resignation, the council shall be notified, the position declared vacant and reappointment procedures commenced. Nothing herein prohibits a commissioner who has resigned by operation of this section from being reappointed to the commission. (Ord. 3229 § 1, 2018)

2.74.060 Officers.

At the first meeting of each calendar year, the parks and trails commission shall elect a chair~~man~~ and a vice-chair~~man~~ to serve a one-year term. (Ord. 3229 § 1, 2018)

The city council may provide a secretary to the parks and recreationtrails commission and assign such other staff and consultant services as may be appropriate. In the event that the city staff cannot be provided, the parks and recreationtrails commission may designate one of its members or a volunteer as secretary to keep an accurate record of meetings of the parks and recreationtrails commission. The designated secretary need not be a member of the parks and trails commission. (Ord. 3229 § 1, 2018)

2.74.070 Secretary.

~~The city council may provide a secretary to the parks and trails commission and assign such other staff and consultant services as may be appropriate. In the event that the city staff cannot be provided, the parks and trails commission may designate one of its members or a volunteer as secretary to keep an accurate record of meetings of the parks and trails commission. The designated secretary need not be a member of the parks and trails commission. (Ord. 3229 § 1, 2018)~~

2.74.080 Meetings.

The parks and recreationtrails commission shall meet as often as deemed appropriate by the commission but not less than once every other calendar month or as otherwise directed by the city council. All meetings of the parks and recreationtrails commission shall be open to the public and shall in all respects fully comply with Oregon public meetings law. Special meetings of the commission shall require not less than 24 hours' notice to local newspapers and posting of meeting notice in public places reasonably calculated to give notice to interested parties. The parks and recreationtrails commission shall have the authority to make and alter written rules for the conduct of its business, including rules of procedure for conduct of public meetings and public hearings. The adoption of bylaws is expressly authorized, subject to the consent of the city council. For purposes of conducting business, a quorum shall require the attendance of a majority of the at-large commissioners that are currently appointed to the parks and recreationtrails commission at the time

of the meeting. Minutes of parks and recreationtrails commission meetings and activities shall be regularly submitted to the city council for review and acceptance. (Ord. 3229 § 1, 2018)

2.74.090 Responsibilities, powers and duties.

The parks and recreationtrails commissioners shall have the responsibilities, obligations and duties of appointed public officers and the parks and recreationtrails commission shall have the responsibilities, obligations and duties of an advisory public body as provided for in laws of the state of Oregon and the laws of the city of St. Helens. The parks and recreationtrails commission shall have the power to act in an advisory capacity to the city council in all matters pertaining to the operation, planning, development, improvement, beautification, equipment and maintenance of public parks, trails, public bicycle and/or pedestrian ways, vacant park properties, public squares, public recreational facilities and publicly accessible buildings and associated grounds. The parks and recreationtrails commission shall have authority:

- (1) To review and call to the attention of the city council any deteriorating condition of city public parks, trails, bicycle and/or pedestrian ways, vacant park properties, public squares and publicly accessible buildings and associated grounds, public recreational facilities, and their associated infrastructure improvements including but not limited to access roads, equipment, athletic fields, gardens, landscape areas, open spaces, natural areas, playgrounds, and parking areas.
- (2) To review and call to the attention of the city council the effectiveness, or lack thereof, of parks, trails, public bicycle and/or pedestrian ways, and recreation programs conducted by or for the city of St. Helens.
- (3) To review and make recommendations to the city council on the operation, administration, maintenance and equipment needs of the public works department relative to parks, trails, public bicycle and/or pedestrian ways and recreation and the other public facilities identified in this section.
- (4) To review and make recommendations to the city council on the annual budget of the public works department relative to parks, trails, public bicycle and/or pedestrian ways, and recreation and the other public facilities identified in this section.
- (5) To review and make recommendations to the city council on master plans and capital improvement plans for parks, trails, public bicycle and/or pedestrian ways, and recreation and the other public facilities identified in this section.
- (6) To review and make recommendations to the city council on public park, public bicycle and/or pedestrian ways and recreation facility development plans, construction plans, recreation use or development proposals, and such other park related activities as deemed advisable by the city council.
- (7) To make periodic site visits and inspections, in accordance with public meetings law, and with the approval of the city engineering director, of city park and recreation facilities, public bicycle and/or pedestrian ways and other public facilities identified herein, as are necessary for the parks and trails commission to carry out its assigned duties.
- (8) To request that the city council assign or direct staff to prepare reports and compile information necessary for the parks and recreationtrails commission to carry out its assigned duties. (Ord. 3229 § 1, 2018)



Memorandum

To: Mayor and City Council

From: John Walsh, City Administrator

Subject: **Administration & Community Development Dept. Report**

Date: January 5, 2022

Planning Division Report attached.

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



To: City Council
From: Jacob A. Graichen, AICP, City Planner
cc: Planning Commission

Date: 12.29.2021

This report does not indicate all *current planning* activities over the past report period. These are tasks, processing and administration of the Development Code which are a weekly if not daily responsibility. The Planning Commission agenda, available on the City's website, is a good indicator of *current planning* activities. The number of building permits issued is another good indicator as many require Development Code review prior to Building Official review.

PLANNING ADMINISTRATION—MISC.

Responded to a county referral for a two-parcel partition of property identified as 34965 Achilles Road—County File MP 22-03. **See attached.**

The 2-parcel Partition of 160 Belton Road has been recorded. Recording a partition plat is not always “report worthy,” but after the long arduous path this one took, definitively noteworthy. The improvements to Belton Road were completed as required.

The Planning Commission Interview Committee interviewed two candidates this month to fill a vacant position. This was done before the December 14th Planning Commission meeting so the Commission could concur.

As mentioned in last month's report I was hoping to start working on the Development Code amendments related to residential beyond duplexes around the Thanksgiving holiday, but that did not work out. The Christmas/New Years holiday season was also not an opportunity to start working on this as hoped, in part due to the new aerial photo/mapping data project I took over in light of the recent and abrupt retirement of the City Engineer. We'll see what winter brings...

Prepared presentation materials with the Associate Planner and in coordination with other staff for a presentation to the City Council and Urban Renewal Agency in early January. This is an overview of transportation planning and projects and their relatedness to Urban Renewal.

DEVELOPMENT CODE ENFORCEMENT

The issue at 264 N. Columbia River Highway continues to evolve since it first reporting in the July 2021 department report. Making headway. Had first conversation with landlord, which was productive. Gave tenant, as agreed by landlord, a soft deadline of February 1st. Tennent is exploring another location in town, which may facilitate resolving this issue with a happy ending for those involved.

Starting in the June 2021 department report, an unlawful structure case on the 400 Block of Greycliffs Drive has been discussed in these reports. This month, there was court mandate for compliance by December 2nd and then an allowed “delay” to December 9th, this time including contacting staff for onsite inspection. Compliance by the 2nd was the deal to not impose a violation. Failing to meet that including the additional time to the 9th, a bench trial has been set for January 13, 2022.

Building at 1771 Columbia Boulevard (the old PGE building if you've been in St. Helens a long time) had an issue with unlawful use as a dwelling and unlawful storage of various things in the parking lot (the lot not behind a fence). The owner was able to regain possession of the building (after hiring an attorney) this month and plans (per their legal counsel) to clean up the mess.

About a year ago ACSP / Ogrotech, the occupant/owner of the parcel carved out of the St. Helens Industrial Business Park site, installed small sheds as part of their strategy to obtain Marijuana Producer Licenses from OLCC. Despite informing them, including former Councilor Kieth Locke in person that land use permitting was necessary, they were installed without any approvals. Note that many of the buildings were placed atop the "South 80 Landfill" and included trenching into that area for electrical lines. I notified OLCC of this, this month, as recommended by the OLCC Marijuana Licensing Inspector around January of this year. ACSP was sent correspondence in February, which they have failed to act on since.



Left: the small plastic shed visible in this photo was used as a building to obtain Marijuana Producer Licensing from OLCC. There are about 10 of these for 10 separate licenses on this parcel. No land use permitting has been obtained despite notification of such requirements. Related concerns include but are not limited to potential public easement encroachment (city issue) and trenching into the "South 80 Landfill" (DEQ issue) as seen in this photo.

PLANNING COMMISSION (& acting HISTORIC LANDMARKS COMMISSION)

December 14, 2021 meeting (outcome): The Commission held two public hearings. For one, they recommend approval to the Council for an annexation of property on the corner of US30 and First Street (by Les Schwab Tires). For the other, they approved a Variance and Accessory Structure Permit for a residential accessory structure at 2705 Columbia Boulevard that will be larger than the normal maximum size allowed.

The Commission discussed a long standing practice of having an "acceptance agenda" and a "planning director decisions" category on the agenda. The Commission receives a copy (electronically) of administrative decisions. For some unknown reason there was a category for "acceptance agenda" items like Site Development Review actions where the Commission would vote on their acceptance of the decision. The other category for "planning director decisions" is where other administrative decisions are listed on the agenda from the past month in case a

Commissioner wanted to talk about it/ask questions. Since the reason for doing this is long forgotten over time and with no written guidance or law that requires it, the Commission decided to simply have all administrative decisions under the “planning director decisions” category on the agenda. This still provides the information to them and continues the check-and-balance between staff and the Commission, but is a simpler more concise way. This will be a welcome change for 2022.

The Commission also acknowledged the Planning Commission Interview Committee’s recommendation for a candidate to fill a vacancy. Interviews were conducted in the early half of this month.

January 11, 2021 meeting (upcoming): The Commission will hold a public hearing for an annexation of a 12 acre vacant property between Pittsburg Road and Sykes Road. This property is larger than the average annexation and will likely be a residential subdivision in 2022 or later.

The Commission will also conduct their annual Chair/Vice Chair selection and annual summary review.

COUNCIL ACTIONS RELATED TO LAND USE

Closure of Marshall Street along US30 was mentioned in the August report. At that time, Council ok’d pursuit of the closure of Marshall Street at US30 as requested by a predominant property owner. Staff, Associate Planner/Project Manager Dimsho, has since worked with the Fire Marshall, City Engineering, ODOT, a contractor to make this happen. Council approved the contract at their Dec. 1 Regular Session. ODOT will reimburse the city for the proposed gate installation.

The City Council approved a beekeeping ordinance at their Dec. 1 Regular Session. This will change the current prohibition of beekeeping within city limits to allowing mason bees and, given certain standards are met, honeybee keeping. This is not a Development Code amendment and thus did not go through the Planning Commission.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Assisted the local mainstreet organization with property owner information within the mainstreet area to help them solicit projects for an upcoming round of Oregon Main Street Preservation Grants opening in January. The grants will provide up to \$200,000 in matching funds for downtown revitalization efforts in communities participating in the Oregon Main Street Network.

