City of St. Helens City Council

| Members Present: | | Doug Morten, Council President Keith Locke, Councilor Susan Conn, Councilor Ginny Carlson, Councilor | | | | |
|---|-----------------------------|--|-----------|--|--|--|
| Members Absent: | | Randy Peterson, Mayor | | | | |
| Jon Ellis, Kathy Pa Margare Terry Mo Neal She Sue Nels Jacob Gi Don Sall | | alsh, City Administrator , Finance Director ayne, City Recorder et Jeffries, Library Director oss, Police Chief eppeard, Interim Public Works Co-Director raichen, City Planner lee, Building Official illiams, Code Enforcement Officer | r | | | |
| Others: | Cheryl Young Joe Pacitti | Phil Malyon Ma | rk Miller | | | |

Council President Morten called the meeting to order at 1 p.m.

Visitor Comments

No visitor comments.

Semi-Annual Report from Senior Center

Senior Center Manager Cheryl Young was in attendance to give the report. The report includes their intent to add an adult day care service. Caretakers would use their facility to operate the service. It would help offset utility fees. Cheryl hopes that the two can work together for programs. The senior center will still run the meal program and their activities. The day care will operate additional activities that they hope senior center participants can participate in as well.

Cheryl introduced Marvel Brown. She works at the front desk. It is probably the most important place to be.

Cheryl predicts that the adult day care will serve between 8-10 people per day. The largest gain will be the utility fee offset and providing a service needed in the community. It will also bring in additional people paying for lunch. She does not see this as a way to make a profit. She would like to begin this as a one-year trial. She is not aware of another adult day care program in Columbia County. Councilor Carlson agreed with the need.

Cheryl reported that the Top Notch Thrift Store provides job skill opportunities. The earnings provide funds for their meal program. They still have to be careful financially.

The Council was in favor of the adult day care proposal. They asked her to proceed with research of other adult day care programs and return with a plan.

City Administrator Walsh pointed out that there may be land use regulations since the property is zoned for public use. That is something else to be researched. Council will discuss this with the city planner at a future work session.

Presentation by KOHI on Proposed Promotion Plan

Phil Malyon was in attendance to present the proposal. He submitted an updated proposal to the Council. A copy is included in the archive meeting packet. KOHI has been broadcasting for 55 years. There are 75,000 listeners at any given time. There are also over 1,000 listeners following them on tunein.com.

KOHI would like to partner with the City and is offering three-years of advertising at a low price.

Council will discuss the proposal at the next work session and make a decision.

Visitor Comments

•Joe Pacitti. An event to benefit Columbia County veterans is scheduled to take place at Dockside on Saturday, August 22. He is proposing to close the end of the street. No private homes will be affected. The fire district, public works and police department have all signed their approval.

City Recorder Payne informed the Council that a street closure would have to be approved at tonight's meeting. It needs to include insurance listing the City as an additional insured. Councilor Locke with help Joe get the insurance from Tiffany at the Dockside.

Request from Chamber to Sponsor Wings & Wheels Event

The Chamber has requested that the City sponsor the Wings and Wheels Event held on August 8, 2015, for \$1,000.

Councilor Conn reported that the City was an advertised sponsor for the event. We had a 10x20 informational booth. People were stopping by all day. The waterfront development project received the most interest. The event collected 307 pounds of food and \$1,191.57 in cash donations for the Food Bank. She thanked staff for their support.

Discussion on Derelict Houses

Councilor Morten brought this forward because of the many emails and phone calls he receives. He would like to discuss how these homes can be cleaned and what we can do to improve the health and safety of our community.

Code Enforcement Officer Williams said that banks have to be held accountable. The houses at 344 N. 3rd Street and 155 Kelly Street are boarded up but not cleaned up. The house on 3rd Street had hypodermic needles though out the yard. He doesn't know the condition of the inside. Fanny Mae contacted Finance Director Ellis about putting a lock on the back. They discovered someone was living it in several months ago and left because they don't deal with conflict.

