



**Regular City Council Meeting  
Tuesday, June 11, 2019  
MEETING MINUTES**

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**CALL TO ORDER** Mayor Edison called to order the Regular Meeting of the Banks City Council at 7:03 pm.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

Present were: Mayor Pete Edison, Stephanie Jones, Marsha Kirk, and Mark Gregg

Excused: Michael Nelson, Erica Harold-Heine

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

**APPEARANCE OF INTERESTED CITIZENS**

*This agenda item was addressed after Ceremonial Presentations & Proclamations.*

**CEREMONIAL PRESENTATIONS & PROCLAMATIONS**

1. 2019 National Drinking Water Week Coloring Contest Winners – Mayor Edison recognized the following Coloring Contest Winners and presented each with gift certificates:
  - Ages 2 to 4: 1<sup>st</sup> place, Ruby Shroyer; 2<sup>nd</sup> place, Luca Moiso; 3<sup>rd</sup> place, Grady Ballard
  - Ages 5 to 6: 1<sup>st</sup> place, Lucas Sinner; 2<sup>nd</sup> place, Vivian Rodriguez; 3<sup>rd</sup> place, Lyla Jacobs
  - Ages 7 to 9: 1<sup>st</sup> place, Emily Gill; 2<sup>nd</sup> place, Logan Flemming; 3<sup>rd</sup> place, Maryn Jacobs
  - Ages 10 to 12: 1<sup>st</sup> place, Alison Jacobs, 2<sup>nd</sup> place, Saydee Shroyer; 3<sup>rd</sup> place, Aiko Webb
2. 2019 4A State Baseball Champion Proclamation
3. Personal Achievement Awards – Members of the Banks Varsity Baseball Team  
Mayor Edison read the Proclamation and presented certificates to the following members of the Banks Boys' Baseball Team: Freshmen, Colton Hesselman and Cole Belden; Juniors, Cameron Van Blarcom and Andrew Nichols; and Seniors, Thomas Cook and Tyler Lilly. Certificates were also sent to the other baseball team members.

The following item was added to the agenda.

Family Justice Center Presentation – Hillsboro Police Chief Dobrowski and Executive Director Toni Loch. Chief Dobrowski updated on the activities and progress of the Family Justice Center (FJC) and thanked the community for its support. Director Loch updated on the services provided by the FJC to Washington County residents affected by domestic violence and on services provided by collaborating agencies. Councilor Kirk stated she had not been on the Council for FJC's initial presentation, but she had checked out the website. She thanked them for their work and noted her experiences as a Reserve Deputy with the Sheriff's Office made her aware of the challenges they faced.

Chief Dobrowski stated the Councilors would receive an invitation to the FJC's fundraising gala in November. Councilor Kirk added the City would be open to help advertise the event.

*The Council returned to agenda item Appearance of Interested Citizens at this time.*

#### **APPEARANCE OF INTERESTED CITIZENS**

Jodi Cain, 42023 NW Broadshire Ln, spoke about the permit issued to her on May 25<sup>th</sup>. She stated any claim that her party started before noon was false. Preparations for the event took about an hour and forty-five minutes, and the party did not begin until almost 12:45 pm. The permit allowed the party from noon to midnight. She said the complaints received about the DJ cursing were completely false because he was a professional and had worked in the community before at inside events, though some of the music may have had obscene language. Her mother was 60 years old and had selected a variety of music and some of her choices were honored. Ms. Cain had reached out to City Manager Becker to learn specifically who she needed to speak to and received direction to contact the neighbors on either side of her property and the three behind. She wrote the neighbors a personal letter more than seven days in advance of the event and hand delivered them, with the exception of Bonita Francis because of a long-running conflict. Ms. Cain's son delivered the letter to Ms. Francis directly, which Ms. Cain visually witnessed. Ms. Francis immediately left her home and went to the three neighbors across the street from Ms. Cain's home with the letter in hand; so, three additional neighbors, beyond those the City had asked her to notify, also knew about the party. She had also left a copy in the City of Banks Utility Dropbox and emailed City Manager Jolynn Becker that she had done what was requested and asked if anything further was needed. City Manager Becker had also assisted with the language to be used in the letter to ensure it was articulate and appropriate to the event. Ms. Cain was made to believe this was the first noise permit issued for a residential event. She noted City Manager Becker had commented that for other events in the past, the City had given public notice or made announcements for special events, like if the Speedway was expected to operate beyond its normal timeframe. She was uncertain whether City Manager Becker's comments were made on the record or not. Ms. Cain said she had seen about three or four complaints on the Facebook Community Bulletin Board. More than 50 people were in support of her event, had wished they had attended, and thought the music was good and not too loud, but at an appropriate level. The homes were close together and the sound did amplify. Perhaps, if the City had given public notice to the rest of the community beyond her immediate neighbors, others would have been aware and could have made other plans that evening. She did not think it was fair to have her and her reputation penalized through Facebook comments because the City had given information to the public. Ms. Cain felt that the City had attacked her home and what happened, and her family felt they were attacked again through the Facebook comments received.

