

# Banks Council and AVHA resume talks about park maintenance

Following an extended executive session, Banks City Council discussed the Parks Maintenance Agreement with Arbor Village Homeowners Association (AVHA) President David Valdez, at their August 12 meeting. Referring to an increasingly contentious disagreement on the costs and responsibility for maintenance and water, Valdez said that he wanted to work with the council to "end the nightmare situation in a mutually beneficial and collaborative way."

In February, council had agreed to extend the existing agreement until June 30, and to work with AVHA to draft a new agreement. At that time, AVHA

## Banks Police levy on ballot in September

Voters will be asked to maintain funding for law enforcement in the City of Banks by renewing a five year operating levy dedicated to police services.

The levy, which will be on the September 16 mail ballot, would replace an existing five year levy which will end next year. The new levy would maintain the same rate as the existing levy - \$1.80 per \$1,000 of assessed property value. This is approximately \$180 per year for property assessed at \$100,000.

A group of Banks citizens have formed a committee to answer questions about the levy and to work for its passage. Anyone wishing to contact them may leave a message at 503-324-9114.

proposed that the city begin paying for irrigation at Greenville Park in July, as a transition to accepting all responsibility for park maintenance in July of 2004. Council requested that information about maintenance costs be presented in March.

Subsequently, discussion stopped abruptly when AVHA board members implied legal action, saying they had been informed by an attorney that the city had a "legal exposure." Discussions resumed at the April and May council meetings, centered around vague "legal opinions" offered by AVHA board members that the homeowners association should not be responsible for the water bill. After an executive session, council extended the current agreement until a new agreement could be reached. In July, council decided to put a parks levy before the voters in the September election.

At the August meeting, Valdez said that the two groups had been working at cross-purposes and that none of the actions or statements made by AVHA board members were meant to polarize the situation. He added that AVHA would be paying the entire water bill, including fees and interest, and that the board was formally withdrawing a letter sent to the city in July.

Valdez asked for a letter to the homeowners' association saying that the city would release AVHA of its financial obligation when the park levy passed. Mayor Bob Orlowski explained that it is necessary to

see what the public response will be before effecting any change, although several council members indicated that it is their intention to release AVHA if the levy passes.

Valdez also asked council to begin a process to "seek common ground on the cost of water." When asked for a definition by Katie Murdoch, Valdez said that the high commercial water rate was difficult for AVHA. Orlowski explained that the city water rate structure is not based on zoning (i.e. whether a property is commercial, industrial or residential) but on the volume of water used. High volume users are billed at a higher rate because large quantities of water are more expensive to produce. Further, according to Orlowski, the city must provide "equal treatment under the law" for all entities and cannot reduce the water rate for any one customer. Valdez suggested possibly adding language that would allow the city to negotiate water rates for city-owned properties such as the park. Discussion will continue at future meetings.

## New Parks chairman

Later in the meeting, Councilor Kirk Andrews introduced Tina Sturmer, the new chairman of the Parks Committee, who requested information about what AVHA's fiscal obligations. Orlowski said that city attorney Jim Lucas had clarified the issue earlier in the evening: Everything currently in place in Greenville Park must be maintained at the expense of AVHA. The city would be re-

sponsible for the maintenance of any future improvements to the park. According to Lucas, the city is also responsible for repairs necessitated by any damages occurring during a city-approved event when the park has been rented.

## Police Department

Orlowski told council that the high bidder for the police car sold as surplus had requested to withdraw from the agreement. According to Orlowski, the city should be able to get more money for the car than was offered so he readily agreed. The car will be put up for sale again to be sold as surplus by sealed bid.

Banks Police Officer Bruce Bringman reported that the department will have a Kids Care booth at the Banks Barbeque, to give away bike helmets and take ID photos. The department will again raffle off two bicycles.

Because of several confrontations with partygoers at Schlegel Hall in Sunset Park during these events, Bringman explained, in addition to the security provided by Sunset Park, the department has decided to post a reserve officer on the

premises in order to ensure officer safety. Andrews asked if the additional police presence was being billed to the Park. Orlowski said that since the park had not requested the additional coverage it was not being billed. Andrews also raised a concern about the liquor license at the hall. Orlowski told council that he would report next month on possible actions the city could take.

Bringman also reported that he and Officer Duggan have been investigating a series of thefts from vehicles.

## Sunset Park request

Sunset Park Association requested a donation of \$150 from the city to support children's activities during the barbeque. When Andrews wondered if the association was amenable to discussion of the problems at Schlegel Hall, Councilor Ryan Birr countered that the barbeque was a large city event, bringing many people to town, and separate from the Schlegel Hall issues. Council unanimously agreed to grant the request, after a brief discussion.

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