Data updates related to recent annexations.

The Request for Proposal deadline for new aerial photos and data was early this month. The Council approved the firm recommended by the selection committee at December 15, 2021 regular session. Next steps will be preparing the contract and bringing that to council for

approval and then coordinate with the firm to complete the work. Project is anticipated to be completed by midyear 2022.

ST. HELENS INDUSTRIAL BUSINESS PARK PROPERTY

We had a kickoff meeting this month with the consultant team for implementation of phase 1 for infrastructure.

ASSOCIATE PLANNER—*In addition to routine tasks, the Associate Planner has been working on:*
See attached.

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
ST. HELENS, OREGON 97051
Phone: (503) 397-1501 Fax: (503) 366-3902

October 29, 2021

REFERRAL AND ACKNOWLEDGMENT

Responding Agency: City of St. Helens

NOTICE IS HEREBY GIVEN that Chris Iverson on behalf of MCCI, LLC has submitted an application for a partition to divide a 2.99 acre parcel into an approximate 1.36 acre and 1.46 acre parcels. The property is located at 34985 Achilles Rd, identified by tax map number 4118-A0-04700 and is zoned Residential (R-10). MP 22-03

THIS APPLICATION IS FOR: (X) Administrative Review; () Planning Commission, Hearing Date:

PLEASE RETURN BY: November 11, 2021

RECEIVED

NOV 22 2021

Planner: Deborah Jacob

CITY OF ST. HELENS

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. ☐ We have reviewed the enclosed application and have no objection to its approval as submitted.
2. ☒ Please see attached letter or notes below for our comments.
3. ☐ We are considering the proposal further, and will have comments to you by _____.
4. ☐ Our board must meet to consider this; we will return their comments to you by _____.
5. ☐ Please contact our office so we may discuss this.
6. ☐ We recommend denial of the application, for the reasons below:

COMMENTS: SEE ATTACHED MEMO DATED NOV. 24, 2021.

Signed: _____

Printed Name: JACOB

GRAICHEN

Title: _____


CITY PLANNER

Date: Nov. 24, 2021



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Deborah Jacob, Planner, Columbia County
 FROM: Jacob A. Graichen, AICP, City Planner 
 RE: Columbia County file MP 22-03
 DATE: November 24, 2021

Please include the following conditions:

1. Redevelopment/shadow plan required prior to the County's approval of the final plat. This shall be subject to city review and approval. This includes both the plat itself and accompanying legal documentation.
2. Approved redevelopment/shadow plan shall be recorded with the final plat and referenced on the final plat with a line to write the instrument number of the redevelopment/shadow plan.
3. Right-of-way dedication to achieve 30' from right-of-way centerline shall be required on the final plat.
4. No more than two driveway approaches shall be allowed along the public road (Achilles/Morse Road) that abuts the subject property. Shared access or elimination of the existing eastern access of proposed parcel 1 will be necessary.
5. If shared access is proposed, the appropriate easement and maintenance agreement are necessary and shall be incorporated into (or with) the final plat
6. If shared access is not proposed, the second (eastern) existing access shall be eliminated, prior to final approval/recording of the plat.

-----basis for conditions and other comments/considerations below-----

Zoning/Comprehensive Plan Designation:

The subject property has a St. Helens Comprehensive Plan designation of Rural Suburban Unincorporated Residential, RSUR. If annexed in the future, based on today's assumptions, the most likely zoning would be the City's R7 (7,000 s.f. lot size) or R10 zones (10,000 s.f. lot size).

A shadow plat or redevelopment plan is necessary to help ensure these densities are possible once utilities, sanitary sewer in particular, are available in the to-be-determined future. Generally, the

conceptual lots should be between 10,000 – 13,999 s.f. (the min. size for R10 and just under twice the size for R7) and lot dimensions to meet city specifications. Proposed streets to meet city specifications too (e.g., right-of-way widths). New buildings shall be required to fit within the future development plan's conceptual property lines. Document(s) to be recorded on the deeds of the lots/parcels at the same time as the final plat and be binding on all current and future owners.

Unless the “flagpole” portion of proposed parcel 2 will be a road on the redevelopment plat, this is not an efficient land division as neither the city's R7 or R10 zoned allow a lot dimension (width of length) as little as 50 feet. Also, an emergency vehicle turnaround is likely needed on the redevelopment plat due to the need for a road >150' in length; this will impact the building envelope of proposed parcel 2.

City Utilities:

Both City of St. Helens water and sanitary sewer are far away and not practically available.

Streets/Access:

The City's Transportation Systems Plan classifies this road as a Collector Street. This calls for a 60' wide public right-of-way. The current right-of-way width appears to be as narrow as 40 feet. Right-of-way dedication to achieve 30' from right-of-way centerline is necessary.

As a collector street, the city's access requirements are greater than normal. The city's collector street standards call for 100' spacing between driveways. In this case, the only way to maintain this is for the second driveway approach (on the east side next to the proposed property line) to be eliminated or for this to be shared with the driveway approach for access to proposed Parcel 2. A third driveway approach could not meet the 100' spacing and should not be allowed.

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
ST. HELENS, OREGON 97051
Phone: (503) 397-1501 Fax: (503) 366-3902

Item #8.

October 29, 2021

REFERRAL AND ACKNOWLEDGMENT

Responding Agency: City of St. Helens

NOTICE IS HEREBY GIVEN that Chris Iverson on behalf of MCCI, LLC has submitted an application for a partition to divide a 2.99 acre parcel into an approximate 1.36 acre and 1.46 acre parcels. The property is located at 34985 Achilles Rd, identified by tax map number 4118-A0-04700 and is zoned Residential (R-10). MP 22-03

THIS APPLICATION IS FOR: (X) Administrative Review; () Planning Commission, Hearing Date:


PLEASE RETURN BY: November 11, 2021

Planner: Deborah Jacob

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. ☐ We have reviewed the enclosed application and have no objection to its approval as submitted.
2. ☐ Please see attached letter or notes below for our comments.
3. ☐ We are considering the proposal further, and will have comments to you by _____.
4. ☐ Our board must meet to consider this; we will return their comments to you by _____.
5. ☐ Please contact our office so we may discuss this.
6. ☐ We recommend denial of the application, for the reasons below:

COMMENTS:



Signed:

Printed Name:

Title:

Date:

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES

COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

#1741 + #210
= #1951

Item #8.

192-21-000506 PLUG

PARTITION
General Information

File No. MP 22-03

APPLICANT: Name: MCCI, LLC, an Oregon limited liability Compnay, Chris Iverson

Mailing address: 36360 Smith Rd. Columbia City Or. 97018

Phone No.: Office 503-397-0123 City Home 503 396 1199 State Zip Code

Are you the X property owner? owner's agent?

PROPERTY OWNER: X same as above, OR:

Name: _____

Mailing Address: _____
City State Zip Code

Phone No.: Office _____ Home _____

PROPERTY ADDRESS (if assigned): 34985 Achilles Rd

TAX ACCOUNT NO.: 17251 4118-AP-04700 Acres: 2.99 Zoning: R10

PROPOSED PARCEL SIZES (acres): 1.36 ± 1.46 ±

WATER SUPPLY: _____ Private well. Is the well installed? _____ Yes _____ No
X Community system. Name McNulty Water District

METHOD OF SEWAGE DISPOSAL: _____ Community Sewer. Name _____
_____ Not applicable.
X Septic System.

If Septic, does the subject property already have a system? X Yes X No

If no, is the property approved for a Septic System? X Yes _____ No

CERTIFICATION:

I hereby certify that all of the above statements and all other documents submitted are accurate and true to the best of my belief and knowledge.

Signature: Chris Iverson Date: 10/13/21
MCCI LLC

Planning Department Use Only

Date Rec'd. 10-14-21 Hearing Date: _____ or Admin. _____

Receipt No. 396598 Staff Member: GD

Previous Land Use Actions: PLA 9-94 Stormwater & Erosion Control Fees: \$210

Columbia County Land Development Services
STATEMENT OF WATER RIGHTS

Item #8.

1. X The subject parcel(s) DO NOT have a water right.

Water is supplied to this property by McNulty Water District

Name (please print): Chris Iverson

Address: 36360 Smith Rd. Columbia City Or. 97018

Signed: Chris Iverson

Dated: 10-13-21

Sign this form and file it with your Preliminary Plat. Thank you.

2. The subject parcel(s) DO have a water right, as follows:

Permit # Certificate # for use

Permit # Certificate # for use

Tax Lot Number

Acres

Tax Lot Number

Acres

3. The water right has been put to beneficial use within the past 5 years: Yes No Don't know

4. The water right has been continuously used without a 5 year interruption since it was established and documented:
 Yes No Don't know

5. The water right WILL NOT be modified for this plat.

 The water right WILL be modified and the property owner has filed for: a change of use.

 a change in the point of diversion.

 a change in the place of use.

 an additional point of diversion.

 cancellation of the water right.

6. The above information is true and complete to the best of my knowledge and belief:

Name (please print): Chris Iverson

Address: 36360 Smith Rd. Columbia City Or. 97018

Signed: Chris Iverson

Dated: 10-13-21

Please do not write below this line. Thank you.

