



**Regular City Council Meeting
Tuesday, November 13, 2018
MEETING MINUTES**

CALL TO ORDER Mayor 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, Dan Keller, Stephanie Jones, Michael Nelson, and Mark Gregg

Excused: Teri Branstitre, Mark Walsh

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

APPEARANCE OF INTERESTED CITIZENS – None

CEREMONIAL PRESENTATIONS & PROCLAMATIONS

1. 2018 Banks Citizenship Award Presentation – Mayor Edison reviewed Shirley Javorsky’s background and volunteer contributions to Banks and presented to her the 2018 Banks Citizenship Award.

BRIEFINGS AND PROGRAMS

2. Police Monthly Briefing – Deputy Ward presented the police report for October 2018. He confirmed that placing someone’s number on a website was not a crime, even if the number belonged to a minor, because phone numbers were public.
3. Planning Commission Update – City Manager Becker updated on the Planning Commission’s October work session on the project for Code assistance and the Code audit. The Commission would begin the project in the next one to two months.
4. Economic Development Commission Update – Councilor Nelson reported the EDC met in a joint session with City Council, the main discussion regarded a presentation given by Sheri Stuart from Oregon Main

Street. He enjoyed the presentation and had discussions with Ms. Stuart afterward about parts of the city that could be eligible for grants. He believed Oregon Main Street would be an excellent partner for the City of Banks.

CITY REPORTS

5. City Manager Report – City Manager Becker noted the City Manager Report was included in the meeting packet and confirmed there were no questions. She reported the work session on the tree removal held last Thursday was well attended, and that the work had started Monday. The entire neighborhood was blanketed with notices about the tree removal, no matter what area the work was being done in. She confirmed the City did not have an attachment that vacuumed leaves from the stormwater catch basins. The item had been placed on the budget. She clarified the dead trees on NW Trellis Wy belonged to the homeowner's association (HOA) and had provided the HOA President with the phone number for the tree removal company. She would learn tomorrow if the dead trees in the park could also be removed by the same company to the City save time and money.

Councilor Jones said those who attended the informational meeting on the tree removal had asked good questions. Spreading the word about the tree removal to more people was necessary because people were not getting information from the Banks Community Facebook page. City Attorney Kearns suggested posting the FAQs from Councilor Jones on the City's website and then linking the City's site to the Community Facebook page.

Councilor Jones noted some people did not understand or had not received information as to why the trees were removed and were discussing the issue and expressing frustration on the Banks Community Facebook page. The letter sent to the residents had been shared on that page, but items discussed at the informational meeting, such as requesting residents' cooperation when the concrete was poured for the sidewalks, had not been shared anywhere.

City Manager Becker said she had received only about three calls with questions. More details would be added to the communications sent out closer to the time the concrete would be poured. She would meet with the tree removal company tomorrow and would follow up on the large tree trunks they were leaving behind. Mayor Edison stated he knew someone who was picking up the trunks tomorrow. City Manager Becker clarified that once the trees were removed, the damaged sidewalk panels would be replaced if the temperature allowed.

Mayor Edison said he was impressed by the people at the informational meeting who were doing the site development work for Lennar and were also responsible for the tree/sidewalk project. The plan was to remove all 176 trees within a month. The no parking signs would be moved aggressively every day and the City would have to strenuously communicate that no parking would be allowed in those areas at any time and that any cars would be towed. The entire neighborhood needed to know because residents who could not park in their normal area would need park somewhere else in the neighborhood. He believed the tree work looked decent. City Manager Becker stated she would ask the tree removal company not to work on the Friday following Thanksgiving. She noted people at the informational meeting were happy the trees were coming down and not being replaced and that the mailboxes were moving. City Attorney Kearns said expect people to be upset; a lot of patience and public outreach would be necessary.

City Manager Becker noted it was possible that the number of trees to be removed in Areas 1 and 2 would increase. The Public Works Supervisor would remove the leaves from the sidewalk before the walkthrough in those areas. Last Friday, a representative from TFT had identified 10 additional trees to be

removed, but that would need to be passed by Lennar because it would increase the costs given the one-to-one tree match. She could provide extra maps of the tree removal to the Council and noted the map was on the website. City Recorder Lanter said she would add a version of the map to the City's website that could be enlarged.

CONSENT CALENDAR

6. City Council Meeting Minutes – October 9, 2018
7. Shall the City Council authorize the City Manager to sign a contract with Five Star Builders for Space Designing for City Hall, not to exceed the cost of \$4,928.00 (CL 2018-48)

Councilor Jones moved to approve the Consent Calendar. Councilor Nelson seconded the motion. MOTION CARRIED 4-0. Ayes: Keller, Gregg, Jones, Nelson. Nays: None.

