



**Regular City Council Meeting
October 14, 2014
MEETING MINUTES**

CALL TO ORDER Mayor Pete Edison called to order the Regular Meeting of the Banks City Council at 7:08 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present were: Mayor Pete Edison, Mark Gregg, Brian Biehl, Michael Nelson, Rob Fowler, and Teri Branstitre. Dan Keller was excused.

Staff present: City Manager Jolynn Becker, City Recorder Angie Lanter, City Attorney Dan Kearns

APPEARANCE OF INTERESTED CITIZENS

Roy Thomas Tankersley, Beaverton, OR, said he wanted the City of Banks to know that he had filed a lawsuit in the City of Portland regarding new electronics created to calculate the flow of electricity and a new company launching worldwide from Oregon. He would be doing work on the existing companies, court houses, post offices, etc. and should have links to Channel 8 as soon as this weekend. While he was waiting for the electronics, he noted that some of these contracts would expire and need work. If anyone has questions, or if complications arise, they could contact him so he could address any complications immediately and he would let them know what he is doing; keeping communications open was important. Copies of the electronics lawsuit were available upon request.

CEREMONIAL PRESENTATIONS & PROCLAMATIONS – None

BRIEFINGS AND PROGRAMS

1. Police Monthly Briefing – Deputy Hanlon presented the police report for September 2014. He explained his strategy for football games was to be present at the game, and then depending on scheduling and staffing, patrol after the game. West end officers were still available to respond to incidents during the games. He noted the Washington County Sheriff's office had some recent personnel changes and introduced Sergeant Steven Schuster and Lieutenant Robert Obenauf, who would be overseeing Gaston and Banks. Sergeant Schuster reviewed his professional background which was focused in western Washington County. Lieutenant Obenauf said he was working with City Manager Becker on emergency management training for the school. Both officers left their business cards, noting they were available to discuss any issues, ideas or strategies.
2. Planning Commission Liaison – No Planning Commission meeting was held in September.
3. City Council Goals Updates – This item was not discussed.

CITY REPORTS

4. City Manager Report – City Manager Becker presented the City Manager Report via PowerPoint, which was included in the meeting packet.

CONSENT CALENDAR:

5. City Council Meeting Minutes – September 9th, 2014.
6. Shall the City Council appoint Ms. Ann Witkowski to Library Board Position #LB5 (Term will expire on July 1, 2015)? (CL 2014-51)
7. Shall the City Council approve the updating of the signers on the Safe Deposit Box at US Bank? (CL 2014-52)

Councilor Gregg moved to approve the Consent Calendar as presented. Councilor Biehl seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Fowler, and Branstitre; Nays: None.

BUSINESS AGENDA

Public Hearing

Regular Business

8. Shall the City Council adopt Resolution #2014-18 amending the Water Capital Improvements List in the Water Master Plan? (CL 2014-53) City Attorney Kearns clarified that the Water Master Plan was not changing except for the Capital Improvement Program as discussed in work session.

Councilor Gregg moved to adopt Resolution #2014-18 amending the Water Capital Improvements List in the Water Master Plan. Councilor Fowler seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Fowler, and Branstitre; Nays: None.

9. Shall the City Council adopt Ordinance #2014-10-01 for adopting Title IX (General Regulations), Chapter 95 (Distressed Residential Property Registration) of the Banks Code of Ordinances; and Deleting in its entirety Section 130.04 (Unnecessary Noise) of the Banks Code of Ordinances, and replacing it with a new Chapter 96 (Noise Regulation); and Amending Title IX (General Regulations), Chapter 90 (Nuisances) of the Banks Code of Ordinances to limit use of a recreational vehicle as a dwelling? (First Reading). (CL 2014-54) City Attorney Kearns briefly described the three amendments to the Code and clarified that no changes were made to the noise standards; however, the violations were clarified and organized school or club sports events were not included. City Manager Becker noted the Gun Club, Schlegel Hall, and Banks Speedway had all received noise ordinance variances.

Councilor Biehl moved to conduct First Reading by title only of Ordinance #2014-10-01 for adopting Title IX (General Regulations), Chapter 95 (Distressed Residential Property Registration) of the Banks Code of Ordinances; and Deleting in its entirety Section 130.04 (Unnecessary Noise) of the Banks Code of Ordinances, and replacing it with a new Chapter 96 (Noise Regulation); and Amending Title IX (General Regulations), Chapter 90 (Nuisances) of the Banks Code of Ordinances to limit use of a recreational vehicle as a dwelling. Councilor Fowler seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Fowler, and Branstitre; Nays: None.

Mayor Edison conducted the First Reading of Ordinance #2014-10-01 by title only.

10. Shall the City Council adopt Ordinance #2014-10-02 an Ordinance Establishing a Tax on the sale of Medical Marijuana, Recreational Marijuana, and Marijuana-Infused Products in the City of Banks? (First Reading, Second Reading and Consideration for Adoption). (CL 2014-55) City Attorney Kearns explained that tax measures could not be adopted by emergency ordinances, which become effective immediately. The proposal was to consolidate the first and second readings, as allowed by City Charter, and if adopted, the ordinance would become effective 30 days hence. He reviewed his memorandum dated October 2, 2014 and discussed the legal and taxation issues related to marijuana sales and dispensaries in Washington, as well as those anticipated in Oregon. He addressed questions from City Council regarding dispensaries, shared tax revenues, the potential legal consequences of passing a City tax on marijuana given proposed preemption laws, and the potential to add limits to dispensaries through zoning or business regulations. The Cities of Hood River and Mosier did not adopt the tax. He noted there might already be a tax on dispensaries within the City because Washington County had adopted the tax, which Council should consider litigating.