There was discussion about squatters breaking into abandoned houses and living there with no services. Chief Moss has appreciated having code enforcement to take on these projects. The Council has recently passed ordinances that have allowed them to handle these situations. He

agrees that the banks need to take responsibility. Moss pointed out that Williams only works two days a week but there's enough work to keep him busy seven days a week.

Finance Director Ellis said that his staff is generating a list of residences that have not had water or sewer for a long period of time. That list will be given to Williams to investigate.

Discussion ensued about the enforcement process.

Building Official Sallee reported that the Building Department is creating an abatement card to post on the derelict houses. It will refer to the ordinance, marks the house with "no trespassing," and gives the police the authority to move to the next step of enforcement.

Councilor Carlson reminded everyone that we were without code enforcement for quite a while. It will take time to catch up.

4th Quarter Building Division Report

Finance Director Ellis reviewed the report.

The 5-year summary of building activity illustrates the continued improvement in the housing and development market in St. Helens.

- Building permit revenues are slightly down primarily due to last year's spike in development to secure permits before the increase to SDCs. While permit revenues are slightly down they are significantly improved in comparison with all other previous years.
- System Development Charges reflect the spike mentioned in 2013-14; however, with the end of the subsidy to SDCs, revenues based on lower building activity in the current year still slightly outpaced prior year revenues in aggregate.

The Statement of Revenues and Expenditures illustrates the continued increase in the building reserve of approximately \$84,000, bringing the reserve total to approximately \$145,000. Please note that these numbers will slightly change before final audit primarily due to the pending June 2015 invoice from the County for inspection services. The primary driver for the reserve improvement is due to contracting with the City of Scappoose for part-time Building Official support. The City is currently in the process of the recruitment for a full time Building Official.

| | Building Activity Summary | | | | | | | |
|----------------------------------|---------------------------|----------|----------|----------|----------|--|--|--|
| | FY 10-11 | FY 11-12 | FY 12-13 | FY 13-14 | FY 14-15 | | | |
| System Development Charges | | | | | | | | |
| Parks | 9,691 | 6,810 | 16,501 | 33,301 | 45,784 | | | |
| Streets | 26,212 | 34,244 | 44,242 | 95,636 | 75,794 | | | |
| Water | 19,367 | 12,650 | 33,080 | 70,557 | 80,781 | | | |
| Sewer | 41,058 | 17,275 | 50,338 | 108,689 | 126,829 | | | |
| Storm | 4,734 | 7,381 | 7,963 | 17,017 | 23,308 | | | |
| | 101,063 | 78,360 | 152,123 | 325,199 | 352,496 | | | |
| Building Permits Revenues | | | | | | | | |
| Building | 58,113 | 57,669 | 63,152 | 136,293 | 107,780 | | | |
| Plumbing | 16,997 | 19,218 | 23,630 | 44,123 | 32,186 | | | |
| Mechanical | 5,822 | 7,254 | 8,266 | 13,075 | 12,477 | | | |
| Plan Check | 34,343 | 34,594 | 51,761 | 69,164 | 71,776 | | | |
| | 115,275 | 118,735 | 146,809 | 262,655 | 224,219 | | | |
| Building Permits Pulled | | | | | | | | |
| Dwellings (Single/Multi/Manif) | 14 | 11 | 24 | 51 | 35 | | | |
| Non-Resid/Industrial | 41 | 4 | 1 | 2 | - | | | |
| Others | 328 | 365 | 284 | 387 | 293 | | | |
| | 383 | 380 | 309 | 440 | 328 | | | |
| Building Operations | | | | | | | | |
| Personnel services | 79,447 | 136,854 | 139,880 | 45,931 | 52,786 | | | |
| Materials and supplies | 36,134 | 37,167 | 32,763 | 94,778 | 87,431 | | | |
| Capital outlay | - | - | - | - | - | | | |

