



**Regular City Council Meeting  
Tuesday, May 8, 2018  
MEETING MINUTES**

---

**CALL TO ORDER** Mayor Edison called to order the Regular Meeting of the Banks City Council at 7:00 pm.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited

**ROLL CALL**

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

Staff present: City Manager Jolynn Becker, City Recorder Angie Lanter, and City Attorney Dan Kearns

**APPEARANCE OF INTERESTED CITIZENS** – None

**CEREMONIAL PRESENTATIONS & PROCLAMATIONS**

1. 2018 National Drinking Water Week Coloring Contest Winners – Mayor Edison recognized the following Coloring Contest Winners and presented each with an award.
  - Ages 2 to 4: Cassidy Penney, 3<sup>rd</sup> place; Lucas Sinner, 2<sup>nd</sup> place; Lyla Jacobs, 1<sup>st</sup> place
  - Ages 5 to 6: Jimmy Hammer, 2<sup>nd</sup> place and Alicia Penney, 1<sup>st</sup> place
  - Ages 7 to 9: Hunter Anderson, 3<sup>rd</sup> place; Emberly Richeson, 2<sup>nd</sup> place; Damian Robles, 1<sup>st</sup> place
  - Ages 10 to 12: Justin Webb, 3<sup>rd</sup> place; Seanna Sevey, 2<sup>nd</sup> place; Mylea Kyser, 1<sup>st</sup> place

Mayor Edison called for a brief recess and reconvened the meeting at 7:13 pm.

2. 2018 Emergency Medical Services Week Proclamation – Mayor Edison read the Proclamation declaring May 20 to 26, 2018 Emergency Medical Services Week in the City of Banks. Jesse Pfingsten with Metro West Ambulance accepted the Proclamation on behalf of her husband Chris Pfingsten.
3. 2018 National Bike Month Proclamation – Mayor Edison read the Proclamation declaring May 2018 National Bike Month and May 18, 2018 as Bike to Work Day in the City of Banks.

**SPECIAL PRESENTATION**

4. Certificate of Appreciation – Mayor Edison presented a Certificate of Appreciation to Dana Gale in recognition of her strong support of the City of Banks by serving in the Banks Public Library as a volunteer and paid staff member from 1998 to April 2018.

Mayor Edison called for a brief recess for refreshments and reconvened the meeting at 7:31 pm

**BRIEFINGS AND PROGRAMS**

- 5. Police Monthly Briefing – Deputy Todd Hanlon presented the police report for April 2018 and addressed questions from the Council. A portion of a video was shown of the hit-and-run of a fire hydrant. He explained the incident was resolved through a civil compromise and the perpetrator’s insurance covered the cost of repairs.
- 6. Planning Commission Update – No April Planning Commission meeting was held.
- 7. Economic Development Commission Liaison – Councilor Nelson reported on the Economic Development Commission (EDC) meeting, noting a presentation and Q & A took place covering the Economic Roadmap Review. The Economic Roadmap indicated Banks could support between four and six new restaurants currently. Michael Walker had also provided an Economic Outreach Initiative update and the project dashboard was reviewed.

**CITY REPORTS**

- 8. City Manager Report – City Manager Becker presented the City Manager Report, which was included in the meeting packet, and answered clarifying questions from the Council. City Attorney Kearns also provided comments about recent legislation regarding building code inspections in the state, none of which applied to Banks at this time.

**CONSENT CALENDAR:**

- 9. City Council Meeting Minutes – April 10, 2018
- 10. Shall the City Council adopt Resolution No. 2018-05, a Resolution extending workers’ compensation coverage to certain volunteer workers of the City of Banks? (CL 2018-19)

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

**PUBLIC HEARING – None**

**BUSINESS AGENDA**

- 11. Shall the City Council authorize the Mayor to execute an amended contract with the Arbor Village Home Owners Association for Greenville City Park?

