



**Regular City Council Meeting  
March 11, 2014  
MEETING MINUTES**

**CALL TO ORDER** Mayor Pete Edison called to order the Regular Meeting of the Banks City Council at 7:15 PM.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

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

Staff present: City Manager Jolynn Becker, City Recorder Angie Lanter, City Attorney Dan Kearns, City Planner Stacey Goldstein.

**APPEARANCE OF INTERESTED CITIZENS** – None

**CEREMONIAL PRESENTATIONS & PROCLAMATIONS**

1. Certificate of Appreciation – Melissa Aurand (Planning Commission) Mayor Edison noted the certificate was to recognize Ms. Aurand's service on the Planning Commission. Ms. Aurand was not present.
2. National Community Development Week Proclamation – Mayor Edison read the Proclamation.

**BRIEFINGS AND PROGRAMS**

3. Smoke-free and Tobacco-free Ordinance – Carla Bennett, Tobacco Prevention & Education Program Coordinator with Washington County Department of Health & Human Services Ms. Bennett briefly described the program and presented via PowerPoint the importance of considering an ordinance to help prevent health issues from a number of new and emerging tobacco related products. She discussed ordinances passed in neighboring jurisdictions, noting that 56 other agencies in the State have tobacco-free/smoke-free policies. Copies of the sample language that could be used in conjunction with the City's current ordinance were distributed. She clarified that the ordinance restricting electronic cigarettes did not pass, but language changes were being made. She addressed several questions from the Council regarding the language, the policies adopted in other jurisdictions and research about the health risks involved.  
The Council agreed to hold a work session on a tobacco-free and smoke-free ordinance, especially for discussion regarding sales to minors. Staff was directed to provide the Council with website links regarding studies done on electronic cigarettes, primarily. City Manager Becker also suggested considering outreach to the community, depending on the outcome of the Council's discussion. Ms. Bennett added she could also provide a number of resources.
4. Police Monthly Briefing – Deputy Hanlon presented the police report for February 2014. Mayor Edison presented Deputy Hanlon with a City of Banks polo shirt for his efforts in chasing down and apprehending a young shoplifter that ran from Jim's Thriftway.
5. Planning Commission Liaison – Planning Commissioner Gene Stout reported that in February, the Commission namely reviewed ordinances that would be coming before City Council and corrected the proposed percentages for open space requirements for subdivisions.
6. City Council Goals Updates
  - a. Tank Maintenance – Councilor Fowler - No report due to Councilor Fowler's absence.
  - b. Water Meter for Lumber Mill – Councilor Biehl - The City was waiting for Banks Lumber, which had two options, either install the \$30,000 meter or separate the two lines into high flow and low flow. Providing the City with a plan to address the matter was tied to occupancy.
  - c. Downtown/Main Street Master Plan – Councilor Greagor - The draft scope of work was received which split the project into three different phases. She asked Staff that she be copied on all emails related to the Master Plan.
  - d. Joint Emergency Planning – Councilor Gregg - An update from the consultant was included in the meeting packet. He believed hiring the consultant was a good investment and would result in a better final product.

- e. Complete Zoning Ordinance Changes – Councilor Keller - The Zoning Ordinance changes would be voted on by Council tonight.
- f. Library Phase II – Councilor Nelson - The Capital Campaign Committee received an initial presentation from the Nonprofit Association of Librarians, and discussed what the capital campaign would look like and what milestones and road blocks could be anticipated during the campaign. The purpose of the Capital Campaign was to invoke more community involvement and investment as required by grant funding organizations; approximately \$150,000 was needed to acquire \$250,000 in grant money. A comprehensive list of potential donors was developed. The Committee was trying to expand its membership to involve others in the community. Next month, the Committee would work on a case statement, draft timelines and donation table.
- g. Economic Development Task Force – Mayor Edison - A list of ideas/proposals was distributed to Council and reviewed. The noted director would work under contract, and possibly be shared with another city, possibly North Plains. Forest Grove’s Task Force was very active, but he had not yet attended a meeting.

**CITY REPORTS**

- 7. City Manager Report – City Manager Becker presented the City Manager Report via PowerPoint, which was included in the meeting packet. She addressed clarifying questions from the Council.

**CONSENT CALENDAR:**

- 8. City Council Meeting Minutes – February 11<sup>th</sup>, 2014
- 9. Shall the City Council appoint the following citizens to the Budget Committee? (CL 2014-07)
  - a) Shall the City Council appoint Stephanie Harr to fill Budget Committee Position BC1 (Term will expire on December 31, 2014)?
  - b) Shall the City Council appoint Michael Lyda to fill Budget Committee Position BC3 (Term will expire on December 31, 2015)?