Mayor Edison clarified the City had not attacked her at all and was not penalizing her in any fashion. It was the first time the City had issued a noise permit for a private party, and Council was just finding facts. He asked that Ms. Cain wrap up her testimony, noting everyone's testimony had a time limit. He stated that he did not want to see the Facebook comments now and asked that Ms. Cain wrap up her testimony.

Ms. Cain stated a person on Facebook had indicated they had spoken to City Manager Becker and had been told that no permits like the one Ms. Cain had received would be granted in the future. That was why Ms. Cain was speaking before Council, to protect the community from people making decisions based on the opinion of a small minority of people that did not like loud music that had been enjoyed by most. She had asked for permission for the party because she had anticipated problems and complaining from the four neighbors. It was unreasonable of the Council not to consider that, because she had told them of the problem when she requested the permit. She was very respectful of the time frame allowed, in fact, the party started later. And, the DJ had brought the music down to an inside volume at 11:45 pm to let the party wind down. The party did not go beyond midnight and she wanted it on the record that she had followed the City's rules and did everything that was asked. She was offended that someone was allowed to say on Facebook that she had broken the rules, and the person providing that information provided no response in her defense.

Mayor Edison clarified all meeting agendas were published and the matter was not on the agenda.

Ms. Cain apologized and explained that she found it disheartening when she was told Council was having a meeting about it tonight. She just wanted to state that everything regarding the complaints were false.

Tina Ford, 13585 NW Commerce St, said she lived around the corner from City Hall, and asked when the project on Commerce St would be finished. She asked that the gravel be smoothed out after work was completed at the end of the day, adding she was glad to see the sidewalk on the other side of the street. City Manager Becker highlighted the components of the project, which was scheduled to end around July 15<sup>th</sup>, and clarified new looping water lines were being installed on Commerce St and the water lines on Depot St were being upgraded to an 8-inch line. The project would allow water to flow on Commerce St if it had to be shut off elsewhere and would also prevent water from stagnating in the pipe.

Jay Hawke, 42185 NW Banks Rd, spoke regarding the open City Council position, noting the decision was supposed to be made on May 14<sup>th</sup> from the eligible candidates interviewed. The only stipulations stated at the time were that the candidates be registered voters and residents of Banks for at least 12 months. After the interviews, three more stipulations were added, and he wanted to know why. He agreed a lot of miscommunication had taken place, but not just on Facebook.

Councilor Gregg responded that when multiple people were involved in an interview process, criteria were needed. Before Council met with the five applicants and started to make the selections, they had to understand what was important to them as Councilors, and then see which applicants fit the bill, just as in any formal interview process. Criteria needed to be considered ahead of time, instead of afterward for clarity in choosing the applicant to be recommended.

Mr. Hawke noted one requirement was a working knowledge of the history of Banks, which excluded people who were new to town and even those who had lived in the city for more than 12 months. Unless someone was a life resident, they might not know everything about Banks. The requirement that the applicants see the bigger picture depended upon a person's perspective. Just because the five candidates did not have the same perspective as City Council now was no reason to discount the applications because the applicants lived, worked, shopped and dined in the city. They were being overlooked because they did not have government experience or knowledge and because they did not see the big picture. It made City Hall look very bad in the public's eyes. There had been miscommunication, and he had read the minutes from previous meetings where it was noted that City Planner Goldstein had misspoke about the rezoning issue. There seemed to be a lot of misspeaking, and he believed that needed to stop.

Councilor Gregg clarified the question regarding what the City government of Banks did in order for the applicants to show working knowledge of the City government, not necessarily the history of Banks. Council had to have some criteria on which to base their decision. He could not go into any detail about any of the applicants or what the interviewers discussed because it was a private process.

Mr. Hawke replied he understood and, speaking as one of the applicants, he appreciated the point. However, when applicants who fit the original criteria, and then the criteria changed because Council was looking for something more, it looked bad to the average citizen. He asked why that change was not announced.

Mayor Edison appreciated Mr. Hawke's comment and clarified the criteria had not changed. The appointment was to an elected position, which was far different than an employment application or interview. Council wanted to make very sure they were doing the right thing for the city and City Council, and that was the lens used to make Council's recommendation.

Mr. Hawke responded he could respect that, but everyone looked through a different lens, which may not match on certain things. When a criterion stated, 'looking for someone who gets the big picture', that was another misstep. He asked when the position would be filled, now that the application process had been reopened.

Mayor Edison replied, when the position was filled.

Jodi Cain, 42023 NW Broadshire Ln, stated she was a community member and wanted to make sure the community was heard. She absolutely agreed with Mr. Hawke's concerns because she was also an applicant for the open Council position, and the applicants had not been notified of the additional criteria. Without an application, members of Council and Staff were not in positions that had stated requirements, so she would challenge that.