Mayor Edison noted the Councilors had the latest version of the amended contract before them. City Attorney Kearns stated the hard copy in the packet was five generations old. He had put the deal points worked out by Mayor Edison and Arbor Village Home Owners Association (HOA) President Gene Stout into an agreement form, which had been reviewed by the Mayor and Mr. Stout, and then forwarded to the HOA’s attorney. City Attorney Kearns had communicated with the HOA’s attorney and had made changes based on that discussion, but the primary deal points remained intact. The assessment would ultimately sunset when an alternative source of funding for the parks’ support was provided from a park levy the City would work to place on a ballot and, in collaboration with the HOA, will work on getting a levy passed. The schedule of payments by the HOA in Section 4 was normally in excess of \$20,000 per year for Greenville City Park if no amendment existed. It was an unusual arrangement as city parks were normally supported through tax dollars. However, Greenville City Park was so integral to the subdivision’s planned development and initially part of its common open spaces that were dedicated to the city with dedicated support from the HOA based on the assumption that the people who lived around the park would be its primary users. It had been a difficult arrangement because it was public property but it had a joint public-private management aspect.

- Another item in the agreement was that the HOA had been required to have a reserve fund for replacement and repair of its facilities. Currently, the fund had \$13,000 dedicated to Greenville City Park that would be used for those purposes and, once it was gone, the HOA would no longer need to maintain or accumulate a reserve fund for the park again. The configuration of the Park, Recreation & Tree Board would change and would no longer have a majority of HOA representation. The City would work to get a park levy before the voters for Greenville City Park and other city parks.
- He explained that 2023 was the earliest a levy could be placed on the ballot. According to the agreement, if the levy passed, the HOA’s payment would be \$10,000 in 2023.

- Parking enforcement on the subdivisions few private streets was a big issue for the HOA because they did not have a police force, so the City would undertake that enforcement.

Gene Stout, President, Arbor Village HOA, thanked the Council, adding the City and HOA had worked for years to get such an agreement.

Councilor Gregg moved to authorize the Mayor to execute an amended contract with the Arbor Village Home Owners Association for Greenville City Park. Councilor Keller seconded the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Keller, Jones, Nelson, Walsh and Gregg; Nays: None.

City Recorder Lanter stated Mr. Stout had signed the agreement and, after Mayor Edison signed it, she would send a copy to Mr. Stout, take the original to the County to be recorded, then would send the recorded copy to Mr. Stout.

12. Shall the City Council authorize the execution of a Quit Claim Deed and Release of Easement with Lennar Northwest, Inc.?

City Attorney Kearns explained agenda item involved the street vacation the Council approved and the reconfiguration of Phase 9 of Arbor Village. The City retained the utility easements in the vacated street, but Arbor Village would put lots in the easements' current location. New easements would be granted to the City when the new rights-of-way were dedicated during platting. He confirmed the new easements would be in locations that were usable to the City when the final plat was approved.

Gene Stout, President, Arbor Village HOA, asked if Lot 90 was included in the quit claim deed.

He explained that one contingency of the development was that a road would be built through Lot 90 as a second access road for the subdivision. However, Lot 90 belonged to a different company, so putting a road through there would affect those easements as well.

City Attorney Kearns replied it was up to the developers to determine what they needed and to ask the City for it. Mayor Edison pointed out the diagram in the document was addressing Rhodes Ave. Mr. Stout noted that Lot 90 would also need to be configured then at some point.

Councilor Gregg moved to authorize the execution of a Quit Claim Deed and Release of Easement with Lennar Northwest, Inc. Councilor Jones seconded the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Keller, Jones, Nelson, Walsh and Gregg; Nays: None.

13. 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)? (Second Reading and Final Adoption) (CL 2018-20)

Councilor Nelson moved to conduct the Second Reading and Final Adoption of Ordinance No. 2018-04-01 by the title only. Councilor Gregg seconded the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Keller, Jones, Nelson, Walsh and Gregg; Nays: None.

City Recorder Lanter read the title into the record.

