



**Regular City Council Meeting  
November 10, 2015  
MEETING MINUTES**

**CALL TO ORDER** Mayor Pete Edison called to order the Regular Meeting of the Banks City Council at 7:00 PM.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

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

Staff present: City Manager Jolynn Becker, City Recorder Angie Lanter, City Attorney Dan Kearns and Library Director Holmes

**APPEARANCE OF INTERESTED CITIZENS**

Mike Vandendries, 12864 NW Scottston Terr., Banks, OR, noted the recent fire in the Arbor Village development due to electrical overload caused by excessive grow lights used for marijuana and the light pollution also experienced by some nearby neighbors adjacent to someone growing marijuana in a greenhouse. In consideration of these events, he believed the City should adopt an ordinance to limit the use of grow lights and the amount of light emitted to help prevent light pollution and electrical overload.

- He addressed clarifying questions from the Council and confirmed the person using the greenhouse had mitigated the brightness by tarping the inside, but light was still shining out of two sides though not as badly as before. He lived three houses down from the greenhouse, so the light did not shine on his house, but he was concerned about its impact to the value and salability of his home because he was considering buying property and building a house in a rural part of Banks and would have to sell his house.

Mayor Edison appreciated Mr. Vandendries input and asked that he make sure Staff had his contact information. The City had not received any similar concerns, but Council would add the issue to its list of considerations. He did not believe the City had any ordinances that addressed light in greenhouses, but the idea of making Banks a Dark Sky city had been discussed in the past.

**CEREMONIAL PRESENTATIONS & PROCLAMATIONS**

1. Tree for All – Bruce Roll with Clean Water Services

Bruce Roll, Clean Water Services, reviewed the background of the Tree for All program and updated the Council on the program's projects, benefits, and tremendous success experienced over the last ten years, which he credited to the assistance of the cities in the Tualatin Valley, including the City of Banks, and the more than 100 farms involved in the program. While initially started to help with water quality, Tree for All had many other benefits, including carbon sequestration, improving wildlife issues, providing farmland buffers, etc. He presented a short video that highlighted the astounding achievement regarding the 1 Million in 1 Year Tree Challenge.

He commended the Council, the citizens of Banks, and especially, Skip Smetana from the school district who played a pivotal role in getting students involved. He presented Mayor Edison with an award that acknowledged the 5.7 million trees planted in the Tree for All's ten year history.

**BRIEFINGS AND PROGRAMS**

2. Police Monthly Briefing – Deputy Hanlon presented the police report for October 2015. He addressed questions from City Council about the closure of Highway 26 that was related to the shooting incident that occurred along the highway from the coast and ended near the tunnel near Timber.
3. Planning Commission Liaison – Gene Stout, Planning Commission Chair, reported on the actions of the Planning Commission at its October meeting, noting that Ray Deeth's term had expired and that Mr. Deeth

would like to reapply and serve out the term, if possible. A motion was made to request that Council make an exception for Mr. Deeth, but there was no second. Due to the holiday, the Planning Commission would only meet once in early December in lieu of its November and December meetings. City Manager Becker clarified that the City's normal practice was to notify commissioners when their terms were approaching their term limit. The situation with Mr. Deeth involved a Scrivener's error and she had alerted him as soon as she was aware of it.

Chair Stout noted he had pictures of the house with the grow lights lit up should the Council wish to see them. He added the Arbor Village HOA has had two different issues with marijuana growers and he had done research with the CC&Rs. One issue had involved a Planning Commission almost getting in a fight with a neighbor, so the marijuana issue was heated. The HOA anticipated more issues and was considering how to deal with them.

Mayor Edison suggested the issue be discussed further in a work session or during Round Table.

## **CITY REPORTS**

4. 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. She announced that the Holiday Party for City Staff and volunteers would be at Primetime on Friday, January 15, 2016; invitations would be sent out the first December.

She also reported on the first meeting regarding the Transportation SDCs and reviewed the noticing schedule regarding the Transportation SDC project. The preliminary study resulted in Banks having the highest SDC amount per unit than any jurisdiction in Washington County; currently, the City's SDCs were the lowest in the region. Staff was reviewing the study and would prioritize the project list to eliminate the \$8 million to \$10 million railroad overpass, for example, and return to Council in December to get confirmation on the proposed assumptions. The consultants would then rework the numbers and present an adjusted proposal. She agreed to provide a written update regarding the Transportation SDC to Council next month, and would see about showing the reports from the consultants.

