



**Regular City Council Meeting
Tuesday, April 10, 2018
MEETING MINUTES**

CALL TO ORDER Mayor Edison called to order the Regular Meeting of the Banks City Council at 7:12 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present were: Mayor Pete Edison, Dan Keller, Stephanie Jones, Michael Nelson, Mark Walsh, and Mark Gregg

Excused were: Teri Branstitre

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

APPEARANCE OF INTERESTED CITIZENS

Ron Kemper, 12564 NW Ashton Drive, Banks, OR 97106, stated he was recently given a parking ticket because his car, which was parked in his driveway, was overhanging the sidewalk. He was requesting a bit of lenience because even if he pulled his car 100 percent into his driveway, it would still overhang the sidewalk about a foot. He did not know if he would be ticketed every time. He was on call for work 10 to 15 times a year and drove an emergency response vehicle. Having to run to the park to get his truck to go to work because he could not park at his house would be a big inconvenience. He would appreciate being able to park in his own driveway. City Manager Becker added other cities had the same type of Code, prohibiting cars from blocking sidewalks.

Mr. Kemper asked if overhanging the sidewalk by one foot was allowed. Before the meeting, he counted 45 cars overhanging the sidewalks and asked where all of those cars would park in the subdivision. He confirmed his vehicle was bigger than his driveway and plenty of room existed to walk by his truck. He reiterated he was requesting a little leniency, so he could use his driveway. City Manager Becker said she would do some research and would follow-up with Mr. Kemper. She confirmed he could drop his ticket in the box.

Mayor Edison stated he had missed last month's meeting and thanked Councilor Gregg for filling in, adding he had heard Councilor Gregg did a great job.

CEREMONIAL PRESENTATIONS & PROCLAMATIONS

1. Certificate of Appreciation - Gunnar Partain
2. Certificate of Appreciation - Jacob Moore
3. Certificate of Appreciation - Jared Sandhagen
4. Certificate of Appreciation - Max Merritt

5. Certificate of Appreciation - Ronny King
6. Certificate of Appreciation - Trask Bailey
7. Certificate of Appreciation - Kristina Passadore

Mayor Edison presented Certificates of Appreciation to the Banks High School students who created a film about land annexation in the City of Banks that was shown at the State of the City Address. A portion of the film was played at the Council meeting.

8. 2018 National Drinking Water Week Proclamation – Mayor Edison read the Proclamation declaring the week of May 6-12, 2018 National Drinking Water Week in the City of Banks.
9. 2018 Arbor Day Proclamation – Mayor Edison read the Proclamation, declaring April 27, 2018 Arbor Day in the City of Banks. City Manager Becker noted the City's Arbor Day Celebration would be held in the fall. Staff was investigating which trees in town needed replaced, as well as the costs and which trees would be best suited for the Trellis Way area. Currently, trees in Sunset Park and at the end of Trellis Way would be replaced and more trees would be planted in Greenville Park.

BRIEFINGS AND PROGRAMS

10. Police Monthly Briefing – Deputy Todd Hanlon presented the police report for March 2018 and addressed questions about addressing identity theft.
11. Planning Commission Update – City Manager Becker reported no Planning Commission meeting was held. Economic Development Commission Liaison – Councilor Nelson reported on the April 4th Economic Development Commission (EDC) meeting, noting Michael Walker provided updates on the five Initiatives; a dashboard concept was presented to help track progress and action items related to the Initiatives; and that Rachel Nelson and Erica Harold-Heine were reappointed as Chair and Vice Chair, respectively. The EDC reviewed external communication policies and procedures covering email, USPS mail, print media, and news releases, and a question was raised about how the public could be urged to provide their private email addresses to the EDC while the EDC did its best to keep the information confidential.

City Attorney Kearns said it was possible. A list of email addresses was a public document and disclosable, unless the City obtained information that people were not otherwise required to give to the government, stated Staff would keep the information confidential, and the information was submitted with the understanding that it would be kept confidential. It had to be shown that the public interest was served by the City keeping the information confidential. Business license information was not solicited with the understanding that it would be kept confidential, so the emails provided could be used. However, if important information for a special program was sent out just to businesses in the city, and one wanted to ensure no one else could obtain the distribution list, then the businesses would need to be specifically solicited with the representation that it would be kept confidential and in a separate folder, in case a public records request was submitted for its disclosure.

Councilor Nelson explained the EDC was actively trying to gather information from businesses and private citizens to use surveys to gauge their interest in various activities within the city, but then the privacy issue was raised. City Attorney Kearns stated it would need to be set up correctly, but it could be done. He confirmed verbiage regarding confidentiality would not need to be on every type of communication, rather the EDC would obtain the consent and email addresses, explaining that the information would be used for a specific purpose and would be kept confidential. If a public records request was made for the distribution list, it could be made clear that the email address list had been obtained from specifically-targeted people and businesses in the community with the understanding it would be kept confidential. If it could not be kept confidential, it would be impossible to get a large sample of people who were willing to participate in those kinds of surveys.

City Manager Becker understood Staff would have to describe what email addresses the City had and send out a letter with the information requesting submission of the email addresses. City Attorney Kearns confirmed a new distribution list would need to be compiled.