14. Shall the City Council adopt Ordinance No. 2018-05-01, an Ordinance Granting and Approving a Nonexclusive Franchise to Northwest Natural Gas Company to Use the City's Rights-of-Way for its Gas Distribution Facilities and Infrastructure? (CL 2018-21) (First Reading)

City Attorney Kearns stated Northwest Natural Gas preferred that its franchise agreement renewals be the same or similar, and requested a change to the part of the franchise agreement which said that, with 30-days' notice, the agreement could be re-opened and the franchise fee changed. Northwest Natural Gas suggested a half-way point during the 10-year franchise period instead, a change which he had added for the Council to formalize. The other change Northwest Natural wished to make was that the definition of gross revenues would not include their energy conservation programs and demonstration projects. He was

unsure if any of those programs or projects existed in Banks and did not believe it would result in a change to the annual revenue the City received through its franchise fee. City Manager Becker confirmed the fee received by the City was about \$18,000 to \$19,000 a year.

Councilor Jones moved to conduct the first reading and adopt Ordinance No. 2018-05-01 by title only. Councilor Gregg seconded the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Keller, Jones, Nelson, Walsh and Gregg; Nays: None.

City Recorder Lanter read the title into the record.

City Attorney Kearns noted that unlike most ordinances, the subject Ordinance did not need to be codified. Granting use of the City's rights-of-way required an ordinance, but there was no need to add it to the City's Code since it was not a regulation. Mayor Edison suggested the codification issue could be discussed further next month.

15. Shall the City Council adopt Resolution No. 2018-06, a Resolution Transferring Appropriations in Water Fund #02? (CL 2018-22)

City Manager Becker described how the appropriation transfers worked within the budget toward the end of the fiscal year. She noted the City had accumulated a bit more in engineering costs with the City's water projects. The grant money from the State could not be used for appropriations because it was necessary to stay within those figures.

Councilor Keller moved to adopt Resolution No. 2018-06. Councilor Walsh seconded the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Keller, Jones, Nelson, Walsh and Gregg; Nays: None.

16. Shall the City Council adopt Resolution No. 2018-07, a Resolution Transferring Appropriations in General Fund #01? (CL 2018-23)

Councilor Jones pointed out an error in the Changes column in the table of the Resolution. The amount should be \$15,000 instead of \$5,000 for Materials & Services. City Manager Becker explained there had been more expenses with Planning and the transfer was in case of an overage in Materials & Services as the end of the fiscal year approached.

Councilor Branstitre noted the reference to Water Fund #02 above the table should state General Fund #01.

Councilor Nelson moved to adopt Resolution No. 2018-07 amending the amount in the Changes column for Materials & Services to state, "~~\$5,000~~ **\$15,000** and the reference above the table to read, "~~Water Fund #02~~ **General Fund #01**". Councilor Jones seconded the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Keller, Jones, Nelson, Walsh and Gregg; Nays: None.

17. Shall the City Council adopt the 2018-2019 City Council Goals?

Councilor Jones moved to adopt the 2018-2019 City Council Goals. Councilor Nelson seconded the motion. MOTION CARRIED 6-0. Ayes: Branstitre, Keller, Jones, Nelson, Walsh and Gregg; Nays: None.

The City Council returned to address Item #5 Planning Project Updates from the work session at this time.

### **COUNCIL ROUND TABLE DISCUSSION**

Councilor Keller reported there were no updates on Sunset Park and that the MACC meeting would be held in mid-June.

Councilor Jones said she could not attend the School Board meeting next week, so Councilor Gregg would cover for her. The International Science Fair would take place next week in Pittsburgh and 32 Oregon students would compete. A menu was available for Raise a Glass III being held on July 7<sup>th</sup>, which would offer gluten-free and dairy-free options and the main entrée would be chicken in white wine garlic sauce. Items were being gathered for a

silent auction, and ticket sales would start soon. The Golden Raffle would start early at the library for two tickets to a well-known group performing a concert at the zoo.

Councilor Nelson reported the Library Board met on April 17<sup>th</sup> and discussed the budget update, the strategic planning project, and the preparation for Raise a Glass III. Karen Mueller announced her resignation after six years of service. No Board meeting would be held in May.

