

City of St. Helens City Council

Work Session Minutes

April 17, 2019

Members Present: Mayor Rick Scholl
Council President Doug Morten (arrived at 2:38 p.m.)
Councilor Keith Locke
Councilor Ginny Carlson
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
Joe Hogue, Police Lieutenant
Jacob Graichen, City Planner,
Shanna Duggan, Recreation Coordinator
Aaron Kunders, WWTP Superintendent
Crystal Farnsworth, Communications Officer
Tina Curry, Event Coordinator

Others:

Jennifer Anderson	Bill Blank	Roger Konka
Mary Woicak	Charlotte Hart	Lynne Pettit
Bill Amos	Patrick Trapp	Simon Date
Joan Youngberg	Nicole Thill	Christine Henges

1) **1:00 p.m. - Call Work Session to Order**

2) **Visitor Comments - Limited to five (5) minutes per speaker**

- ♦ Joan Youngberg. Last year, the Columbia Art Guild and Columbia County Cultural Coalition donated funds for the tiny house project. It is now displayed at the Chamber. The new project is Flagship Columbia County. She would like to hang them in the Plaza after the June 3 completion. They are meant to be viewed from a distance.

Councilor Topaz asked if the material is waterproof. Joan responded that it is Tyvek and is very waterproof. It is proven by many artists that acrylic paint on it is also waterproof.

Councilor Carlson sees this as an easier project. It's great to see the community working together on it. Joan responded that she still has people stop and tell her that they found their house or showed their house to someone. Discussion ensued about the project.

The Council was in concurrence to cover the project in the Plaza with the City's insurance and Joan register as a volunteer.

- ◆ Bill Amos. He thanked the Council for their recent support of a young man who had lost function of the lower portion of his body. Now that young man serves on the Youth Council. He also congratulated the City on the Recreation Program and the partnership with the School District. A couple years ago, he worked hard to get rid of a road easement through the St. Helens Community Bible Church and negotiated an easement through Pam Rensch's property, from Chase over to the City park. In exchange for that they installed water lines, fire hydrants, and extended sewer lines. He understands there may be a sunset date when the road will disappear. He recommends giving it a name and fully establishing it as a right-of-way. If the City sells the property it would give a back access.

City Planner Graichen is familiar with the easement. It was recorded in March 2009. He gave history about the project. The easement serves both as an access and utility easement. One contingency is that the City must develop the property within 11 years of the recording date or the property owners may terminate all private access easements granted to the City by sending a written statement for termination to all parties. It's not automatic but it is a possibility. Discussion ensued. One possibility is a developed and approved trail. Councilor Locke suggested requesting a five year extension.

Bill asked the Council to consider that area for park use, including ball fields. The partnership with the School District has encouraged the community to consider public private partnerships. The community is being linked together in ways that haven't happened in the past.

- ◆ Roger Konka, Springwater Farm in Yankton. He is proposing to start a Farmer's Market Saturday, June 8 on the Waterfront property. He has an idea to encourage farmers to bring old farm implements and sell them. Mayor Scholl invited him to come to the May 1 work session for further discussion.
- ◆ Patrick Trapp, Port of Columbia County.
 - Approved black top construction improvements at the entrance to Multnomah Industrial Park.
 - Approved the sale of property to Semling Construction. They inadvertently put concrete on Port property. They decided on the sale since it was relatively undevelopable property.

3) **Discussion Topics**

3.A **Habitat for Humanity Request for Waiver of Fees - Jennifer Anderson, HFH Ex. Dir.**

Jennifer Anderson and Bill Blank were in attendance to give the presentation. A copy of the request and PowerPoint presentation is included in the archive meeting packet. They thanked the Council for their support in the past. They are near their 20th year of serving in Columbia County. The proposed townhouses are on the corner of Plymouth & S. 7th Street. They are requesting a waiver of the SDC fees and the in-lieu-of fee for the sidewalk construction.

Councilor Carlson has a conflict of interest and recused herself from this conversation.

Discussion ensued about the development and request. Finance Director Brown pointed out that the Council cannot legally waive SDC fees. However, they can supplement it from another fund. That was not done that way in the past. There was concurrence amongst Scholl, Locke, and Topaz to waive half of the SDC fees and the entire sidewalk construction fee.

Motion: Upon Locke's motion and Topaz's second, the Council approved waiving the entire sidewalk fee and covering half of the SDC fees. Scholl, Locke, Topaz in favor; Carlson abstained; none opposed.

3.B Discussion Regarding Revamping the Visitors' Center – Simon Date, Chamber Ex. Dir.

