



**Regular City Council Meeting
Tuesday, February 8th, 2022
MEETING MINUTES**

CALL TO ORDER

Mayor Jones called to order the Regular Meeting of the Banks City Council at 7:21 PM.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present were: Mayor Stephanie Jones, Peter Edison, Mark Gregg, Marsha Kirk, Erica Harold-Heine, Mike Rainey, and Jeff Thompson

Staff Present: City Manager Jolynn Becker, City Recorder/Assistant City Manager Angie Lanter, Public Works Supervisor Jeffrey (J.J.) Olson, Library Director Holmes, City Attorney Dan Kearns, and City Planner Lauren Scott.

APPEARANCE OF INTERESTED CITIZENS

There were none.

CEREMONIAL PRESENTATIONS & PROCLAMATIONS

1. 2022 National Fix-a-Leak Week Proclamation
Mayor Jones read the Proclamation declaring March 14-20, 2022, as Banks Fix-a-Leak Week.

CITY REPORTS, BRIEFINGS, AND PROGRAMS

2. Police Monthly Briefing - Washington County Sheriff's Office –Deputy Frank Ward reported January was a slow month. He highlighted details about the bar fight at the Billiards on New Year's Eve, noting the case was ongoing and had been sent to the DA's office for grand jury, as well as a fraud case involving the debit card of a young Marine on leave. He noted a crash that occurred a few weeks ago on the curve where Hwy 47 turns into Hwy 6 was outside the city limits, so he had not received that report.
3. Library Director Report – Library Director Holmes noted her report in the packet and corrected that the Pruning Workshop would be on February 17th and not February 7th. She said the Library was having a lot of success with its programming, partly because of the wonderful community and because some libraries were not ready to do programming yet. Some families attended from Happy Valley and

Beaverton, yet the Library was only advertising locally. Staff was busy planning which seeds to start from the seed library to have available for the plant exchange scheduled on May 7th until 3:00 pm. Staff was also working on the budget and planning on how to use the generous grant from Juan Young Trust. She explained that STEM activities were for Grades 1-6, though some kids had been younger, and that plant swap included everything people were willing to share, from vegetables and trees to flats of plant starts.

Mayor Jones added some people had dug out plants from their yard that they were splitting and changing over.

4. Public Works Report – Public Works Supervisor Olson presented the Public Works report, which was included in the packet, providing additional details about the projects and activities of the Public Works crew. His key additional comments and responses to Councilor questions were as follows:
 - He and Kevin discussed the tree inventory and what to do in the spring to keep up with Tree City USA and how to keep up with diseased trees and to stop that disease from spreading.
 - Some school route signs were found to be out of compliance, but those that were currently up would stay up for the rest of the school year. The goal was to have permanent signs up before school started for 2022-2023.
 - He believed the tree at the sandbag station was discouraging people from crossing the caution tape, which had been removed as the tree was mostly out of the way.
 - He noted each regular street banner was placed in a particular location on purpose and noted more holiday banners were needed for next season. He thought about holding a citywide design contest or asking the high school art class to help.
 - Discussion included having the art class create the banners' design to submit to Champion Signs, which had recreated the banners created by the Leadership Class and Bill Schlegel. The banners were a certain size and made of a certain type of material that the wind could go through. Champion Signs had recreated the signs from the group that did the Ford Family project. City Manager Becker said she was uncertain whether Champion Signs was certified as a Certification Office for Business Inclusion and Diversity (COBID) company.
 - Staff had taken the initiative to set up the loss factor report to narrow down specifically as small of a zone as possible for where the City's water loss was going.
 - OAWU had helped pinpoint a couple of sections and while no leak was found, Staff would be tracking the data for a couple of months to get some base readings. Theoretically, they should be able to identify a few areas to pinpoint and fix by summer.
 - The pictures on Pages 4 and 5 of the report showed logs that had fallen, and the cleanup required following the snow/rainstorm and landslide. The pictures were important because one project on the CIP list was to improve the intakes, which including making something like this could not happen again. Though the small spring was not used in winter, all of the piping from the small spring was now destroyed by falling trees. Replacing the pipe could be an expensive, but necessary project on the CIP list to ensure the City maintained access to that water during bad winter storms.
 - He did not have a permanent solution to suggest at this time. He explained the small spring was in a ravine and the landslide went into the ravine along with the fallen trees, blocking access to the spring. He had been talking with Rob, and some logging or retaining wall might be beneficial. The piping that was overhead might need to be put underground, paying attention to the proper elevation to avoid a low spot where water could not move.
 - A tree had come down and landed right on the spring's two small dams, possibly shifting it a bit. If the concrete dam came down, there would be no water capture device, which could

have been detrimental. It was important to consider investing money to ensure water was available.

