



**Regular City Council Meeting
Tuesday, February 11, 2020
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, Marsha Kirk, Stephanie Jones, Michael Nelson, Michael Lyda, Mark Gregg

Excused: Erica Harold-Heine

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

APPEARANCE OF INTERESTED CITIZENS – None

CEREMONIAL PRESENTATIONS & PROCLAMATIONS

1. 2020 National Fix-a-Leak Week Proclamation – Mayor Edison proclaimed March 16-22, 2020 as National Fix-a-Leak Week in the City of Banks

CITY REPORTS, BRIEFINGS, AND PROGRAMS

2. Police Monthly Briefing – Washington County Sheriff's Office – Deputy Melissa Canning presented the briefing for January 2020. City Manager Becker announced this would be Deputy Canning's last Council meeting due to a shift duty change. Applications were being received and a new deputy would likely attend next month's meeting.
3. Library Director Report – Library Director Holmes noted her report was in the meeting packet. The Forest Grove *News-Times* had inquired today about Banks' Seed Library. The goal of the Seed Library was to develop seeds appropriate for the area. Zucchini plants and seeds would be given out later in the spring and a Zucchini Fest would be held in conjunction with the end of the Summer Reading Party in August. The Friends of the Library had purchased display apparatus so the Library Board was working on the exhibit and display policy. Cornelius Public Library's exponentially high circulation statistics last year had an effect on the county's percentage, so

even though fluctuations were seen in the circulation statistics, Banks Public Library was on par with the other libraries in the county. Lisa Tattersall, WCCLS Manager, would attend next month's Council meeting to present on the local option levy.

4. 100 Year Celebration Update – City Recorder Lanter's report was in the packet. A good-sized crowd had attended the Kick-Off Party. The Banks family had been unable to travel due to weather and Ray Deeth was unable to attend due to illness. She updated on Music in the Park to be held on May 17th. Items were being collected for the time capsule and would include a beautiful engraved bowl from a white ash tree harvested during the tree removal from Greenville Park and carved by Deputy Frank Wards' father.
5. Economic Development Commission Update – City Manager Becker noted the EDC met last week and discussed future projects including a review of the Economic Road Map. She updated on the façade program and the entryway sign to the city and noted plans for possible wayfinding signs. An IT business owner would be installing fiber optic cable from the Banks Fire Station to the Manning Fire Station in the next six to nine months. The cable would be run on poles to Manning, then down Hwy 26 to 185th to connect to WCCCA, then to the Clackamas set point. The owner had inquired if Banks would be interested in obtaining internet access on a fiber optic network. He was writing a proposal and would give a presentation about the service and costs, but the initial cost would be covered by the Fire Department. She confirmed the schools did not know about the offer yet and that the fiber optic cable would be available to all the residents of Banks. Payment would be made by the customers to the IT business if they chose to buy the service.
6. Planning Commission Update – No Planning Commission meeting was held in January, but the Commission would meet this month to begin discussion on the Code amendments. She noted the IGA with the State for Code assistance was on tonight's Consent Calendar. Staff, the consultant, and the State would meet March 3rd to discuss the Code project.
7. City Manager Report – City Manager Becker noted her report was in the packet. She updated on the water loss from the major leaks on Park St and Cedar Canyon Rd, noting repairs would be made during the upsizing of the line on Park St starting in April and during the transmission line project for Cedar Canyon Rd. She confirmed the Cedar Canyon Rd leak was somewhere between Main St and the bridge and the water was probably running into the creek. She reviewed the necessity for a census survey for Wilkes St as discussed at last month's Council meeting. The deficiency found during the Oregon Health Authority Water System survey had been eliminated by work at the unprotected cross connection at the slow sand filter. The paint on the street banners had been upgraded so the colors would stay longer. The banners would be installed in the next couple weeks along with the existing Banks Celebration banners. Funding had been awarded for the Water System Development Phase 1 to identify future water sources. Council would be asked to sign an agreement in April after which funding would be provided by the loan from the State to pay for work done so far. Permits were waiting to be received for the transmission line project. She confirmed the temporary construction easements were ready, and letters would be sent requesting access to some properties where it would be necessary to move the water meter to the right-of-way.

Councilor Lyda stated his company planned on bidding on the Parks St and transmission line projects. City Attorney Kearns clarified that he should step down from the dais when those contracts were voted upon.

City Council addressed two work session items at this time, Agenda Item 3, Island Annexation Timeline, and Item 5, East Side Open Space Requirement Discussion.

CONSENT CALENDAR

8. City Council Meeting Minutes – January 14, 2020

In response to comments from Council, City Recorder Lanter said she would change Councilor Gregg's comments under Council Round Table Discussion in the January 14th minutes to indicate the decision to hold the Budget Meeting on April 25th, adding that the date of the Council meeting on the first page of the minutes would also be changed to January 14, ~~2019~~ **2020**.