Mayor Edison stated he completely disagreed with the assertion that the applicants had not been notified of the criteria and pointed out Staff were employees of the City. The Council position was an appointment to an elected position.

Ms. Cain replied an employee paid by taxpayers was not different. Her taxes paid for an employee to meet the requirement standards of their position. The public had the right to know the requirements for Staff members or other paid or non-paid employees if Council expected more of applicants than they would for a city manager or a city planner, for example. If the requirements for City Council applicants were greater than those for City Staff, the Council needed to be called to task.

#### **CITY REPORTS, BRIEFINGS, AND PROGRAMS**

4. Police Monthly Briefing – Washington County Sheriff's Office – Deputy King presented the Police Monthly Briefing for May 2019, and clarified most of the 14 parking citations were issued in the Horseshoe area, some were issued on Commerce St and Depot St; most were for vehicles in driveways that were blocking the sidewalks.
5. Library Director Report – Library Director Holmes reported tickets were on sale for the Friends' Raise-A-Glass event to be held on July 13<sup>th</sup> at 6 pm at the Pumpkin Ridge Golf Course. The tickets were \$50 a place or \$375 for a table of eight. The Library hoped 100 tickets would be sold, but sales were nowhere near that yet. Pumpkin Ridge Golf Course needed to know the number of attendees by July 2<sup>nd</sup>. She confirmed the catalog computer was up and running and clarified its location. She highlighted her report, which was included in the meeting packet, nothing there were 50 signups for the Summer Reading Program. The community room had been rented by a group training for certification. The driver who damaged the book

drop with his truck had informed the library and another book drop was being used. The damaged book drop was left in place to remind drivers to be careful. It was suggested to display a panel from the damaged book drop, make the parking space by the book drop for compacts, and to also add a motion detector light to notify drivers when they got too close. A post could not be installed to protect the book drop because drivers would hit it.

6. 100 Year Celebration Update – City Recorder Lanter stated an update on each event was in the packet. The Committee met on June 3<sup>rd</sup> and would meet again at the end of the month when the Historical Society had their meeting. Work was needed on the details for the kick-off party, and the main discussion focused on the July 4<sup>th</sup> with a suggestion to have a festival with food, music, vendors, like the Chamber used to do, and perhaps, an afternoon parade that would lead people to the park for the fireworks.
7. Economic Development Commission Update – City Manager Becker reported Sheri Stuart from the Oregon Main Street Program had spoken with the EDC. A process and plan were in place on how to handle the EDC's next projects, including a review of the final write-up and project sheet, as well as locating people within the city limits to partner on Main Street projects. She confirmed the EDC also needed additional members as Jesse was no longer on the Commission. Staff received notification this week that the grant for the RARE member was not awarded to the City. She would discuss how to handle the additional workload with City Planner Goldstein. She did not know which other cities had received a grant. Apparently, no one had matched the City's requested qualifications; seventy applications had been received but only 35 RARE members were available.
8. Planning Commission Update – City Manager Becker reported the Planning Commission had generally heard the same information regarding the audit as Council had heard tonight in the work session.
9. City Manager Report – City Manager Becker reported normally about \$6,000 was received in sponsorships for the fireworks show, but donations were about \$1,500 short. The Speedway needed the funding by June 9<sup>th</sup> and after talking with the Council President, the City provided \$1,500 toward the fireworks show as it had in previous years. Any additional money received from more sponsorships or money earned through selling t-shirts would offset the \$1,500. The City was awarded the MACC grant, for receiving \$6,000 for operating cost and about \$1,900 for additional equipment needed for the server project. The CDBG grant deadline for the Commerce St project had been extended from June 30<sup>th</sup> to August 15<sup>th</sup> because the project had to be monitored until it was completed. She confirmed the contractor anticipated completion by July 15<sup>th</sup>.

## CONSENT CALENDAR

10. City Council Meeting Minutes - May 14, 2019  
Councilor Kirk stated she wanted to discuss the meeting minutes because she was seeing an increased number of discrepancies. During the discussion of CL 2019-13, the noise variance, on Page 12, she recalled asking Ms. Cain if she had contacted her neighbors and then asked City Planner Goldstein and City Manager Becker if a noise permit had been granted to a private party before, but those questions were not articulated in the minutes. She would like Council to discuss having the minutes transcribed verbatim rather than them being paraphrased.  
Mayor Edison recommended discussing her suggestion during Council Round Table.  
Councilor Kirk asked Staff to review the audio from the May 14<sup>th</sup> meeting and make the proper corrections. She confirmed the discrepancy on Page 12 was the only one she wanted changed in the minutes. City Manager Becker replied Staff always verified any requested corrections before changing the minutes.
11. Shall the City Council adopt Resolution No. 2019-09, a Resolution for Fiscal Year 2019-2020 declaring the City's Election to receive State Revenue? (CL 2019-19)
12. Shall the City Council adopt Resolution No. 2019-10, a Resolution for Fiscal Year 2019-2020 declaring the City's Election to receive State Shared Revenue? (CL 2019-20)