- As far as planting more trees and shrubbery to reinforce what was left of the hillside, no long-term plan currently existed, as he did not project having a storm like that again.
 - In the short-term, they had cleared the path and the trees, and determine the best option for replacing the pipe in a more resilient way to make it more stable. The long-term plan would be to add plantings, some sort of wall, or even regrading the slope so the next landslide would not be as drastic. A 50-ft cliff had come down and it would take someone like Rob or even someone more specialized to come up with a solution.
 - Rob agreed some geotechnical evaluation would be needed to figure out the best solution. Some budgetary costs would be put together to put a value on the springs and the cost of the rehabilitation or restoration to determine what the project would involve.
 - He agreed talking with local organizations like the Scouts to help with restoration was a great idea to save money, even for path improvements. He added the other problem with planting was that it was on direct bedrock, which was why the pipe supports were a bit flimsy.
5. City Recorder/Assistant City Manager Report – City Recorder/Assistant City Manager Lanter presented her report, which was included in the packet, reviewing the status of and providing additional detail about the projects listed with these additional comments and responses to Council questions:
- Once a final map was received showing where the traffic calming signs would go, Staff would order the recommended signs for the appropriate areas.
 - Staff met with the designer and came up with some great ideas to beautify the website and make it more user-friendly. Staff members who would be managing the website would undergo training later this month on how to clean up the content and make the website more manageable.
 - She commended Christina for getting everything boxed up for the first round of scanning for the electronic records management project. The scanning company would pick up the boxes and get them scanned, which would take a couple weeks. Once the scanning was done, training would begin with the State to set up the framework on how the records will be filed.
 - So far, there were 22 boxes of records. The scanning company had informed her that the old bound books, including the original minutes from the early 1920s could not be scanned without being cut up. She resolved to have them kept in the fireproof safe at City Hall.
 - She believed photographic images would be possible, but the minutes would be really hard to read in a picture as they were very faint. Many City documents had been stored in plastic bags in a room in the attic, not in a manner to preserve paper. As a result, they were very fragile and faint.

Councilor Thompson stated he had a high-end USB camera that took close-up images and could get pictures of the records that were not breakable. City Recorder Lanter replied that might be something to consider doing in the next year or two-year after the scanning project, for now, the records were safe in the fireproof safe.

6. City Manager Report – City Manager Becker presented her report, which was in the packet, with the following additional comments and responses to questions from Council:
- Displaying Concept 1 for parking at the Banks-Vernonia State Trailhead, she noted the City and its partners had decided to use Concept 1, which provided an additional 77 parking spots with some right in and right outs off Highway 47. Consultant AKS would determine which permits would be required, the cost estimate, and bring it up to a 30% design.

- The district manager for the State Parks District ran it up the chain and they preferred Concept 1. The other concept plan had dedicated all the old parking spots for larger vehicles or drop off, while the State Parks recommendation going forward was to allow just a couple larger vehicle/drop off spaces to make the parking spots larger and easier to get through while also allowing for some drop off on the new side of the parking area.
- The goal was to get the plan shovel ready so that different grant opportunities could be pursued, such as American Rescue funding. Once the plan was further developed, she would contact State Parks, the Salmonberry Trailhead group and Washington County to see if they had any funding opportunities or if they could partner in a grant opportunity to build the structure.
- She confirmed all the driveways within a 25-mph zone were in that area.
- State Parks would allow the City to put any type of wayfinding signs on the property itself, so signage could be put in a couple of different locations in the two plazas. It would be a win-win if funding could be acquired to move forward.
- The City was notified that it had been recertified for Tree USA, in which the City had been a member for about 16 years.
- She had been invited to participate in the selection of the County's broadband consultant. The County was looking for a consultant to do a study on the needs for broadband to make it equitable for both rural and non-rural areas of the county.
- She had been talking to both Ziplly Fiber and PGE due to the funding available through the American Rescue Plan for broadband and infrastructure improvements.
 - Ziplly Fiber had discussed creating a partnership with the City and County to provide broadband service to the rural parts of the county and within the city limits, which would include the school district. The discussion was in the beginning stages and other companies would be contacted about providing the same service to make sure pricing was competitive. She had also invited the chair of the NWACT Committee to be part of the discussion after she had more details. She was talking with PGE about helping with funding for infrastructure, like generators, to ensure there was power at different City facilities in case of an emergency. She had submitted information about where the City needed generators and power to see what PGE might come up with.
 - She had signed an agreement between the City and Community Action, which had funding from the American Rescue Act for helping people out with water bills. The City could direct those struggling to pay their water bills to apply for funds at Community Action.

