



**Regular City Council Meeting  
July 12, 2016  
MEETING MINUTES**

**CALL TO ORDER** Mayor Pete Edison called to order the Regular Meeting of the Banks City Council at 7:13 PM.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

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

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

**APPEARANCE OF INTERESTED CITIZENS**

Ray Deeth, Banks Historical Society, announced that \$12,980 was awarded to the Banks Historical Society from the estate of Shelia Day, a longstanding Banks citizen, and that the Historical Society had two new members; one from the Washington County History Museum and the other had experience in DNA and genealogy. The Historical Society asked that the City partner with them on a steering committee to consider ideas, marketing, a budget, and expectations for the 100-year anniversary celebration in 2021. He briefly noted some ideas discussed so far and clarified that the 100-year anniversary celebration in 2002 commemorated the naming of the community by the US Post Office General in Washington DC and that the City of Banks was actually incorporated in 1921. He invited anyone interested in assisting with the celebration to attend the Historical Society meetings beginning on the last Monday in September when planning the celebration would be a priority agenda item.

Mayor Edison confirmed the 100-year celebration was discussed at the Economic Development Commission meeting, which was also attended by a member of the Washington County Visitors Association. The celebration would also be discussed at the City Council's retreat in September or October.

Bonita Frances, 42047 NW Broadshire Lane, Banks, expressed concerns about bike riders not following rules as they ride through town and during cycling events. Bike riders were speeding, running stop signs, riding four abreast, etc. and causing traffic problems and safety concerns. Bicyclists were also riding the wrong way on one way roads at the trail and did not signal.

Bruce Bobeck introduced himself as a Republican candidate for House Representative of District 32. He briefly shared about his family, professional experience as a physician in Astoria, and his governmental experience in Warrenton, adding he would be campaigning door-to-door in Banks.

Mayor Edison recognized and congratulated City Recorder Angie Lanter for earning her Certified Municipal Clerk designation, which required three years of school.

**CEREMONIAL PRESENTATIONS & PROCLAMATIONS –**

1. National Night Out 2016 Proclamation. Mayor Edison noted the National Night Out event would be held at Sunset Park on August 2, 2016.

## **BRIEFINGS AND PROGRAMS**

2. Police Monthly Briefing –Deputy Hanlon presented the police report for June 2016, and addressed questions about the damage done to the Highway 6/Highway 47 overpass and details related to the trespass notice requested by the United Methodist Church.
3. Planning Commission Liaison – Gene Stout reported the June Planning Commission meeting had been cancelled.
4. Economic Development Commission Liaison – Councilor Nelson reported on the July 6, 2016 meeting, noting the Economic Development Action Plan was reviewed by John Morgan. The Commission narrowed the Action Plan to four priority items: Brand Redesign, the Master Plan, the Market Feasibility Study and an Online Communication Platform. The Action Plan would be presented to the public for feedback at an open house in September, and then presented to City Council for adoption and to assign which bodies would work on the initiatives.

## **CITY REPORTS**

5. City Manager Report – City Manager Becker presented the City Manager Report and addressed clarifying questions from the Council.

City Attorney Kearns briefly described the project proposed by the Mobilitie, which was seeking to negotiate a franchise agreement with the City to put data transferring antennae within the public right-of-way, either on city poles or 120-ft tall monopoles. He addressed questions from Council about the company and project, noting Staff was considering the City's land use and development regulations, and that the proposed structures would be inconsistent with the Main Street Revitalization Plan. Many cities in the State had been approached by this same company. He suggested an amendment to the Street Design Standards, noting Staff would propose a new chapter for adoption by resolution at the next Council meeting.

## **CONSENT CALENDAR:**

6. City Council Meeting Minutes - June 14 , 2016
7. Canvass the May 17, 2016 Primary Election (CL2016-41)
8. Shall the City Council approve the application for an OLCC License for the new owners of Banks Billiards (Adam and Michelle Berger, 13711 NW Main Street, Banks, Or.)? (CL 2016-42)
9. Shall the City Council adopt Resolution #2016-18 a Resolution Transferring Appropriations - Water Fund #02? (CL 2106-43)

Councilor Gregg moved to approve the Consent Calendar. Councilor Biehl seconded the motion. MOTION CARRIED 6-0. Ayes: Gregg, Biehl, Walsh, Branstitre, Keller, and Nelson; Nays: None.