13. Shall the City Council adopt Resolution No. 2019-11 a Resolution providing for Fiscal Year 2019-2020 Inter-fund borrowing for the fund? (CL 2019-21)
14. Shall the City Council adopt Resolution No. 2019-12 a Resolution Re-establishing Budgetary Funds for the Accumulation of System Development Charges, Related Reserve Funds, and non-SDC Capital Project Reserve Funds? (CL 2019-22)
15. Shall the City Council authorize the City Manager to proceed with the purchase of a Bad Boy Lawn Mower and Trailer? (CL 2019-23)

Councilor Jones moved to approve the Consent Calendar with the corrections noted by Councilor Kirk. Councilor Kirk seconded the motion. MOTION CARRIED 3-0. Ayes: Jones, Kirk, and Gregg; Nays: None.

**PUBLIC HEARING – None**

**BUSINESS AGENDA**

16. Shall the City adopt Ordinance No. 2019-05-01, an Ordinance Approving with Conditions a Comprehensive Plan Amendment and Zone Change for 0.98 acres owned by H & J Properties from Single-Family Residential (R-5) to Multi-Family (R-2.5)? (Second Reading and Final Adoption)

Councilor Jones noted she had missed last month's Council meeting and asked for clarification on the difference in the number of residences in the two zones. City Planner Goldstein referred to the Zoning Code, noting the development standard in Table 151.041-A indicated the minimum density was 8.71 units per net acre for the R-5 zone, and 17.42 units per net acre for the R-2.5 zone. In this application, a minimum density was required, but the density was capped. Councilor Jones explained she had questioned some of the generalizations made, noting the zone was changed from one residential type to another, but there seemed to be quite a bit of difference in what was happening. She confirmed she was satisfied with the explanation, adding she now had actual numbers to associate with the zones.

Councilor Gregg moved to conduct a second reading and final adoption of Ordinance No. 2019-05-01, an Ordinance Approving with Conditions a Comprehensive Plan Amendment and Zone Change for 0.98 acres owned by H & J Properties from Single-Family Residential (R-5) to Multi-Family (R-2.5). Councilor Kirk seconded the motion. MOTION CARRIED 3-0. Ayes: Kirk, Jones, and Gregg; Nays: None.

City Recorder Lanter read the title into the record.

17. Get direction from City Council on the next steps for abatement of the Wilkes Street Apartments.

City Planner Goldstein stated the City had received a formal complaint about the Wilkes Street Apartments regarding tall weeds, berry briars, and materials such as mattresses piled outside. She acknowledged the correct addresses were 42140 and 42160 NW Wilkes St as on the complaint. She had spoken with the City Attorney about how to proceed and also with Washington County because the County handled Banks' Building Department. The City had sent a Notice of Violation to the property owner on May 13<sup>th</sup> giving him 21 days to remedy the situation, and Council had been provided a copy of the violation letter. The City had not received any contact from the owner in response to the abatement issue. Washington County's Code Compliance Staff had advised they did not have regulatory authority. Just before the violation notice was issued, she had driven by the property to do a site visit and the photos she had taken were included in the packet. The property owner had mowed the grass, but a number of violations of the City's Nuisance Code still existed. Staff was present tonight to ask Council to declare the property a nuisance so the City could take the proper enforcement procedures.

City Attorney Kearns referred to the list of nuisances cited in the Staff report, noting the building was very dilapidated, and the County Building Official had been contacted because that official usually made the declaration regarding the Dangerous Building Ordinance. Banks had a Dangerous Building Code in Chapter

150 that applied to this case, and the City was asking for the site to be declared a nuisance under that Code as well. Although the City had not accessed the interior, mold could be seen on the walls from the front door and the building did not appear to be inhabitable. The photos also showed the deteriorating condition and Staff asked those to be included in the list. Chapter 37 of the Code dealt with Civil Enforcement. A few years ago, when that Code was adopted, concern was expressed about a looming police state. The objective was compliance. Usually, the process began with a letter writing campaign, phone calls, and communication, but that had not worked with this building's owner who lived in Forest Grove. The City had already abated the building 10 years ago, and a citation was issued for garbage around the building. The City had entered into a Compliance Order with the same owner. City Manager Becker confirmed the owner had garbage service for the building because she had received calls from Swatco telling her that his service had been cut off due to nonpayment.

Mayor Edison believed that the last time an issue arose with the property, a Washington County Building Official was involved because part of the building was burned out and its habitability was questioned. City Attorney Kearns noted habitability was currently a question. The City had sent the owner notification that the abatement would be on the Council's meeting agenda tonight, and had sent a notice by certified mail and by regular mail, but the owner had not returned the card and it was assumed he had received the notice through regular mail. The grass was mowed in response to the notification that the issue would be on the agenda. Because the owner had neglected to clean up the nuisance elements of the property, Staff recommended that Council declare the property a nuisance and direct Staff to cite the owner into Municipal Court.

