



**Regular City Council Meeting  
June 9, 2015  
MEETING MINUTES**

**CALL TO ORDER** Mayor Pete Edison called to order the Regular Meeting of the Banks City Council at 7:08 PM.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

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

Staff present: City Manager Jolynn Becker, City Planner Stacey Goldstein, Library Director Denise Holmes, and City Attorney Dan Kearns.

**APPEARANCE OF INTERESTED CITIZENS**

Mark Benson, 39545 NW Pebble Creek Lane, Banks, OR, stated he has lived in Banks since 2000 and has received many inquiries about what businesses could operate in his building for sale at the corner of Depot Street and Main Street. He asked the City Council to consider adjusting the Marijuana Heavy Map in order to allow a marijuana dispensary to operate in his building, which should be a qualified location since it was away from schools and the library, and no children lived in the residence behind the building. Medical marijuana was needed more than people realize, and the idea that a dispensary would draw an unwelcome crowd was not true. Banks needed something different to draw more people into the city and he believed having a marijuana dispensary in Banks would benefit the city.

**SPECIAL ITEM**

- Deputize City Manager, Jolynn Becker as the Acting City Recorder in the absence of the regular City Recorder.

Councilor Branstitre moved to deputize City Manager, Jolynn Becker as the Acting City Recorder.

Councilor Gregg seconded the motion. MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

City Manager Becker informed Council that Angie Lanter was in training to obtain her city recorder certification.

**CEREMONIAL PRESENTATIONS & PROCLAMATIONS**

**BRIEFINGS AND PROGRAMS**

1. Washington County – 2015 Public Safety and Library Levies Presentation  
Sheriff Pat Garrett, Washington County Sheriff's Office and Eva Calcagno, Director, Washington County Cooperative Library Services (WCCLS), described the details regarding the 2015 Public Safety Renewal and Library Replacement Levies via PowerPoint, reviewing the services funded by the levies and some notable statistics about the services provided. The 5-year library option levy was proposed at \$.22 per \$1,000 of assessed value, which was an increase of \$.05 over the

current rate and was the first rate increase since 2006. The first year cost for an average valued home would be about \$56 per year. The cost of the public safety levy was proposed to remain the same at \$.42 per \$1,000 of assessed value, which had not changed since 2000. The first year cost for an average valued home would be about \$170 per year. Annual costs in subsequent years would depend upon the assessed value of property at that time. The Washington County Board of Commissioners approved placing both levies on the November 2015 ballot. Preliminary voter polling occurred for both levies in January and 70+ percent of those polled supported both levies. Council was asked to consider endorsing both levies and allow information about both levies to be published in the City's messaging mediums. Of the public safety levy, \$250,000 per year went to capital improvements at Washington County Consolidated Communications Agency (WCCCA).

2. Police Monthly Briefing – Deputy Hanlon presented the police report for May 2015. He confirmed there had been a decrease in graffiti incidences.
3. Planning Commission Liaison – Planning Commission Chair Gene Stout reported on the May Planning Commission meeting, noting that the synopsis provided by City Manager Becker of her City Manager report had been very helpful.

## **CITY REPORTS**

4. City Manager Report – City Manager Becker presented the City Manager Report via PowerPoint, which was included in the meeting packet. She agreed to provide Council with the organization chart of City employees and noted that employee job descriptions would be updated to include more criteria, and also adjusted to show where each job fell within the salary scale, as well as the starting salary. Noting the need for an alternate, she confirmed Councilor Walsh would fill in for Councilor Keller should he be unable to attend the July 23<sup>rd</sup> Bike and Pedestrian master planning meeting. She stated that John Morgan would give an Economic Development presentation at the Joint City Council/Planning Commission meeting on June 30<sup>th</sup> at 6:30 pm, and that stakeholder interviews on Parking Management were held in mid-May with representatives from City Council, the Planning Commission, school district, and a couple different businesses.

Library Director Holmes noted the next Library Campaign Steering Committee meeting would be held June 11<sup>th</sup> at 6:30 pm.