## **PUBLIC HEARING –**

10. Vacation of Rose Avenue
  - a. Shall the City Council adopt Ordinance No. 2016-07-01, an Ordinance of the City Council of Banks, Oregon, Vacating a portion of Rose Avenue? (First Reading)Mayor Edison read the conduct of hearing format and called to the public hearing to order at 8:00 PM. He confirmed no City Councilors had any bias, conflict of interest, or ex parte contact regarding the proposal. No member of the audience challenged the participation of any City Councilor.

Lee Smith confirmed that two City Councilors lived in Arbor Village and questioned whether this would influence their decision-making.

Mayor Edison clarified that no Councilor had made any such declarations.

Stacey Goldstein, City Planner, presented the Staff report, noting a picture of the subject area was shown on Exhibit 2 in the meeting packet. Staff recommended adoption of the ordinance as presented.

Mayor Edison called for public testimony, beginning with the Applicant.

Michael Robinson, representing West Hills Development, distributed a two-page handout to City Council and Staff and explained the first page was from Page 2 of the Staff report with the area proposed to be vacated highlighted in blue. The small, 1,500 sq ft area was at the far west end of

platted Rose Ave and did not go anywhere. On Page 2 of the handout, the area proposed for vacation was also highlighted in blue relative to the tentative subdivision approved by the Planning Commission and showed that the area proposed for vacation went to the west, in a direction where no transportation planning was proposed, and was in part of two lots that the Planning Commission approved. He and City Attorney Kearns agreed petitioning the City Council to vacate the street was appropriate after the subdivision had been finalized. He indicated where the cul de sac of the Rose Ave would terminate in the subdivision, leaving a 55-ft wide access to the railroad providing the ability to construct a public street should a railroad crossing occur in the future. This access was required by City Council when Condition 9 was removed in 2015

- The Applicant agreed with the Staff report. The small area was unnecessary and he noted it had been platted more than 50 years ago. The proposal met the statutory provisions governing street vacations: notice had been properly given; the Applicant received consent of abutting and nearby property owners; and public interest was not prejudice.
- He noted there were two ways out of the subdivision: the connection to Buckshire St and the extension of Ashton St. If the City had the ability to cross the railroad in the future, a third connection would be available to the east.
- He asked that the Council approve the vacation, which was consistent with the City's planning for the area and left the property with the access required by the City. He noted Dan Grimberg of West Hills Development was also available for any questions.

Mayor Edison confirmed there was no further testimony in favor of the proposal and called for public testimony opposed to the proposal.

Lee Smith, 42026 NW Broadshire St, Banks, asked what benefits the City and people of Banks were getting for giving anything to an organization that had not done what they said or gone back and changed things. West Hills always figured out a way to not finish what they started, not fulfilling their deals and verbal promises through their representatives when they were originally selling the homes. What was the benefit of giving away more to West Hills? Was the Council just being nice? Why was the City doing anything more for West Hills other than making them follow every single City law and rule? We vote on one thing, and they can have this many homes; we vote on that and now they're taking this property out of the subject area. Why is the City giving away so much? What did the City receive in return for this vacation? West Hills has denied the access, so what if the overpass had collapsed? How would people get into town? No one could cross the railroad tracks, and now the City was giving away something that had the potential of really be needed later. He only learned a month ago about the lot West Hills held onto to control the housing. They did not have an HOA. He objected to what the Council had done and giving more to West Hills. He did not see a benefit to the residents or the City in any way, shape, or form.

Kathi Smith, 42026 NW Broadshire St, Banks, stated as a grandmother and resident, she was very upset. She has lived with her husband Lee in the development for 18 or 19 years. Her son was a State Representative. While West Hills was within the law spoke and intelligently and politically correct, people in the development were not happy and very concerned about more homes being built. People are concerned about increased costs for water and because there would need to be more schools. West Hills seems to blow that off a bit. Average people like her were not happy anymore, though they loved the development when they moved in. She noted that the Council represented Banks residents and needed to consider the feelings of Banks. She urged the Council to go with the people of Banks, who really care about Banks, and not with the developers.

Bonita Francis, 42047 NW Broadshire St, Banks, noted the map distributed by the Applicant and that Mr. Robinson stated there were two ways out. However, one could only use Ashton Court to get to Buckshire to get out of the development, but there was no other way to get out.

Mayor Edison confirmed there was no further public testimony and called for the Applicant's rebuttal.