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

**BUSINESS AGENDA**

Public Hearing

- 10. Nuisance Abatement – Rick & Christine Haney, 42395 NW Banks Road  
 Mayor Edison opened the public hearing. City Manager Becker presented the Staff report which included pictures of the blackberry bushes encroaching the shared driveway. City Attorney Kearns cited the City Code applicable to the violation and reviewed the nuisance abatement process. Mayor Edison confirmed there was no public testimony on the issue and noted for the record that Mr. and Mrs. Haney were not present. Staff responded to clarifying questions from Council regarding the notices presented to the Haney’s. Councilor Keller moved to declare a nuisance of noxious vegetation based on Code Section 90.05 for Rick & Christine Haney, 42395 NW Banks Road. Councilor Gregg seconded the motion. MOTION CARRIED 5-0. Ayes: Greagor, Biehl, Gregg, Nelson, and Keller; Nays: None. City Attorney Kearns explained the property owners had 10 days to abate the nuisance after which the City could undertake the abatement, though he did not recommend it due to the cost involved and entry onto private property. The order could be taken to municipal court and he described that process. Mayor Edison closed the public hearing.

Regular Business

- 11. Shall the City Council review Ordinance #2014-xx-xx Amending text in Title XV (Land Usage), Chapter 151 (Zoning Code) relating to Variances, Non-Conforming Uses and Structures, Lots of Record, Code Interpretations, Administrative Procedures, Planned Unit Developments, and Chapter 152 (Land Division Regulations). (First Reading to be conducted at the April City Council Meeting). City Planner Goldstein presented the Staff report, providing an overview of the proposed Code amendments. Staff responded to questions regarding the required open space percentages and cited the related Code sections. The language in Item 18 on Page 2 of the pink pages was corrected to clarify that single-family dwellings could be replaced with another house and were not tied to the date of the code amendment. Language was deleted so the sentence read, “Replacement dwellings for single-family dwellings lawfully established.”  
 City Council and Staff had a lengthy discussion regarding the pros and cons of Planned Unit Developments versus standard subdivisions as well as the related approval processes and potential variances within the Code.
- 12. Shall the City Council authorize the City Manager to sign the Transportation and Growth Management (TGM) Grant for the Bicycle and Pedestrian Plan Project Agreement on behalf of the City of Banks? (CL 2014-08) City Manager Becker reviewed the details of the \$84,000 grant received for the City to develop a Bicycle and Pedestrian Master Plan, noting the City would be responsible for 12% or \$11,000 of the cost, noting that amount could include in kind contributions. Funds had been budgeted for the master planning work. Staff sought members of the Planning Commission and City Council to participate on a panel to interview consultants.

Councilor Keller moved to authorize the City Manager to sign the Transportation and Growth Management (TGM) Grant for the Bicycle and Pedestrian Plan Project Agreement on behalf of the City of Banks. Councilor Greagor seconded the motion. MOTION CARRIED 5-0. Ayes: Greagor, Biehl, Gregg, Nelson, and Keller; Nays: None.

## **COUNCIL ROUND TABLE DISCUSSION**

Councilor Greagor announced the 3rd Annual Mr. Brave Pageant would be held March 13<sup>th</sup> and cost \$5 per person or \$3 and canned food. All proceeds would go to Joe White's family. She described the support that both the junior high and high school students have done to help Joe and his family. A breakfast would also be held to raise funds for the White family on March 16<sup>th</sup> at Sunset Park.

Mayor Edison reported hearing complaints about the cracks in the streets and suggested considering what could be included in the budget to address the problem. Junior high students were scheduled to be in the new building on April 9<sup>th</sup>. Community tours of the new junior high would be given on April 26<sup>th</sup> at the Banks Auction. The school district planned to hold a grand opening celebration in the fall. Ray Deeth added the Banks Historical Society provided historic photos that would be etched into the new building's windows. Mayor Edison noted the legislature was discussing medical marijuana dispensaries.

City Recorder Lanter reminded that SEI forms would be mailed to Councilors at their home addresses, and must be completed and submitted by April 15, 2014.

City Attorney Kearns reported on the bill passed by the legislature regarding medical marijuana dispensaries, adding the bill required some further consideration and action by City Council. While local governments were limited in their ability to regulate or ban the dispensaries, the bill allowed local governments to adopt a one-year moratorium on the facilities to allow time to consider and craft local regulations to address potential regulatory issues. This moratorium had to be approved by Council before May 1<sup>st</sup>.

City Attorney Kearns and the Council had a lengthy discussion about many issues related to the medical marijuana dispensaries, including that Oregon was expected to be the next state to approve recreational marijuana, which would be on the November ballot. Currently, no taxing provisions existed for local governments, but that would likely change if recreational marijuana was approved. It was unlikely that dispensaries would morph into stores due to the substantial regulations involved, even for recreational marijuana. City Planner Goldstein calculated only three possible locations for dispensaries within the city; however, with the addition of regulations prohibiting dispensaries within 1,000 feet of where children gather, no locations would be available in the city. Council was advised to talk to law enforcement officials about their experience with the dispensaries; several already exist in Portland.

Mayor Edison stated that Councilors should do their due diligence and talk to people about the medical marijuana dispensaries. The item would be discussed in work session, and a draft for the moratorium prepared for the April agenda and addressed via emergency clause in order to make the May 1<sup>st</sup> deadline.

**ADJOURN** The meeting adjourned at 9:25 PM

Submitted by:

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Angie Lanter – City Recorder