115,581

174,021

172,643

140,709

City of St. Helens Building Activity Summary

140,217

FY 14-15 UnAudited Actual Actual Adopted Actual % of 6-30-13 6-30-14 6-30-15 14-15 Bud Classification / Description Revenues Licenses and permits 000 312000 Building permits 63,152 136,293 101,500 102,515 101% 5,265 312100 Building admin-temp co 313000 Plumbing permit fees 23,630 44,123 35,530 32,186 91% 314000 Mechanical permit fee 8,266 13,075 11,170 12,477 112% 315000 Plan check fees 51,761 69,164 71,776 129% 55,830 110% Licenses and permits Total 146,809 262,655 204,030 224,219 146,864 204,030 224,219 110% Total Revenues 262,655 Expenditures Personnel Costs 2,802 105 401000 Salary 76,969 78,870 0% 214 6,030 0% 415000 SSI taxes 5,857 709 19,960 0% 416000 Retirement 19,134 741 730 0% 417000 Workers comp 6 418000 Medical benefits 20,088 6,760 0% 0% 419000 Disability/life ins 195 210 -438000 VEBA 1,550 1,080 0% 120% 449100 Direct labor charge 23,225 42,441 43,900 52,786 0% (242)449200 Direct labor charge (8,110) (7,410)-471000 PF health 231 480 0% 139,880 45,931 150,610 52,786 35% **Personnel Costs Total** Materials and Services 105 452000 Plan review expense 5,700 0% -3,385 2,000 0% 454000 Attorney expense 457000 Office supplies 280 1,580 2,000 1,229 61% 0% 800 458000 Telephone expense --295 0% 473000 Miscellaneous 280 1,000 490000 Professional development 1,706 140 2,500 923 37% 500000 Information services 7,045 95% 6,049 6,588 7,420 502000 Vehicle expense 11 0% 0% 531000 Gasoline 179 -_ 0% 554000 Professional Services City of Scappose 24,195 29,109 100% 279% Columbia County 41,248 9,600 26,801 **OR State** 324 100% Springbrook 4,990 6,000 4,279 71% 579100 Indirect cost allocation 96% 15,743 18,490 17,720 15,173 Materials and Services Total 32,763 176% 94,778 49,810 87,431 Total Expenditures 172,642 140,709 200,420 140,217 70% Net Income / (Expense) (25,778)121,945 3,610 84,002 2327% Funded from General Fund FY 11-12 (34, 717)Funded from General Fund FY 12-13 (25,778)Due to General Fund (60, 495)_ 61,450 84,002 Reserve for building

City of St Helens Building Financial Activity

Building Official Sallee reported that building is picking up. There are new subdivisions being developed and commercial construction has increased. Sallee would like to begin a program to open communication lines with industry partners.

Sallee is nearing retirement. He is working with staff to recruit a full-time building official. He feels very strong about getting someone that will fit well. He will continue working with the City until the replacement is hired. He has appreciated working with staff here.

4th Ouarter Municipal Court Report

Finance Director Ellis reviewed the report.

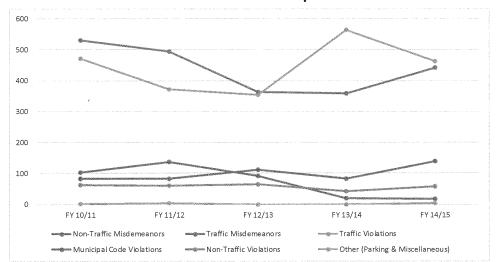
Based on the trend reports, misdemeanor case workloads are up 31% or 138 cases per year while violations are down 14% or 90 cases. Staffing workloads are primarily driven by misdemeanors, while violations take minimal time and effort. Misdemeanor case workload levels in FY 14/15 have not been seen since FY 10/11, the year prior to reducing court from three to two days (right sizing).