PUBLIC HEARING – None

BUSINESS AGENDA

8. Shall the City Council adopt Ordinance No. 2018-10-01, an Ordinance Repealing and Replacing Title V (Public Works), Chapter 5 (Water), Section 50.01 (Rules and Regulations) and Adopting a New Section 5.24 (Water Conservation) of the Banks Code of Ordinances to Promote and Enforce Water Conservation Within the City? (First Reading) (CL 2018-49).

City Attorney Kearns explained how Code enforcement worked for the City. City Manager Becker confirmed she had only filed two citations that had gone to Municipal Court. City Attorney Kearns said doing so was extremely rare and the City did not want to have to do it. Because the water conservation issue was rather new, he suggested that Council come up with a way to monitor how it was working with the City Manager's help. Any problems or complaints should be included in a report. Most people would comply with the Ordinance. Compliance was the goal, not citations. Most issues could be resolved with a phone call. He reminded several consultants have said enforcing water conservation was a first step in addressing the City's documented water shortage, so monitoring the progress would be important.

City Manager Becker said she would contact CUSI (Continental Utility Solutions) to see if they could provide a monthly report showing average use and increases during the summer months. She confirmed the City had historical data so water usage from previous owners could be separated. The water bills provided a year's worth of usage data and the paperless billing process being implemented would still provide the usage history. City landscaping watering would need to be adjusted and budgeted for.

City Attorney Kearns noted gardening was addressed in the original draft, but was not included in the Ordinance, which just addressed curtailing the irrigation of lawns and landscaping. A discussion followed on how to monitor gardening and how to distinguish landscaping from gardening. City Attorney Kearns said the focus to begin with needed to be on public education. The language did not distinguish between commercial and residential irrigation. Code enforcement was always complaint-driven; there were no water police.

Mayor Edison asked if garden watering should be restricted to every other day. Councilor Jones noted a person growing their own food was itself, a conservation effort. The amount of watering necessary would depend on the crop. Councilor Gregg said adding gardening to the Ordinance was uncomfortably Big Brother to him. He was on the edge of supporting the Ordinance to begin with, and he could not support only being able to water a garden only every other day.

Mayor Edison said he did not consider watering every other day a hardship at all. He believed it was time for the Council to lead, and the Ordinance was about leading. He had brought the point up for discussion. If Council did not want to include gardening in the Ordinance, that was fine with him.

City Attorney Kearns noted that the way people water grass and lawns was usually different than how they watered gardens. Most had drip systems, watered by hand, or hosed each plant and did not use sprinklers or other inefficient systems.

Mayor Edison suggested leaving out the text about garden watering.

Councilor Nelson moved to conduct the First Reading by Title Only of Ordinance No. 2018-10-01, an Ordinance Repealing and Replacing Title V (Public Works), Chapter 5 (Water), Section 50.01 (Rules and Regulations) and Adopting a New Section 5.24 (Water Conservation) of the Banks Code of Ordinances to Promote and Enforce Water Conservation Within the City. Councilor Jones seconded the motion. MOTION CARRIED 4-0. Ayes: Keller, Gregg, Jones, Nelson. Nays: None.

City Recorder Lanter read the title into the record.

9. Shall the City Council adopt Ordinance No. 2018-11-01, an Ordinance Amending Title VII (Traffic Code), Chapter 70 (General Provisions), Sections 70.46 (Existing Control Devices and Markings) and 70.99 (Penalty) of the Banks Code of Ordinances to Give City-Erected Traffic Signs and Control Devices the Force of Law and to Increase Penalties for Violations Thereof? (First Reading) (CL 2018-50)

City Manager Becker confirmed this agenda item only addressed cleaning up language in the Ordinance, noting that Section 70.46 read, "Parking and traffic-control devices and markings installed prior to the adoption of the chapter were lawfully authorized" but the text said nothing about what happened after the chapter was adopted.

Councilor Jones moved to conduct the First Reading, by title only, of Ordinance No. 2018-11-01, an Ordinance Amending Title VII (Traffic Code), Chapter 70 (General Provisions), Sections 70.46 (Existing Control Devices and Markings) and 70.99 (Penalty) of the Banks Code of Ordinances to Give City-Erected Traffic Signs and Control Devices the Force of Law and to Increase Penalties for Violations Thereof. Councilor Gregg seconded the motion. MOTION CARRIED 4-0. Ayes: Keller, Gregg, Jones, Nelson. Nays: none

City Recorder Lanter read the title into the record.

10. Shall the City Council Submit a Letter of Support for the Safety Improvements on Hwy 6?

City Recorder Lanter clarified that the letter, if agreed to by the Council, would be signed and sent to Tom Messenger who would forward it in the information packet he was sending to ODOT.

After a brief discussion, which included concerns about competing with funding sources for a roundabout on Aerts Rd, City Council agreed to add language to the beginning of the letter listing priority projects for improvements to Hwy 6 that identified the roundabout at Hwy 6 and Aerts Rd as the first priority, and then continue with the letter as proposed by Mr. Messenger. City Attorney Kearns would massage the language and forward the letter to Mayor Edison for signature on Thursday.