## **CONSENT CALENDAR:**

5. City Council Meeting Minutes – October 13th, 2015.
6. Shall the City Council authorize the Mayor to sign the Flat Fee Contract with Schroeder Law to create a "white paper" for the City of Banks, at a cost not to exceed \$30,000.00? (CL 2015-49)
7. Shall the City Council approve the scrivener's error in Ordinance #2015-07-01? (CL 2015-50)

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

## **PUBLIC HEARING**

### **BUSINESS AGENDA**

8. Shall the City Council adopt Ordinance No. 2015-10-01 Adopting the City of Banks Bicycle and Pedestrian Plan (BPP), by amending the City of Banks Comprehensive Plan, Transportation Element and the City of Banks Transportation System Plan? (Second Reading and Consideration for Adoption) Staff confirmed no changes had been made since the First Reading.

Councilor Branstitre moved to conduct Second Reading and adopt, by title only, Ordinance No. 2015-10-01 Adopting the City of Banks Bicycle and Pedestrian Plan (BPP), by amending the City of Banks Comprehensive Plan, Transportation Element and the City of Banks Transportation System Plan. Councilor Biehl seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Branstitre, and Walsh; Nays: None.

9. Shall the City Council adopt Ordinance No. 2015-10-02, an Ordinance relating to the City of Banks Bicycle and Pedestrian Plan (BPP), by amending the City of Banks Development Code, Sections 152.052 and 152.062 of the Banks Code of Ordinances? (Second Reading and Consideration for Adoption)

Councilor Branstitre moved to conduct Second Reading and adopt, by title only, Ordinance No. 2015-10-02, an Ordinance relating to the City of Banks Bicycle and Pedestrian Plan (BPP), by amending the City of Banks Development Code, Sections 152.052 and 152.062 of the Banks Code of Ordinances. Councilor Gregg seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Branstitre, and Walsh; Nays: None.

10. Shall the City Council adopt Ordinance No. 2015-10-03 an Ordinance amending the City of Banks Parks and Recreation Plan, adding Figure 13, a Comprehensive Trail System map, to encourage safe bicycle and pedestrian activity in the City of Banks? (Second Reading and Consideration for Adoption)

Councilor Branstitre moved to conduct Second Reading and adopt, by title only, Ordinance No. 2015-10-03 an Ordinance amending the City of Banks Parks and Recreation Plan, adding Figure 13, a Comprehensive Trail System map, to encourage safe bicycle and pedestrian activity in the City of Banks. Councilor Gregg seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Branstitre, and Walsh; Nays: None.

11. Shall the City Council adopt Ordinance No. 2015-10-04 Annexing Approximately 6.6 acres to the City (Banks Lumber Company/Gen Becker Living Trust)? (Second Reading and Consideration for Adoption) (CL 2015-51)

Councilor Gregg moved to conduct Second Reading and adopt, by title only, Ordinance No. 2015-10-04 Annexing Approximately 6.6 acres to the City (Banks Lumber Company/Gen Becker Living Trust). Councilor Branstitre seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Branstitre, and Walsh; Nays: None.

12. Shall the City Council adopt Ordinance No. 2015-10-05 Annexing approximately 1.24 acres to the City (Walters Property)? (Second Reading and Consideration for Adoption) (CL 2015-52)

Councilor Walsh moved conduct Second Reading and adopt, by title only, Ordinance No. 2015-10-05 Annexing approximately 1.24 acres to the City (Walters Property). Councilor Nelson seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Branstitre, and Walsh; Nays: None.

13. Shall the City Council adopt an Operating Calendar for 2016? (CL 2015-53)

Following discussion, the Council consented to change Council's planning meeting and retreat from September 28<sup>th</sup> and 29<sup>th</sup> to October 19<sup>th</sup> and 20<sup>th</sup> as requested by Councilor Walsh. City Manager Becker noted a conflict with municipal court, but agreed to find another location for the retreat on those dates.

Councilor Nelson moved to adopt the Operating Calendar for 2016 as modified. Councilor Walsh seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Branstitre, and Walsh; Nays: None.

14. Shall the City Council adopt Ordinance No. 2015-11-01 Amending the Banks Code of Ordinances, creating a new section 32.50 (Economic Development Commission) in Title 3 (Administration), Chapter 32 (City Organizations), and creating the Economic Development Commission? (First Reading) (CL 2015-54)  
City Attorney Kearns reviewed the ordinance, noting it was based on the one used in Forest Grove and had been vetted by the new Economic Development Commission in waiting, which included Mark Walsh, Michael Nelson, Rachel Nelson, Rodney Jacobs, Mark Ward, Rich Weitzel, Jeff Leo, Michael Sampson, and Doug Hixson.