PROPOSED PARTITION PLAT
MCCI, LLC.
IN THE NE 1/4 OF SECTION 18 &
THE NW 1/4 OF SECTION 17,
T4N, R1W, W.M.,
COLUMBIA COUNTY, OREGON

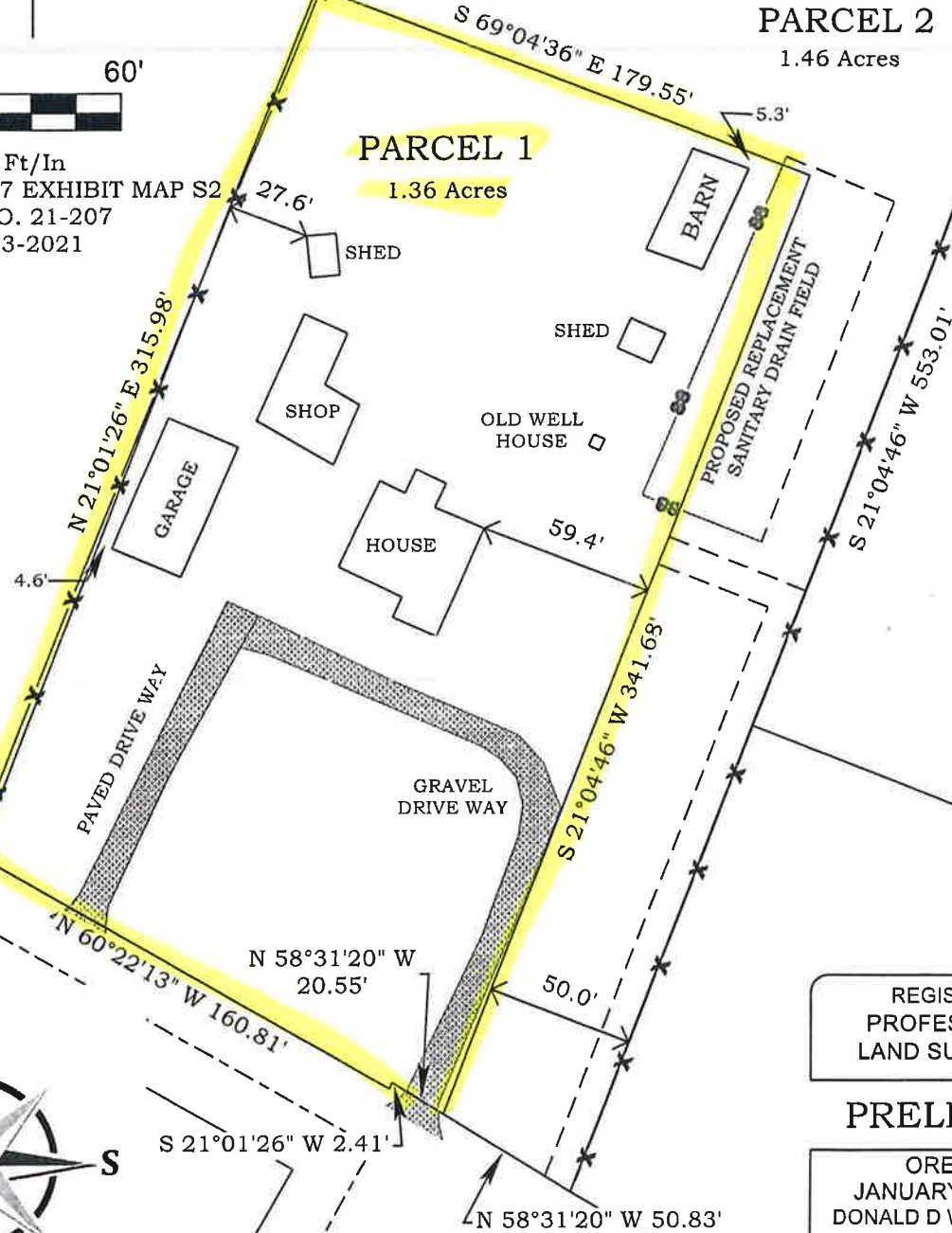
PARCEL 2

1.46 Acres

PARCEL 1

1.36 Acres

60 Ft/In
DWG NO. 21-227 EXHIBIT MAP S2
JOB NO. 21-207
10-13-2021



PARCEL 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWS 6/30/22



K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OREGON 97064
(503) 429-6115

ACHILLES ROAD

PROPOSED PARTITION PLAT
MCCI, LLC.
IN THE NE 1/4 OF SECTION 18 &
THE NW 1/4 OF SECTION 17,
T4N, R1W, W.M.,
COLUMBIA COUNTY, OREGON



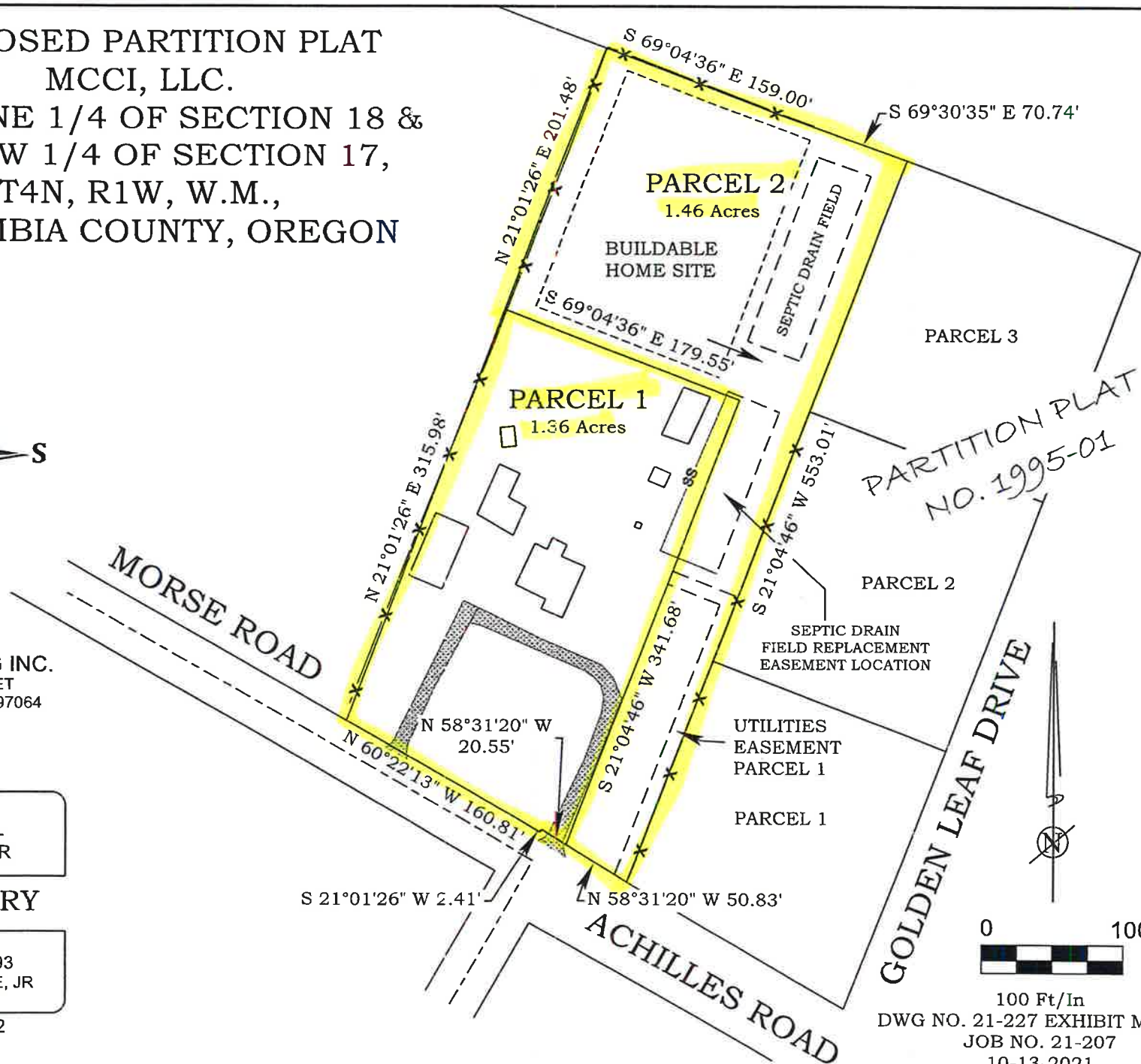
K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OREGON 97064
(503) 429-6115

REGISTERED
PROFESSIONAL
LAND SURVEYOR

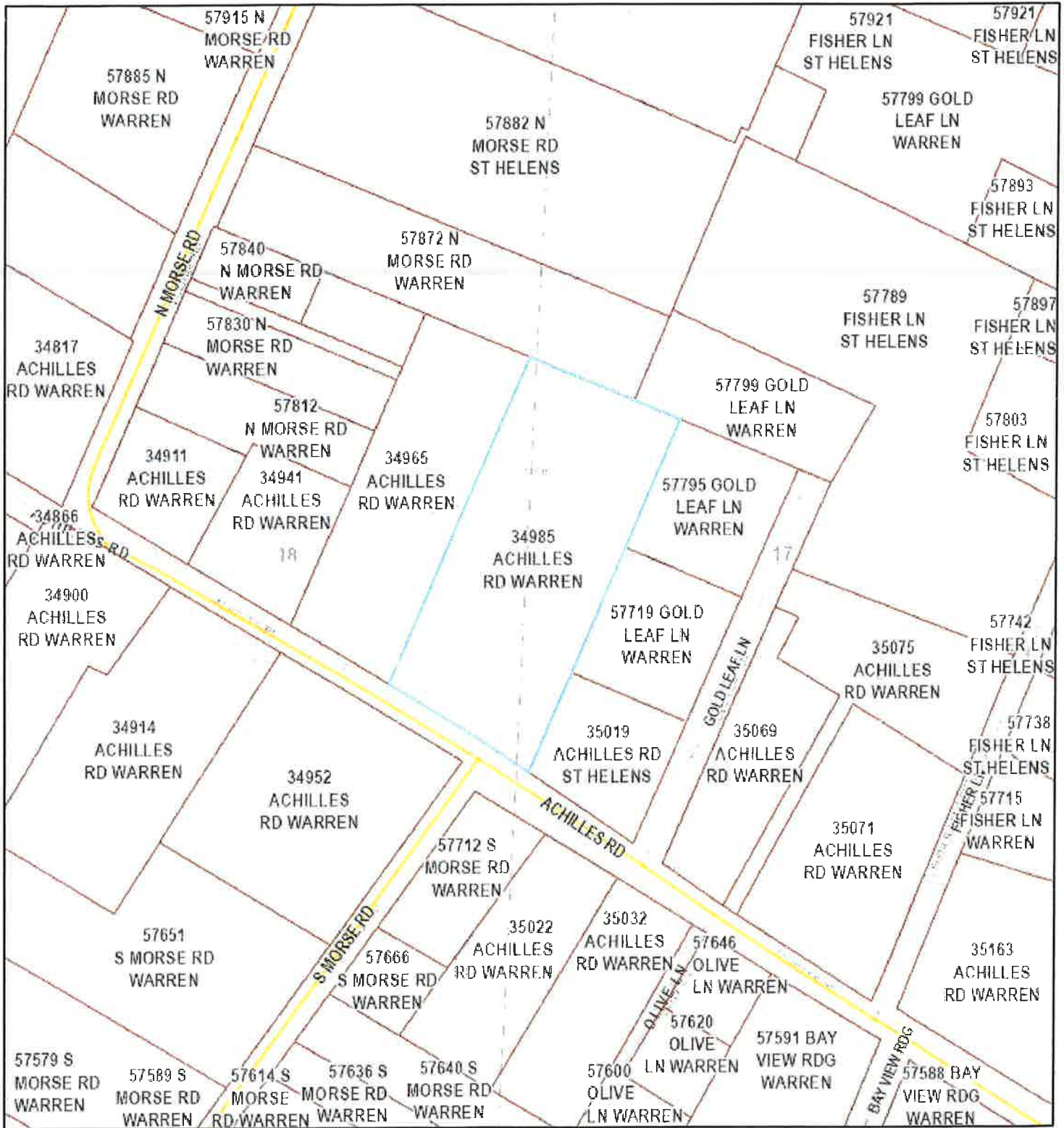
PRELIMINARY

OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWS 6/30/22



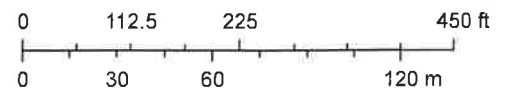
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DWG NO. 21-227 EXHIBIT MAP S1
JOB NO. 21-207
10-13-2021