Mayor Edison reported WCCC discussed the bond measure by Metro for affordable housing. He had also attended the Mayors' Luncheon for Washington County. At a meeting on Tri-County transportation matters, he learned Metro wanted to take 17 percent of a \$500 million bond measure and apply 7 percent to create a new bureau to vet all affordable housing projects in the tri-county area. The other 10 percent would be for land banking, which he assumed meant buying land and setting it aside for affordable housing. The proposal was intensely disliked by people in Washington County. Discussions had taken place on how the rest of the \$500 million would be deployed to each of the counties. A question had been asked how the money would get to the projects after Metro decided they were viable. Each county wanted its share, and there was a debate on the type of criteria, such as population, on which to base those shares. In Clackamas and Washington counties, the big cities have housing boards that were Federal organizations and could take money and inject it into projects because they had a charter, but small cities typically did not. The avenue for funds for smaller cities would be through the CDBG. There were a number of answered questions, including how cities within one of the counties, but outside of Metro, would get the funding.

City Attorney Kearns noted that affordable housing was nowhere in Metro's charter. Mayor Edison stated he was in a Bob Terry political ad on television. City Recorder Lanter said the ad was also on Facebook.

Councilor Branstire requested that Bob Long be given a lot more time the next time he came to a work session because he provided a lot of information to absorb. She reported that the Policy Advisory Board (PAB) meeting buzz words were affordable housing and that the PAB adopted its 2018 Action Plan at its most recent meeting.

Councilor Walsh stated the Fire District held its regular board meeting on April 11<sup>th</sup>. Plans were being drafted for construction on a new Buxton Fire Station, but there was a land zone issue to resolve.

City Recorder Lanter confirmed public notice had been sent out for the budget hearing on June 12<sup>th</sup>, adding the public could attend to ask questions about the budget or other matters.

Councilor Gregg reported there was nothing new for WCCCA.

City Manager Becker presented the water loss report which was running at a normal level of 28 to 35 percent, with most of the loss coming from Sellers Rd. The amount of water loss depended upon how much water was flowing through the line. Mayor Edison confirmed that was why the per capita use went down when the new pipeline went in.

Councilor Jones recalled a conversation the Council had about whether to hire people with water skills or to hire them with an agreement to train them if they stayed for a certain length of time. City Manager Becker replied some people had applied with experience, but it was not in water, so they would be trained. The agreement could not be signed until after they were hired and training began, which was something the City planned to do. She believed the agreement covered a two-year employment term. City Recorder Lanter said if an employee left early, they would pay back a percentage of the training cost based on the amount of time they had been employed.

City Manager Becker stated an open house on the Economic Road Map would be held at the end of the month, starting at 7 pm and would include a full presentation. She confirmed an internal hire had taken Dana Gale's place at the library.

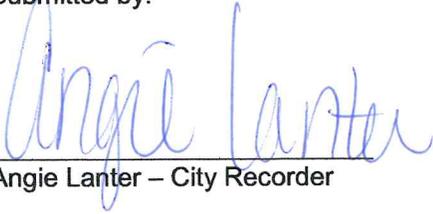
City Attorney Kearns provided legislative updates on recently passed bills. One prohibited cities from entering into contracts with internet service providers who did not follow the State's net neutrality requirements effective January 1, 2019. How to determine that an internet provider was not following net neutrality rules was a hazardous call for a city to make. The Building Code bill was a big deal for many cities. OPB Radio had a program which noted cities would need to hire more people which would increase the cost for building permits and, therefore, housing costs,

making affordable housing even less affordable. Mayor Edison asked if some kind of legal action would be taken by the cities. City Attorney Kearns replied, if so, it would be by a city that depended upon a contract building official who received renewal of a program that the Building Codes Division denied. Such a decision would be appealable.

City Recorder Lanter stated she would not be at the June Council meeting.

**ADJOURN** The meeting adjourned at 8:45 pm.

Submitted by:



Angie Lanter – City Recorder