



**Regular City Council Meeting  
May 13, 2014  
MEETING MINUTES**

**CALL TO ORDER** Mayor Pete Edison called to order the Regular Meeting of the Banks City Council at 7:10 PM.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

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

Staff present: City Recorder Angie Lanter, Library Director Denise Holmes, City Planner Stacey Goldstein, City Attorney Dan Kearns, and Gian Paolo Mammone

**APPEARANCE OF INTERESTED CITIZENS** – None

**CEREMONIAL PRESENTATIONS & PROCLAMATIONS**

- National Bike Month Proclamation – Mayor Edison read the Proclamation, which he presented to Bruce Buffington and Allison George of the NW Bicycle Safety Council. Mr. Buffington discussed the Beaverton, Banks and Beyond event, which was scheduled for August 23, 2014.
- National Drinking Water Week Coloring Contest Award Winners – Mayor Edison presented prizes to Emil Nelson for 1<sup>st</sup> Place, Allison Jacobs, 2<sup>nd</sup> Place, and Collista Anna for 3<sup>rd</sup> Place in the 2-to-6 year olds category and Melinda Van Loo for 1<sup>st</sup> Place; Allyssa Greagor 2<sup>nd</sup> Place, and McKenzie Massey for 3<sup>rd</sup> Place in the 10-to-12 year old category. Award winners received gift certificates to Banks Café and an equal credit to their family's water bill.
- Emergency Medical Services Week Proclamation – Mayor Edison read the Proclamation, which he presented to Metro West. Metro West has been in Oregon since 1953 and invited everyone to the EMS Barbeque on May 23<sup>rd</sup> at 3 pm at the Metro West office on Dawson Creek Drive in Hillsboro.
- Tree City USA, Recertification Award – Denise Holmes of the Parks Recreation and Tree Board announced the City of Banks had been recertified as a Tree City USA for the eighth year and commented on the importance of honoring trees and working to keep the urban forest healthy and growing. Mayor Edison thanked the Tree Board for all its hard work.

**BRIEFINGS AND PROGRAMS**

1. Police Monthly Briefing – Deputy Hanlon presented the police report for April 2014.
2. Planning Commission Liaison – Planning Commissioner Ray Deeth reported that the Commission approved the application for the Pearl Distillery, which would be located in the Banks Business Park where Curves used to be located. The applicant was very tourism oriented as the names of the distilled products would reflect important people in Banks' history. Production was expected to begin at the end of September.
3. City Council Goals Updates – This agenda item was deferred to the next Council meeting.
  - a. Tank Maintenance – Councilor Fowler
  - b. Water Meter for Lumber Mill – Councilor Biehl
  - c. Downtown/Main Street Master Plan –
  - d. Joint Emergency Planning – Councilor Gregg
  - e. Complete Zoning Ordinance Changes – Councilor Keller
  - f. Library Phase II – Councilor Nelson
  - g. Economic Development Task Force – Mayor Edison

## CITY REPORTS

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

## CONSENT CALENDAR:

5. City Council Meeting Minutes – April 8<sup>th</sup>, 2014
6. Shall the City Council approve the City Manager signing the Professional Services Contract with Liquivision Technological Diving Services to conduct diving services to clean the water tanks? (CL 2014-14)
7. Shall the City Council appoint Gene Stout to the Park, Recreation and Tree Board position PRT1 (HOA Member position), with a term ending December 31, 2016? (CL 2014-15)
8. Shall the City Council authorize the Mayor to sign the contract amendment with the Washington County Sheriff's Department for law enforcement services for 2014-2015? (CL 2014-16)  
Councilor Biehl moved to approve the Consent Calendar as presented. Councilor Gregg seconded the motion. MOTION CARRIED 5-0. Ayes: Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.

## BUSINESS AGENDA

### Public Hearing

9. Public Hearing for Fiscal Year 2014-2015 Operating Budget and Capital Improvement Plan  
Mayor Edison read the conduct of public hearing and opened the public hearing at 7:43 pm. He confirmed that no Councilors had any conflict of interest, bias or ex parte contacts. Mayor Edison briefly noted key components of the proposed FY 2014-2015 Budget. He confirmed there was no public testimony or questions from Council and closed the public hearing at 7:46 pm.