CONSENT AGENDA

Mayor Jones confirmed Item 9 would be pulled from the Consent Agenda for discussion under Business Agenda.

7. City Council Meeting Minutes - January 11, 2022.
8. Shall the City Council recommend approval of 2022 OLCC License Renewals to the OLCC board? (CL 2022-02)
- ~~9. Shall the City Council approve the annual operating hours extension request from the Sunset Speedway and Sunset Park Association? (CL 2022-03)~~
10. Shall the City Council approve the updates to the City Council Committee Assignments? (CL 2022-04)
11. Shall the City Council approve appointments and re-appointments to the Board, Commission, and Committee positions listed below, based on recommendations from Mayor Jones? (CL 2022-05)
 - a. Kevin Harmon - Budget Committee Position BC1 (term will expire on December 31, 2023)
 - b. Kevin Harmon - Urban Renewal Agency Budget Committee Position URBC8 (term will expire on December 31, 2023)

12. Shall the City Council authorize the City Manager to sign the Inter-Governmental Agreement (IGA) with Cooperative Public Agencies of Washington County (CPAWC) for Equipment and Services? (CL 2022-06)
13. Shall the City Council ratify the City Manager's decision to sign Change Order No. 8 with The MEI Group in an amount not to exceed \$60,242.37 for the Water Transmission Line Replacement Project? (CL 2022-07)

Councilor Kirk noted for Item 10, she should be listed as the alternate, not the liaison, for the Economic Development Commission.

Councilor Gregg moved to approve the Consent Agenda, pulling Item 9 for discussion, and amending Item 10 as noted; seconded by Councilor Kirk. MOTION CARRIED 6-0. Ayes: Gregg, Kirk, Harold-Heine, Rainey, Thompson, Edison; Nays: None.

PUBLIC HEARING

14. Shall the City Council Adopt Resolution No 2022-02, a Resolution Amending the Public Works Design Standards of the City of Banks?

Mayor Jones opened the public hearing at 8:04 PM and confirmed with Staff that there was no public comment.

Rob Peacock, City Engineer described the proposed changes to the Public Works Design Standards as follows:

- In Chapter 1, Item 1.22.a Provisions for Communications Utilities, was added to require new developments to include not only adequate conduits and other related facilities for communication, such as telephones, cable TV, and internet service, but to also provide spare facilities for expandability in anticipation of growth and change to avoid having to dig up developments to add more communication lines and facilities like that. (Page 47 of the meeting packet)
- Chapter 2, Street Sections 2.20.1. In 2019, several details were added to the graphics section of the Public Works Design Standards to clarify the requirements for the four new different types of streets that were established for Banks. The old table in 2.20.1 duplicated some information and included conflicts with the standards so it was being deleted to let the pictures speak for the standards. (Pages 61 and 62 of the meeting packet)
- Changes in Section 2.20.100 Road Modifications were aimed at new development, which was generally required to follow City street standards, but issues with topography or surface features were addressed on case-by-case basis. The changes involved adding a written standard to serve as a guide to the process the City already followed and was similar to what other cities use for the same purpose. (Pages 74-77 of the meeting packet)

Mayor Jones confirmed there were no questions and closed the public hearing at 8:10 PM.

Councilor Edison moved to Adopt Resolution No 2022-02, a Resolution Amending the Public Works Design Standards of the City of Banks; seconded by Councilor Gregg. MOTION CARRIED 6-0. Ayes: Gregg, Kirk, Harold-Heine, Rainey, Thompson, Edison; Nays: None.

BUSINESS AGENDA

9. Shall the City Council approve the annual operating hours extension request from the Sunset Speedway and Sunset Park Association? (CL 2022-03)

City Manager Becker stated the operating hours had been until 11 PM for several years. She noted Sunset Speedway had confirmed via email that in most cases the races go until around 10 PM, but when there were rain delays or accidents, they tended to extend to 11 PM. In most cases, they were done by 10 PM.

Councilor Gregg asked if the extension had always been granted for only limited races or just had it been expanded to accommodate everything. He noted Mr. Gooding's letter stated the extension was only for four nights, so he wanted to know if the City had a restriction on how many times or if they could go until 11 PM all season long. City Manager Becker confirmed the Speedway had the option of going to 11 PM for every race, and additional races had been added throughout the week.