Staff anticipates the workloads will continue to increase as the Police Department staffing further stabilizes, emphasizing the goal of addressing these challenges with enhanced efficiencies in operations. A couple of opportunities that staff are pursuing consist of enhanced utilization of existing court software, vetting processes and procedures that other courts have implemented, and are continuing to explore efficiencies associated with an upgrade to Full Court Enterprise Software. Specific steps thus far have been:

- Enhanced utilization of current Full Court software to: generate court documents which were previously done manually requiring multiple repetitive inputs (i.e. warrants, reset letters, notice to appear, security release agreements, etc.); enhanced reporting output (elimination of manual extrapolations); and e-mails via Full Court sent directly to all pertinent parties with case information (streamline pretrial communications).
- 2) Invited the Court Administrator from Eugene and the Senior Court Clerk from Salem (nationally recognized Courts by NCSC) to meet with staff to further glean best practices that St. Helens Municipal Court may adopt. A number of ideas have been generated and staff is in the process of further vetting potential changes.
- 3) Staff continues to explore efficiencies associated with the implementation of the upgrade to Full Court - Enterprise. Council had authorized funds in FY 14-15 and carryforward these funds in FY 15-16. We definitely anticipate increased efficiency and the potential of reviving the SO List electronically which C-COM (911) may access, much like they do now with the Circuit Court software program Oracle. We only await final approval to proceed with the implementation.

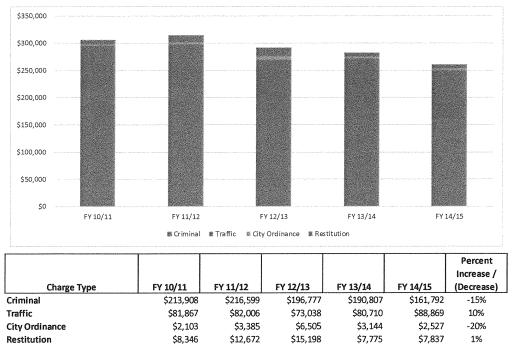
In an effort to develop reports that provide enhanced understanding of court workloads and challenges, we have further modified the usual graphic/tables and included a Clearance Rate graph/table to better track Municipal Court workloads. This graphic will eventually include a measurement of pending cases and average wait time to disposition (some additional research required). Staff will continue to revamp statistics and reports to better track case workloads, backlogs, waiting queue associated with charge to adjudication, and enhanced collection reports that contrast with industries indices.

St. Helens Municipal Court Trend Number of Cases Disposed



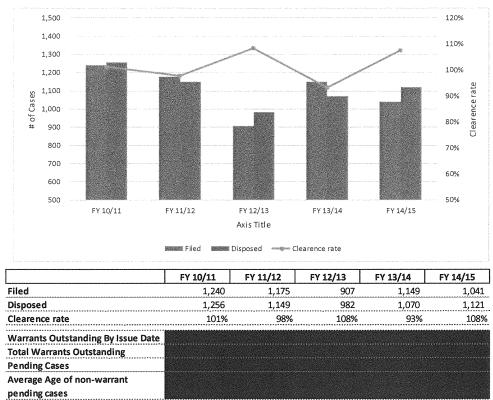
| Cases Disposed | FY 10/11 | FY 11/12 | FY 12/13 | FY 13/14 | FY 14/15 | Percent Increase / (Decrease) |
|---------------------------------|----------|----------|----------|----------|----------|-------------------------------------|
| Non-Traffic Misdemeanors | 531 | 493 | 362 | 358 | 442 | 23% |
| Non-Traffic Violations | 63 | 61 | 64 | 43 | 58 | 35% |
| Traffic Misdemeanors | 82 | 83 | 111 | 82 | 139 | 70% |
| Traffic Violations | 472 | 371 | 353 | 565 | 462 | -18% |
| Municipal Code Misdemeanors | 4 | 1 | - | 3 | - | |
| Municipal Code Violations | 102 | 137 | 92 | 19 | 17 | |
| Other (Parking & Miscellaneous) | 2 | 3 | - | - | 3 | |

St. Helens Municipal Court Trend Gross Revenue Collected by Charge Type

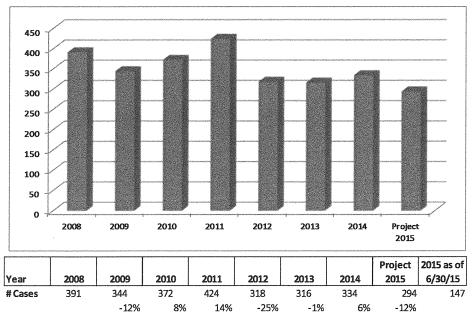


Gross Revenue data does not include payments posted to old court system due to inconsistent reporting capabilities.