Councilor Jones pointed out the certified letter had the wrong address for one of the properties and read 42180 instead of 42140 NW Wilkes St. City Attorney Kearns advised resending the letter with the correct address.

Councilor Kirk stated that she knew the two-story building had tenants. Richard Smith confirmed from the audience that both one-story buildings had tenants. The one-story building closest to the two-story building also had children living there.

Mayor Edison invited Richard Smith to address Council.

Mr. Smith stated he owned the property adjacent to 42180 NW Wilkes St. He had spoken to a resident of the building at 42160 who indicated he was there not because he wanted to be, but because of financial considerations. The resident had also discussed the condition of the property, noting the building was mold ridden, falling down, and not habitable, and that he had talked to the City because the building's water had been shut off for non-payment.

- Last week, Mr. Smith called the City because the elderly tenant in apartment D was having a fight with a transient who accessed the building frequently. Drug activity took place at the property as well as other dangerous activities. No supervision occurred at the property. He had heard the property was originally owned by the current owner's father, who had passed away, and that a dispute was taking place among the siblings. Nobody wanted responsibility for the building, because no one was receiving money except for Tom Lepschat. However, he could not swear that information was correct because it was third hand. He had repeated run-ins with people with mental issues there. He knew hard drug activity happened there frequently, the city had seen a rash of drug activity lately, and he hoped the point had been made considering what had happened in the development one week ago. It affected people because they were living directly behind the residence where an individual had drawn a gun.

- In addition, the owner was five years behind on his taxes for both properties. Mr. Smith had spoken to the Tax Assessor's Office hoping they would step in because of a clause that said if the property was being endangered by the activities and by a lack of care, the state could step in. When he spoke to the Tax Assessor's Office directly, he learned that property owners' rights in Oregon were sacred and they did not want to take action. He believed if the City spoke to the Tax Assessor, action may be taken and, under the tax statutes, the City had standing to take the property outright. He owner repeatedly violated the Code and did not care. Mr. Smith did not want to see anyone become homeless, but he had put funds into his property, and his kids had the right to grow up someplace safe.
- On Monday, he saw who he believed were two state champions walking across the football field toward an opening in the fence that a lot of kids used near the two-story apartment building. He heard the kids mention that they did not want to use the gap in the fence because drug dealers hung out there. Something needed to be done about this repeat offender owner. He understood money was tight, but the building was less than 500 ft from the school.
- He confirmed the County Tax Assessors Office had told him they would take the property, but the process could take up to a year. If the City filed with the Tax Assessor under ORS 105.555, Place Declared Nuisance Subject to Abatement, they might be able to accelerate the process because the owner was already past the redemption period, and Mr. Smith understood the City of Banks had standing to do the same thing. Since the time the City had sent the notice, the owners had piled up more trash. He believed the owner wanted the City to do the cleanup.

Mayor Edison thanked Mr. Smith for his testimony and pointed out the City was doing something.

City Attorney Kearns confirmed another notice letter would be sent though it was not required, but he also wanted direction from Council to proceed and did not want to wait until the next Council meeting. City Recorder Lanter clarified the City spoke with Mr. Lepschat on a monthly basis to request he pay his water bill.

City Attorney Kearns confirmed Washington County Code Compliance would work with the City because the building was within Banks. The building official would be the one to declare under the building Code, but the county had not adopted that code. Banks had a nuisance-based dangerous building Ordinance which would work. He clarified no enforcement assistance could be obtained through Washington County, but the City would proceed under the Nuisance Ordinance, Dangerous Building Ordinance, and the enforcement process. He would need a voice vote from the Council declaring the property a nuisance and direction to Staff to bring about compliance up to and including going into Municipal Court.

Mayor Edison stated he would like to see a strategic list of other things that could be done to address the issue. City Attorney Kearns responded that compliance was usually received through writing a letter to the property owner. The judge would need to agree that the building qualified as a nuisance and was dangerous under the City's Code, order the property owner to abate the nuisance, and give a short deadline, like two weeks, to comply by mowing the grass, removing the blackberries, hauling the trash away, and repairing the building. The City would be specific about the building defects that had to be repaired for Municipal Court. If the owner did not comply, the City would request an Order of Contempt. Usually, at that point a property owner would comply. Also desired would be an order from the Court authorizing the City, if necessary, to do the abatement. He did not recommend the City sink a lot of resources into the issue now unless they wished to spend the money. He suspected the property owner wanted the property cleaned up by the City. The City might want Public Works to weed whack the property because the overgrowth would be a fire hazard near the end of summer. He clarified that the Order of Contempt would be superior to a lien for taxes. He confirmed the owner could lose the property; however, the property was not especially valuable and could sit there for years.