### Regular Business

10. Shall the City Council approve Resolution #2014-04 declaring Council Position #CC6 as vacant? (CL 2014-17) Mayor Edison noted the letter from Councilor Greagor announcing her resignation from the Council. Councilor Nelson moved to approve Resolution #2014-04 declaring Council Position #CC6 as vacant. Councilor Keller seconded the motion. MOTION CARRIED 5-0. Ayes: Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.
11. Shall the City Council elect a new Council President? (CL 2014-18). Councilor Nelson moved to nominate Mark Gregg as City Council President for 2014. Councilor Biehl seconded the motion. MOTION CARRIED 5-0. Ayes: Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.
12. Shall the City Council review Ordinance #2014-05-01 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)? (Second reading and consideration for adoption) (CL 2014- 19) This agenda item was deferred to the June 10, 2014 Council meeting because additional information needed to be included.
13. Shall the City Council review Ordinance #2014-05-02 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? (Second reading and consideration for adoption) (CL 2014- 20) City Attorney Kearns stated the ordinance had not changed since Council last reviewed it.  
Councilor Gregg moved to conduct Second Reading by title only to adopt Ordinance #2014-05-02 that 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 5-0. Ayes: Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None. Mayor Edison conducted Second Reading by Title of Ordinance #2104-05-02.
14. Shall the City Council review Ordinance #2014-xx-xx Adopting prohibiting the sale of electronic cigarettes to, and the possession of electronic cigarettes by, minors by amending Title XIII (General Offenses), Chapter 130 (General Offenses), Section 130-09 (Endangering the Welfare of Minor) of the Banks Code of Ordinances? (First reading) (CL 2014-21) City Attorney Kearns noted Council had several presentations previously on the language as proposed and confirmed no changes had been made.

Councilor Gregg moved to conduct First Reading by title of prohibiting the sale of electronic cigarettes to, and the possession of electronic cigarettes by, minors by amending Title XIII (General Offenses), Chapter 130 (General Offenses), Section 130-09 (Endangering the Welfare of Minor) of the Banks Code of Ordinances. Councilor Biehl seconded the motion. MOTION CARRIED 4-a. Ayes: Biehl, Gregg, Nelson, and Keller; Nays: Fowler.

15. Shall the City Council review Ordinance #2014-xx-xx adopting an Emergency Operations Code as Title III (Administration) Chapter 37 (Emergency Operations) of the Banks Code of Ordinances? (First reading) (CL 2014-22) City Attorney Kearns understood the proposed ordinance was presented to Council in work session previously. The ordinance would set up and codify a process for dealing with emergencies, including identifying the chain of command and outlining how the City would continue to function and coordinate with other agencies during emergencies. The ordinance was drawn from other similarly sized jurisdictions. The only change from the work session was that the material had been renumbered. Councilor Gregg moved to conduct First Reading by Title only to adopt an Emergency Response Plan. Councilor Biehl seconded the motion. MOTION CARRIED 5-0. Ayes: Biehl, Gregg, Nelson, Fowler, and Keller; Nays: None.

### **COUNCIL ROUND TABLE DISCUSSION**

Councilor Gregg said he appreciated the EMS Proclamation, noting trip was down to 80. On his last trip to another county there were 30 years behind. He commented that the emergency care in the Northwest should not be taken for granted.

Councilor Keller inquired about using TIF and TIP funding for the slurry seal project and asked for an assessment of the streets so the City could begin the bidding process for the project. Mayor Edison clarified how TIF and TIP funds were used differently. Following discussion about the slurry seal project, Council agreed qualifying bid companies should prioritize streets being treated and confirm their capability/experience with slurry seal. Kennedy Jenks would make recommendations and confirm the prioritization list Tom created. Staff was directed to return at next meeting with information about what the \$49,000 could achieve, so Council could make a decision about how to use any possible leftover funding. Bids could not be solicited until the project scope was finalized and Staff would need to confirm when in the next fiscal year the funds would be available.

Mayor Edison commended Christy Greagor for her five years of service on the City Council, adding she was always engaged and did a lot of work on the park and many other things. He reported the new middle school has been well received by both students and staff. Welcome Gian Paolo Mammone.

City Recorder Lanter stated she would advertise in the paper for the open Council position with an application closing date of May 28<sup>th</sup> so interviews could take place at the June 10<sup>th</sup> Council meeting. The opening was also advertised on the website. There were also three openings on the Park, Recreation and Tree Board, with one position being specifically for a member of the HOA.

Interim City Manager Gian Paolo Mammone appreciated the opportunity to assist the City and Council while City Manager Becker was on sick leave.

City Attorney Kearns reported on a state trial court decision in Medford that found federal law preempts a lot of the Oregon medical marijuana dispensary provisions. While not binding outside of Medford, he encouraged Council to keep reading about how the legislation and moratoriums would work in the state. He briefly discussed the memorandum posted League of Oregon Cities' website from US Attorney that discussed how a federal law enforcement agency would deal with the state medical marijuana program when the possession and use of marijuana was a violation of the federal controlled substances act.

**ADJOURN** The meeting adjourned at 8:12 PM

Submitted by:

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Angie Lanter – City Recorder