9. Shall the City Council authorize the City Manager to sign an Inter-Governmental Agreement (IGA) between State of Oregon, acting by and through its Department of Transportation (ODOT) for Code Assistance? (CL 2020-03)

Councilor Jones moved to approve the Consent Calendar including the corrections to the minutes as stated. Councilor Nelson seconded the motion. MOTION CARRIED 5-0. Ayes: Kirk, Jones, Nelson, Lyda, and Gregg; Nays: None.

PUBLIC HEARING

10. Shall the City Council authorize the Mayor to execute an Inter-Governmental Agreement with Washington County for the collection of Hotel/Motel Taxes? (First reading)

City Attorney Kearns described how Washington County could collect transient lodging taxes from short-term rentals (STRs), hotels and motels, and bed-and-breakfasts within the city limits of Banks and provide approximately 2.5 percent of the amount collected to the City. He recommended Council authorize the Mayor to execute the IGA and monitor the process of the program, then decide if they wanted a higher percentage which would require a new chapter in the Code. He had learned from the County administrator of the program that a few cities collected more than 2.5 percent, and she discouraged Banks from collecting the 5 percent under consideration because it would have a chilling effect on lodging in the city.

Mayor Edison opened the public hearing at 7:55 pm and called for public testimony. Seeing none, he closed the hearing at 7:56 pm.

Councilor Lyda moved to authorize the Mayor to execute an Inter-Governmental Agreement with Washington County for the collection of Hotel/Motel Taxes. Councilor Jones seconded the motion. MOTION CARRIED 5-0. Ayes: Kirk, Jones, Nelson, Lyda, and Gregg; Nays: None.

City Attorney Kearns stated he would draft an ordinance and noted it would be good for the owners of the two STRs in Banks to provide feedback on the program for Council's consideration. Council agreed to monitor the program for six months and to then make a decision on an ordinance.

BUSINESS AGENDA

11. Shall the City Council make a recommendation to Washington County LUT regarding the intersection of Banks Road/Cedar Canyon Road/Main Street (Highway 47?)

Mayor Edison noted this item was discussed in work session and that the two options for the intersection were a compact roundabout or a traffic signal.

Councilor Gregg moved to make a recommendation to Washington County LUT for a traffic signal at the intersection of Banks Road/Cedar Canyon Road/Main Street (Highway 47). Councilor Kirk seconded the motion. MOTION CARRIED 5-0. Ayes: Kirk, Jones, Nelson, Lyda, and Gregg; Nays: None.

City Manager Becker stated Staff would prepare a letter of recommendation for Mayor Edison to sign next Tuesday.

12. Shall the City Council adopt Ordinance No. 2019-11-01, An Ordinance Adopting Title III (Administration), Chapter 40 (Park Service Fee) and Establishing a Park Services Fee to Support and Fund City Parks and Park Operations? (Second Reading and Final Adoption)

City Attorney Kearns noted no changes had been since the last reading and noted the Resolution actually adopted the park service fees.

Councilor Gregg moved to conduct the second reading and adopt Ordinance No. 2019-11-01, An Ordinance Adopting Title III (Administration), Chapter 40 (Park Service Fee) and Establishing a Park Services Fee to Support and Fund City Parks and Park Operations. Councilor Lyda seconded the motion. MOTION CARRIED 5-0. Ayes: Kirk, Jones, Nelson, Lyda, and Gregg; Nays: None.

City Recorder Lanter read the title into the record.

Mayor Edison noted the ordinance would take effect in 30 days.

13. Shall the City Council Adopt Resolution No. 2020-03, a Resolution Adopting a Park Service Fee Schedule Pursuant to Chapter 40 of the Banks Code of Ordinances to Support City Parks and Park Operations?

City Manager Becker reviewed the Table of Park User Fee Options on Page 70 in the packet. She distributed and reviewed in detail a draft of the budget for the parks, noting that if the Parks Service Fee raised \$35,000, approximately \$40,000 would be transferred from the General Fund. Taking into consideration the Beginning Fund Balance carried over every year, the amount expended for Parks Maintenance would be about \$80,000. She confirmed the Parks User Fee would alleviate a lot of the transfers from the General Fund, and that the Fund would decrease from \$65,000 to \$40,000. The numbers in the draft budget were a rough estimate and needed more work. The draft budget also did not include the capital improvement grant that would be applied for that required a match of 20 percent of the cost of a project.

City Attorney Kearns referred to Exhibit A on Page 68 of the packet and stated Council needed to decide whether to change the monthly Park Services Fee currently noted in the table as \$5 and \$10 per month, which would total \$44,000 per year.

Councilor Jones confirmed the amount for commercial or industrial businesses was a flat rate based on whether they had a water meter and that the amount would not change unless the ordinance was amended to increase the \$10 cap.

City Manager Becker confirmed the Park User Fee would be included in the water bills beginning July 1st.