Mr. Smith noted abatement would be secondary to whether the buildings were habitable or not. The grass had not been cut by the owner; the tenants had borrowed his neighbor's lawnmower. He requested the judge require an inspection of the property to see if it was fit because children were involved. City Attorney Kearns stated in his experience; the building official had always made the declaration that the property was uninhabitable. The Code provision on dangerous buildings did not provide for an inspection. Councilor Kirk noted Washington County would not necessarily loan Banks a building official.

Mayor Edison asked what would happen if a judge made an order compelling an inspection. City Attorney Kearns replied that was possible, but if the City alleged the property was uninhabitable, the judge would ask according to whom. He clarified the buildings could not be entered for inspection without a warrant or permission, though tenants could give permission. Also, a police officer could knock, but could not do a search. He believed if a Department of Human Services (DHS) official was there, a police officer could go in, and he reiterated a tenant could grant permission for a building official could enter.

Mr. Smith stated a call had to be made last weekend due to an altercation where it sounded as if furniture was being broken and an old man was screaming for someone to get away from him. Two State Sheriffs happened to be on patrol and knocked on the door, but did not receive an answer, which was typical when drugs were involved.

Councilor Kirk asked what could be done with the local officers and Deputy King to possibly deal with the drug issues. The problem was multi-faceted with the drugs, the nuisance on the outside, and the condition of the building on the inside.

Mayor Edison suggested informing the police officers and Sergeant Ray, so they could pursue the problem. Action was needed right away. City Attorney Kearns noted the Sheriff's Deputy could engage, but they had rules to follow.

Councilor Gregg moved that the City Council direct Staff to proceed under Municipal Code Chapter 377 for a nuisance at 42160 and 42140 NW Wilkes St based on the information presented tonight. Councilor Jones seconded the motion. MOTION CARRIED 3-0. Ayes: Kirk, Jones, and Gregg; Nays: None.

Councilor Kirk noted DHS had a phone number for complaints. DHS would call the Sheriff's Office and ask them to check which would give them the probable cause to go into the building.

Mr. Smith replied the Sheriff's Office had already been there to transport the old man because he had overdosed, but they could not enter with no evidence. Looking at the police log, the problems had been never ending. He had lived there two years. He had spoken to the previous owner's niece who lived in the two-story building about the problems and how long they had gone on. The tenants had been there for a very long time. He thanked the Council for taking action.

18. Shall the City Council adopt Resolution No. 2019-13, a Resolution adopting the City of Banks Fiscal Year 2019-2020 Operating Budget and Capital Improvement Plan? (CL 2019-24)

City Manager Becker confirmed the numbers had not changed and were the same as those presented in the public hearing.

Councilor Jones moved to adopt Resolution No. 2019-13, a Resolution adopting the City of Banks Fiscal Year 2019-2020 Operating Budget and Capital Improvement Plan. Councilor Gregg seconded the motion. MOTION CARRIED 3-0. Ayes: Kirk, Jones, and Gregg; Nays: None.

19. Shall the City Council approve appointments to the Board, Commission, and Committee positions listed below based on recommendations from the Mayor? (CL 2019-25)

a. Lynda Goovaerts - Library Board Position LB4 (New Term will expire June 30, 2023)

b. Ann Witkowski - Library Board Position LB5 (New Term will expire June 30, 2023)

Councilor Jones moved to approve Lynda Goovaerts for Library Board Position LB4 with the New Term expiring on June 20, 2023, and Ann Witkowski for Library Board Position LB5 with the New Term expiring on June 30, 2023 based on recommendations from the Mayor. Councilor Gregg seconded the motion. MOTION CARRIED 3-0. Ayes: Kirk, Jones, and Gregg; Nays: None.

20. Shall the City Council authorize the Mayor to sign the Agreement with Washington County for CDBG Project #1106, City of Banks, Park Street Waterline & Accessibility Improvements? (CL 2019-26)

21. Shall the City Council authorize the City Manager to sign Proposal No. 19018 with Kennedy/Jenks Consultants for the Park Street Waterline & Accessibility Project? (2019-27)

City Manager Becker addressed Agenda Items 20 and 21 together. She reported funds were received from the Community Development Block Grant (CDBG) Program for the Park St project, which needed to be fast track it because the money had to be spent by May 2020. Item 21 regarded the proposal from the City Engineer for the Park Street Project. The City would like to start the project on July 1<sup>st</sup> in order to complete the project creation and design, put it out to bid, and to complete the project by May 31, 2020.

Councilor Jones moved to authorize the Mayor to sign the Agreement with Washington County for CDBG Project #1106, City of Banks, Park Street Waterline & Accessibility Improvements. Councilor Kirk seconded the motion. MOTION CARRIED 3-0. Ayes: Kirk, Jones, and Gregg; Nays: None.