Chamber Executive Director Simon Date was in attendance to give his presentation. A copy of his PowerPoint presentation is included in the archive meeting packet. He reviewed the layout and use of the current space and the proposed changes. He emphasized the combination space of a visitor center and small business center. He is requesting financial support from the City and several other agencies to help with the remodel.

Council President Morten arrived at 2:38pm.

Motion: Locke moved to donate \$10,000 from the Economic Development fund to the Chamber for the upgrades. Carlson seconded.

Discussion.

Vote: Scholl, Morten, Locke, and Carlson in favor; Topaz abstained; none opposed; motion carries.

Councilor Topaz abstained because he doesn't know enough about the project.

3.C Presentation of Little Free Library for Campbell Park Donated by Thomas O'Hanlon

City Recorder Payne reported that Thomas is not in attendance. The request was reviewed by the Arts & Cultural Commission (ACC). Library Director Jeffries said her biggest concern was approval to use copyrighted images. He did receive permission from the Seuss organization.

Councilor Carlson asked who maintains the libraries. Jeffries responded that it depends on the library. A private citizen could put one in their yard. The Friends of the Library have two they maintain and there's a request for a third. City Recorder Payne added that the library donated by Thomas has received approval from both the Parks & Trails Commission and the ACC. ACC will be responsible for maintaining it.

Approval is included on tonight's agenda.

3.D Presentation of Little Free Library for Walnut Tree Park Donated by Lynne Pettit

Lynne Pettit clarified that they are not "Little Free Libraries." That is a registered trademark. Those require a fee and are included in a list of libraries. This will be their third library. They have one at the Marina and one at the Food Bank. The Parks & Trails Commission did approve the proposed new library. The Friends of the Library will take care of maintenance.

Approval is included on tonight's agenda.

3.E Communications 3rd Quarter Report – Crystal

Communications Coordinator Crystal Farnsworth was in attendance to give her report. A copy is included in the archive meeting packet.

3.F Review Annual Recommendation to Adjust Cascades Reserve Allocation - Neal

WWTP Superintendent Kunders reviewed the report. A copy is included in the archive meeting packet. He recommends adjusting Cascades' reserve to 79.8% per the terms of the Operation and Use Agreement. Approval is included on tonight's agenda.

3.G Review Proposed Ordinance No. 3236 Regarding Portable Privies - Jacob
City Planner Graichen reviewed the proposed ordinance. This is being presented because the former portable privy policy was accidentally removed during a recent sewer ordinance amendment. Discussion ensued. The ordinance is on tonight's agenda for the first reading.

3.H Godfrey Park Master Plan Presentation – Matt
Finance Director Brown presented the Master Plan done by Mackenzie. A copy is included in the archive meeting packet. The Parks & Trails Commission reviewed the Plan at their last meeting and approved it with a few changes. The goal was to provide a nature play area, which was in the Master Plan in 2015. It is a design that can be installed by staff, not adding additional cost with an outside contractor. It is a phased project costing approximately \$30,000. He reviewed the proposed layout.

Mayor Scholl expressed concerns about maintenance. Council President Morten mentioned that the Garden Club may be interested in helping maintain the Sensory Garden area. However, he is concerned about kids throwing rocks in the Labyrinth Room. Councilor Carlson visits a place in Portland that have offered to help the City with this project. She suggests inviting the community to participate. Brown clarified that the pictures are ideas of what can be done. He agreed that maintenance needs to be considered.

Councilor Topaz expressed that the proposal is lousy. The activities are regimented. He would like to see benches for grandparents to watch their grandkids. He went on to talk about the topography of Godfrey Park and other area parks. Brown responded that each area is designed to have some sort of seating surrounding it. Also, the path is designed to lead kids from one area to another. Topaz argued that he does not want to confine kids to stay on the path to get from one area to another. He wants the areas made for handicap and retired to be expanded. He would like the topography of the park to be better used, including the stream. Brown likes those ideas but some of them may fit better in other parks. Topaz argued that people use the parks closest to them. The proposal limits imagination.

Council President Morten recommended forming a committee to review the plans and make them workable. He suggested Councilor Topaz, another councilor, community members, and possibly Parks & Trails Commission members be involved.

Councilor Locke would like to fence off the canyon to not allow access. The stream was engineered for a purpose. Letting people down in there will tear it up. Brown agreed that staff also had those same concerns. The proposal naturally pushes people away from it.

Discussion ensued. The Parks & Trails Commission recommended:

- An entrance on N. 2nd Street into the park.
- Adding an unfenced dog play area.

Brown will take back the comments to Public Works Engineering Director Nelson and Associate Planner Dimsho for their consideration as they spearheaded the project.

