

Council hears citizen concerns about one business, one property

Banks City Council had a standing-room-only crowd for their November 7 meeting.

During the public comment portion, Fred and Bobbi Benefiel made a presentation about problems which, they say, residents experience with Banks Lumber Company (BLC). According to the Benefiels, they have been trying to resolve the problems and were told at the county level that they first needed to appear before the city council. Problems cited by the Benefiels include violation of city ordinances regarding noise, parking, loading on Sunset Drive and failure to control dust. They said they have called the mill several times and that mill personnel have been verbally abusive and have threatened to accuse them of harassment. Benefiel also told council that they will be making a formal complaint to the Department of Environmental Quality concerning particulate matter air pollution and the maintenance of log decks.

Council accepted printed material and photographs that Benefiel distributed. Mayor Bob Orłowski said that there are at least two issues which could be addressed by having an officer cite the company for violations, however, the city does not have any officers. Adding an interesting footnote, Orłowski said that his introduction to city politics was working with DEQ concerning water pollution in Banks Creek by BLC.

Council, and the audience in general, related experiences with blocked traffic, noise, etc. There will be further discussion at the next council meeting.

Later in the meeting, Councilor Kirk Andrews said that recurring problems with Banks Lumber Company won't go away until there is another access road, and that discussion should begin about how and where to locate or develop a secondary access road. Orłowski said the county will not allow access on Banks Road and that there are weight restrictions on Commerce. At Andrews' insistence, council agreed to begin discussion in January.

Nuisance Hearing

Public comment was accepted during a hearing to determine whether a nuisance existed at 263 and 265 Wilkes

Street. The property owner was not present. Teresa Stone, a neighbor, told council that accumulating garbage was a recurring problem. She told council that a three-year-old resident of the property plays near the garbage, which is full of rats and other vermin, and that the pile smells terrible. Orłowski noted that this was at least the third time council had held a nuisance determination hearing regarding this property.

Council was unanimous in declaring that a nuisance existed and allowing ten days before the city cleaned up at the owners expense.

City attorney Jim Lucas said that the law has an exception "to summarily abate the nuisance which unmistakably exists and which eminently endangers human life or property". After discussion, Council decided to wait the ten days to ensure that actions taken by the city were not challengeable. When asked if the city could impose a fine, Orłowski said that a fine of \$500 could be imposed if there was an officer to issue the citation.

Kirk Andrews asked that the property be discussed at next month's meeting because of the recurring nature of the problem. Lucas will send a letter to the owner relating the council decision and citing testimony given at the hearing.

Council unanimously approved city planner K.J. Won's request that ECONorthwest be hired to complete a survey of economic opportunities as part of the periodic review long-term planning process. In his letter to council, Won said that the study would "have a very significant effect in supporting the city's ability to achieve a job-housing balance, maintain a self-sufficient small town identity, and manage long term growth." The study will analyze economic opportunities, update economic development strategies and make recommendation for needed commercial and industrial lands. The project will be funded by a grant from the state Department of Land Conservation and Development.

Sign Ordinance

Brian Biehl, chairman of the Banks Planning Commission, wrote to council in October saying that several new business signs, including the one at City

Hall, had been remodeled without a permit and approval by the planning commission, as required. The controversy surrounds the definition of the word "remodeled" in the sign ordinance. According to Biehl's letter, planning commission guidelines for interpreting "remodeled" include changing the size, logo, lighting, color, material, lettering or name.

Orłowski said that revision of the ordinance could not be accomplished in a single meeting and that the city should enforce the existing ordinance. Council requested the planning commission to begin reviewing the ordinance and, at Won's suggestion, information about the sign ordinance will be distributed with business licenses.

Scout Cabin

As requested at the last meeting, Candy Deeth and Kathy Jackson brought a proposal for display cabinets at the Scout Cabin. According to the proposal, the Banks Historical Society would purchase the cabinets to become city property which would be covered by city liability insurance.

The contents of the cabinets would be managed by the historical society and the city would be released from liability for the contents of the cases by a signed agreement with the owner of materials displayed. Deeth said that other information might also be displayed, such as plans for development of the Banks-Vernonia Linear Park terminus. After council ex-

pressed concern about giving control of city property to a private organization, Lucas said that an agreement for perpetual use could be drafted.

Noting that the cabin is a "focal point of Banks", Deeth said it should be used more than it currently is, particularly in light of the money spent to restore the cabin. She told council that the historical society would not object to any kind of arrangement with the city. Orłowski mentioned the Scout Cabin in Vernonia as a facility with a workable municipal/civic group agreement. Deeth said she will return with more information about a lease arrangement.

Hiring Updates

The failure of the parks and police levies earlier this month has potential impact on hiring either a city manager or a police chief. The budget committee will be reconvened to determine if funds can be reallocated and enable the city to fill these positions. Councilor Katie Murdock reported that interviews were completed October 16, as scheduled. After tallying the results, two candidates emerged as finalists. The committee has a follow-up interview and a meeting with the mayor before presenting the results to council.

Councilor Ryan Birr said he had received a list of candidates willing to accept a position as interim city manager. Birr said he would draft a cover letter and short questionnaire for review by council members

prior to mailing. The city would use a contractual agreement with an interim manager, rather than completing a full hiring process similar to that used for hiring a police chief.

Public Works

Public works supervisor Tim Grossnickle reported that the design for a bioswale, sewer tap and lateral, for drainage from the library and public works building parking lots, has been approved by the county and Clean Water Services. A bioswale, he explained, is designed to accept run-off and begin filtration and purification with specific plantings before water enters the storm drain system.

Grossnickle told *The Independent* that the county indicated that it would be several weeks before they can review the building plans, which means construction is not likely to begin until next spring.

Resident Dorothy Johnson asked why she must have a backflow test even though she does not have an irrigation system, particularly when older homes are not required to have backflow regulators. Grossnickle explained that, because all homes pose a risk of backflow into the city water system, an ordinance requires backflow testing by a certified tester at least once every two years. Grossnickle said he is beginning to enforce the ordinance and is also beginning to inspect older structures to see if backflow devices are needed. They are required on all new construction and on older structures that are remodeled.

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