## **CONSENT CALENDAR:**

5. City Council Meeting Minutes – May 12th, 2015.
6. Shall the City Council approve Resolution #2015-04 to revise the Comprehensive Fee Schedule? (CL 2015-14)
7. Shall the City Council re-appoint the following members to the Library Advisory Board? (CL 2015-15)
  - a. Shall the City Council re-appoint Lynda Goovaerts to Library Board Position LB4 (New term will expire on June 30, 2019)?
  - b. Shall the City Council re-appoint Ann Witkowski to Library Board Position LB5 (New term will expire on June 30, 2019)?
8. Shall the City Council approve the Mayor to sign the Log Cabin Lease Agreement with the Banks Historical Society for the FY 2015-2016? (2015-16)
9. Shall the City Council approve the Mayor to sign the Landscape Management Service Agreement with TruGreen Landcare, LLC for Greenville City Park? (2015-17)

Councilor Gregg moved to approve the Consent Calendar. Councilor Walsh seconded the motion. MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

## **PUBLIC HEARING**

Mayor Edison read the conduct of hearing procedure for both public hearing items.

10. Annexation Request – Application for annexation and corresponding zone change for approximately 6.6 acres. Banks Lumber Company/Gen Becker Living Trust City file no. ANX1-15/ZC1-15.

- a. Shall the City Council adopt Resolution #2015-05 to place a measure on the September 2015 Election Ballot for the Annexation of Banks Lumber Company/Gen Becker Living Trust?

City Planner Goldstein reviewed the Staff report, noting the Planning Commission's recommendation of approval and placement on the ballot. The required annexation agreement was attached.

Mayor Edison opened the public hearing at 7:58 pm and confirmed no City Councilor had any ex parte contacts, conflicts of interest, or bias to declare. No member of the audience challenged the participation of any City Councilor. He called for the Applicant's testimony.

Mimi Doukas, AKS Engineering, said she was representing Banks Lumber and offered to answer any questions. She clarified the annexation would be placed before the voters at the September election, not in November.

Dan Zeamer, Banks Lumber, addressed several questions from City Council. He confirmed the annexed land would be used for storage, but the residence would remain. The access road would come through existing lumber mill, and noted verbiage about a roadway being provided to the site regarded conceptual future development. He confirmed Banks Lumber's would support a road, should one become developable, however several logistics, especially with regard to the mill's internal traffic patterns, would need to be considered.

Mayor Edison called for public testimony in favor of, opposed, and neutral to the application. Seeing none, the Applicant had no rebuttal.

City Attorney Kearns confirmed the developer agreement must be signed and executed prior to the annexation being put on the ballot.

Mayor Edison closed the public hearing at 8:05 pm.

Councilor Gregg moved to approve the annexation application, adopt the findings in ANX1-15/ZC1-15 staff report dated May 26, 2015, and approve the proposed resolution and annexation agreement, thereby placing the annexation on the September 2015 ballot. Councilor Nelson seconded the motion. MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

City Manager Kearns confirmed he would send the developer agreement to Banks Lumber in order to expedite its execution in time for the City to meet its deadline with the Washington County Elections Office.

11. Annexation Request – Application for annexation and corresponding zone change for approximately 1.24 acres. Walters Property. City file no. ANX2-154/ZC2-15.

- a. Shall the City Council adopt Resolution #2015-06 to place a measure on the September 2015 Election Ballot for the Annexation of Walters Property?

City Planner Goldstein presented the Staff report, noting this was an island annexation as the site was surrounded by City's corporate boundary. No annexation agreement was being requested for this property since it was annexed into the Clean Water Services District and all services were available. She confirmed the property owner was Greg Walter, not Walkers, as stated in the first full sentence of staff report. The Planning Commission did recommend approval and placement on the ballot.

Mayor Edison opened the public hearing at 8:13 pm and confirmed no City Councilor had any ex parte contacts, conflicts of interest, or bias to declare. No member of the audience challenged the participation of any City Councilor. He called for public testimony regarding the annexation application. Seeing none, he closed the public hearing at 8:14 pm.