CITY REPORTS

12. City Manager Report – City Manager Becker presented the City Manager Report, which was included in the meeting packet, and answered clarifying questions from Council.

CONSENT CALENDAR:

13. City Council Meeting Minutes - March 13th, 2018
14. Shall the City Council award a contract for the annual testing of installed backflow devices and authorize the City Manager to sign on behalf of the City? (CL 2018-15)
15. Shall the City Council approve the annual operating hours extension request from Sunset Speedway and Sunset Park Association? (CL 2018-16)
16. Shall the City Council authorize the City Manager to sign the proposal with Kennedy Jenks Consulting for the Transmission Line Replacement Project? (CL 2018-17)

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

PUBLIC HEARING – None

BUSINESS AGENDA

17. Shall the City Council adopt Ordinance No. 2018-04-01, an Ordinance Repealing Title XV (Land Usage), Chapter 150 (General Provisions), Sections 150.40 to 150.99 (Sign Regulations) of the Banks Code of Ordinances and Adopting a new Sign Code as Title III (Administration), Chapter 39 (Sign Code)? (First Reading) (CL 2018-18)

Councilor Jones said she was having trouble with temporary signs being defined by what they were made from instead of by the length of time the temporary sign was up. The materials listed did not include wood but did include all sorts of other materials that would have to be purchased from a sign maker or as ready-made signs. It left out those who made do-it-yourself signs. If the materials the signs were to be made of were not included, and temporary signs were defined as those up for less than 90 days, it would make more sense to her. If a sign was only displayed for less than 90 days, it should not matter what material the sign was made from. For example, the materials of signs advertising an event that were up for two weeks should not matter, as long as the signs met the size requirements allowed within the city limits. City Attorney Kearns believed the Code was trying to exclude signs that were permanent and regulated as such.

Councilor Keller noted a high-quality material could be used every year temporarily. Councilor Jones agreed, adding it could be a painted plywood sign that was updated yearly, displayed for two to three weeks, and then put away. It encouraged the reuse of materials. City Attorney Kearns stated that painted plywood qualified under the ordinance, but the City did not want people with very durable signs to keep renewing them as temporary when they really were not. The Code should encourage the use of compliant signs.

Councilor Jones noted painted plywood was not listed and it sounded like an exclusive list. She read, "Signs made of any other material shall be considered permanent and are subject to the permanent sign regulations of this chapter." She confirmed she was having problems with the last two sentences, and the definition of what material could be used to make a temporary sign.

Councilor Walsh believed including the material type simply made the assumption that, if it was a durable material, the sign would not be retrieved. Councilor Jones explained that prohibiting wood-type signs meant people who made or updated their signs out of plywood to save money would have to have them professionally made on plastic or as a banner. She confirmed she wanted to eliminate the materials requirement.

Mayor Edison believed 90 days for a temporary sign was too long and suggested 30 days would be better. Councilor Jones believed 90 days would be appropriate for the political season because it was long, and those signs were temporary. Most temporary signs were up for a weekend or two weeks, not for 90 days but, legally, time limits could not be defined by what was on the sign. She did not want to define it by the material of the sign, either.

City Attorney Kearns confirmed he could not make a regulatory case for calling out the type of material. The language was broadly defined to include anything that people would want to put together. Councilor Jones pointed out, except for plywood.

Discussion continued briefly about the durability of plywood. City Attorney Kearns said the list was intended to be all-encompassing to include cheap materials. He did not believe anyone would construe the list as excluding plywood. Councilor Gregg said the language would work if the last sentence was deleted. Councilor Jones agreed.

City Attorney Kearns said the 90-day limit could be shortened, but it would likely be for political lawn signs during primary and general elections. If the signs were in the public right-of-way after an election, they could be removed at some point. It was a broad category that required registration for political signs as temporary. The temporary sign permit was good for 90 days and would have to be renewed for another 90 days when placed in a public right-of-way.

City Manager Becker confirmed a sign could be in place for six months and still be considered temporary, noting the election season could last that long. City Attorney Kearns noted once a sign exceeded 90 days, the sign would possibly be permanent and then subject to different regulations. People could leave signs in their front yards indefinitely. The City would require a permit if a neighbor started to complain about a sign in a front yard.

Mayor Edison said election signs for primaries should be removed after the primary. If the signs were in the right-of-way, there should be rules that they be taken down. City Attorney Kearns said permanent signs could not be placed in the right-of-way and, if no permit existed for the sign, it would be removed. He suggested a 30-day limit with five renewals, for example. He noted the City did not want people to put signs up and then forget about them. Mayor Edison said he favored 45 days with one extension, which would be three months total. City Attorney Kearns said for a national general election the season would last a year from the first primaries until the final general election.

Councilor Jones said she favored 45 days with an optional renewal and deleting the last sentence of the Temporary Sign definition. She believed the Sign Code was incredibly complicated

City Attorney Kearns noted different zones had different kinds of regulations, so that was a policy consideration. The Code was supposed to be clearer, and objective with no discretion. It would be taken out of land use, so that a sign permit was not a land use permit

City Manager Becker believed feather signs were allowed in Industrial zones but prohibited in Commercial zones because the Planning Commission did not want to see a lot of feather signs in the commercial district. City Attorney Kearns said such concerns were policy issues for the Council to consider.

