

# City of St. Helens City Council

Regular Session Minutes

June 5, 2019

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**Members Present:** Mayor Rick Scholl  
Council President Doug Morten  
Councilor Ginny Carlson  
Councilor Keith Locke  
Councilor Stephen R. Topaz

**Members Absent:** None

**Staff Present:** John Walsh, City Administrator  
Kathy Payne, City Recorder  
Matt Brown, Finance Director  
Margaret Jeffries, Library Director  
Sue Nelson, Public Works Interim Director  
Jacob Graichen, City Planner  
Brian Greenway, Police Chief

**Others:**

Frank Brandon	Kathryn Lawrence	Willow Bill
Art Leskovich	Shauna Harrison	Stuart Forman
William Stroup	Nicole Thill	Toni Doggett
Al Petersen	Michael Duncan	Matt Hastings

- 1) **7:00 P.M. - Call Regular Session to Order**
- 2) **Pledge of Allegiance**
- 3) **Visitor Comments - Limited to five (5) minutes per speaker**
  - ♦ Toni Doggett. She asked the Council what they plan to do with the lagoon. She has heard serious concerns and wanted to come straight to the source.

Mayor Scholl addressed the issue of the executive session that was in the newspaper. They are allowed to hold executive sessions. The media was invited and did not attend. Council is discussing it being used for a landfill but nothing has been decided. Councilor Carlson added that studies are being conducted to find out what can be done there. City Administrator Walsh elaborated on the status. They are investigating if it can technically be done and if it can be done safely. Council President Morten was told that the material that would be used as fill is no worse than the material dredged and put on Sand Island.

- ♦ Stuart Forman. He thinks the City does a really good job. However, he is also concerned about the lagoon. It's a really bad idea. In 2008, he attended a 40 hour HazMat class to work in marine environmental testing. He's most worried about combining what is already there with what will be dumped. It can mutate into something nasty. He reminded the Council of the need to live within their means and not make unhealthy sacrifices.

Discussion ensued about the fill material. Nothing is final at this time.

- ♦ Al Petersen. He talked about the budget items listed on the agenda for approval. However, neither the Council nor the public have seen the entire budget document. If they have seen it, it hasn't been made accessible to the public.

Finance Director Brown reported that the Budget Committee reviewed the budget line items, resources, and appropriations. The appropriations were listed publicly in the newspaper and is included in tonight's packet. The budget document is printed after it's approved. Al argued that there is no excuse for not having the entire draft budget available to the public for review.

- ♦ Art Leskovich. Councilor Locke made a statement at the last meeting about the lagoon options being discussed for years. Art requested that Locke summarize the options that were discussed. If there are concerns about sediments in the river, why are there no warning signs posted?

Mayor Scholl suggested asking Oregon Department of Fish and Wildlife (ODFW) that question. Art argued that it's the Health Department that posts those and not ODFW.

Art went on to talk about the recent executive session. Maul Foster has not presented any other options. No one asked for a landfill at any of the public meetings he attended. He's concerned about negotiations happening behind closed doors. He encouraged transparency. Mayor Scholl argued that secret meetings are not being held.

- ♦ William Dugaard "Willow Bill". He talked about the Flying Eagle event on the Waterfront property; consisting of canoe maintenance, education, stories, etc. They would like to be self-sustaining and promote the canoe.

Councilor Topaz requested to clarify the discussion of filling the lagoon with Portland Harbor sediment. Mayor Scholl requested he wait until department reports so they can continue with visitor comments.

- ♦ Shauna Harrison. She's here about the lagoon. She shares this information on social media to encourage people to attend these meetings and communicate with the Council before decisions are made. Her biggest concern is the push from Portland Harbor. They are making their problem our problem. Are we under a mandate to clean the lagoon?

Councilor Carlson responded by shaking her head no.

Shauna asked if the Council has a plan for expansion of the current sewer system as the city grows. Mayor Scholl just talked about that today during the work session. City of Scappoose is in the process of a large upgrade right now and locating it along the highway between St. Helens and Scappoose. He suggests they talk about partnering.

Shauna went on talk about the lagoon. Councilor Locke asked Public Works Interim Director Nelson to comment on the life of the lagoon. Nelson explained that it's not a conventional method of treating waste but it's less expense than many of the methods. The process would potentially need to be replaced at some point. Mayor Scholl added that no decisions were made during the executive session. Shauna said her biggest concern is the proximity to the waterway. This is a unique situation. There seems to be only one environmental company showing their

findings. There are so many beautiful things happening. She reiterated her concerns about becoming a dumping ground for Portland.

4) **Deliberations: FY 2019/20 State Shared Revenue & Budget**

Councilor Carlson requested that a draft budget be available at the front counter for review prior to approval. Finance Director Brown agreed to do that next year.

5) **Deliberations: Comprehensive Plan & Zone Amendment - Riverfront Connector Plan**

City Planner Graichen explained that the staff report does not include Appendix nine and 10 but the presentation did include both of those. He requested Council include in their motion that it's approved as presented, rather than approved as written in the staff report.