Mayor Edison called for public testimony on the proposed ordinance. Seeing none, he closed public testimony.

City Council discussed what tax percentages should be imposed on medical and recreational marijuana in the City of Banks.

Councilor Gregg moved to conduct the First Reading by title only of Ordinance #2014-10-02 an Ordinance Establishing a 0% Tax on the sale of Medical Marijuana, and a 10% Tax on the sale of Recreational Marijuana, and Marijuana-Infused Products in the City of Banks? (First Reading, Second Reading and Consideration for Adoption). Councilor Branstitre seconded the motion. MOTION FAILED 2-3. Ayes: Gregg and Branstitre; Nays: Biehl, Nelson, Fowler.

11. Shall the City Council adopt Ordinance #2014-10-03 an Ordinance Amending Ordinance No. 2012-11-01 and Title X (Franchises), Chapter 104 (SWATCO Solid Waste Franchise) to Revise the Rate Schedule (Appendix B) for Solid Waste and Recycling Services Within the City of Banks, Oregon? (First Reading) (CL 2014-56) Rich Weitzel, President, SWATCO, said the last rate increase for the City of Banks was four years ago. He reviewed the increased costs that SWATCO was experiencing that were included in the packet and confirmed that a 5% rate increase was requested.

Councilor Biehl moved to conduct the First Reading by title only of adopt Ordinance #2014-10-03 an Ordinance Amending Ordinance No. 2012-11-01 and Title X (Franchises), Chapter 104 (SWATCO Solid Waste Franchise) to Revise the Rate Schedule (Appendix B) for Solid Waste and Recycling Services Within the City of Banks, Oregon. Councilor Gregg seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Fowler, and Branstitre; Nays: None.

12. Shall the City Council adopt the City of Banks Social Media policy? (CL 2014-57) City Manager Becker explained the policy would allow the City to expand to other social media outlets as a public entity, not just Facebook, though nothing was proposed currently. She noted key components of the policy and added that the Sheriff's office was talking about developing Facebook pages for its contract cities where activities within that city would be posted.

Councilor Fowler moved to adopt the City of Banks Social Media policy. Councilor Nelson seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Fowler, and Branstitre; Nays: None.

13. Shall the City Council support the Banks Chamber 2014 Holiday Lighting Contest? (CL 2014-58) Mayor Edison noted the City's standard donation was \$150, which was matched by the Chamber of Commerce.

Councilor Gregg moved to approve a \$150 donation from the City to the Banks Chamber 2014 Holiday Lighting Contest. Councilor Biehl seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Fowler, and Branstitre; Nays: None.

14. Shall the City Council adopt a 2015 Operating Calendar? (CL 2014-59) City Manager Becker noted some dates were subject to change during the budget year.

Councilor Fowler moved to adopt the Council Operating Calendar for 2015. Councilor Gregg seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Fowler, and Branstitre; Nays: None.

15. Shall the City Council review and adopt the Banks City Council Goals for 2015-2016? (CL 2014-60)

Councilor Biehl moved to adopt the Banks City Council Goals for 2015-2016. Councilor Fowler seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Fowler, and Branstitre; Nays: None.

16. Shall the City Council revisit and reassign the current Council Committee Assignments? Councilor Branstitre confirmed she could not attend the Sunset Park Association meetings due to a conflict.

Councilor Fowler moved to assign Councilor Nelson as the Primary, and Councilor Branstitre as the Alternate Sunset Park Association Liaison. Councilor Gregg seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Fowler, and Branstitre; Nays: None.

City Manager Becker noted Sunset Park had expressed interest in coordinating events. Councilor Nelson agreed to discuss the matter at the upcoming meeting.

COUNCIL ROUND TABLE DISCUSSION

Councilor Gregg confirmed that noticed public hearings were required as part of the development process, should the annexations be approved by voters. He inquired about Councilors engaging in the discussions taking place on Facebook and how best to provide accurate information about the annexation and development processes. City Attorney Kearns clarified that any development of land would be subject to State land use laws and the local Development Code and a fully open public process with publicly noticed hearing and appeal rights. The annexations were being hotly debated on Facebook and Council was advised not to participate in those discussions due to public meeting rules and because State law requires impartial decision makers, and the Council could possibly make decisions in a quasi-judicial capacity on the development proposals so maintaining an impartial position was best. He suggested Councilors simply comment by directing people to contact City Hall for accurate information about the annexations and development process. Discussion amongst Councilors about City business on social media would violate public meeting rules. Any personal opinions regarding the annexations should be done as sterile as possible and Councilors should check with City Manager Becker or City Planner Goldstein to ensure they were explaining the process correctly.

City Manager Becker added that notification of the public hearings would be sent in the water bills, included in the newspaper, and posted on Facebook and the City's website. A Q&A section was also posted on the website to help dispel concerns about the annexations.

Mayor Edison thanked Staff for the successful, well-organized City Council Retreat, and the good food and information provided.

City Recorder Lanter announced that the *NewsTimes* was doing a special section for western Washington County to recognize kids that have gone above and beyond with kindness. Trapper Giesbers, a fourth grader at Banks Elementary, was going to be recognized later this month and the City and local Banks businesses were sponsoring the article and placing ads with congratulatory messages to Trapper.

City Manager Becker reminded that the next City Council meeting would be held on Veterans Day, even though City Hall would be closed for the day.

ADJOURN The meeting adjourned at 8:35 PM

Submitted by:

Angie Lanter – City Recorder