



**Regular City Council Meeting
May 12, 2015
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, Mark Gregg, Brian Biehl, Michael Nelson, Teri Branstitre, and Mark Walsh. Dan Keller was excused.

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

APPEARANCE OF INTERESTED CITIZENS – There were none.

CEREMONIAL PRESENTATIONS & PROCLAMATIONS

1. National Drinking Water Week Coloring & Poster Contest Award Winners – Mayor Edison announced the award winners of the 2015 National Drinking Water Week Coloring & Poster Contest as follows: For ages 2 to 6 years: 3rd Place, Lilia Woods; 2nd Place, Emmitt Vanderzanden; 1st Place, Justin Woods IV. For ages 7 to 9 years: 3rd Place, Hunter Schwartz; 2nd Place, Isabel Jacobs; 1st Place, Brady Johnson. For ages 10 to 12: 2nd Place, Ashley Schoegje; 1st Place, Maggie Streblov.
2. National Bike Month Proclamation – Mayor Edison read the proclamation.
3. Emergency Medical Services Week Proclamation– Mayor Edison read the proclamation. Chris Lanter, Paramedic, Metro West, noted Metro West had provided medical ambulance service for the City of Banks since 1953. He thanked the City for its continuous support and presented Mayor Edison with a plaque. He invited everyone to a celebration barbeque being held on Friday, May 22nd from 4 pm to 9 pm at Metro West's headquarters in Hillsboro. Mayor Edison presented Mr. Lanter with the signed proclamation.
4. Tree City USA, Re-certification Award – City Manager Becker noted the City's Tree City USA Award was already on the wall, and confirmed this was the City's ninth Tree City Award in a row.

BRIEFINGS AND PROGRAMS

5. Police Monthly Briefing – Deputy Hanlon presented the police report for April 2015 and addressed questions from Council about the increased public demand calls and traffic stops. He noted that he finally acquired a portable alcohol breathalyzer and a tint mirror for windows, which would enable him to see into heavily tinted windows. He described the State statutes addressing tinted windows and how ticketing might apply. City Manager Becker noted Staff had updated the Police Activity Graph for the entire year. The graph was also available on the website, as were the graphs for previous years.
6. Planning Commission Liaison – Planning Commission Chair Gene Stout reported on the April Planning Commission meeting, noting the Commission received a synopsis of the City Manager report. He also updated on the Commission's progress with regard to zoning and ordinances related to both recreational and medical marijuana, food carts, and adult businesses.

CITY REPORTS

7. City Manager Report – City Manager Becker presented the City Manager Report via PowerPoint, which was included in the meeting packet, responding to clarifying questions from City Council and noting she would now be updating Council on the 2015 City Council Goals, which had been removed from the regular agenda. She noted the consultant was working on the at-grade railroad crossing and that the traffic study was the first step. She expected to receive some updates in the next few days and would ensure the City was involved in the process.

Mayor Edison explained the meeting on May 11th was to gather information on economic development and try to determine a right course of action for the City of Banks. He learned about tools and things the City should consider doing. The City needed a long term plan as it was an organic process and not a short term concept. Information would be brought forward to the Council as a more active project.

CONSENT CALENDAR:

8. Special City Council Meeting Minutes, April 6th, 2015.
9. City Council Meeting Minutes – April 14th, 2015.
10. Special City Council Meeting Minutes – April 28th, 2015.
11. Shall the City Council authorize the City Manager to sign the contract to have Commerce Street surveyed? (CL 2015-11)
12. Shall the City Council authorize the City Manager to sign the contract for slurry sealing and crack sealing in the Arbor Village Subdivision? (CL 2015-12)

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

PUBLIC HEARING

13. Public Hearing for Fiscal Year 2015-2016 Operating Budget and Capital Improvement Plan.

Mayor Edison opened the public hearing at 7:42 pm and called for the Staff report.

City Manager Becker noted the Budget Committee recommended the City Council approve the 2015-16 budget, adding the difference of almost \$4 million was related to funding for water capital improvement projects and Phase III for the library. She confirmed no written testimony had been received regarding the budget.

Mayor Edison called for public testimony. Seeing none, he closed the public hearing at 7:45 pm.

BUSINESS AGENDA

14. City Council discussion regarding Ordinance #2015-03-01, adopting an Ordinance prohibiting smoking and the use of tobacco products in city parks, city buildings, and on city parking lots by amending Chapter 130 (General Offenses) to add a new section 40 (Smoking and Tobacco Use on Public Property) of the Banks Code of Ordinances? City Attorney Kearns reviewed his memorandum provided in the packet and advised City Council to decide, as a matter of policy, what elements of the draft ordinance to include in the actual regulations.

City Council and Staff discussed the four policy issues under Item B on Page 2 of the memorandum and took a straw poll on the following policy decisions:

- What public properties to cover: Unanimous straw poll to delete public rights-of-way; the ordinance would apply only to city-owned properties and vehicles. The employee handbook would be modified accordingly, if needed. As a private park, Sunset Park would not be impacted.