Councilor Gregg moved to authorize the City Manager to sign Proposal No. 19018 with Kennedy/Jenks Consultants for the Park Street Waterline & Accessibility Project. Councilor Kirk seconded the motion. MOTION CARRIED 3-0. Ayes: Kirk, Jones, and Gregg; Nays: None.

22. Shall the City Council approve the Mayor and Council President recommendation for appointment to City Council Position CC6?

Mayor Edison stated that since the application period had been reopened, one applicant had come forward and was interviewed by Council President Gregg and himself. Two recommendations were to be made: first, to appoint Mike Lyda to City Council Position No. 6. Mr. Lyda was interviewed in the exact same way as the other applicants and was found to be a great fit for the City and Council. Councilor Gregg noted Mr. Lyda knew a lot of history and had knowledge of the city. Mayor Edison reminded that Mr. Lyda was the mayor of Banks from 2005 to 2006, served on the Planning Commission twice, as well as on the Budget Committee, and recently worked for the City. City Manager Becker clarified that Mr. Lyda had resigned his Contract Employee position with the City in April 2019, prior to his application Mayor Edison stated his second recommendation was to close the application period if Mr. Lyda was approved and, if not, that the application period remain open.

Councilor Jones stated her concern with the appointment process was that the applicants had not been attending Council meetings, except for when items were presented for a vote, which did not show a commitment on their part.

Councilor Gregg stated part of why Mr. Lyda stepped up was due to his extensive involvement with the City and his awareness of what went on. Mayor Edison added Mr. Lyda was very dedicated to his work for the City.

City Attorney Kearns said he had worked for a lot of City Councils in many jurisdictions and with people from all sides of the political spectrum. He looked for and was pleased when people were elected who understood what local governments did. He knew Mr. Lyda had a lot of experience and understood what governments did and what they should not do. He noted the requirements for a Councilor were in the Charter, but to formulate a recommendation using the criteria Councilor Gregg and Mayor Edison had come up with made perfect sense to him because without it, a recommendation to Council could not have been made because the criteria provided reasons for the applicant's recommendation. The Council needed to know why an applicant was recommended and they had explained why. It made sense based on his experience in local government.

Mayor Edison noted only Mr. Lyda fulfilled all three criteria and that was why he was recommended.

Councilor Kirk understood Mr. Lyda was selected for his background but expressed concern that he had been able to conveniently go in and out of various positions when he was needed, like on the Planning Commission. She believed Council would get a lot of criticism for its decision. Mr. Lyda was capable, but if all else failed, it would shake out in the next election.

Mayor Edison acknowledged that was why the appointment was under discussion, adding the decision could be to deny the recommendation. The task had been to find qualified applicants, and if no one came forward that Council believed could be recommended, then no appointment would be made until the next election. Councilor Gregg noted no requirement existed to fill the seat by term. Councilor Jones confirmed Teri Branstitre had 1½ years left in her term.

Councilor Jones moved to approve Mike Lyda to City Council Position No. 6. Councilor Gregg seconded the motion. MOTION CARRIED 3-0. Ayes: Kirk, Jones, and Gregg; Nays: None.

Councilor Kirk moved to close the application period for City Council Position No. 6. Councilor Jones seconded the motion. MOTION CARRIED 3-0. Ayes: Kirk, Jones, and Gregg; Nays: None.

### **COUNCIL ROUND TABLE DISCUSSION**

Councilor Kirk noted incorrect information had been increasing in the minutes of various meetings she took part in. She suggested having verbatim minutes instead of paraphrasing them. City Manager Becker noted the cost would need to be considered. The minutes were currently summarized, and verbatim minutes could double or triple the cost; research was needed on doing verbatim minutes and brought back to Council. Councilor Kirk replied she would rather have the correct information than not. City Recorder Lanter confirmed a lot of cities were using summary minutes but might request verbatim minutes for a public hearing. Verbatim minutes would take a long time; last month's Council meeting, for example, would probably take 20 to 25 hours of transcribing because it was necessary to repeatedly stop and rewind the audio recording while listening to ensure the discussion was correctly transcribed. She confirmed the digital recording of the meeting was kept and was listened to by Staff. Councilor Kirk stated she was told when she raised the issue during the last EDC meeting that the meeting was transcribed verbatim. City Manager Becker clarified that what she had said about the EDC minutes was that Staff would transcribe verbatim any part of the meeting where corrections were requested to explain how the material resulted in the language presented in the minutes.

