



**Regular City Council Meeting
April 8, 2014
MEETING MINUTES**

CALL TO ORDER Mayor Pete Edison called to order the Regular Meeting of the Banks City Council at 7:02 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, Dan Keller, and Rob Fowler.

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

APPEARANCE OF INTERESTED CITIZENS – None

CEREMONIAL PRESENTATIONS & PROCLAMATIONS

1. National Arbor Week Proclamation – Mayor Edison read the Proclamation.
2. 2014 National Drinking Water Week Proclamation – Mayor Edison read the Proclamation.

BRIEFINGS AND PROGRAMS

3. Police Monthly Briefing – Deputy Hanlon presented the police report for March 2014. He addressed questions regarding traffic accidents on Highways 47 and 26.
4. Planning Commission Liaison – Planning Commissioner Gene Stout reported that an informal meeting was held in March due to the lack of a quorum. The Planning Commission interviewed Michael Lyda and Rachel Nelson for positions on the Commission and recommended that both be appointed.
5. City Council Goals Updates
 - a. Tank Maintenance – Councilor Fowler stated the Budget Committee had approved funding to paint the tanks.
 - b. Water Meter for Lumber Mill – Councilor Biehl deferred to City Manager Becker who said the City was waiting for the Mill's proposal about updating meter or separating the water lines. An easement already exists for the water line going through the property, but an easement was needed for the vault. Addressing this issue was a condition tied to occupancy of the new building.
 - c. Downtown/Main Street Master Plan – Councilor Greagor noted an update was included in the City Manager's report. Not a lot of different feedback has been received about the workshop as attendees had included those stakeholders regularly involved in the city.
 - d. Joint Emergency Planning – Councilor Gregg reported he liked the proposed draft plan which was concise, easy to read and appropriate for a small city.
 - e. Complete Zoning Ordinance Changes – Councilor Keller noted the ordinance was on tonight's agenda. Additional phases involving the ordinance would be forthcoming.
 - f. Library Phase II – Councilor Nelson noted Library Director Holmes had met with the architect to review the budget and she reported the numbers looked good, adding the core construction cost included the accommodating the green roof.
 - g. Economic Development Task Force – Mayor Edison reported discussions were occurring with a potential Economic Development Director who would be shared with one or two other cities.

CITY REPORTS

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

CONSENT CALENDAR:

7. City Council Meeting Minutes – March 11th, 2014
8. Shall the City Council appoint the following citizens to the Planning Commission? (CL 2014-09)
 - a) Shall the City Council appoint Michael Lyda to fill Planning Commission Position PC1 (Term will expire on December 31, 2016)?
 - b) Shall the City Council appoint Rachel Nelson to fill Planning Commission Position PC6 (Term will expire on December 31, 2015)?
9. Shall the City Council approve the City Manager signing the Personal Services Contract with Shaun Pigott Associates, to conduct a water rate study? (CL 2014-10)

Councilor Gregg moved to approve the Consent Calendar as presented. Councilor Nelson seconded the motion. MOTION CARRIED 6-0. Ayes: Greagor, Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.

BUSINESS AGENDA

Public Hearing

10. Medical Marijuana Moratorium – Mayor Edison opened the public hearing at 7:34 pm. He read the conduct of hearing format, noting the special circumstances. City Attorney Kearns presented the Staff report, citing discussion in the City Council work session and explaining specific elements of the ordinance and subsequent impacts related to its approval. He addressed questions from Council, assuring that the City would not be penalized by the federal government for issuing permits for medical marijuana dispensaries. Mayor Edison confirmed there was no public testimony regarding the medical marijuana moratorium. He closed the public hearing at 7:45 pm and Council proceeded to Agenda Item 12.

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) (CL 2014-11) City Attorney Kearns noted Planner Goldstein was unable to be present tonight. He provided a brief overview about the ordinance, noting Staff's proposed amendments were included in the memorandum provided to Council. City Manager Becker added that the Public Works Design Standards were referenced in the ordinance and would be included in the second reading.

Mayor Edison opened the public hearing at 7:48 pm and called for public testimony regarding the ordinance.

Don Kilgras, 307 NE Merle Court, Hillsboro, OR, representing Quail Valley Golf Course, stated that as long as he had been in Banks, since 1978, open space had not been a problem and he listed the recreational opportunities already present in town. He cited Code Section 152.005.(C)8.d. requiring up to 15 percent open space in subdivisions and noted that was the highest percentage required in Washington County, depending on what was considered open space. He reviewed the tax amounts levied on homeowners for City services, the police and school district, and explained how each acre of open space resulted in a loss of about \$20,000 in revenue for essential services, which was a concern of some Quail Valley shareholders. Open space also added to costs due to the maintenance required. While the Code provided some flexibility, he was concerned how different Planning Commissioners and Councilors might interpret the language, possibly interpreting "not to exceed 15 percent" to mean there should be 15 percent open space.