Councilor Nelson moved to approve the annexation application, adopt the findings in ANX2-15/ZC2-15 staff report dated May 26, 2015, and approve the proposed resolution and annexation agreement, thereby placing the annexation on the September 2015 ballot. Councilor Gregg seconded the motion. MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

## **BUSINESS AGENDA**

12. Shall the City Council adopt Ordinance #2015-06-02, adopting an Ordinance adopting changes to the City of Banks Code of Ordinances regarding Marijuana? (First Reading) (CL 2015-18)

City Attorney Kearns reviewed the Staff report, which recommended the Marijuana Heavy Map, and described the key regulations of the ordinance.

Councilor Gregg moved to conduct First Reading by title only Ordinance #2015-06-02, adopting changes to the City of Banks Code of Ordinances regarding Marijuana. Councilor Walsh seconded the motion.

Councilor Gregg conducted the First Reading.

MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

13. Shall the City Council adopt 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? (First Reading) (CL 2015-19)

City Attorney Kearns stated the ordinance prohibited all use of tobacco products, including vaping products, in City parks and on City property, but not rights-of-way. Following discussion, he confirmed the ordinance already accommodated City employees who smoke.

Councilor Nelson stated that as discussed previously, he did not like banning people from something that was not harming anyone. He suggested removing Section 130.10.A.3 regarding e-cigarettes and then he could support the ordinance. He cited a study in Europe showing e-cigarettes help people wanting to stop using tobacco. Vapor did not the user or those around them. He also believed the banning of chewing tobacco should be reconsidered. He understood Deputy Hanlon's point of view, but he would have the right to approach someone he observed smoking to determine whether a person were using an e-cigarette or actual smoking a tobacco product. Additionally, vapor and tobacco smoke dissipate differently.

Councilor Gregg agreed with Councilor Nelson, and believed Section 130.10.A.2 was over reaching because smokeless tobacco did not hurt anybody. How could the City enforce no chewing tobacco?

Mayor Edison debated that it was harmful when kids step in it and vaping around a playground was a bad influence. He understood Deputy Hanlon wanted e-cigarettes included because enforcing no smoking was a way to break up groups of kids. Nicotine addiction was not harmless and he felt strongly about the need to adopt the ordinance, which would give citizens the tools to self-police. Enforcement would work similar to the no tobacco policy at the school. People would inform users that the City had rules about tobacco use and tell them to take it elsewhere.

Councilor Walsh said he was on the fence as well but noted that according to the website, most citizens wanted this ordinance.

Councilor Branstitre moved to conduct First Reading and adopt an Ordinance #20 15-03-01 prohibiting smoking and the use of tobacco products in city parks, city buildings, and on city parking lots by amending Title XIII Chapter 130 (General Offenses) to add a new section 40 (Smoking and Tobacco Use on Public Property) of the Banks Code of Ordinances. Councilor Walsh seconded the motion. MOTION CARRIED 3-1. Ayes: Gregg, Branstitre, and Walsh; Nays: Nelson.

Mayor Edison noted the First Reading was conducted in the stating of the motion.

14. Shall the City Council adopt Resolution #2015-07 to change the name of the Jim Hough Banks Citizenship Award? (CL 2015-20)

City Manager Becker briefly reviewed the history of the request, noting that after discussion, Council decided to give a more general name to the citizenship award. She noted updates to the selection criteria were shown in red in the attached Nomination Procedures.

Councilor Gregg moved to adopt Resolution #2015-07, a Resolution Creating the Banks Citizenship Award and Adopting a Process and Set of Criteria. Councilor Nelson seconded the motion. MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

15. Shall the City Council adopt Resolution #2015-08 adopting a Fiscal Year 2015-2016 Operating Budget and Capital Improvement Plan? (CL 2015-21)

Councilor Gregg moved to adopt Resolution #2015-08 adopting a Fiscal Year 2015-2016 Operating Budget and Capital Improvement Plan. Councilor Nelson seconded the motion. MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