Councilor Jones shared an example from a meeting where she stated a CDBG meeting was going to be "here", noting she meant the Jane Moore Community Room, but the minutes had stated "City Council Chambers". City Recorder Lanter agreed someone listening to the audio would not know the context. City Manager Becker stated

Staff would listen to the audio from the last meeting and provide the Council with what was said verbatim to compare to what appeared in the minutes. Councilor Jones noted that City Recorder Lanter could be emailed as soon as the minutes were read to discuss any corrections to be made before the meeting. City Recorder Lanter added that would also give her time to listen to the audio recording and make any changes necessary before the Council meeting. City Attorney Kearns stated that in his experience, the Council's minutes were fairly detailed compared to most jurisdictions. Some minutes were extremely summarized. He urged Staff to look into making the audio recordings available on the City's web site and possibly on YouTube where it could be watched live or watched from an archive. A link could be provided to the meeting on YouTube for those who preferred to listen to a meeting rather than read the minutes. City Manager Becker recommended uploading only a couple of months of meetings. City Attorney Kearns acknowledged the recordings would take a lot of space, so a mega-server such as what YouTube had would be better.

Mayor Edison recommended researching what other cities do, noting he had read very summarized minutes from other cities. City Attorney Kearns stated he heard the problem was not that the minutes were too summarized, but that they were incorrect, which was perhaps the downside of being too detailed. Mayor Edison added he would also like to know the costs and other aspects of verbatim minutes and liked the idea of a live upload.

Councilor Kirk stated she was aware of problem properties other than the Wilkes Street Apartments that the City had been dealing with in the past. As money became available, she recommended considering more Code enforcement, especially as the city grew. She clarified the Wilkes Street Apartments was not the only problem property, but it was probably the most severe case. City Attorney Kearns noted that Code enforcement was complaint driven, but for those nuisances that rose to Council level the Code was rather general. As the city grew and became more urbanized, the Code should evolve to deal with new problems. City Planner Goldstein stated that could occur in the current Code update and she would be the Code enforcement officer. Councilor Kirk suggested a City truck could be used on occasion for traveling to properties where Code enforcement was needed.

Councilor Jones reported on last night's School Board meeting noting that Marjorie Salter would be the new elementary school principal for the next school year. Leann Gallien, the current counselor at the middle school and part-time counselor at the high school would be the K-8 Vice Principal/Counselor for budgetary reasons. The budget was also approved at the meeting. Will Moore would be sworn into the School Board in July. Enough room was available to allow in six seniors through inter district transfer. The Parks Advisory Board (PAB) meeting was held at the Jane Moore Community Room and consisted of several informational presentations. She clarified the current principal for K-8 was Darla Waite-Larkin and the Vice Principal was the former principal of the middle school of K-8 but he was still called K-8 Vice Principal. She believed the Vice Principal/Counselor would be at the elementary school more often than at the middle school.

Mayor Edison reported he had missed the last Sunset Park meeting. Denise Holmes said the barbecue plans were discussed and the concrete had been completed between the hamburger stand and the main building, and the building was repainted inside. Work was also being done to reduce echoes in the building. The final step would be redoing the floors. Also being considered was an electronic sign, like the one at the library.

City Manager Becker reported Consultant Michele Reeves had completed the initial interviews of the businesses, property owners, and the community and would give a presentation on the data on July 18<sup>th</sup> at 7 pm at the fire station. A flier would be sent to Council and the EDC. She would also make recommendations on what the City could do for improvements. The ribbon cutting for the Manning Trailhead/Salmonberry Trail opening would take place on June 14th at 2 pm.

City Attorney Kearns reported that the mandatory requirements in the land-use side of the House Bills in the State Legislature applied to cities with larger populations than Banks. If 5Star built the proposed apartment building, it would be a huge increase in the number of relatively affordable dwelling units in Banks per capita. He would provide an additional update at next month's Council meeting.

City Recorder Lanter reported the League of Oregon Cities (LOC) conference would be held at the River House in Bend September 26<sup>th</sup> through the 28<sup>th</sup>. If any Councilors were interested in attending, they should let her know as soon as possible because the rooms were reserved very quickly. She could make reservations beginning July 1<sup>st</sup>. She would be out of the office June 14<sup>th</sup> through June 20<sup>th</sup> and the Councilors should contact City Manager Becker for any needed assistance.

Library Director Holmes reported Susan Cackler and another staff member had been assisting the high school with collection development by weeding out older books, which was improving the appearance of all three libraries at the school. Ms. Cackler was also coaching library staff in criteria and other matters. She confirmed a better connection existed with the schools which was part of the library's outreach initiative. The library would replace relevant books in juvenile fiction, if affordable, during the weeding process, and the culled books had been offered to the teachers who would be able to take what was left. Also, the Friends of the Library gave the teachers an opportunity to select books for the schools at the end of their book sales. Banks Community Foundation Dan Hilger Memorial Scholarship awarded five scholarships in forestry this year, though none of the awardees were from Banks. Representative Tiffany Mitchell held a well-attended Town Hall last Sunday at the Jane Moore Community Room. She appeared to be working hard to understand the issues and to do due diligence but was a bit different on SB 543 concerning the Children Service District. Fortunately, the bill died in committee because it was something that could take funding from libraries and existing service districts. It would be good to inform others of the concern regarding the bill.

**ADJOURN** The meeting adjourned at 9:16 pm.

Submitted by:



Angie Lanter – City Recorder