Mayor Jones asked if the noise ordinance was always until 10 PM or was it different on weekends. City Manager Becker responded the Speedway was not a neighborhood, so it had always been 11 PM, which was why Sunset Park had asked to go until 11 PM in case they had an event at Schlegel Hall with music, etc.

Councilor Edison said that the only thing negative things he had heard about the operating hours was in the middle of the week. He understood there were Wednesday races.

Councilor Gregg noted there were a lot of races in the summer with a small number of races on weekdays. He asked if any type of restrictions were imposed, such as on Fridays and Saturdays only or only so many days each year. He was curious how many times the Speedway actually went beyond 10 PM. He loved having the racetrack in Banks but was concerned about 11 PM becoming the norm as events increased. It would be nice know how many times the Speedway ran until 11 PM and then in July, reassess whether to remove the extension as a kind of check and balance. He added he was so used to the noise from the track, he never noticed how late the races run.

City Manager Becker stated the races mostly ran until 10 PM. She could only recall hearing the raceway going beyond 10 PM two times last year. If they went passed 10 PM, she expected to get calls the next day, but the City had received a lot of calls in the past couple years, and even prior to COVID.

Councilor Gregg suggested granting the extension and implementing some kind of reporting requirement to officially know how many times the Speedway went passed its operating hours instead of guessing. At the July Council meeting, about halfway through the season, Council could see how many times they went over and decide whether to extend it to the second half. He wanted to avoid setting a precedent where they ran until 11:00 PM every night and it became the norm.

Councilor Harold - Heine stated she lived at the front of the development and heard the track pretty clearly. If the Speedway went to 11 PM, especially on weeknights, it would be tough on anyone having to wake up early for work. She agreed there need to be some checks and balances in knowing how often the Speedway went passed 10 PM.

Councilor Gregg noted he did not mind giving some exceptions. The Speedway had been in town for a long time and before the neighborhood. He just wanted to know to have a fair balance.

Councilor Gregg added that if Sunset Speedway had in the past decade held midweek races then there should be a consideration but if they held midweek races for expansion of business then they had to find a way to work together.

Councilor Kirk said that the city should try and keep Sunset Speedway to 10 o'clock as much as possible during the week, they could fudge a little during the weekends depending on different circumstances.

Councilor Gregg proposed that they have an authorization where they report back to the Council meeting in July 2022, stating how many times they arrived late and for what reasons they had crashed. Have a little accountability check there.

City Manager Becker said she would ask the Speedway give her a status each month on how many times they went over their operational hours. She noted that the Speedway permit was for up until 11 o'clock but as good neighbors, they tried to get it done by 10 o'clock. On rare occasions, they do go up until 11 PM where they have had crashes or rain delays. The board could ask Sunset Speedway to give a report based on when the racing season starts in April or May, and they could track the number of complaints they would get thereafter for the Speedway going over the 10 PM time frame.

Councilor Rainey said that Councilor Gregg's suggestion of writing up reports when Sunset Speedway goes past 10 PM needed to happen not just based on complaints.

Councilor Harold-Heine stated that she agreed with Councilor Rainey's comments.

City Manager Becker added that Sunset Speedway should be held accountable and report to the Council when they go past 10 PM.

Mayor Jones noted that an extension was allowed but Sunset Speedway needed to report to the Council every time they went over their operational hours.

Councilor Gregg moved to maintain the extension of hours to 11:00 PM for Sunset Speedway and Sunset Park Association with them providing a report to the Council at the July city Council meeting of all times, they exceeded 10 o'clock and for what reason; seconded by Councilor Rainey. MOTION CARRIED 6-0. Ayes: Gregg, Kirk, Harold-Heine, Rainey, Thompson, Edison; Nays: None.

15. Shall the City Council adopt Ordinance No. 2022-01-01, an Ordinance Repealing and Replacing in their Entirety the City's Planning and Zoning Maps to Implement Recent Text and Zone Amendments to the City's Land Use Regulations? (Second Reading and Final Adoption)

City Manager Becker stated the City was working with the County to come up with a more distinguished color for each of the zones. She presented a draft to the Council showing the zone colors.

Councilor Edison moved a motion to adopt Ordinance NO. 2022-01-01, by title only; seconded by Councilor Kirk. MOTION CARRIED 6-0. Ayes: Gregg, Kirk, Harold-Heine, Rainey, Thompson, Edison; Nays: None.