Mr. Robinson said he appreciated that residents came out to the hearing. He clarified that the land use decisions had been made and that this was a narrow decision. The right-of-way proposed for vacation did not provide any transportation benefit to the city; the access went north from the subdivision which

was what the City Council requested and the Planning Commission approved. The cul-de-sac would provide access to the east if needed in the future. The statute did not ask what the benefit was to the City, but what the prejudice was to the public interest. In the past, a property owner had dedicated this land for public a purpose; it's an easement and not a grant. When no longer needed, the land goes back to the property owner per the vacation statute, and the land was simply not needed. The Applicant understood the concerns and hoped the work West Hills would do once the subdivision begins, including fixing the sidewalks and curbs, and installing street trees would be appreciated by the community. He requested that Council approve the street vacation petition which met the requirements of the law.

Bonita Francis asked when the trees were numbered; when first put them or as they were replaced? At first, she had two trees in her yard, but now she had three street trees breaking up her sidewalk. She believed the numbers were off somewhere.

Mayor Edison explained the City numbered the trees 10 years ago when Banks became a Tree City USA, which involved a process of numbering off and keeping track of the trees.

Bonita Francis stated that was when she got three trees.

City Attorney Kearns noted the issues raised during public comment were the same questions Council had when West Hills asked to have the condition for this plat revised over a year ago. The Council's issues then were secondary access, circulation, and what would happen to this land. He confirmed there was not a prejudice to the City for vacating only because of the commitments and changes that had been made to the plat. Mr. Robinson distributed the preliminary plat that was approved and that showed the access to get across the railroad tracks. He assured the Council had been watching these issues very carefully and all of the commitments that the Council got the developer to make ensure there was no prejudice to the public for this vacation, which was the final step so that the new access would function in the future when the railroad crossing was possible.

Mr. Smith asked why the City was still waiting for the crossing, which had been discussed for years. He had not been notified about everything that was happening with the new subdivision and wanted to know the real reason why the other entrance was not being provided. People in the neighborhood complain about the trailers, boats, and commercial trucks on the street. When purchasing his home, he was told an industrial area would be built to park vehicles that were not allowed in the front of the homes or on the street. He was also told access would be built at the back of the development crossing the railroad tracks. He had heard the crossing was cost prohibitive for West Hills, but how were other accesses determined? What could the City do to have a simple, "cross at your own risk" crossing with no light? Other things, like the bridge crossing to the grade school were promised as well, but West Hills' word was no longer its bond. Now, lawyers were coming up with things the average person did not understand. He asked when these promises were going to be met now that 18 years had passed.

Mayor Edison assured there were good answers regarding the situation and offered to address those questions at a later time.

Mr. Smith believed bringing up these things were a waste of time since it had already been decided in West Hills favor to make more changes.

Mayor Edison confirmed there was no further testimony and closed the public hearing at 8:28 pm. He called for Council deliberation.

City Attorney Kearns noted Exhibit A should be amended to include Exhibit 2, a map of the vacation area and Exhibit 3, the legal description of the vacation.

Councilor Keller explained that Council discussed the railroad crossing a lot, noting there were different proposals about where to locate the railroad crossing that were better than the location initially discussed at the back of the subdivision. In exchange for vacating this land, Arbor Homes agreed to do about \$250,000 in improvements, which included some repaving, sidewalk repairs, removal of street

trees. He acknowledged the cost was nowhere near the cost estimated for a railroad crossing. The subject ordinance only regarded the land that involved two lots, so he did not feel too much time should be spent on the issue.

Mr. Smith noted he had already replaced his sidewalk after the City sent a letter out.

Mayor Edison explained the Council was in deliberation and comments would be remain on the ordinance issue.

Teri Branstitre moved to conduct First Reading, by title only, Ordinance No. 2016-07-01 as written with the amended Exhibit A. Councilor Walsh second the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Gregg, Biehl, Keller, Walsh, Nelson; Nays: None.

City Recorder Lanter conducted the First Reading of Ordinance No. 2016-07-01.

## **BUSINESS AGENDA**

11. Shall the City Council adopt Ordinance No. 2016-07-02, an Ordinance Repealing in its entirety Title XI (Business Regulations), Chapter 110 (General Business Licensing) of the Banks Code of Ordinances and adopting a new Chapter 110 (General Business Licensing)? (First Reading) (CL 2016-44) Staff briefly reviewed the minor changes made since the draft presented last month which namely regarded temporary and mobile businesses, and home occupation permits for businesses conducted in a residence. A comprehensive fee schedule would be presented to update the fees related to the new Code chapter. Staff addressed questions from Council regarding alarm systems and temporary business classifications, and explained how the new Code would affect door-to-door solicitors.