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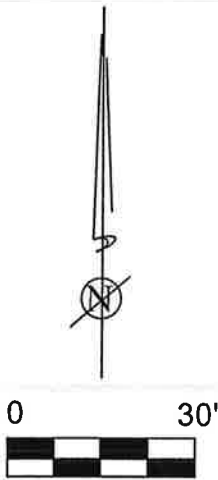
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- Override 1
- Township & Range
- Situs Address Labels
- Minor Roads
- Taxlots
- Arterial Roads
- Sections



Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

PROPOSED PARTITION PLAT
MCCI, LLC.
IN THE NE 1/4 OF SECTION 18 &
THE NW 1/4 OF SECTION 17,
T4N, R1W, W.M.,
COLUMBIA COUNTY, OREGON

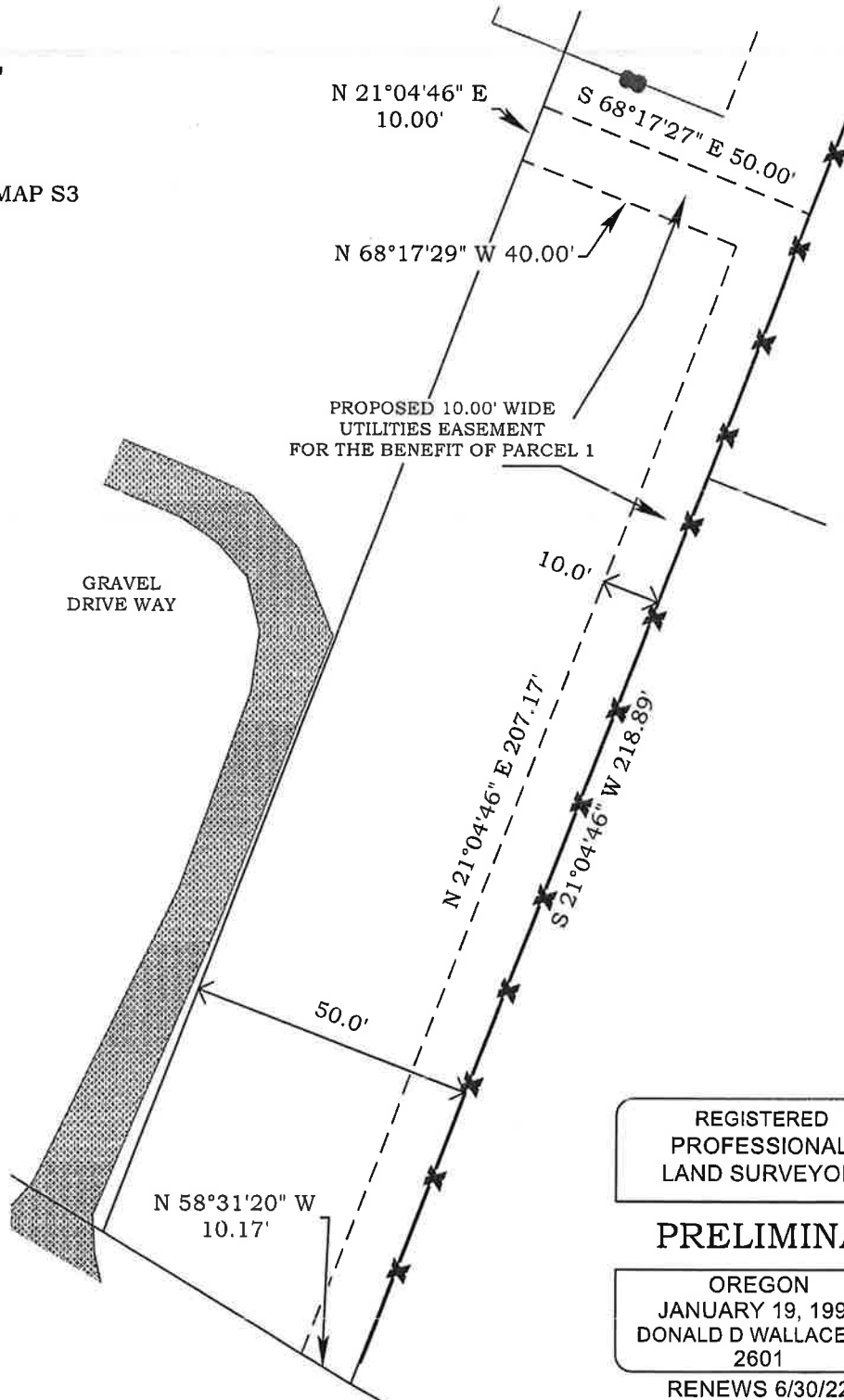


30 Ft/In

DWG NO. 21-227 EXHIBIT MAP S3
JOB NO. 21-207
10-13-2021



K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OREGON 97064
(503) 429-6115



REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWES 6/30/22

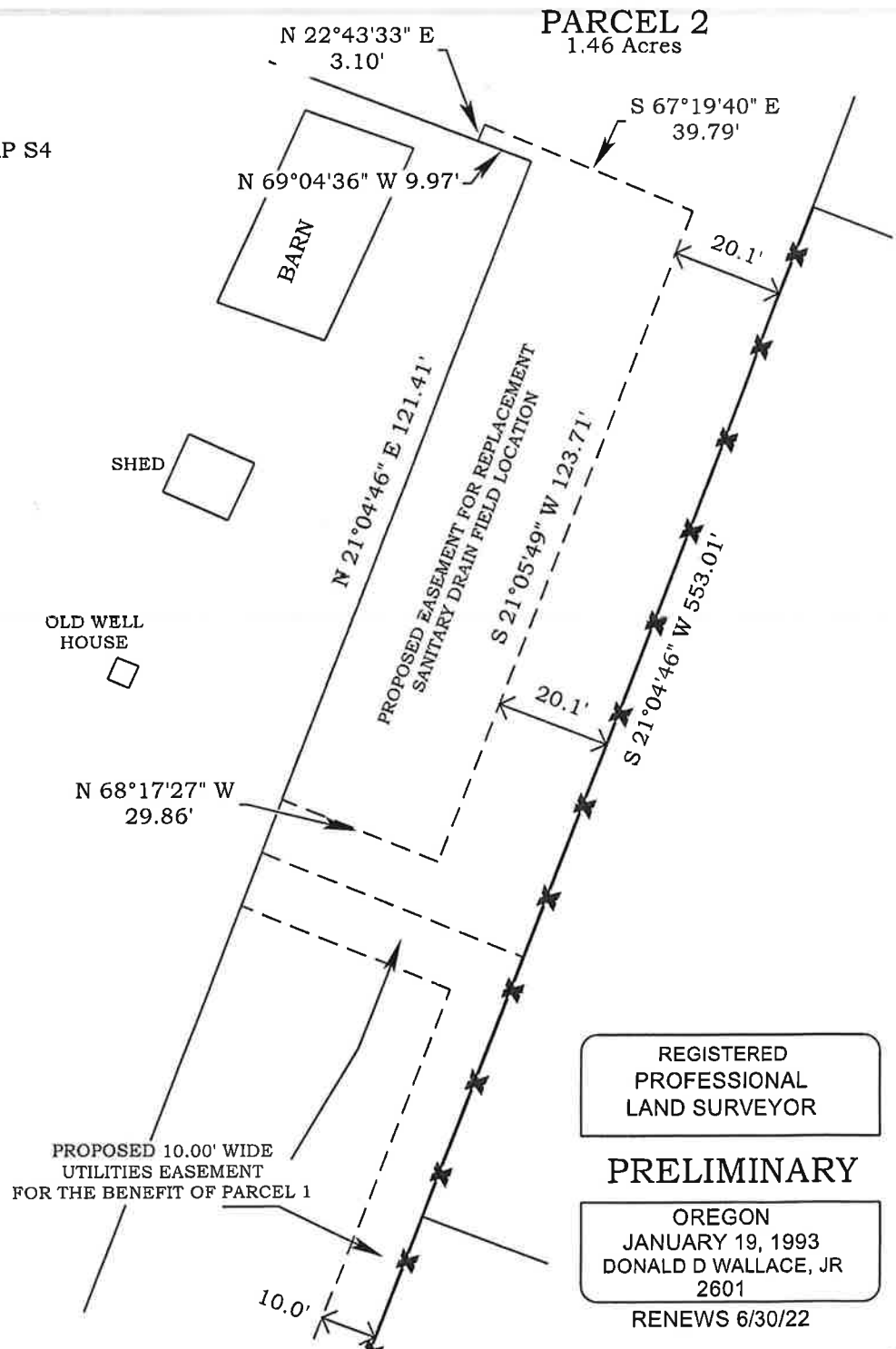
PROPOSED PARTITION PLAT
MCCI, LLC.
IN THE NE 1/4 OF SECTION 18 &
THE NW 1/4 OF SECTION 17,
T4N, R1W, W.M.,
COLUMBIA COUNTY, OREGON



30 Ft/In
DWG NO. 21-227 EXHIBIT MAP S4
JOB NO. 21-207
10-13-2021



K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OREGON 97064
(503) 429-6115



REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWS 6/30/22



MP 22-03 R-10 Zoning & Aerial Map

Item #8.