Mayor Edison confirmed that only the First Reading would be conducted tonight. The Second Reading and final adoption would be scheduled for December, making the ordinance become effective in January, which would coincide with annual officer elections for the Commission. City Attorney Kearns recommended deleting Section 2 of the Ordinance.

Council discussion focused mainly on the membership of the Commission and whether further stipulations were needed to more clearly define candidates' credentials. Staff confirmed a member of the Washington County Visitors Association had already agreed to join the Commission as an ex officio member, and explained that changes would be added to create staggered term end dates for the Commission's positions.

Councilor Branstitre asked Staff to provide a couple other cities' ordinances for comparison.

Councilor Gregg moved to conduct First Reading and adopt, by title only, Ordinance No. 2015-11-01 Amending the Banks Code of Ordinances, creating a new section 32.50 (Economic Development Commission) in Title 3 (Administration), Chapter 32 (City Organizations), and creating the Economic Development Commission. Councilor Nelson seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Nelson, Branstitre, and Walsh; Nays: None.

## **COUNCIL ROUND TABLE DISCUSSION**

Councilor Nelson inquired if a lighting ordinance could be specific enough for grow lights.

City Attorney Kearns described how Dark Sky ordinances were used to minimize light pollution and address direct glare in development standards and how lighting limits could be paralleled in nuisance ordinances.

Gene Stout circulated a picture of the greenhouse in Arbor Village when illuminated at night, adding he had not seen the property recently.

Council, Staff, and Mr. Stout discussed the picture, the actions taken by the Arbor Village HOA to address the issue, as well as potential next steps for the City. City Manager Becker recalled the City had discussed a Dark Sky ordinance about eight years ago when Jim Hough was city manager, adding she would review the minutes to see what the conclusion had been at that time and report back to Council at the December or January meeting.

Councilor Branstitre asked if the City was going to put the flags up for Veterans Day and requested an update on using tablets rather than paper materials.

City Manager Becker replied she was researching organizations that would put the six flags up and clarified Staff was unable to because no one was working on Veterans Day. Councilor Walsh said he would have Boy Scout Leader, Joe Steigerwahl contact City Manager Becker to see if the local troop could do it. City Manager Becker stated a presentation was scheduled with Council for December on iPads and possibly the Microsoft Surface.

Mayor Edison reported that he attended the Banks football playoff game where the Braves were victorious over Baker. He also attended the Verboort Sausage Festival and saw the Banks High School Volleyball Team with the State Championship in Forest Grove. He noted that the trailhead for the Salmonberry Trail was planned for Manning and that the Concept Plan had no mention of Banks, which was very disconcerting, especially given the City's goals for economic development. He added that some Banks citizens had attended outreach meetings and said the city did not want the trailhead due to parking issues, congestion, etc. He believed the Economic Development Commission would be a great vehicle for getting involved and trying to figure out how to get Banks involved more prominently with the trail. The Salmonberry Trail Concept Plan was circulated.

Council and Staff discussed how to get the City involved with the Salmonberry Trail and potential attractions to draw people to the city and offer amenities for the trail. A consultant from Portland State would present to Council in January about creating a small cities advisory group, which would focus on economic development. Council agreed the City needed to take action more immediately. Staff would work on a communication with Senator Betsy Johnson and consider what the Economic Development Commission could do.

Gene Stout suggested contacting Ray Deeth as a resource, noting that someone was creating a cell phone application for the Banks-Vernonia Trail and might also be a good contact.

Mayor Edison announced that he had donated \$2,500 to the Library Campaign and his company would also be donating \$2,500 and he urged everyone to make a donation.

City Recorder Lanter said she had been working with Ray Deeth and a couple weeks ago, she started posting historic pictures with a description on the City's Facebook page, which had been well received. They hoped to draw some people's interest in joining the Historical Society. She noted that Historical Society member Kathy Jackson had recently lost her battle with cancer. She would ask Mr. Deeth about possibly doing some curriculum tie-in with the school.

Library Director Holmes announced that the library levy passed at 64 percent, so the library would be adding three more open hours. A survey would be conducted to determine the best time. She reminded Council that the Washington County Historical Society would feature Banks in March, which was something the library would help promote, and that Pacific University received a grant to digitize historic pictures and was willing to work with Historical Society. She noted she was bequeathed notes from Ann Fulton, who wrote the Banks history. She would like to get a grant to redo and update the book, noting the original book built interest in the entire community.

Gene Stout noted one of the Planning Commission's duties included working on economic development. He updated Council about the closure of the Banks Café, noting the property was for sale.

**ADJOURN** The meeting adjourned at 9:07 PM

Submitted by:

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Angie Lanter – City Recorder