16. Shall the City Council adopt Resolution #2015-09 for Fiscal Year 2015-2016 declaring the City's Election to receive State Revenue? (CL 2015-22)

Councilor Gregg moved to adopt Resolution #2015-09 for Fiscal Year 2015-2016 declaring the City's Election to receive State Revenue. Councilor Branstitre seconded the motion. MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

17. Shall the City Council adopt Resolution #2015-10 for Fiscal Year 2015-2016 declaring the City's Election to receive State-shared Revenue? (CL 2015-23)

Councilor Nelson moved to adopt Resolution #2015-10 for Fiscal Year 2015-2016 declaring the City's Election to receive State-shared Revenue. Councilor Walsh seconded the motion. MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

18. Shall the City Council adopt Resolution #2015-11 providing for Fiscal Year 2015-2016 Interfund borrowing for the Fund? (CL 2015-24)

Councilor Branstitre moved to adopt Resolution #2015-11 providing for Fiscal Year 2015-2016 Inter-Fund Borrowing for the Library Fund #03 from the Traffic Impact Fees Reserve Fund #06. Councilor Gregg seconded the motion. MOTION CARRIED 4-0. Ayes: Gregg, Branstitre, Nelson, and Walsh; Nays: None.

## **COUNCIL ROUND TABLE DISCUSSION**

Councilor Gregg noted he could not attend the July 14<sup>th</sup> Council meeting and left the meeting at this time.

Councilor Branstitre noted the challenge with Public Works Staff putting flags out in the park for holidays occurring over a weekend was that the flags had to be lit. City Manager Becker said she would contact the Boy Scout troop about putting out the flags and gathering them back up at dusk. Councilor Branstitre left the meeting at this time.

Mayor Edison said he looked forward to the joint meeting with the Planning Commission, which would kick off a series of exciting items for the City. Eventually, urban renewal would be discussed as a funding tool that was used by a number of cities.

Councilor Nelson also looked forward to the Economic Development presentation at the joint meeting.

Library Director Holmes stated the Summer Reading Program had started and the Friends of the Library was working on its budget. She would be attending Regards to Rural in Bend, which emphasized rural economic development and tourism as a means to growing wealth in a community, and would report back to Council.

City Manager Becker said she would call the Councilors to see who was available for the Water Facility Tour scheduled for Saturday, June 13<sup>th</sup> and noted the tour could be rescheduled. Councilors were welcome to bring guests. Councilors were encouraged to attend the Parking Management Workshop, which had an open house format. She sought feedback from Council about a new format for National Night Out, which was proposed to be held at Sunset Speedway with a monster truck as an attraction. The fire and police departments would still display their vehicles, as well as Lifelight, and a movie would be shown in the evening with viewers able to use the bleachers. City Council agreed it was a great venue and hoped a lot of people would attend.

City Attorney Kearns stated the marijuana bill was still in flux, but the program could be very different in a year. He also reported on an annexation bill that would preempt local authority to review annexations with 100 percent owner consent. The bill would even remove local control, including all city review and a vote of the people, which was required in the City's charter. The League of Oregon Cities was violently opposed to the bill, so he was uncertain whether it would pass. He was uncertain about the bill's origin and the legality of invalidating home rule charter provisions.

City Manager Becker noted Oregon Bike Studio creates bicycling events as a way of building economic development in towns. Banks and Vernonia might partner on an event that would support both cities. The grant application would be submitted this fall and the event held next year.

Ray Deeth thanks City Council for approving the Log Cabin lease with the Banks Historical Society for another year. He noted a YouTube video advertising the Salmonberry Trail proposed from Banks to the coast included about five shots of Banks. The proposal obviously had some financial backing and he expected it would become a reality.

Staff updated Council on MACC's pending approval of the Comcast franchise, the TGM Grant for the Main Street Revitalization Project, and the upcoming street paving project, noting that Arbor Village residents received notice about the upcoming road work, which also identified the private streets.

Gene Stout noted that this time, the HOA was going to pay for the paving of the private streets.

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

Submitted by:

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Angie Lanter – City Recorder