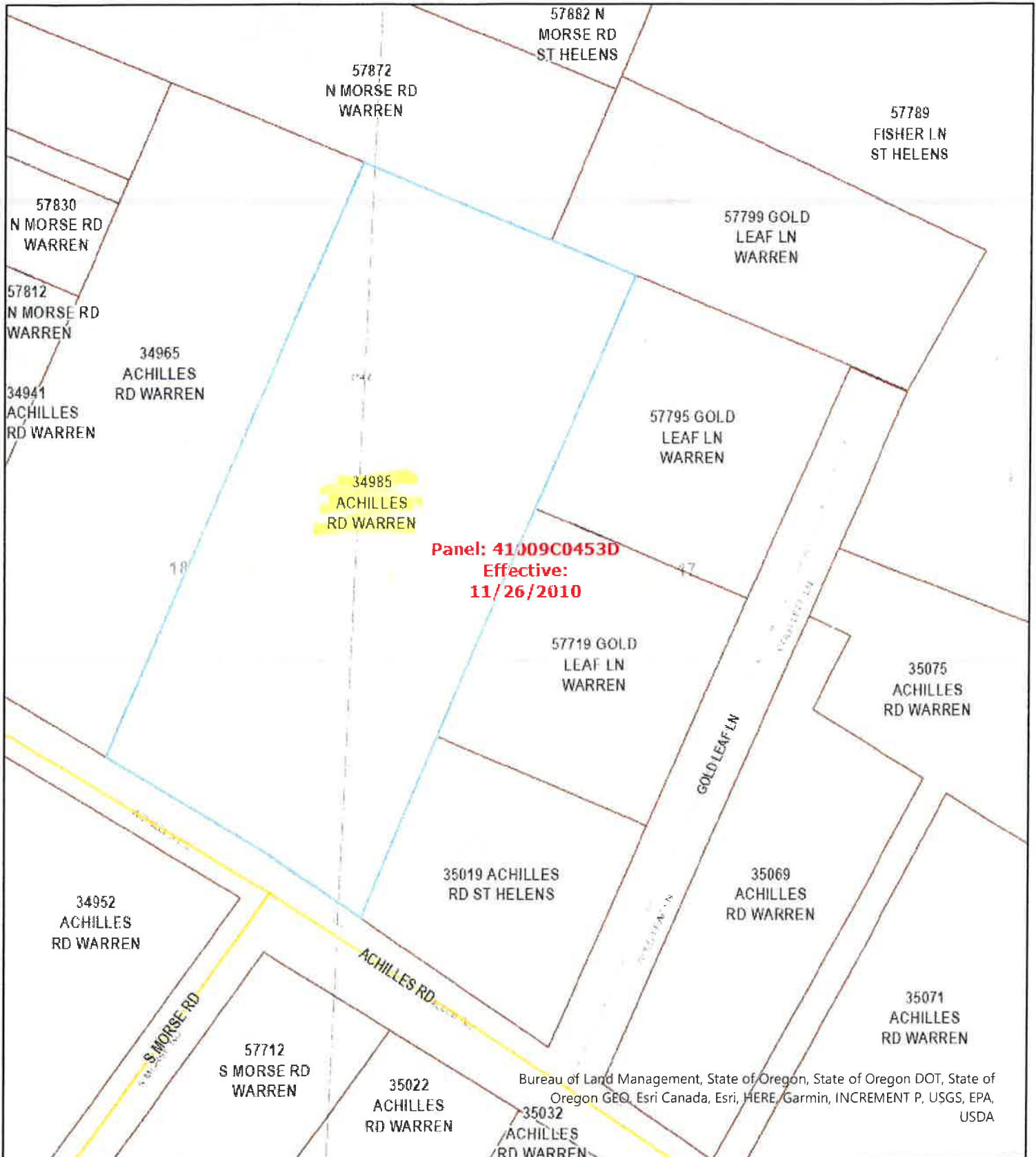
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Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.



MP 22-03 34985 Achilles Road

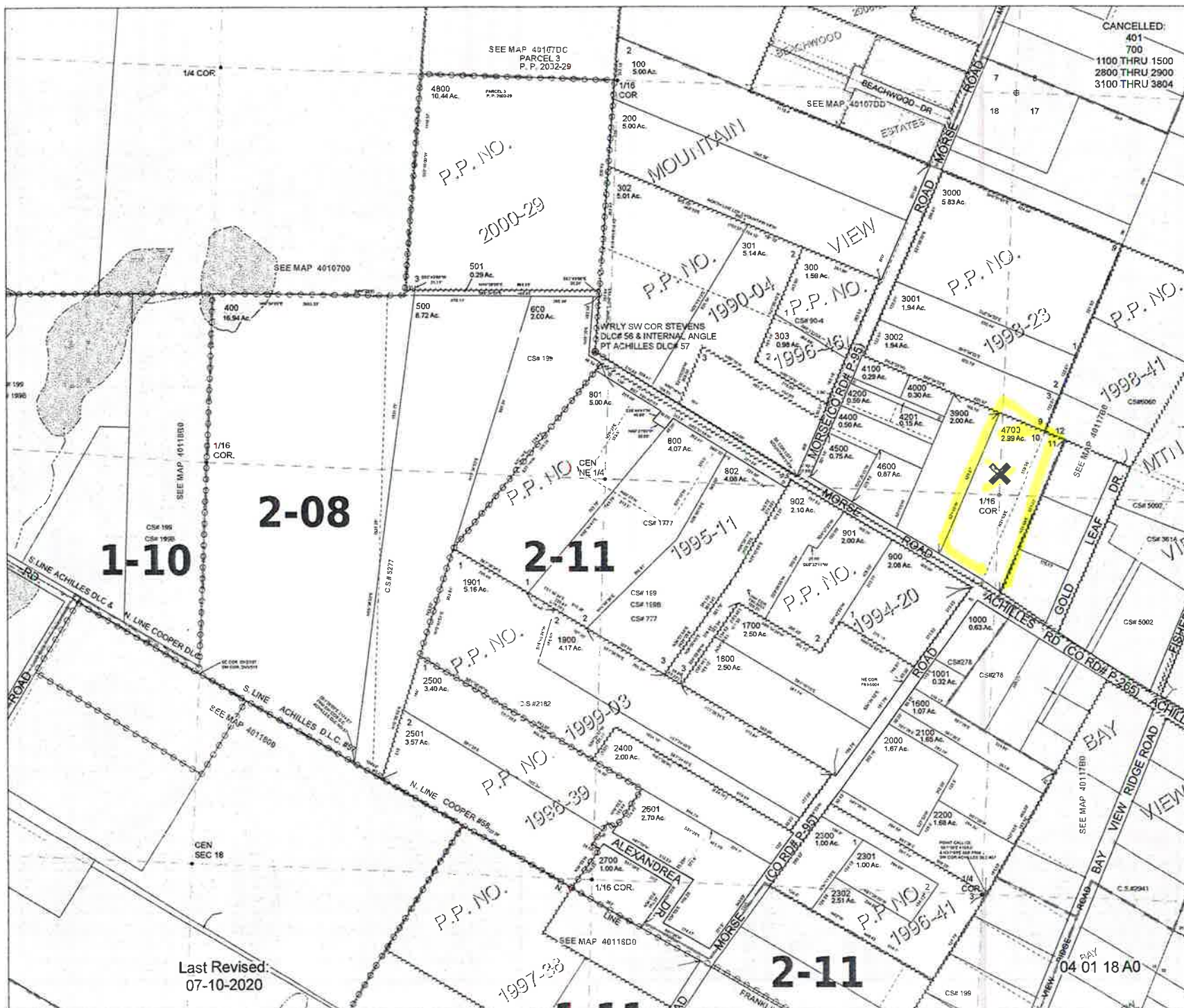


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Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map

COLUMBIA COUNTY

$$1'' = 200'$$


Last Revised:
07-10-2020

04 01 18 A0



34240 MILLARD ROAD
WARREN OR 97053
PO BOX 260
ST HELENS OR 97051
Office: 503-397-1301
Fax: 503-366-5616
www.mcultywater.com

8/27/19

Robert Harbison
34985 Achilles Road
Warren, Oregon 97053
Account #794

Subject: Tentative Approval for Waiver of McNulty Water System
Development Charge for 34985 Achilles Road Warren, OR 97053

Dear Mr. Harbison,

McNulty Water People's Utility District ("McNulty Water") has confirmed your property's eligibility for waiver of a System Development Charge ("SDC") for the property located at 34985 Achilles Road Warren, Oregon 97053. ("the Property"). In the event that a new metered water service from McNulty Water is requested for the Property in accordance with the terms outlined below, McNulty Water will waive the SDC that would otherwise be due under the then-current McNulty Water Rate Schedule.

The agreement to waive the SDC for a new metered water service will be honored under the following terms and conditions:

1. **Waiver Period.** This SDC waiver will be valid for **two (2) years** from the date of your acceptance of this offer (the "Waiver Period"). If a new metered water service is requested for the Property during the Waiver Period, McNulty will waive the SDC due. If a new metered water service is requested for the Property at any date after the expiration of the waiver period, the then-existing property owner will be charged the SDC due.
2. **Value of Waiver.** The current value of the SDC waiver is specified in McNulty Water's present Rate Schedule, Ordinance 18/19-03. The value of the SDC waiver may be higher or lower at the time a waiver is requested. The value of the waiver will be the amount of the SDC for a new metered water service at the time the waiver is requested, according to the then-current Rate Schedule.
3. **Non-Transferrable.** Neither this agreement nor the SDC waiver is transferrable. The SDC waiver applies only to requests for new

metered water service at the Property at the address identified above.

4. **Legal Survey & Recording of Easement.** By accepting this agreement, you consent to McNulty Water's right to enter upon the Property to inspect and survey McNulty Water's easement area, and to identify potential sites for future water line and service hookups. You agree to execute, and coordinate with McNulty Water in the execution of, an easement to be recorded with Columbia County upon request by McNulty Water.
5. **Binding Agreement.** This agreement and the terms and conditions contained herein are binding upon McNulty Water and the owner(s) of the Property, their successors and assigns, and such parties agree to be bound.

If this agreement is acceptable to all owner(s) of the Property, please have each owner of the Property sign below indicating their consent. If this agreement is accepted, we will contact you regarding the time and date of the legal survey of the Property. You will have an opportunity to be present at the time of the survey.

Thank you,

Dick Lager
President, McNulty Water PUD
m: 503-410-4028
Dick@McNultywater.com

By signing below, I accept and agree to be bound by the terms and conditions set forth in this letter.