City Manager Becker confirmed the Commission had researched the open space requirements of surrounding cities and 15 percent was in the middle range. Mayor Edison requested more information about how the Planning Commission came to the decision regarding the open space percentage requirement.

Mayor Edison closed public testimony at 8 pm.

Councilor Greagor moved to conduct First Reading of an Ordinance 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) as amended by Staff's memorandum. Councilor Gregg seconded the motion. MOTION CARRIED 6-0. Ayes: Greagor, Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.

12. Shall the City Council adopt Ordinance #2014-04-01 adopting a Moratorium on Medical Marijuana Dispensaries and Declaring an Emergency? (First Reading, Second Reading, Emergency Adoption) (CL 2014-12)

Councilor Gregg moved to conduct the First Reading of Ordinance #2014-04-01 adopting a Moratorium on Medical Marijuana Dispensaries and declaring an emergency adoption. Councilor Greagor seconded the motion. MOTION CARRIED 6-0. Ayes: Greagor, Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.

Councilor Gregg moved to conduct the Second Reading of Ordinance #2014-04-01 adopting a Moratorium on Medical Marijuana Dispensaries and declaring an emergency adoption. Councilor Greagor seconded the motion. MOTION CARRIED 6-0. Ayes: Greagor, Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.

13. Shall the City Council review Ordinance #2014-xx-xx repealing in its entirety Title IX (General Regulations), Chapter 90 (Nuisances) of the Banks Code of Ordinances and replacing it with a new Title IX (General Regulations), Chapter 90 (Nuisances); adopting Title III (Administration), Chapter 37 (Civil Enforcement) as a new chapter of the Banks Code of Ordinances? (First Reading) (CL 2014-13) City Attorney Kearns reviewed the Staff report, noting the matter was also discussed in work session. Mayor Edison confirmed there was no public comment regarding the ordinance.

Councilor Keller moved to conduct the First Reading repealing in its entirety Title IX (General Regulations), Chapter 90 (Nuisances) of the Banks Code of Ordinances and replacing it with a new Title IX (General Regulations), Chapter 90 (Nuisances); adopting Title III (Administration), Chapter 37 (Civil Enforcement) as a new chapter of the Banks Code of Ordinances. Councilor Nelson seconded the motion. MOTION CARRIED 6-0. Ayes: Greagor, Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.

14. Shall the City Council approve the Mayor to appoint a Pro-Tem City Manager while City Manager Becker is on medical leave? City Manager Becker explained the City Charter requires that the Council approve the appointment of a Pro-Tem City Manager in such circumstances. The Pro-Tem Manager would work about 25 hours per week and address the business of the City, such as annexation items and ordinances, to keep City business moving forward. Current Staff would handle the day-to-day operations of the City. She recommended John Paul as a possible candidate for the position. Mr. Paul had worked with City in the past when creating the Employee Handbook and was interviewed by Council for the City Manager position. She reviewed some of his profession background that helped make him a good candidate.

Councilor Gregg moved to authorize the Mayor to appoint a Pro-Tem City Manager while City Manager Becker is on medical leave. Councilor Biehl seconded the motion. MOTION CARRIED 6-0. Ayes: Greagor, Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.

COUNCIL ROUND TABLE DISCUSSION

Councilor Nelson reported that the Banks Fire District hired two full-time firefighters for a total of three full-time firefighters. A third party conducted the recruitment process which involved reviewing candidates nationwide. The new fire truck would arrive in May.

Councilor Gregg reported progress on the new railroad switching station was moving right along. Noting the drinking water proclamation, he commented on the availability and future scarcity of quality drinking water and the importance of water conservation.

Councilor Keller reported at the MACC meeting, a formal process was approved with Comcast.

Councilor Greagor reported about the recent and number of accidents occurring at Highway 47 and Verboort Rd and expressed the need to take some action to reduce accidents and fatalities. Senator Bruce Starr contacted her and said he was working with ODOT to find a solution. She asked Mayor Edison and the Council to send a letter of support to ODOT and Senators Betsy Johnson and Bruce Starr about considering solutions for the intersection. Staff and Council discussed some of the options being considered. Mayor Edison asked Staff to draft a letter to present for discussion by Council.

Mayor Edison confirmed that Ray Deeth's health was improving. He believed the City's backhoe, discussed during the City Manager's report, should be fixed. He announced the new middle school opened yesterday and that the City was scheduled for a walk through at 5:30 pm on April 10th.

City Recorder Lanter reminded Council to submit their SEI forms by April 15th.

City Manager Becker stated the City submitted a MACC Grant application for \$20,000 for annual internet services and to replace the second server.

ADJOURN The meeting adjourned at 8:23 PM

Submitted by:

Angie Lanter – City Recorder