



**Regular City Council Meeting  
June 10, 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, Brian Biehl, Michael Nelson, Dan Keller, and Rob Fowler. Mark Gregg was absent.

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. Certification of Appreciation – Christy Greagor (City Council and Park, Recreation and Tree Board) Mayor Edison acknowledged Christy Greagor for her service to the City.

Mayor Edison also acknowledged City Recorder Angie Lanter's success in taking city recorder and professional development classes at the University of Puget Sound through the NW Clerks Association. City Recorder Lanter announced she received a \$600 scholarship from the Oregon Association of Municipal Recorders and \$400 from the International Institute of Municipal Clerks.

**BRIEFINGS AND PROGRAMS**

2. Police Monthly Briefing – Deputy Hanlon presented the police report for May 2014. He noted the Sheriff's Department plans for the Fourth of July would mirror last year's strategy. Ms. Becker confirmed the fireworks show would start around 10:15 pm.
3. Planning Commission Liaison – No Planning Commission meeting was held in May. Planner Goldstein reviewed the anticipated June and July agenda items.
4. City Council Goals Updates  
Mayor Edison noted several of the Council goals were or were almost completed. With the upcoming, he suggested focusing on the goals not yet accomplished prior to the Council retreat in October and to consider prioritizing goals for next year. He asked that the Council goals be redistributed this evening for Council to review and discuss at 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**

5. 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:**

6. City Council Meeting Minutes – May 13<sup>th</sup>, 2014

7. Shall the City Council adopt Resolution #2014-05 extending Workers' Compensation Coverage to certain volunteer workers of the City of Banks for the FY 2014-15? (CL 2014-23)
8. Shall the City Council approve an Audit Services Contract with Dennis Conner, CPA for the years ended June 30, 2014, 2015, and 2016? (CL 2014-24)
9. Shall the City Council renew the Intergovernmental Cooperation Agreement with Washington County for the Community Development Block Grant (CDBG) program? (CL 2014-25)
10. Shall the City Council authorize the Mayor to sign the PCN Contract with Comcast for the FY 2014-2015? (CL 2014-26)

City Manager Becker explained with regard to Item 7 that the City has covered the Workers' Compensation Coverage for volunteers for the last 8 years, noting only specific volunteer jobs are covered. City Attorney Kearns added most cities provide workers' compensation for volunteers.

Councilor Biehl moved to approve the Consent Calendar as presented. Councilor Fowler seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

## **BUSINESS AGENDA**

### Public Hearing

#### Regular Business

11. 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 2014-27) City Planner Goldstein presented the Staff report, noting the annexations anticipated and the resulting open space requirements recommended by the Planning Commission.

Mayor Edison called for public testimony regarding the ordinance.

Don Kilgras, President, Quail Valley Golf Corporation, 307 NE Knorr Rd, Portland OR, expressed concerns about the possible worst case scenario for the open space requirement, noting the language, "not to exceed 15 percent" could be interpreted to mean the requirement is 15 percent, although today, everyone agreed that meant "zero to 15 percent". He noted his team found that 15 percent was the highest open space requirement in Washington County. Open space was not seen as a problem in Banks given recreation areas like Sunset Park, the Gun Club, school district fields, Greenville Park, Quail Valley, Vernonia Trail, etc. While he understood concept, the problem in Banks was how it would affect the tax base. Every acre taken from the tax base meant less money for the City, resulting in \$1,300 to \$5,000 lost in tax revenues per acre given the current tax rates. He suggested a 10 percent open space requirement, which was more average. He specifically wanted the language regarding the 15 percent requirement be made clearer to reflect that it could be zero to 15 percent.

City Attorney Kearns explained the variance process and reviewed the criteria applicants must demonstrate should the Code not account for special or unique physical circumstances. Staff explained where in the process the actual percentage would be determined and the flexibility available to the Planning Commission when reviewing applications. City Council discussed different options on clarify or leaving the verbiage "shall not exceed 15". Mayor Edison asked the Planning Liaison if there were any additional comment on the discussion on the proposed language change.

Mayor Edison closed the public hearing, and proposed language changes were discussed.

Councilor Fowler moved to conduct Second Reading of an Ordinance #2014-05-01, amending Section 152.007.A.5 to state "...shall not exceed 15 percent (**0-15**)..." and 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) and adopt the ordinance. Councilor Nelson seconded the motion. MOTION CARRIED 3-1. Ayes: Biehl, Nelson, and Fowler; Nays: Keller.

Mayor Edison conducted Second Reading of Ordinance #2014-05-01.

12. Shall the City Council review and adopt Resolution #2014-06 adopting Public Works Design Standards? (CL 2014-28) City Attorney Kearns reviewed the proposed changes to the standards.

Councilor Biehl moved to adopt Resolution #2014-06 – Establishing Public Works Design Standards. Councilor Keller seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

13. Shall the City Council adopt Ordinance #2014-06-01 E-cigarettes (Second reading and consideration for adoption) (CL 2014-29) City Manager Becker noted Mark Ward of Jim's Thriftway had no comments about the ordinance, and had not been selling E-cigarettes to minors anyway.