St. Helens Municipal Court Trend Clearence Rate (Cases Filed Vs. Disposed)



St. Helens Municipal Court Trend Number of New Criminal Cases (Calendar Year)



2012 - stopped charging Failure to Appear on Violations

These number are provided by the prosecutor's office. Each case will have one or more charges listed on the complaint. These numbers are generated on a calendar year basis rather than a fiscal year basis.

| | | Municipal Co | WI C | | |
|---------|--------|-------------------------|-----------|-----------|---------|
| | | | Adopted | Actual | % of |
| Fd Dpt | | Acct | 2014-15 | 06-31-15 | Amended |
| 001 103 | | Municipal Court | | | |
| | | | | | |
| 001 000 | 341000 | Fines | 193,000 | 187,542 | 97% |
| 001 000 | 344000 | Court reimbursement | 4,040 | 6,149 | 152% |
| 001 000 | 351000 | Police trainee fee | 8,000 | 9,384 | 117% |
| | | Total Revenues | 205,040 | 203,075 | 99% |
| | | Personnel services | | | |
| 001 103 | 401000 | Salary | 92,780 | 84,549 | 91% |
| 001 103 | 415000 | SSI taxes | 7,170 | 6,477 | 90% |
| 001 103 | 416000 | Retirement | 19,370 | 17,542 | 91% |
| 001 103 | 417000 | Workers comp | 200 | 215 | 108% |
| 001 103 | 418000 | Medical benefits | 41,230 | 35,721 | 87% |
| 001 103 | 419000 | Disability/life ins | 420 | 405 | 96% |
| 001 103 | 422000 | Longevity | 960 | 360 | 38% |
| 001 103 | 438000 | VEBA | 1,560 | 1,520 | 97% |
| 001 103 | 471000 | PF health | 960 | 198 | 21% |
| | | Total Personnel service | 164,650 | 146,987 | 89% |
| | | Materials and Services | | | |
| 001 103 | 457000 | Office supplies | 1,000 | 887 | 89% |
| 001 103 | 465000 | Jury / witness fees | 2,500 | 1,152 | 46% |
| 001 103 | 473000 | Miscellaneous | 500 | 96 | 19% |
| 001 103 | 490000 | Professional developr | 1,500 | 2,522 | 168% |
| 001 103 | 500000 | Information services | 15,850 | 8,794 | 55% |
| 001 103 | 511000 | Reference materials | 330 | 94 | 28% |
| 001 103 | 554000 | Professional services | 133,200 | 128,840 | 97% |
| 001 103 | 579100 | Indirect cost allocatio | 29,890 | 28,549 | 96% |
| | | Total Materials and Sei | 184,770 | 170,933 | 93% |
| 001 103 | | Total Expenditures | 349,420 | 317,919 | 91% |
| | | Net Expense | (144,380) | (114,844) | |
| | | | | | |

City of St Helens Municipal Court

Review Proposed Ordinance Regarding Business Licenses

Ordinance No. 3193, An Ordinance Amending the St. Helens Municipal Code Chapter 5.04 to Allow Business Licenses for Marijuana Related Businesses, is on tonight's agenda for a first reading, if the Council concurs.