At this time, City Council addressed unfinished Work Session Agenda Item 6 City Council Committee Participation Discussion and 7 Funding Options for Future Development Discussion.

COUNCIL ROUND TABLE DISCUSSION

Councilor Jones clarified the emails she was receiving from Partners for Sustainable Washington County Community (PSWCC) was because she picked up the committee from Brian Biehl, she suggested giving the PSWCC responsibilities to someone else in January 2019, as she would be unable attend the annual meetings in the spring. She was attending the Habitat for Humanity meetings but could not attend this Thursday because she was attending the legislative dinner. The School Board meeting would be held next week. The Board did not meet last week because school was out.

Councilor Nelson stated the Library Board discussed and reviewed the agenda for the upcoming Strategic Planning Session and ensure the meeting would flow well. From talking with attendees after the Strategic Planning Session, he learned it was very well received in terms of participation, was facilitated well, the venue was great, and the food was fantastic. It was interesting to see the diversity of community members, where they had come from, and how they participated. It was a positive experience.

Mayor Edison said he attended the second Strategic Planning Session for the library and had a great time. The Banks Braves were in the semi-finals on Saturday night at 5:30 pm in Cottage Grove. The press had requested the audio from City Council meetings for the past year, and tonight's meeting, to be placed on a YouTube channel. Some comments from side-bar discussions were caught on the audio. City Recorder Lanter advised Councilors to not say anything they did not intend for the public to hear while the audio was being recorded. She turned off the recording as soon as the Mayor adjourned the meetings, but she might occasionally be delayed.

Councilor Gregg reported he would not be attending the December 2018 Council meeting.

City Manager Becker reminded about the December 5th joint work session with the Council, EDC, and Planning Commission. A presentation would be given by the architect who helped designed the façade program for the City of Sandy. City Staff was putting together a façade program in order to be ready for when funding came in. She had thought the City's urban renewal funds would be \$10,000, but only budgeted \$7,000; however, \$28,000 had come from the County in November. The amount was received in a lump sum because Banks was a small city.

City Attorney Kearns reviewed the Martin vs Boise case from a few months ago. The Ninth Circuit Court of Appeals threw out Boise's anti-camping ordinance that was aimed at homeless people camping in public spaces because its criminalized homelessness, a basic human function when spaces were not available in public shelters. The decision sent a shock wave through every local government dealing with homelessness. Every year, the City of Portland adopted a new ordinance forbidding camping or other related activities and it gets challenged and tossed out. It was very difficult to craft an ordinance to deal with these problems. Banks had adopted the City of San Diego's car camping ordinance which had come through the Ninth Circuit, but San Diego's ordinance would be challenged before Banks' ordinance would. The Council should not be surprised if the water curtailment ordinance comes back within a year for changes, as crafting an ordinance that was legal, fair, withstood scrutiny and addressed the problem at hand was difficult.

City Recorder Lanter stated the legislative dinner was on November 15th at 5:30 pm at the Hillsboro Library on Brookwood Pkwy. Attending would be the Mayor, Councilors Nelson and Jones, City Manager Becker, and herself. She had forwarded the agenda to Council via email and it listed Banks' top four legislative issues that Council had sent to the State. The City had purchased 250 trick-or-treat bags and on Halloween, she, Deputy Ward, and Water Clerk Chrystina Vilar were joined by the fire department and they all handed out candy, bags, and stickers to the kids. Staff decided next year to decorate the gazebo for kids to take photos, get out of the rain, and visit with the

fire and police departments and City Staff. She learned in October that she had obtained all of her points for her Master Municipal Clerk designation and received the plaque today.

Library Director Holmes suggested providing a presentation to the citizens about yard trees and drought-tolerant landscaping to help them stay compliant with the new ordinance. The Tree Committee could partner on the presentation. She believed the Strategic Planning Session was wonderful, Linda Lybecker did a great job, and everyone was contributing and enthusiastic. She did not want to lose that energy and was not sure how to recapture the attendees' participation. People learned that the library did many amazing things. One idea from the session was that some real effort should be made to connect to the community and let more people know all that the library did. Library Staff was working on a written report to be completed in December, and Staff would come up with some suggested activities. The goals were the three priorities selected at the session, as well as continuing existing efforts regarding early childhood education and providing fun things to do and read. She had forms for the Councilors to order pies for Thanksgiving that needed to be completed by November 16th. Pie pickup would be the afternoon of November 20th between 4 pm and 6 pm. Tomorrow, WCCLS would launch a new catalog, which she described, noting it would make searching easier and more productive. She had heard from some committees whose Council liaisons rotated often that a learning curve existed with some of the more complicated departments. She suggested liaisons stay for a couple of years, otherwise the education process had to be repeated, which was time consuming for the committees, and the liaison's understanding did not go as deep as it could.

ADJOURN The meeting adjourned at 9:02 pm.

Submitted by:



Angie Lanter – City Recorder