- Just Smoking (tobacco and marijuana): Unanimous straw poll to retain language as presented.
- Smokeless tobacco products (snuff, snus, chewing, dipping, etc.): 4 to 1 straw poll in favor of the language as presented. Mark Gregg was opposed, noting the City could make a laundry list of examples that should be set for children and this element extended beyond health and safety.
- E-cigarettes: 3 to 2 straw poll in favor of retaining the language presented. Deputy Hanlon described the challenges involved with differentiating cigarette smoke from e-cigarette vapor. Though e-cigarette by minors was already prohibited in the city, including e-cigarettes in this ordinance would enable him to proceed with a more formal response when violations occur. Opposing comments noted that e-cigarettes help people progress toward a healthier lifestyle by helping them stop cigarette use and that confusion to minors was not a legitimate reason to ban e-cigarettes from a public park.

City Attorney Kearns stated another draft reflecting the Council's general preferences would be presented for public hearing and a vote at the next meeting.

15. Shall the City Council adopt Resolution #2015-03 adopting The City of Banks Event Application and Planning Guide? (CL 2015-13) City Manager Becker noted the changes regarded the ordinance passed last month regarding the authority given to the city manager to approve permits for event requests involving alcohol for a private party. City Attorney Kearns added the guide reflected the suggestions made by Tom Belusko with regard to liability issues and insurance implications.

Councilor Gregg moved to adopt Resolution #2015-03 adopting The City of Banks Event Application and Planning Guide. Councilor Biehl seconded the motion. MOTION CARRIED 5-0. Ayes: Gregg, Biehl, Branstitre, Nelson, and Walsh; Nays: None.

COUNCIL ROUND TABLE DISCUSSION

Councilor Branstitre asked about the work occurring on the streets. City Manager Becker explained Clean Water Services (CWS) was upgrading all the sewer lines in the old part of Banks, including the lines to homes that needed updated. Essentially, CWS was inserting a sleeve of the new product they were using inside the existing sewer lines. Improvements to sewer lines on Main Street would be done after the school year ended.

Councilor Gregg confirmed that National Drinking Water Week was May 7th through May 13th.

Councilor Biehl announced he would not be at the June City Council meeting.

Mayor Edison discussed the meeting held yesterday regarding economic development and the importance of engaging the community, especially business owners, when developing the economic development program for the city. Businesses rarely get elected officials asking what could be done to improve their businesses. Discussions on economic development would begin at the next joint City Council/Planning Commission meeting. City Manager Becker added the City was laying the groundwork by obtaining different grants for getting the Main Street/Bike & Ped Master Plan established which would help drive the economic development program. Likewise, information gathered from the community and businesses about economic development would help shape master planning for the future. Staff would present a summary of what the City needed to do at the joint work session.

Mayor Edison said Jeff Leo, the new school superintendent, had previously been the superintendent in Napa OR and was enthusiastic about his new position at the Banks School District. Mr. Leo would live in the school district and he encouraged the Councilors to introduce themselves and share how great the relationship was between the school district and City. He believed Mr. Leo would officially start June 1st.

He confirmed the superintendent's office was in the school district office, the old school building next to the 'barn' gym.

Mayor Edison asked for an update on the West Hills sidewalk project. City Attorney Kearns said the current challenge was the Army Corps of Engineers said it would assert jurisdiction over the wetland, thereby increasing the regulatory hurdles West Hills. This issue had to be addressed before a development proposal could be submitted. Having to avoid or mitigate jurisdictional wetlands could result in losing a few lots, so West Hills would not submit a plat until certain of the wetland delineation, which delay the application, however West Hills wanted to build this summer.

Councilor Nelson said he was very excited about Phase II of the library campaign and all the donations that had been received, noting he appreciated the mayor's work in helping to secure funding.

City Recorder Lanter announced she would be attending a professional development class and then on vacation, so she would not be at the June City Council meeting. Library Director Holmes would sit in for her at that meeting.

City Attorney Kearns said the legislature's effort to tweak the recreational and medical marijuana programs had come to a standstill. The special subcommittee had been unable to make any headway on revenue sharing issues, merging the programs, or making banning medical dispensaries more difficult for local governments, so the existing laws might be the laws that persist after this legislative session. This would not affect the City's moratorium. The Planning Commission would adopt and forward a recommendation this month for consideration by the City Council at its June meeting with a public hearing likely held by Council in July. Certain aspects of Measure 91 regarding recreational marijuana, personal grow, use, and possession would go live July 1, 2015. The case involving Cave Junction, which banned medical dispensaries, was now on appeal at the State Court of Appeals and no decision was expected on that until next year.

Library Director Holmes shared the Joint Ways and Means Committee, of which Senator Betsy Johnson was a member, was considering how to resolve issues between Senate Bill 129 and House Bill 1070. House Bill 1070 would take as much Gain Share money as possible from Washington County and the City of Hillsboro and distribute to other jurisdictions. The City of Hillsboro and the County support Senate Bill 129 because it still allowed some of that money to be distributed, but not all of it. The concern was that greatly reducing the shares for the County and Hillsboro could affect the \$150,000 pledge to the Library Project. She had sent a letter to Senator Johnson and encouraged the Council to do the same. Information about both bills could be found online, as well as the agenda for the Joint Ways and Means Committee.

Mayor Edison noted House Bill 1070 would reduce funds to Hillsboro and Washington County from about \$90 million to \$10 million in the next biennium. He explained Gain Share money was distributed to Hillsboro and Washington County because of the tax concessions given to big businesses to locate and grow in Oregon. All those wage and income taxes benefit the entire state, which was why the Gain Share money benefits Banks. It would be punitive to eliminate or reduce Gain Share funding so drastically.

ADJOURN The meeting adjourned at 8:30 PM.

Submitted by:

Angie Lanter – City Recorder