

City of St. Helens

City Council

Regular Session Minutes

August 15, 2018

Members Present: Mayor Rick Scholl
Council President Doug Morten
Councilor Ginny Carlson
Councilor Susan Conn

Members Absent: Councilor Keith Locke

Staff Present: John Walsh, City Administrator
Matt Brown, Finance Director
Kathy Payne, City Recorder
Crystal Farnsworth, Communications Officer
Jacob Graichen, City Planner
Neal Sheppard, Public Works Operations Director
Sue Nelson, Public Works Engineering Director
Margaret Jeffries, Library Director
Brian Greenway, Police Chief

Others:	Morris Malakoff	Brian Vaerewyck	Al Petersen
	Elliot Michael	Nicole Thill	Linda Zahl
	Robert Lee	Robert Lucas	Garrett Lines
	Rachael Barry	Leah Tillotson	Steve Topaz
	Shauna Harrison		

1) **Call Regular Session to Order - 8:38 p.m.**

2) **Pledge of Allegiance**

3) **Presentation of State Level Award for "If I Were Mayor..." Student Contest**
Congratulations to Madeline Clark for winning 2nd place for her poster entry in the annual Oregon Mayor's Association "If I Were Mayor..." Student Contest! Mayor Scholl presented her with a Kindle Voyage and certificate from the State. [Presentation done earlier tonight due to the late hour.]

4) **Visitor Comments - Limited to five (5) minutes per speaker**
No visitor comments.

5) **Deliberations - Appeal of Denial of a Conditional Use Permit (Lee/Lucas)**
Mayor Scholl asked City Planner Graichen to clarify his previous comment about the Council being careful on the legality of their decision. Graichen said the Council should be careful with basing their decision off of what a "legally established" use is based on the current decision being made. It may set a precedent that requires a redefinition of Code. The Council can use the other findings that do not create precedents. The other two are the Comprehensive Plan argument and the Conditional Use Permit criteria (suitable use).

Councilor Conn said this is a legal business. The State and Columbia County have approved it. Land use decisions must be made based on the law. She feels that the business does comply with the law, regardless of any discomfort that it might cause. As far as it interfering with events or parades, those come and go and can be adjusted. She has a hard time upholding the Planning Commission's decision.

Council President Morten disagrees. He sees this area as a family area. He wants the community to move forward and be kid friendly in the downtown area. Maybe it isn't right now, but as the riverfront develops and families are encouraged to come into the area, he hopes the area goes away from an over-21 type of community. He's coming from a subjective point of view of that area not being conducive to the outlet. He isn't speaking for or against marijuana. The use isn't appropriate.

Councilor Carlson believes the business is contrary to the Comprehensive Plan. The testimony received tonight was not about it not being next to their house, but not in this area. She concurs with the Planning Commission decision.

Mayor Scholl does not see a legal finding through land use laws to deny the use. He mows a lot of yards in town and there are a lot of plants in yards all over the city. He has a teenager and it's about educating your kids and knowing what they are doing. This is a viable business. It's time to get rid of the stigma. Marijuana is medically allowed in 30 states and recreationally allowed in nine. He learned at the mayors conference that these businesses are in almost every town in Oregon. Alcohol is everywhere.

Councilor Conn said we can't apply different standards to different businesses. We have breweries, bars, restaurants and they should all have to meet the same criteria.

Motion: Conn moved to overturn the Planning Commission decision and approve the appeal. Morten seconded. Conn and Scholl in favor; Morten and Carlson opposed; motion failed.

Discussion ensued. Pending what is found out legally after the failed motion, the Council will publicly let everyone know how to proceed.

6) **Deliberations - Text Amendments to St. Helens Community Development Code**

Councilor Carlson said these code amendments have been discussed at the Planning Commission level for almost a year. She feels comfortable following code as presented.

Motion: Upon Carlson's motion and Conn's second, the Council unanimously approved the Text Amendments as recommended by the Planning Commission.

7) **Ordinances - Final Reading**

- 7.a Ordinance No. 3228: An Ordinance to Annex and Designate the Zone of Certain Property at 60110 and 60120 Barrick Lane

Mayor Scholl read Ordinance No. 3228 by title for the final time. **Motion:** Upon Carlson's motion and Conn's second, the Council unanimously adopted Ordinance No. 3228. [AYES: Scholl, Carlson, Conn, Morten; Nays: None]

- 7.b Ordinance No. 3230: An Ordinance to Amend St. Helens Municipal Code Chapter 5.30 Regarding Community Impact Agreements for Retail Marijuana Related Businesses

Mayor Scholl read Ordinance No. 3230 by title for the final time. **Motion:** Carlson's motion and Morten's second, the Council unanimously adopted Ordinance No. 3230. [AYES: Scholl, Carlson, Conn, Morten; Nays: None]

8) **Resolutions**

- 8.a Resolution No. 1826: A Resolution Adopting a Universal Fee Schedule, and Superseding Resolution No. 1810

Motion: Upon Morten's motion and Conn's second, the Council unanimously adopted Resolution No. 1826. [AYES: Scholl, Carlson, Conn, Morten; Nays: None]

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

- 9.a Agreement with Structural Nexus LLC for Structural Plan Review Services
9.b Agreement Schedule with Active Network, LLC for Recreation Program Software
9.c Amendment No. 1 to IGA with St. Helens School District for Second School Resource Officer
9.d Lease with 7th Street Container Lofts, LLC for Property Located at 245 N. 7th Street
9.e Contract Payments

Discussion on item 'd.' Councilor Carlson said she wants something in contract about low income. Councilor Conn agrees. It needs to include how that will be determined.

Motion: Upon Morten's motion and Conn's second, the Council unanimously approved '9a' through '9e,' amending 'd' for the lease to include the project proforma.

Councilor Carlson questioned an appraisal in reference to '9d.' Walsh explained that the appraisal will be however the Council determines to process it.; such as consulting with our property professionals, looking at the market, etc.

Motion: Upon Morten's motion and Conn's second, the Council unanimously approved striking the previous vote due to a question being raised.

Motion: Upon Morten's motion and Conn's second, the Council unanimously approved '9a' through '9e' above as read and as discussed.

10) **Consent Agenda for Approval**

- 10.a Animal Facility Licenses
10.b Council Work Session, Executive Session, Public Hearing, and Regular Session Minutes dated July 18, 2018
10.c Accounts Payable Bill Lists

Motion: Upon Conn's motion and Carlson's second, the Council unanimously approved '10a' through '10c' above.

11) **Mayor Scholl Reports**

- Nothing to report.

12) **Council Member Reports**

Councilor Carlson reported...

- Excited to see so many people at the meeting. It's awesome to see so many people participate in the government.

Councilor Conn reported...

- Nothing to report.

Council President Morten reported...

- Appreciated the civility of tonight's meeting.

13) **Department Reports**

Police Chief Greenway reported...

- Nothing to report.

Public Works Engineering Director Nelson reported...

- Nothing to report.

Public Works Engineering Director Nelson reported...

- Nothing to report.

Public Works Operations Director Sheppard reported...

- Nothing to report.

Finance Director Brown reported...

- Nothing to report.

City Recorder Payne reported...

- Nothing to report.

City Administrator Walsh reported...

- The summer meeting schedule is nice to accommodate vacations but we have a lot going on in the summer. Need to look at not skipping as many meetings when big decisions are looming. Discussion ensued about skipping the first meeting in January and first meeting in July.

14) **Other Business**

15) **Adjourn – 9:05 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:


Kathy Payne, City Recorder


Rick Scholl, Mayor