Property Owner of 34985 Achilles Road Warren, Oregon 97053

By:

Chris Iverson ^{Member} MCCI LLC

Print Name:

Chris Iverson ^{Member} MCCI LLC

Date:

7-1-21



May 13, 2021

MCCI LLC
PO Box 1112
St. Helens, OR 97051

EVALUATION REPORT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM

Subject: 4N-1W-18-A0-04700 (proposed Parcel 1)
Receipt: 394951

Acreage: 2.99
File #: 192-21-000249-EVAL-01

I have made an evaluation of the property described above for a SEPTIC SYSTEM REPAIR of your sewage disposal system in the area you proposed for on-site sewage disposal. As a reminder, the old septic system must be abandoned according to Oregon Administrative Rules 340-71-185(2).

Note- This study was done with the intention of pursuing a property partition process; please ensure that subsequent partition application processes keep the identifications scheme assigned in this report consistent for record keeping purposes.

Based on the results of this study, sewage disposal appears feasible through the construction of a STANDARD SEWAGE DISPOSAL SYSTEM, as described in the attached site drawing and construction detail reports.

Before construction of a subsurface sewage disposal system can take place, A PERMIT MUST BE OBTAINED FROM COLUMBIA COUNTY LAND DEVELOPMENT SERVICES. Only the property owner or a licensed installer can construct a subsurface sewage disposal system or part thereof. A detailed, to-scale plot plan of the proposed development and list of construction materials must be submitted with the permit application.

Only a limited area of your property appears suitable for this type of system. Please refer to the enclosed diagram for specifics concerning dimensions and/or special conditions of the approved site.

Please note that this approval is site specific to the area tested and does not address the feasibility of locating the system elsewhere on the property. Should you wish to relocate the disposal system, a new evaluation (with appropriate fees as per OAR (340-071-0140)) will be required.

This study was done on Map/Tax Lot 4N-1W-18-A0-04700. The evaluation was performed with the intention of potentially subdividing the property. Should this activity take place, it may create the need to allow Subject Parcel 1 to place a drainfield off-site, therefore, a Metes & Bounds style easement will be required. The easement will have to be approved by this department and filed and recorded with the county clerk's office before a permit to construct the drainfield will be issued. Ensure that the easement is reviewed for accuracy prior to recording. Please make note of this requirement as it may delay the normal process of securing a septic construction permit and subsequently, all other permits.

This approval is limited to a dwelling of FOUR bedrooms maximum. The definition of "bedroom" means any room within a dwelling which is accepted as such by the local authorized building official.

This approval will remain valid until the system is installed and approved. Conditions on this property or adjacent properties are not to be changed in any manner conflicting with applicable State rules which would prohibit issuance of a permit. Partitioning or subdivision of this property, alteration of the natural conditions in the area of approval and/or water well development on this or adjacent properties may void this approval.

Technical rule changes which take place after the date of this report will not invalidate this approval, except that construction standards may be changed to meet codes applicable at the time of permit issuance.

The approval of this property and the conditions set forth in this letter in no way waive requirements as may be set by the zoning of the area. A permit to construct a system on this property will be subject to the review and approval of Columbia County Land Development Services.

You are cautioned not to place commercial, or other septic system cleaners or additives in your disposal system; doing so could increase the drainfield clogging potential, as well as kill the internal organisms necessary for proper operation. This warning is given with full knowledge of product statements to the contrary.

To prevent accidental injuries, this office recommends the test holes be filled.

If you have any questions, feel free to call.

Sincerely,



Erin O'Connell
Environmental Health Specialist

Cc: Richard Louie

STANDARD SYSTEM CONSTRUCTION DETAIL REPORT

(This is not a Construction Permit.)

May 12, 2021

Name: MCCI LLC

Subject: 4N-1W-18-A0-04700 (proposed Parcel 1)
Receipt: 394951

Acreage: 2.99
File #: 192-21-000249-EVAL-01

Your site has been found suitable for a STANDARD ON-SITE SEWAGE DISPOSAL SYSTEM. The following construction specifications shall apply.

Prior to the installation of the disposal system, a sewage disposal construction permit must be obtained from the department of Land Development Services. Included in this permit process is to be a to-scale plot plan of system placement and a complete materials inventory of proposed system components.

The septic tank shall have a minimum liquid capacity of 1000 gallons. A 1500 gallon 2-compartment tank is recommended. Garbage disposal use is not recommended.

For your proposed development, a minimum of 375 linear feet of disposal trench is required. Disposal trenches shall be constructed 2 feet wide on 10 foot minimum centers with no line exceeding 150 feet in length. The trenches and perforated pipe shall be installed within one inch of level and contoured to the natural ground surface. Installation shall take place in the area between Test Pit#2 and #3.

The drainfield shall be constructed in Equal distribution via a hydrosplitter with a maximum trench depth of 18 inches and a minimum trench depth of 18 inches. There must be at least 6 inches of backfill over the top of the drain media, measured from the ground surface.

An effluent pump will be a necessary component of this system in order to construct the drainfield in the approved area and at the correct depth. An electrical permit is required to insure correct installation of the pump, alarm & electrical components.

A minimum separation distance of 100 linear feet is to be maintained between the disposal area and any wells and/or surface waters such as creeks, bogs, lakes or ponds. The existing well noted on the attached field sheet will be required to be decommissioned prior to permit issuance with documentation from Oregon Water Resources Department.

A minimum separation distance of 50 linear feet is to be maintained between the disposal area and the Achilles Rd ditch.

A minimum separation distance of 50 linear feet is to be maintained between the disposal field and the cut bank located on the adjacent parcel directly to the east of Test Pit#2.

No part of the system shall be installed within the dirt access road to the back part of the property.

The disposal site must be protected from livestock, vehicular traffic and/or other damaging encroachments.

SITE EVALUATION FIELD WORKSHEET

Tax Reference 4N-1W-18-AD-04700 (Parcel 1) Evaluator E O'Connell Item #8.
 Applicant MCCI LLC Date 5/16/21 Parcel Size 2.99

Soil Matrix Color and Mottling (Notation), % Coarse Fragments, Roots, Structure, Layer Limiting Effective Soil Depth, etc.

	Depth	Texture	
Pit 1	0-10"	SIL	10YR 3/2 3SBR Fr muf
	10-16"	SIL	10YR 3/3 3SBR Fr muf
	16-24"	SIL	10YR 4/3 2MSBR Fr Cuff (MS 10YR 9/2) (MS 10YR 4/5)
	24-34"	SIL	10YR 4/2-3 2M/CSBR Fr-d v-fuf (Muf 10YR 5/6)
	34-50"	SIL	10YR 4/2 depleted massive @ no roots RMFS
	ESD @ 34"		
Pit 2	0-12"		
	12-22"		Similar to TP#1
	22-36"		RMFS @ 22"
	36-48"		
	48-60"		
	ESD @ 48"		
Pit 3	0-11"		Similar to TP#1
	11-22"		
	22-36"		RMFS @ 22"
	36-48"		ESD @ 48"
	48-60"		
	REPAIR		

Landscape Notes

Slope 2-4% Aspect E/SE Groundwater Type Temp @ 22"
 Other Site Notes _____

Weather Sunny

SYSTEM SPECIFICATIONS

Type System: _____ Design Flow 450 gpd Disposal Field Size _____ Linear Feet
 Initial _____ System Sizing _____ /150 g. Max. Depth Absorption Facility (in) _____
 Replacement _____ System Sizing _____ /150 g. Max. Depth Absorption Facility (in) _____

Special Conditions

- * Maintain min 100' to any well
- * Install between TP#2 and #3
- * Existing well required to be decommissioned
- * Planting min 50' to Ditch & any cut bank > 30"

PLOT PLAN ON REVERSE SIDE

CHILLS 20

NO INSTANT

Quelque

⑧
1971

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Very Respectfully

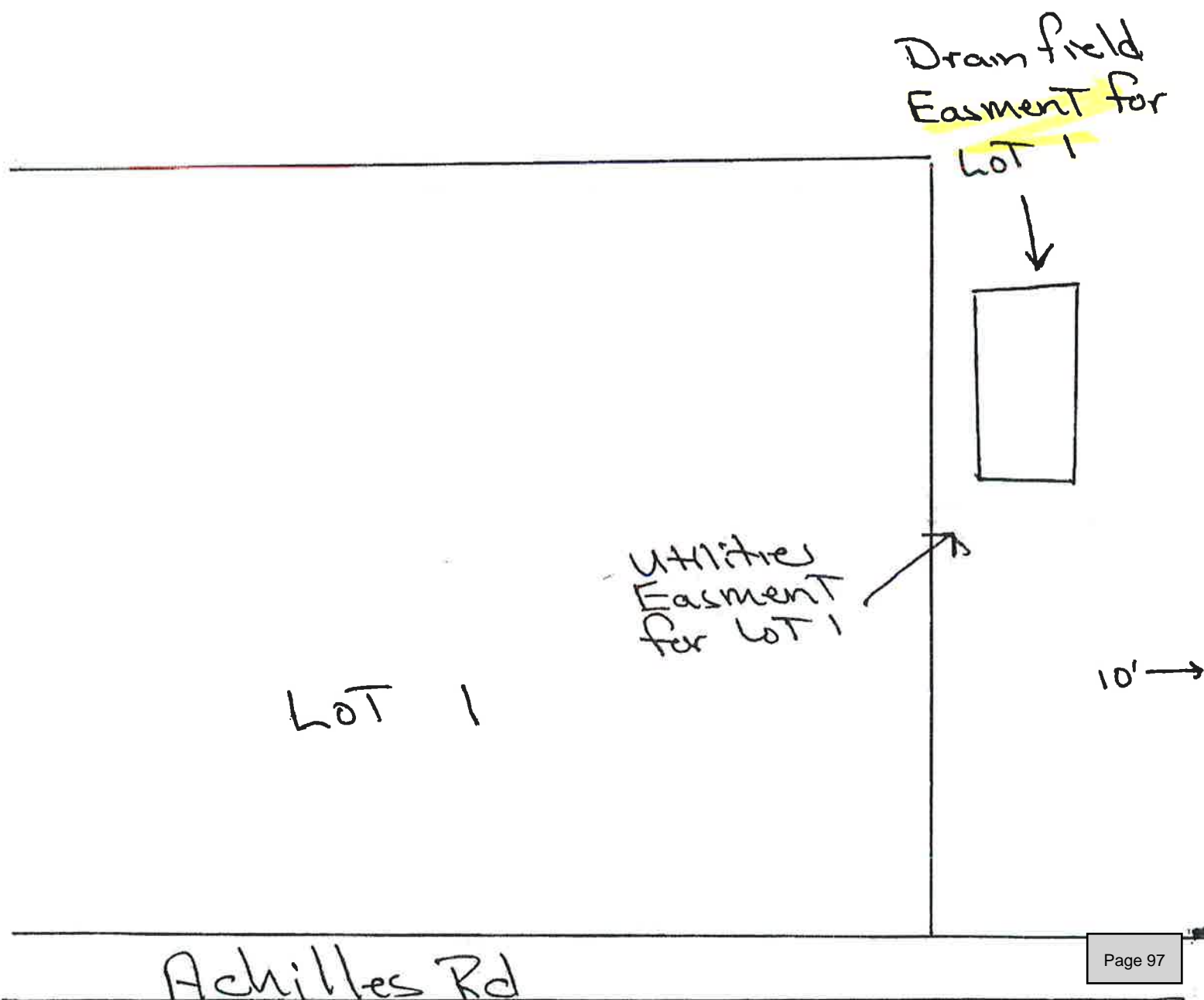
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Scale
1" = 60'

5711
111

5

LOT 2





May 13, 2021

MCCI LLC
PO Box 1112
St. Helens, OR 97051

EVALUATION REPORT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM

Subject: 4N-1W-18-A0-04700 (proposed Parcel 2)
Receipt: 394950

Acreage: 2.99
File #: 192-21-000247-EVAL

I have made an evaluation of a proposed sewage disposal system construction site to support a single family residence on the above described property. Note- This study was done with the intention of pursuing a property partition process; please ensure that subsequent partition application processes keep the identifications scheme assigned in this report consistent for record keeping purposes.