Councilor Gregg moved to conduct First Reading, by title only, Ordinance No. 2016-07-02. Councilor Biehl seconded the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Gregg, Biehl, Keller, Walsh, Nelson; Nays: None.

City Recorder Lanter conducted the First Reading of Ordinance No. 2016-07-02.

The following item was added to the agenda during Council Round Table Discussion.

12. Shall the Mayor appoint Marsha Kirk to be the City of Banks liaison to Columbia-Pacific Economic Development District (COL-PAC) and Northwest Area Commission on Transportation (NWACT)?

Councilor Walsh moved to appoint Marsha Kirk to COL-PAC and NWACT. Councilor Gregg seconded the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Gregg, Biehl, Keller, Walsh, Nelson; Nays: None.

The Council returned to the round table discussion.

## **COUNCIL ROUND TABLE DISCUSSION**

Councilor Keller talked about Banks being a destination city, citing examples like the race track, bicyclists, and Halloween. He was disappointed that there was no fireworks display. The city was completely dead. It was the most complaints he received from people. He recalled suggesting two years ago that the City consider a plan to ensure the event took place and described some funding and partnership ideas. He would like to address the issue formally, noting his comments during Round Table in the past had not led anywhere.

Councilor Keller stated he favored having the City fund part of the fireworks display and make it happen.

Mayor Edison suggested talking to the fireworks chairman, adding no one had been opposed to the City helping, but some balls had been dropped and the City had not reacted quickly enough.

City Manager Becker confirmed the results from the branding survey have been emailed to the Councilors about a week ago, noting there were about 180 responses. City Recorder Lanter offered to resend the results. Mayor Edison clarified the results would be discussed during the Economic Development Commission.

City Manager Becker updated Council on the iPad integration, noting the plan was to stop using paper packets in November, but Staff could stop sending paper packets earlier. Planning Commissioner volunteers would begin using iPads in September or October. She noted if Councilors had software upgrade issues or wanted to add any applications to their iPad, they would need them to Staff since only one password was used for them all. She

confirmed that the address book could be updated with contact information for public officials. City Attorney Kearns added the FaceTime app would be good to use when a Councilor was not in town.

City Recorder Lanter confirmed the City had rooms reserved for the League of Oregon Cities Annual Conference that would be held in Salem. She confirmed the FaceTime app was already on the iPads. She noted Carolyn McCormick with the Washington County Visitors Association had asked if Council wanted her to do a presentation on tourism.

Mayor Edison explained Ms. McCormick was talking to different communities in the county about lodging taxes, but since Banks had no lodging facilities.

Ray Deeth stated the Banks Chamber of Commerce receives about \$4,000 per year from the lodging tax to help with the Visitor Center. He noted the lodging tax was a sore point for some Chamber CEOs and others in Washington County.

City Recorder Lanter noted the mayor's position and three City Council positions were up for reelection, which included those held by Councilors Branstitre, Biehl, and Nelson. Candidacy packets would be ready July 20<sup>th</sup> and would be due by August 22<sup>nd</sup>. Notice would go out in *The Argus* on July 20<sup>th</sup>.

Mayor Edison updated Council on the first branding meeting held with branding expert, Rachel Nelson, noting all seven members of the Branding Committee were present. He also reported that the Economic Development Commission (EDC) was making progress toward having all the planning done. He confirmed Marsha Kirk from the EDC wanted to replace Councilor Branstitre as the City's COL-PAC liaison. City Attorney Kearns stated appointing Ms. Kirk as the liaison was not controversial and advised on the procedure for doing so tonight.

The Council returned to the Business Agenda to address the appointment and then returned to the round table discussion.

City Attorney Kearns stated Staff would provide further information about facilities in the public right-of-way at the next meeting, as well as a suggested approach for the City to address homeless issues.

Library Director Holmes reported that neither the Banks nor Cornelius Libraries were invited to submit a full grant application to the Meyer Foundation, adding the library might have to pursue smaller grants for some of the equipment and other things.

Gene Stout stated the curb and fire hydrant painting done in Arbor Village looked nice.

**ADJOURN** The meeting adjourned at 9:15 PM

Submitted by:

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Angie Lanter – City Recorder