Councilor Biehl moved to conduct Second Reading by title of Ordinance #2014-06-01 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 Ordinance and adopt the ordinance. Councilor Keller seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

Mayor Edison conducted Second Reading of Ordinance #2014-06-01.

14. Shall the City Council adopt Ordinance #2014-06-02 Adopting an Emergency Operations Plan (Second reading and consideration for adoption) (CL 2014-30) Staff clarified the proposed ordinance established the Emergency Operation Plan authority and that the Emergency Response Plan would be proposed for adoption next month.

Councilor Nelson moved to conduct Second Reading by Title only of Ordinance #2014-06-02 adopting an Emergency Operations Plan (EOP), and adopt the ordinance. Councilor Fowler seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

Mayor Edison conducted Second Reading of Ordinance #2014-06-02.

15. Shall the City Council adopt Resolution #2014-07 adopting a Fiscal Year 2014-2015 Operating Budget and Capital Improvement Plan? (CL 2014-31) City Manager Becker briefly reviewed the Staff report.

Councilor Nelson moved to adopt Resolution #2014-07, a resolution adopting a Fiscal Year 2014-2015 Operating Budget and Capital Improvement Plan. Councilor Biehl seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

16. Shall the City Council adopt Resolution #2014-08 for Fiscal Year 2014-2015 declaring the City's Election to receive State Revenue? (CL 2014-32)

Councilor Nelson moved to adopt Resolution #2014-08 for Fiscal Year 2014-2015 declaring the City's Election to receive State Revenue. Councilor Biehl seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

17. Shall the City Council adopt Resolution #2014-09 for Fiscal Year 2014-2015 declaring the City's Election to receive State-shared Revenue? (CL 2014-33)

Councilor Nelson moved to adopt Resolution #2014-09 for Fiscal Year 2014-2015 declaring the City's Election to receive State-shared Revenue. Councilor Biehl seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

18. Shall the City Council adopt Resolution #2014-10 providing for Fiscal Year 2014-2015 Interfund borrowing for the Fund? (CL 2014-34) City Manager Becker described the purpose of the resolution.

Councilor Biehl moved to adopt Resolution #2014-10 providing for Fiscal Year 2014-2015 Interfund borrowing for the Library Fund #03 and Police Services Fund #07. Councilor Keller seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

19. Shall the City Council adopt the Resolution #2014-11 that rescinds the previous Comprehensive Fee Schedule, and adopt a new Comprehensive Fee Schedule? (CL 2014-35) City Manager Becker described the key changes made to the updated Comprehensive Fee Schedule distributed to Council and Staff responded to clarifying questions from Council.

Councilor Fowler moved to adopt the Resolution #2014-11, a resolution rescinding the prior Comprehensive Fee Schedule, and adopting a new consolidated Comprehensive Fee Schedule. Councilor Biehl seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

20. Shall the City Council authorize the Mayor to sign the Intergovernmental Agreement with Washington County for the MSTIP (Major Streets Transportation Improvement Program)? (CL 2014-36) City Manager Becker addressed clarifying questions from Council.

Councilor Keller moved to authorize the Mayor to sign the Intergovernmental Agreement with Washington County for the MSTIP (Major Streets Transportation Improvement Program). Councilor Biehl seconded the motion. MOTION CARRIED 4-0. Ayes: Biehl, Nelson, Fowler, and Keller; Nays: None.

### **COUNCIL ROUND TABLE DISCUSSION**

Councilor Keller reported on the MACC meeting, noting the annual budget was passed which included all grant applications submitted by the City. He announced that Bruce is retiring, so MACC was looking for a replacement.... He discussed the need to promote sponsorships for the fireworks display and the City helping provide funding for the display to make it better and increase promotion of the event.

Councilor Biehl said he attended the Washington County Coordinating Committee (WCCC) meeting and that the Columbia River crossing was still an active project.

Councilor Nelson announced that the 5-year fire district levy passed by about a 75 percent, the highest response seen to date. The fire district also received a new apparatus this week.

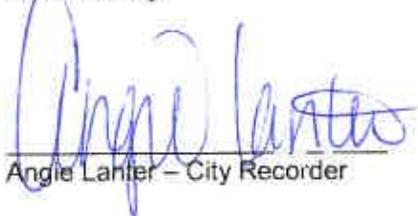
Mayor Edison announced that Washington County Commissioners Bob Terry and Andy Duyck were reelected. He inquired about the sidewalk lifting identified in the Street Project. City Manager Becker stated now that the new Public Works Standards had been adopted, the City could begin a new project involving the planting strips and sidewalk lifting. She described the process involved and that homeowners were responsible for the maintenance and repair of the sidewalks.

City Manager Becker noted that a quorum was critical for the August 12<sup>th</sup> City Council meeting due to the annexation requests and timing for the November election.

Ray Deeth reported on the \$30 vehicle fee being promoted by WCCC that would be administrated by the DMV. A public hearing would be held June 17<sup>th</sup> to facilitate getting the fee on the ballot. He encouraged anyone opposed to the fee to attend the WCCC meeting.

**ADJOURN** The meeting adjourned at 8:55 PM

Submitted by:



Angie Lanter – City Recorder