City Planner Graichen reported that the business license ordinance states that a license cannot be issued for a business that is contrary to federal, state and local law. It can be revoked if contrary. Marijuana is federally illegal under the legal substances act. Issuing a business license would be illegal under that law. Several inquiries have been received, which is why we are proposing the change. Graichen reviewed past case law. State law does not pre-empt federal law. The City Attorney has suggested changes to the ordinance based on recommendations from CIS, which is included in the packet. Some of the options Council has is to strike the reference to "federal" in the business license ordinance, change the verbiage to allow marijuana related businesses, or wait to see what happens in other cities.

Councilor Conn is reluctant to strike "federal" from the ordinance. It applies to more than just marijuana use. Council represents the public and the public approved the use.

Police Chief Terry Moss expressed his concerns. He talked about what this really means to this community from the perspective of a police officer. The municipal code does not allow for adult entertainment within 1,000 feet of a residential district; public or private nursery, preschool, elementary, junior or high school; day care; nursery; convalescent home; resident care facility; hospital; library; public park; or church. Could the industry have similar impacts on youth, crime, addiction, public safety, and traffic safety? Should marijuana be treated differently? Organizers behind the pro-marijuana movement have not dealt with issues that meet the standards of modern medicine; such as quality, safety and effectiveness. There is no recommended amounts to prescribe. There is no quality control. There is no accountability. There is no way to measure it effectiveness. Nor is it covered by insurance. Quoting the Obama Administration, "the cost to society for alcohol alone is more than 15 times the revenue that we gain in its taxation." The City collected over \$100,000 from OLCC from alcohol sales last year.

Moss is concerned that there is no education involved in selling marijuana. The products and marketing is virtually unregulated. Recreational sales will begin October 1. Think about how these things will be affected:

- Traffic. Will there be an increase in DUI's related to marijuana consumption? What are the risks to the public? What training will be involved for the officers? In 2007 in Colorado, operators testing positive for marijuana was 7% of their fatalities and by 2012 that number doubled to 16.5%. Forty-four percent of marijuana users in Washington have reported driving a motor vehicles within two hours of consumption.
- 2) Youth consumption. Colorado conducted a survey of kids between the ages of 12-17, asking how many have used marijuana within the past month. In 2012 that number was 10.47%. They are ranked fourth in the nation now but was 14th in the nation eight years ago. Drug related suspensions and expulsions have increased 32% from the 2008-2009 school year to the 2012-2013 school year. The vast majority are marijuana violations.
- Adult consumption. What are the social costs related to employment, housing, education, addiction and treatment? In Denver, 48% of people arrested test positive for marijuana. That's a 16% increase since 2008.
- 4) Marijuana related exposure. Colorado's rate of marijuana exposure is triple the national average.
- 5) Diversion. Colorado has had a 390% increase in the number of diversion cases. That is marijuana being shipped to other states.

Moss said that enforcement will fall on the police department. Open consumption is rampant in Washington and he has no reason to believe that Oregon will be any different. The amount of tax generated will not cover the cost of enforcement. Do we need to be on the front edge of this issue? Do we have time to wait? Should we wait and watch how other cities react?

Council President Morten asked if Council has the option of postponing reading the ordinance

tonight. City Recorder Payne said that is an option. There is a pending business license.

Council gave their opinion:

- Councilor Conn sees no reason to postpone it.
- Councilor Locke has spoken with Chief Moss and the Youth Council about the topic. Youth Council is not in favor of dispensaries in town. He agrees.
- Councilor Carlson believes they need to uphold the decision made by voters. She does not think we should prevent businesses from opening because we do not agree with their products. If the community does not support them, they will close.
- Council President Morten spoke of the City of Eugene's position. They voted not to endorse dispensaries in their city. Chief Moss brought up good points. As a sail boat racer, going in uncharted waters can be extremely risky. There is safety in staying with the fleet. He agrees with Councilor Locke. The Council is split. He would like to table this until Mayor Peterson returns.

Discussion will be continued at the September 2 work session.

Request Council Set Public Forum Date/Time for Utility Rates

The City last held a public forum on November 20, 2013 to receive public comment on staff's recommended biennium rate increases of 4.5% in 2014 and 4.5% in 2015.