City Recorder Lanter read the title into the record,

COUNCIL ROUND TABLE DISCUSSION

Mayor Jones said that she had met with the president of the board and the new director of the Family Justice Center, and they had provided an annual report specific for Banks. They had numbers from 2019, in which 31 of their clients were from the Bank's area. In 2021, which was the next year they had to collect the data, they had

served six clients from the Banks, but the warnings were that these clients did not appear until October which coincided with schools being back and the ability to get away from the house-made a little easier. There was a significant drop in numbers from 31 to 6 and they felt that the drop was influenced by other things going on. They were also excited to be joining Cares Northwest which provides counseling for victims of child abuse and was, in turn, looking for a larger facility. With funding from both ARPA funds and lottery and up to about 6.5 million that they will find their facility that hopefully, they will no longer have to rent. Presentation from CDBG, and they will have their decisions ratified this coming Thursday.

Councilor Kirk had updates from Col-PAC and NWACT. There was a push for some work along highway 26 and got some supporters from a chat with County Commissioner, Jerry Willey. Oregon is pushing a bill that may have already been voted upon for broadband, especially for rural and broadband equity. There is a new Oregon broadband office with the state of Oregon that is working with Business Oregon to help fight for broadband equality throughout Oregon and also up in our area. Rob Ireland is now president of Sunset Park Association.

Councilor Edison had gone to the Economic Development Commission Meeting on February 2nd. Three items were on the agenda; the community center Plaza was first. Leland consulting was going to do some work about the two facets of the Community Center Plaza which were location and potential uses. They had picked out four places in town that could work. The second thing on the agenda was the Bank's Main Street Survey, which talked about downtown commercial and mixed-use the Main Street. He asked whether everybody was to fill out the main street survey or just those it pertained to.

Jolynn responded that it would be anybody interested, whether they lived on the main street or shopped on the main street that way it sorts out where the information was coming from.

Mayor Jones said that she tried taking the survey but because she could not click any of the things under number one, she was not able to submit it. Jolynn advised her to try again, as the survey had been updated.

Councilor Edison mentioned that the survey had worthwhile information and encouraged everyone in the Council meeting to take it. The next item on the agenda was the facade program.

Jolynn mentioned that they had four projects in the facade program, two of them had been completed and one of them, the hardware store, was still in process, one had backed out.

Councilor Edison said that the Council would be looking at another round of facade programs later in the year or first in the coming year. On the library board, it was IGA season for WCCLS, and small libraries were hopefully going to pick up more money from Washington County.

Councilor Gregg pointed out that the Council needed to set a time in March to start the internal audit subcommittee process. He suggested that the Councilor Kirk and Councilor Harold-Heine email their availability, and they would try and put together a time that worked for everybody in March.

Councilor Rainey announced that Neil Hammond was sworn in as a new training officer at Banks Fire District. In the coming week, MACC had a hearing with Ziplly Fiber, and would disclose more details with time as the last meeting was a closed-door meeting.

Councilor Harold – Heine stated that it had been fairly quiet, and that yes, the internal audit subcommittee needed to schedule a date to work with staff on reviewing records.

Councilor Thompson had nothing to report.

Public Works Supervisor JJ Olson asked what the cost of lieu water source would be and how that would help the city by getting more money.

City Attorney Dan Kearns responded that it would have to be proportional to the impact that development would have, and it would be on a per-house basis and structured. Same way as the water SDC is structured. Partly it depends on how much they calculated the cost to provide the extra water needed to serve.

City Manager Becker listed some of the upcoming things in the agenda as follows:

1. IGA with WCCLS.
2. A presentation from the consultant about our emergency response plan will be in April or May.

City Recorder Lanter reminded the Council of the retreat on Wednesday, February 23rd, 6 to 9 PM at Primetime Restaurant in Forest Grove. It will be upstairs in the mezzanine meeting area, big enough to hold 40 people hence everyone would be able to social distance. Dinner and non-alcoholic beverages will be served. On March 15th the Councilors will be receiving an email from the Oregon Ethics Commission for the annual statement of economic interest. She encouraged each Councilor to go online and complete their statement.

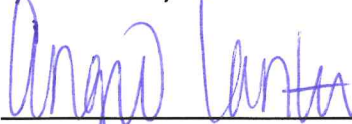
Library Director Holmes thanked Pete for his kind words about the library board. She mentioned that together with Jolynn they had proposed an alternative formula for the newly renamed pool 2 money which she hoped would pass at the next WCCLS Executive Committee meeting. They proposed that any of the pool 2 money be distributed equally by numbers of the full-service library. This had been done before.

Public Works Supervisor JJ Olsen thanked the staff for holding things down while he was on leave.

ADJOURN

The meeting adjourned at 8:46 PM.

Submitted by:



Angie Lanter, MMC

City Recorder/Assistant City Manager