3.1 Discussion Regarding Proposed Recreation Fee – Matt

Finance Director Brown reviewed a PowerPoint presentation that was presented during the Recreation Program Public Forum. A copy is included in the archive meeting packet.

Councilor Topaz began the conversation stating that the program is designed poorly. He agreed that a Recreation Program is needed. He wants to see a list of what is needed and the costs involved. There are more needs the Recreation Program should fill for all abilities, disabilities, and ages. He is opposed to adding any fees to the utility bills, other than utility costs.

Mayor Scholl explained that the project was created in coordination with the School District. They have done a fabulous job keeping it at a low budget. They are learning as they grow. He takes Councilor Topaz's comments personally as someone who has worked with staff and the School District to create what it is. Scholl proposes a \$3 fee.

Recreation Coordinator Duggan reported that there are a lot of programs for all ages. Her goal is to make sure the programs are successful and not just jump in without knowing all the information. She has been meeting with the Senior Center, CCMH, and other community partners. Council President Morten asked if the partnership utilizes school facilities as well? Duggan responded that they do utilize multiple school buildings; including cooking classes at the high school, Lewis & Clark Elementary School for afterschool care, etc. They are in the schools 25-50% of the time. They are already outgrowing the Recreation Center.

Councilor Carlson reported on the importance of finding out what our community wants rather than duplicating another community's program. The Senior Center, School District, private groups, etc., all want to be involved. Discussion ensued.

Mayor Scholl spoke to Councilor Topaz about the personal attack Topaz brought up about a lawsuit during the Budget Committee meeting. It is unethical to bring it up as a councilor during a meeting. Councilor Topaz told Scholl to talk to Walsh about the federal lawsuit that started out here. Topaz argued that he is not saying to stop the Recreation Program. For the record, Scholl clarified that Topaz was upset about a storm line on S. 4th Street that he tried to sue the City over and lost. He went off script and started personally attacking our Engineer. Scholl has heard other comments that Topaz wants to go after Nelson. If that is the case, that is unethical. On the record, Topaz stated that he reported Nelson to the State Engineering Licensing Board of bad design. The finding was that they had no authority to judge her work. They also came to him and said it's illegal for him, as an engineer, from another state to say that you're an engineer. That went to the Administrative Court, who said that he didn't break any laws. The Licensing Board has no authority to correct the engineering mistake. The Court of Appeals was then brought in. They said that Topaz made a public statement that is illegal. That went to the State Supreme Court and they said the property damage to a number of properties behind Topaz's is illegal for Topaz to speak about. The Federal Court said Topaz's first amendment rights were abridged. If you look at the blueprints of the drainage and the fact that storm and sewer were not separated in that area, you'll see that the engineering, according to the clean water act, was not done correctly. Council President Morten pointed out that it was not Nelson's design. Scholl emphasized the fact that Topaz brought a personal issue to the Budget Committee that was unethical. He is trying to force a staff member out of their job or to do something in response to a court case that Topaz lost. Topaz responded that he didn't lose in Federal Court. Every time it rains, the problem appears on his property and the surrounding properties.

Council President Morten recalls discussing a taxing district and other ways to make the program sustainable. They also discussed having \$2 for a couple years to give them more time to look into other funding sources. Brown said they discussed the \$2 or 3 fee with a sun setting of two to three years. At that time, there would be a taxing district or another discussion to do something else or continue what is being done. Discussion of financing ensued.

Brown will work with Walsh, Payne, and Duggan to draft a resolution for the proposed \$2 or 3 sun setting fee. It will be reviewed at the next work session, followed by a public forum that evening.

Councilor Carlson encouraged council members to visit with Duggan at the Recreation Center before the next discussion to find out about programs and eliminate the confrontation.

3.J Discussion Regarding Budget Requests for 2019/20
Postponed until tonight's meeting.

4) **Department Reports**

Lieutenant Hogue reported...

- The trailer has been installed on the Police Department property. It will be nice to have a location to hold meetings.

City Planner Graichen reported...

- Nothing to report.

Library Director Jeffries reported...

- Will show a video tonight of the Library's puppet competition.

Finance Director Brown reported...

- Nothing to report.

City Recorder Payne reported...

- Nothing to report.

Event Coordinator Curry reported...

- Will report tonight.

City Administrator Walsh reported...

- Will report tonight.

5) **Council Reports**

Postponed until tonight's meeting.

6) **Other Business**

7) **Adjourn – 4:58 p.m.**

Executive Session - None

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:


Kathy Payne, City Recorder


Rick Scholl, Mayor