Staff will be updating the utility forecast models the latter part of August to initiate discussions on potential rate increases in the next calendar year. We anticipate having some alternatives to vet with City Council at the work session of September 16, with a more robust discussion at the work session of October 7. These discussions will help staff frame the appropriate rate increase proposal and advertise accordingly before the next public forum.

Staff recommends Council select the regular meeting of November 4, 2015 to hold the public forum. The designation of a date now will allow us to advertise the public forum date on the utility billing going out in August and again with further dissemination of information on the October billing.

The Council was in concurrence to hold a public forum on November 4, 2015 at 6:30 p.m. on utility rates.

Review Cooperative Agreement with EPA for Brownfields Grant

City Administrator Walsh reviewed the agreement. The \$200,000 grant is included on tonight's agenda for acceptance. There is not a local match. However, there is a requirement to attend the National Brownfields conference being held the first week of September.

Walsh reviewed the RFQ evaluation criteria. Maul Foster scored the highest. The review committee recommends they be selected.

Council President Morten believes that all of the responders seem to be well qualified. Council discussed the qualifications of the highest scoring submittals.

LED Street Lighting Conversion Project

The City recently completed an RFQ to solicit proposals from qualified energy services companies to evaluate and manage the conversion of existing street lights to LED technology. We received three proposals; two of which met all qualifications. The evaluation committee consisting of Public Works Operations Director Sheppard, Public Works Engineering Director Nelson and himself reviewed and scored the proposals to find Ameresco to be the most

qualified firm based on the established evaluation criteria.

On August 8, staff met with Ameresco representatives to discuss the project details and steps towards completion. The next step will be for the Council to recognize Ameresco as the City's selected energy services firm and authorize the technical energy audit. The proposal included in the packet outlines the scope of work for these audit services, which include creating an inventory of existing lighting facilities, analyze lighting needs and evaluate costs and energy savings. Upon conclusion of the audit the City will have the opportunity to review the findings and make a decision regarding the lighting conversion project.

This item is on the Council regular session agenda for approval.

Councilor Locke is in favor of LED technology. Councilor Carlson pointed out that Ikea will only be selling LED light bulbs after the end of this year.

Tourism Committee Discussion

City Administrator Walsh requested that Council authorize staff to lead a consultant contract for the Spirit of Halloweentown and Christmas Tree Lighting events. The goal is to save more tourism funds for future grant matching and projects. There are still unanswered questions about what will happen with the Tourism Committee. Discussions are continuing with local partners.

Discussion of Spirit of Halloweentown activities. Councilor Carlson reported that the Youth Council wants to participate this year. They would like to help decorate the Plaza. She also suggested approaching Christina Sullivan about coordinating the events. Walsh is requesting to coordinate with Tina Curry since she has done it the last two years. It can be a collaborative effort.

Request from Habitat for Humanity

Boyd Ruby, President of Columbia County Habitat for Humanity, submitted a letter requesting the Council waive the system development charges on the third and final house they are preparing to start. The City waived the SDCs for the first two houses.

Council was in concurrence to waive the SDCs.

Department Reports

Reports were deferred to tonight's regular session meetings.

Council Reports

Reports were deferred to tonight's regular session meetings.

Executive Session

ORS 192.660(2)(e) Real Property Transactions ORS 192.660(2)(h) Potential Litigation

Motion: At 3:46 p.m., upon Locke's motion and Carlson's second, the Council unanimously voted to move into executive session under ORS 192.660(2)(e) Real Property Transactions and (h) Potential Litigation.

Motion: At 4:22 p.m., upon completion of the executive session, Locke moved to go back into work session, seconded by Carlson, and unanimously approved.

Other Business

Tonight we have a public hearing at 6:30 p.m. for a street vacation and a regular session at 7:00 p.m.

There being no further business, the meeting was adjourned at 4:23 p.m.

ATTEST:

Kathy Payne, City Recorder

-Doug Morten, Council President