Based on the results of this study, sewage disposal appears feasible through the construction of a STANDARD SEWAGE DISPOSAL SYSTEM, as described in the attached site drawing and construction detail reports.

Before construction of a subsurface sewage disposal system can take place, A PERMIT MUST BE PURCHASED FROM COLUMBIA COUNTY LAND DEVELOPMENT SERVICES. Only the property owner or a licensed installer can construct a subsurface sewage disposal system or part thereof. A detailed, to-scale plot plan of the proposed development and list of construction materials must be submitted with the permit application.

Only a limited area of your property appears suitable for this type of system. Please refer to the enclosed diagram for specifics concerning dimensions and/or special conditions of the approved site.

Please note that this approval is site specific to the area tested and does not address the feasibility of locating the system elsewhere on the property. Should you wish to relocate the disposal system, a new evaluation (with appropriate fees as per OAR (340-071-0140)) will be required.

This approval is limited to a dwelling of FOUR bedrooms maximum. The definition of "bedroom" means any room within a dwelling which is accepted as such by the local authorized building official.

This approval will remain valid until the system is installed and approved. Conditions on this property or adjacent properties are not to be changed in any manner conflicting with applicable State rules which would prohibit issuance of a permit. Partitioning or subdivision of this property, alteration of the natural conditions in the area of approval and/or water well development on this or adjacent properties may void this approval.

Technical rule changes which take place after the date of this report will not invalidate this approval, except that construction standards may be changed to meet codes applicable at the time of permit issuance.

The approval of this property and the conditions set forth in this letter in no way waive requirements as may be set by the zoning of the area. A permit to construct a system on this property will be subject to the review and approval of Columbia County Land Development Services.

You are cautioned not to place commercial, or other septic system cleaners or additives in your disposal system; doing so could increase the drainfield clogging potential, as well as kill the internal organisms necessary for proper operation. This warning is given with full knowledge of product statements to the contrary.

To prevent accidental injuries, this office recommends the test holes be filled.

If you have any questions, feel free to call.

Sincerely,

A handwritten signature in cursive script, reading "Erin O'Connell".

Erin O'Connell
Environmental Health Specialist

Cc: Richard Louie

STANDARD SYSTEM CONSTRUCTION DETAIL REPORT

(This is not a Construction Permit.)

May 12, 2021

Name: MCCI LLC

Subject: 4N-1W-18-A0-04700 (proposed Parcel 2)

Acreage: 2.99

Receipt: 394950

File #: 192-21-000247-EVAL

Your site has been found suitable for a STANDARD ON-SITE SEWAGE DISPOSAL SYSTEM. The following construction specifications shall apply.

Prior to the installation of the disposal system, a sewage disposal construction permit must be obtained from the department of Land Development Services. Included in this permit process is to be a to-scale plot plan of system placement and a complete materials inventory of proposed system components.

The septic tank shall have a minimum liquid capacity of 1000 gallons. A 1500 gallon 2-compartment tank is recommended. Garbage disposal use is not recommended.

For your proposed development, a minimum of 375 linear feet of disposal trench is required. Disposal trenches shall be constructed 2 feet wide on 10 foot minimum centers with no line exceeding 150 feet in length. The trenches and perforated pipe shall be installed within one inch of level and contoured to the natural ground surface.

The drainfield shall be constructed in Serial distribution with a maximum trench depth of 24 inches and a minimum trench depth of 24 inches. There must be at least 12 inches of backfill over the top of the drain media, measured from the ground surface.

A groundwater interceptor is required as part of this system. This interceptor must be constructed 12 inches wide by 50 inches deep with 38 inches of clean gravel placed over a 4 inch perforated pipe with filter fabric covering the gravel. A PVC sheet shall be placed against the lower sidewall trench area to eliminate infiltration of water. A minimum 10 foot setback must be maintained from the drainfield and be exhausted by a non-perforated line below and away from the entire system.

An effluent pump may be a necessary component of this system in order to construct the drainfield in the approved area and at the correct depth. An electrical permit is required to insure correct installation of the pump, alarm & electrical components.

For the above described system, adequate area must be available for the original, as well as a complete replacement system. The replacement system is to be constructed in the replacement area if the original system fails and cannot be repaired.

A minimum separation distance of 100 linear feet is to be maintained between the disposal area and any wells and/or surface waters such as creeks, bogs, lakes or ponds.

The disposal site must be protected from livestock, vehicular traffic and/or other damaging encroachments. This includes the mature fir trees planted along the Easterly property line; the roots can interfere with the installed system and should be considered.

SITE EVALUATION FIELD WORKSHEET

Tax Reference 4N-1W-18-AD-D4700 (Parcel 2) Evaluator E. O'Connell Item #8.
 Applicant MCC1 LLC Date 9/6/21 Parcel Size 2.99

Soil Matrix Color and Mottling (Notation), % Coarse Fragments, Roots, Structure, Layer Limiting Effective Soil Depth, etc.

	Depth	Texture	
Pit 4	0-11"	SIL	10YR 3/2 3.56R Fr muf
	11-24"	SIL	10YR 3/3 3.55Bk Fr muf
	24-36"	SICL	10YR 4/3 2M5Bk Fr CVff (MS 10YR 3/2) MS 10YR 4-5/6
	36-46"	SICL	10YR 6/2-3 2M/5Bk Fr-d vff (M M/C 10YR 5/6)
	46-60"	SIL	10YR 4/2 depleted massive (E) no roots RMFs
	ESD 46"		
Pit 5	0-10"		
	10-21"		
	21-34"		Similar to TP #4
	34-48"		
	48-60"		
	ESD 48"		
Pit 6			

Landscape Notes _____
 Slope 10-8% Aspect E/SE Groundwater Type Temp @ 21"
 Other Site Notes _____

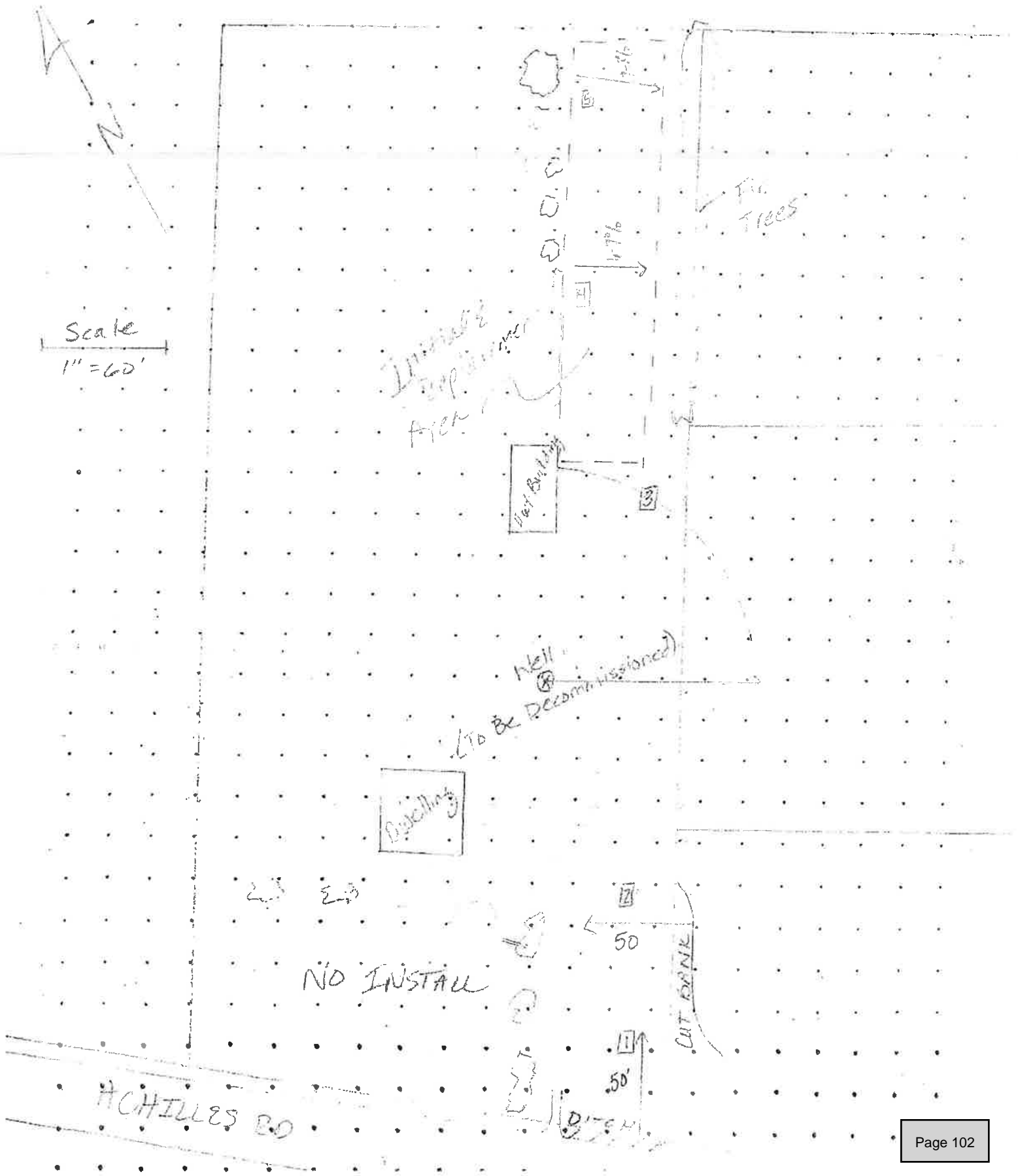
Weather _____

SYSTEM SPECIFICATIONS

Type System: _____ Design Flow 450 gpd Disposal Field Size 375' Linear Feet
 Initial Standard System Sizing 125 /150 g. Max. Depth Absorption Facility (in) 24"/21" Serial
 Replacement Standard System Sizing 125 /150 g. Max. Depth Absorption Facility (in) 24"/21" Serial
 Special Conditions * Maintain min 100' to any well
* GWT required - 30" depth, 38" media

PLOT PLAN ON REVERSE SIDE

Tax Reference: 4N-1W-18-A0-D4700 (Parcel 2) Evaluator: 9,000,000
 Applicant: MCCT LLC Date: 5/16/21





KLS Surveying Inc.
1224 Alder Street
Vernonia, OR 97064

Phone: (503) 429-6115
Fax: (866) 297-1402
Email: dwallace_kls@msn.com

Item #8.