Councilor Carlson wanted it to be clear that traffic counts will be different as changes are made to the Highway 30 and Millard Road intersection. The consultant responded that he believes that language was incorporated.

Councilor Topaz would like it to be clear that this is the beginning and not the design end. Graichen agreed that this is a "living document" and can be amended. It's about being prepared. The consultant added that a statement to that fact could be added to the beginning of the document.

**Motion:** Upon Carlson's motion and Topaz's second, the Council unanimously approved the Comprehensive Plan & Zone Amendment for the Riverfront Connector Plan as recommended by staff with additions of Appendix nine and 10, and language emphasizing flexibility in the ability to amend in the future. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

6) **Ordinances - First Reading**

6.a Ordinance No. 3238: An Ordinance to Annex and Designate the Zone of Certain Property at 2225 Gable Road

Mayor Scholl read Ordinance No. 3238 by title for the first time. The final reading will be held at the next regular session.

6.b Ordinance No. 3239: An Ordinance Amending St. Helens Municipal Code Chapter 8.28 Regarding City Docks

Mayor Scholl read Ordinance No. 3239 by title for the first time. The final reading will be held at the next regular session.

6.c Ordinance No. 3240: An Ordinance Amending St. Helens Municipal Code Chapter 13 to Define the St. Helens Community Recreation and Parks Fee

Mayor Scholl read Ordinance No. 3240 by title for the first time. The final reading will be held at the next regular session.

7) **Resolutions**

7.a Resolution No. 1846: A Transfer Resolution to Increase Appropriations Due to Additional Revenue for Fiscal Year 2018-2019

Mayor Scholl read Resolution No. 1846 by title. **Motion:** Upon Locke's motion and Carlson's second, the Council unanimously adopted Resolution No. 1846. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

- 7.b Resolution No. 1847: A Resolution Authorizing a Transfer of Appropriations within a Fund for Fiscal Year 2018-2019

Mayor Scholl read Resolution No. 1847 by title. **Motion:** Upon Locke's motion and Carlson's second, the Council unanimously adopted Resolution No. 1847. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

- 7.c Resolution No. 1848: A Resolution Authorizing a Transfer of Appropriations within a Fund for Fiscal Year 2018-2019

Mayor Scholl read Resolution No. 1848 by title. **Motion:** Upon Locke's motion and Carlson's second, the Council unanimously adopted Resolution No. 1848. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

- 7.d Resolution No. 1849: A Resolution of the City of St. Helens City Council Authorizing and Supporting the Submittal of a Local Government Grant to the Oregon Parks and Recreation Department for Recreational Trail Development on the Salmonberry Lake Property

Mayor Scholl read Resolution No. 1849 by title. **Motion:** Upon Locke's motion and Topaz's second, the Council unanimously adopted Resolution No. 1849. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

- 7.e Resolution No. 1850: A Resolution of the City of St. Helens Declaring the City's Election to Receive State Revenues

Mayor Scholl read Resolution No. 1850 by title. **Motion:** Upon Carlson's motion and Topaz's second, the Council unanimously adopted Resolution No. 1850. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

- 7.f Resolution No. 1851: A Resolution of the Common Council of the City of St. Helens, Oregon Adopting Budget, Making Appropriations, and Levying Taxes for the Fiscal Year Beginning July 1, 2019

Mayor Scholl read Resolution No. 1851 by title. **Motion:** Upon Carlson's motion and Locke's second, the Council unanimously adopted Resolution No. 1851. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

- 7.g Resolution No. 1852: A Resolution Determining that an Unsafe Structure Exists Upon Property Located at 334 N. 7th Street within the City of St. Helens and Directing that Notice to Abate the Nuisance be Posted on Said Premises

Mayor Scholl read Resolution No. 1852 by title. **Motion:** Upon Topaz's motion and Carlson's second, the Council unanimously adopted Resolution No. 1852. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

8) **Approve and/or Authorize for Signature**

8.a [RATIFY] Agreement with Mackenzie for Millard Road Park Master Plan

8.b Contract Payments

**Motion:** Upon Carlson's motion and Topaz's second, the Council unanimously approved '8a' and '8b' above. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

9) **Appointments to Boards/Commissions**

**Motion:** Upon Carlson's motion and Locke's second, the Council unanimously appointed Jenna Reineking and Ken Hanson to the Arts & Cultural Commission. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

10) **Consent Agenda for Acceptance**

- 10.a Parks & Trails Commission Minutes dated April 8, 2019
- 10.b Planning Commission Minutes dated April 9, 2019
- 10.c Parks & Trails Commission Amended Bylaws dated May 13, 2019
- 10.d Library Board Minutes dated March 11, 2019

**Motion:** Upon Carlson's motion and Topaz's second, the Council unanimously approved '10a' through '10d' above. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

11) **Consent Agenda for Approval**

- 11.a Council Work Sessions, Executive Sessions, Public Forums, Public Hearings, and Regular Sessions Minutes dated May 1, 15, and 21, 2019
- 11.b Accounts Payable Bill Lists

Mayor Scholl said the May 21 Executive Session minutes need to be amended to include ORS 192.660(2)(E) and 192.660(2)(H).