Councilor Lyda moved to Adopt Resolution No. 2020-03, a Resolution Adopting a Park Service Fee Schedule Pursuant to Chapter 40 of the Banks Code of Ordinances to Support City Parks and Park

Operations as presented. Councilor Gregg seconded the motion. MOTION CARRIED 5-0. Ayes: Kirk, Jones, Nelson, Lyda, and Gregg; Nays: None.

City Manager Becker distributed to the Councilors a draft of the City of Banks Parks Service Fee Q&A and asked for their feedback on it at the next Council meeting. The Q&A would eventually be sent to the public via the water bills and the City's website.

14. Shall the City Council authorize the Mayor to sign the amendment to the Agreement with Arbor Village Homeowners Association?

Mayor Edison stated he had met with the HOA President and one of the HOA Board members and they agreed with the amendment, but wanted their attorney to review it. City Manager Becker noted the HOA's attorney had reviewed and approved the amended agreement, but it had not yet been signed by the HOA. Mayor Edison said he wanted Council to discuss whether to authorize him to sign the amendment to the agreement, noting he would wait for the HOA to sign the amendment first.

Councilor Lyda moved to authorize the Mayor to sign the amendment to the Agreement with Arbor Village Homeowners Association. Councilor Kirk seconded the motion. MOTION CARRIED 5-0. Ayes: Kirk, Jones, Nelson, Lyda, and Gregg; Nays: None.

15. Shall the City Council Adopt Resolution No. 2020-04, a Resolution Renewing a Moratorium on New Development in the City of Banks Due to a Documented Shortage of Municipal Water Supply? (CL 2020-04)

City Attorney Kearns stated a waiting list program had been added to the Resolution on Page 87 in packet. He described how the program would work, noting when the moratorium was lifted, all those on the waitlist would be asked to submit a complete application for development within 90 days, and would be vested for the first water connections available.

Council discussed a request from a property owner of a partitioned parcel for an exception to the moratorium, so the property could be sold to an interested party who wished to begin development within the next six months and wanted a water connection. City Manager Becker described other partitioned properties that had received approval for water connections but had come in under the deadline or before approval of the moratorium.

City Attorney Kearns stated no cost was currently suggested to get on the waitlist. The requirements to be accepted to the waitlist were noted on Page 87 of the packet, and he had made it clear that positions on the list could not be sold. A fee schedule could be adopted by Council if they wished. He clarified that statute said the moratorium could be renewed three times, but if the connections or capacity were not available, the moratorium could be continued.

Councilor Lyda believed making exceptions to the moratorium would set a bad precedent and would not look good. The moratorium was in place for a reason. He did not believe grounds existed for an exception in this case and believed the Resolution should stay as written.

Councilor Lyda moved to Adopt Resolution No. 2020-04, a Resolution Renewing a Moratorium on New Development in the City of Banks Due to a Documented Shortage of Municipal Water Supply. Councilor

Jones seconded the motion. MOTION CARRIED 5-0. Ayes: Kirk, Jones, Nelson, Lyda, and Gregg; Nays: None.

The following item was added to the agenda.

16. Options for Additional Insured Insurance

City Manager Becker distributed a report and updated on the options and rates for additional insured insurance to cover damage to buildings and infrastructure from catastrophic events such as earthquakes. The City currently paid \$12,000 a year for an insurance package which included liability and other coverage. She answered clarifying questions from Council as they discussed the options presented. Council requested that the insurance agent attend their next meeting to clarify the possible options and coverage.

City Manager Becker also updated on the status of the Asset Management Program, noting maps had been downloaded into the system and plans would start with tracking fire hydrants. Public Works Staff were being pulled in to assist. She stated she would contact Tiffany Mitchell's office to request suggestions of other possible dates and times for a weekly phone conference. Council confirmed it was willing to attend a meeting on March 5th to discuss a retreat on planning for projects.

COUNCIL ROUND TABLE DISCUSSION

Councilor Kirk stated she had been unable to submit a report for the packet. She had attended the Col-Pac and NWACT meetings and noted they were looking for a new Executive Director due to the retirement of the current Director. She had not attended the Chamber of Commerce or the Historical Society meetings. She noted the Chamber was looking to revitalize itself.

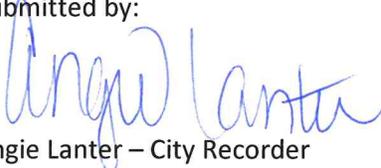
Councilor Jones stated the Kick-Off Party for the 100-Year Celebration had been good. She had heard back from the duo that performed at the Raise a Glass Event, and that they were not available in the middle of the day to perform at the State of the City address.

Councilor Nelson expressed his appreciation to City Recorder Lanter for her work on the 100-Year Celebration.

Library Director Holmes reported that BCF was working on a new website that people would be able to find and that could accept payments.

ADJOURN The meeting adjourned at 8:45 pm.

Submitted by:



Angie Lanter – City Recorder