CONCEPTUAL STORM WATER

Storm water will infiltrate into ground and/or run-down hill. There will be no changes in the way that storm water will be treated due to this proposed partition.

Existing Conditions Plan

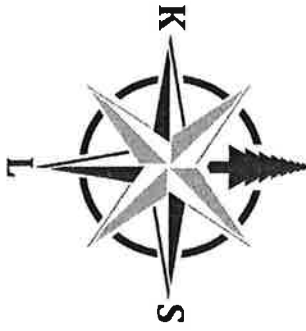
Arrows on the accompanying map show the direction of storm water flow off the site. The property slopes to the Southwest.

Soil types are defined on enclosed soil report.

Preliminary Development Plan

There is no proposed development at this time that will influence storm water run-off.

PROPOSED PARTITION PLAT
MCCI, LLC.
IN THE NE 1/4 OF SECTION 18 &
THE NW 1/4 OF SECTION 17,
T4N, R1W, W.M.,
COLUMBIA COUNTY, OREGON



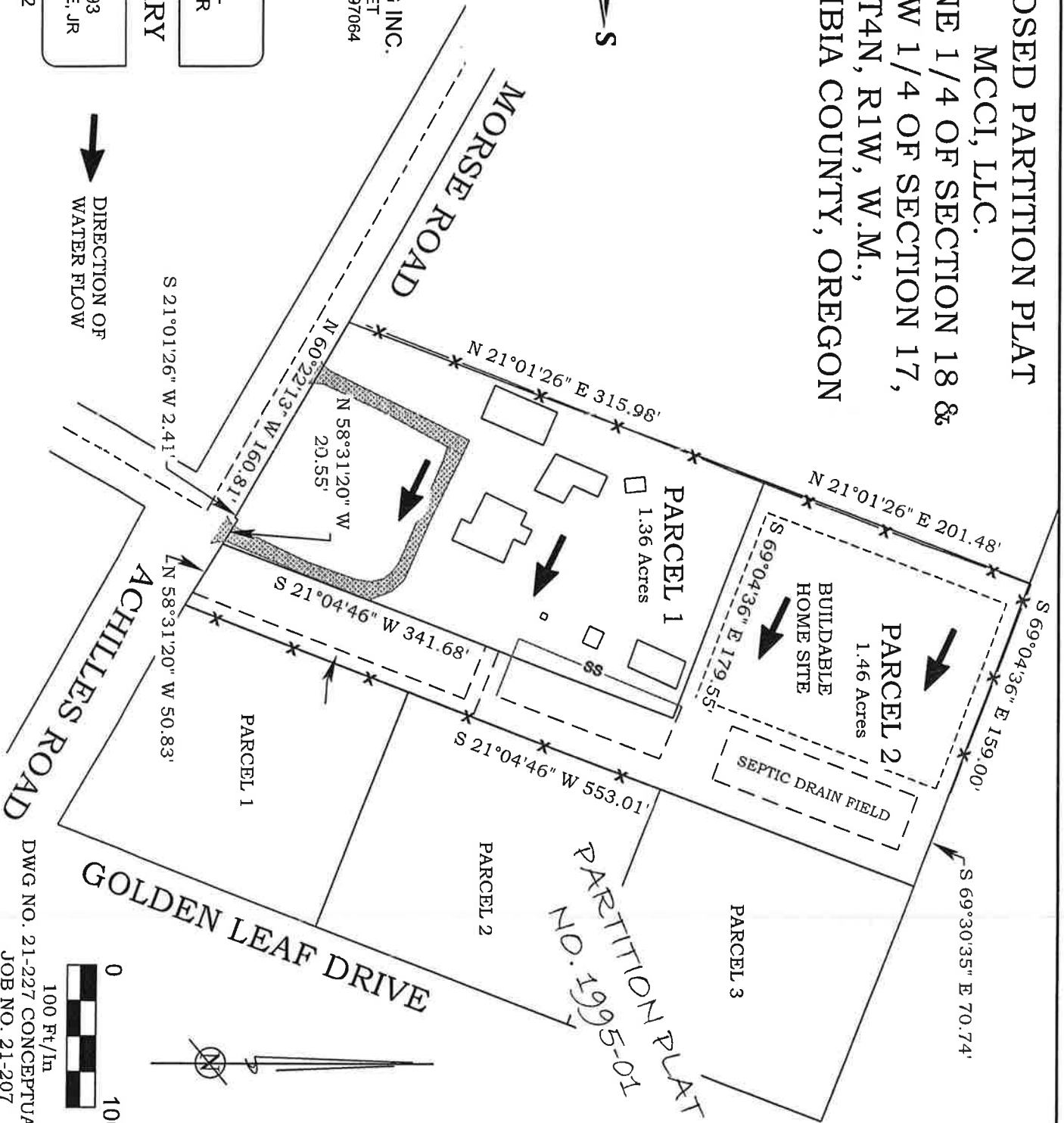
K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OREGON 97064
(503) 429-6115

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWS 6/30/22



DWG NO. 21-227 CONCEPTUAL STORM
JOB NO. 21-207
10-13-2021

From: [Jennifer Dimsho](#)
To: [Jacob Graichen](#)
Subject: December Planning Department Report
Date: Wednesday, December 22, 2021 11:11:00 AM

Here are my additions to the December Planning Department Report.

GRANTS

1. **OPRD - Local Government Grant – Campbell Park Improvements** - 6-month grant extension granted for the COVID-19 related delay of court surfacing materials. New deadline is April 2022. Concrete pad poured. Waiting on dry weather for PW to finish grading of stormwater area (plants ordered and pick up, soil delivered). Fencing is up. Basketball hoops installed. Tennis net should go up this week. Surfacing materials installed.
2. **CDBG- Columbia Pacific Food Bank Project** – JH Kelly continuing \$1.6 million construction bid. Tracking all requests for information and submittals to ensure questions are answered. Received approval from state for ~16 Change Orders. Will need to submit a final budget amendment and timeline extension. Delay is mostly due to # of Change Orders and COVID-19 relayed lead times for construction materials. Deadline is Dec 31, 2021, but requested a 6-month time extension.
3. **Safe Routes to School - Columbia Blvd. Sidewalk Project** – Construction timeline provided by David Evans, who is working through design/engineering process. Worked through change to schedule to allow an additional year for bidding the project to allow the County to replace a culvert which collapsed in 2020 during a heavy rainstorm. County IGA and contract amendment to add culvert in scope was approved in December. New schedule has bidding of the project in March 2022, with construction occurring Summer 2022.
4. **Business Oregon – Infrastructure Finance Authority** – Application for a low-interest loan to fund streets, utilities, and a portion of the Riverwalk Project on the Riverfront property. Contracting is underway.
5. **Oregon Watershed Enhancement Board (OWEB)** – Awarded grant (approximately \$12k) to the Scappoose Bay Watershed Council in a partnership with the City for natural enhancements of the 5th Street trail and Nob Hill Nature Park. Continued tracking all in-kind contributions from the City on this effort. Assisting with property line dispute with an abutting property owner. Meeting on site with abutting property owner to discuss property lines.
6. **Certified Local Government – Historic Preservation Grant Program** – Letters went out to eligible property owners on 5/24 announcing that there is \$12k available with a 1 to 1 match requirement and a grant deadline of 7/26. Only 1 incomplete application received, so Plan B work plan is for the City's Court/Utility Billing exterior roof and cornice work. Worked with SHPO on work plan and began working through scope with contractors to begin soliciting direct bids. Site visit from 2 contractors so far. Notice to proceed from SHPO received on 11/1. Discussed bid proposal with Arciform on Dec 29.
7. **Technical Assistance Grant with the Oregon State Marine Board** - To assist with design and permitting of an in-water facility at Grey Cliffs Park. A more detailed contract with be drafted for review and approval by Council for the assistance. Meeting on 12/22 with

OSMB discussed design options for the non-motorized launch and fishing pier. Next steps will be to take options to the public for feedback, select a preferred alternative, and begin final design, and permitting process.

PROJECTS & MISC

8. **Riverwalk Design (OPRD Grants x2)** – Held 12/15 Open House at the Recreation Center to celebrate and educate the public of the 30% design level. Developed communications strategy for sharing designs presented at the Open House. Working through archeological survey based on tribal feedback. Reviewing 30 percent cost estimates for Phase I and Phase II to provide feedback in Jan at the next TAC meeting. Working on a plan to fund Columbia View Park improvements in tandem with Riverwalk Phase I. Preparing materials to go through land use process to expand the park south.
9. **Riverfront Streets/Utilities Design/Engineering** – Continued revising scope of the base construction bid to meet budget constraints. 90% design work anticipated to be complete in January.
10. **St. Helens Industrial Business Park (SHIBP) Public Infrastructure Design**– Work Order 1 approved (includes 30 % design for Phase I infrastructure). Kicked off project on 12/21. Consultant data needs for due diligence report to be sent. Schedule to be sent.
11. **Millard Road City-Owned RFP** - Council directed staff to work through terms with Atkins & Dame.
12. **Waterfront Video Project** – Attended regular meetings and reviewed draft videos with video production team.
13. **Urban Renewal Agency Presentation/Budget Adoption** – Organized speakers, presentation, and an agenda, presentation, and presenters for the upcoming 1/5 UR meeting. Topics will include UR basics, transportation planning overview, and funding options.

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