**Motion:** Upon Carlson's motion and Locke's second, the Council unanimously approved amending the May 21 Executive Session minutes as stated. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

**Motion:** Upon Locke motion and Carlson's second, the Council unanimously approved '11a' and '11b' above. [AYES: Scholl, Carlson, Locke, Morten, Topaz; Nays: None]

12) **Mayor Scholl Reports**

- Graduation is on Friday.
- St. Helens Kiwanis Community Parade is June 15.
- Citizens Day in the Park is June 22.
- 13 Nights on the River begins tomorrow. It will be kicked off with Hit Machine.
- Cruisin' the Gut begins June 28.
- Hidden meetings are not being held. They are just being educated to help get the information to the public. No decisions have been made. No one on the Council is getting paid off. He personally took a financial hit when he began the position as Mayor. He does it because he loves his community.

13) **Council Member Reports**

Council President Morten reported...

- Agreed with the Mayor's statement.
- Members of the Kiwanis Club cleaned up along Highway 30 from St. Helens Street to Columbia Blvd. They disposed of dead brush, litter, etc. He encouraged the Council to take a look. Mayor Scholl thanked Morten and the Kiwanis.

Councilor Locke reported...

- Agreed that the Council takes the job seriously. This is his 19<sup>th</sup> year serving. He has been a St. Helens resident for about 36 years. This is his job. He's been disabled for 22 years. This is his community. When he was younger, he spent 60-70 hours a week volunteering for 13 Nights on the River. He tries to be fair to everyone, listen, and discuss.

Everyone here wants to serve the community. It's too bad you can do 100 good things but the community remembers the one bad thing you did.

- Asked if Mayor Scholl will be driving the City truck for the parade. Scholl responded that he can do it if a staff member is unable.
- Hit Machine will be under cover for 13 Nights on the River tomorrow. Come enjoy the music!

Councilor Carlson reported...

- She apologized for missing the work session earlier. Her daughter graduates high school this week.
- She appreciates all the work done by the Kiwanis.
- She had wanted a LGBTQ pride month resolution but was not able to get it together in time. She wishes that people in that group would feel accepted in the community. She has seen students come through Youth Council that have struggled with being accepted by their families.
- She appreciates people bringing their concerns to these meetings.
- Thanked Joan Youngberg for her tireless work to provide a community art project. She's preparing to start another art project.

Councilor Topaz reported...

- He went back to what Shauna stated about money. Not making any judgements of what the materials is coming from the Portland Harbor, they've been told how many cubic yards are there. He gave numbers to show how big the problem is. The river has rules with Native Americans that only allow you to dig out of the Harbor four months a year. To clean it up in 10 years, that's 700 15-yard dump trucks a day. To haul waste from the Portland Harbor to Hillsboro's dump is \$210 million. If you run it with the trucker's numbers it's \$400 million. It's \$9 million by truck to St. Helens. It's \$10 million by train to St. Helens. If you barge it to Arlington, it's \$151 million. Even if it's not toxic or hazardous, the Federal rules on the road add paperwork to the truck driver. It's a \$4 billion project just for hauling. Tipping fees are \$100/ton. It's a big problem. Need to remember that State legislature may be swayed with these costs.

#### 14) **Department Reports**

Chief Greenway reported...

- Nothing to report.

Public Works Interim Director Nelson reported...

- Nothing to report.

Library Director Jeffries reported...

- Nothing to report.

Finance Director Brown reported...

- Distributed a Recreation Program calendar to the Council. Activities are scheduled almost every day.
- Staff is working on an SDC agreement with the apartment complex going in. Per Code, it would allow the developer to finance the SDC's that are approximately \$700,000. The Council sets the interest rate. Staff suggests a 6% interest rate. Discussion ensued. Council President Morten suggested taking the medium commercial loan rate and add

one percent. Consensus of the Council to use the general index plus 2% for administrative costs. Brown will have the attorneys review it.

City Recorder Payne reported...

- Nothing to report.

City Administrator Walsh reported...

- The Riverfront Connector is a great project. It creates the link from the highway to the river.
- The lagoon feasibility has been primarily outside funding that has interest in the project. It's a concept. We don't have enough information at this point to make an informed decision. As questions are answered, even if the answer is no, they know a lot more about the lagoon.
- Have been exploring municipal broadband to provide high-speed service from fiber to home as a public utility. He asked if the Council would like to hear a report from the consultants. The Council agreed to hear a report at the June 19 work session.

15) **Other Business**

16) **Adjourn** – 8:42 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

  
Kathy Payne, City Recorder

  
Rick Scholl, Mayor