Councilor Nelson moved to conduct a first reading of Ordinance No. 2018-04-01 by title only with the following amendments: limiting Temporary Signs to 45 days and deleting the last sentence of the Temporary Sign definition. Councilor Walsh seconded the motion. MOTION CARRIED 5-0. Ayes: Keller, Jones, Nelson, Walsh and Gregg; Nays: None.

City Recorder Lanter read the title into the record.

18. Shall the City Council prioritize the Banks City Council Goals for the Fiscal Year 2018-2019? (Possible Adoption). Mayor Edison stated City Council would receive a new version of the City Council Goals for adoption next month. City Council agreed to defer adoption of the Goals to the May meeting.

COUNCIL ROUND TABLE DISCUSSION

Councilor Jones reported on the School Board meeting she attended last night, noting the Elementary School Chess Club won third at State, and Mr. Tabb presented trophies to the kids who had attended chess meetings regularly. The Board determined that students would be allowed to leave the district, but no inter-district transfers into the school would take place from K-8, and very limited number of transfers would be allowed for the high school because the Board believed the number of students was where it should be in K-8 and did not want to add students from out of the district. High school transfers were limited to five students for the 9th, 10th and 11th grades,

and two for the 12th grade. The Board believed it could absorb that many students with current staffing. She also stated she had her Science Fair this week.

Councilor Nelson asked if City Staff submitted an application for the Business Oregon Infrastructure Grant. He said \$4 million was set aside for 11 regions with a \$200,000 minimum for each region and capital construction projects ranging from \$50,000 to \$1 million. City Manager Becker said Staff had received the information and found the projects that would qualify had to relate to economic development. Two projects Staff was considering were the Commerce St improvements, with improved parking, and possibly, a shared parking agreement; and creating a trail system from Market St along the railroad line to connect to the trailhead, which was based on some conversations regarding City Council's Goals. Because it was not City property, Staff had called the Port of Tillamook and received permission to proceed. The City had until the April 30th to complete the application. She confirmed the projects were business-oriented.

Mayor Edison reported on negotiations with Arbor Village HOA regarding park maintenance. An agreement had been reached and City Attorney Kearns was drafting a new document that would be ready by the end of tomorrow. The draft would be sent to Mayor Edison and Council for their decision on whether or not to proceed. The HOA had accepted the terms the Mayor offered. He had spoken with Commissioner Terry about the Banks Rd/Main St/Cedar Canyon Rd intersection project and he was unclear on the progress of the project. City Manager Becker noted that the project was on track, and this time next year they would be going out for an RFP. Sometime in the next couple of months, the design would be at 50 percent and at that point, the City would do a review. The three concepts had been presented to the Freight Group and ODOT for their feedback and approval, which was required because it was a State highway. Councilor Walsh asked if the agencies would select an option or had the Council selected its first choice. She clarified no decision about the option had been made because if one agency did not like the proposed project, the City would have to look at the roundabout. The agencies' feedback and approval was needed and, if they said either project would work, they would probably return to show the two different concepts. Mayor Edison noted there were three options, a small roundabout, a large roundabout, and a light. He noted another issue Commissioner Terry brought up last weekend was that one of the rail lines did not know who owned part of it; an old rail line ran into the project. City Manager Becker agreed to look into it.

Mayor Edison asked the Councilors to let the City Manager know what they wanted to see at the intersection. He would like to know their opinions. Councilor Walsh stated he did not understand how logging trucks and other large trucks could navigate the roundabouts. City Manager Becker said more information would be available once the City had heard from ODOT and the Freight Group. Councilor Walsh said he was in favor of a roundabout, large or small. Mayor Edison stated he had an opinion, but the decision should start with the Council. It would be good for the Council to express what they wanted at the project meetings, once they began, because he believed Council would have a major influence. He encouraged the Councilors to think about and communicate individually to the City Manager directly.

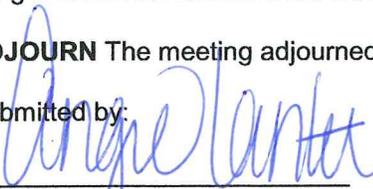
City Manager Becker said Staff would try to get the Economic Roadmap Report to Council within a week or so of the Council meeting so if the consultants came in, the Councilors could ask them questions.

City Recorder Lanter said if the Councilors had not filled out their SEI form online to please do so as they were due by April 15th. Shortly thereafter, she would start receiving emails about who had not completed their SEI's and she would have to start pestering them. Also, the Family Justice Center grand opening was this Thursday if the Council was interested in attending. The ribbon cutting would begin at 4:15 pm.

Library Director Holmes said Dana Gale was in the process of retiring. A reception had been held for her on the last Thursday of March. The Councilors would still be able to sign a guestbook for her at the library or Ms. Gale could bring it when she attended the Council meeting in May.

ADJOURN The meeting adjourned at 8:37 pm.

Submitted by:


Angie Lanter – City Recorder