

Banks City Council told there are objections to UGB process

City Manager Jim Hough presented the 2009 gold certificates for Safety and Wellness from City County Insurance Services and League of Oregon Cities (CCIS/LOC) to Mayor John Kinsky at the February 9 Banks City Council meeting. Hough commented that the city staff is enthusiastic when it comes to safety and wellness. The gold awards represent a successful safety program in the city, which had no time loss days in 2009. According to CCIS Executive Director Noel Klein, in his letter to the city, "any city that becomes a safety and/or wellness award medalist can be proud, as it represents recognition for having focused on a safe workplace with excellent results."

Kinsky proclaimed the week of March 15-21 as Banks Fix-A-Leak Week, then read and signed the declaration which encourages the wise use of water. According to the Environmental Protection Agency's educational information, via WaterSense Program, household leaks account for nearly one trillion gallons of water wasted in the United States each year. An American home can waste, on average, 11,000 gallons of water each year from running toilets, dripping faucets, and other household leaks. Malmedal Plumbing and Five-Star Plumbing are offering to provide leak repair plumbing services to the citizens of Banks with the first half-hour of service being donated free during March 15-21 as part of the program for water conservation. Hough said that the city will be utilizing the two companies' offers to repair a couple of leaks in the city, as plumbing services are quite expensive.

The City of Banks Annual Police Report for 2009 was presented by Washington County Sheriff's Deputy Patrick Cher-tude. In 2009 there was an eight percent increase in calls for service, with 622, compared

to 579 calls in 2008. Traffic patrol had a 73 percent increase. In 2008, 237 traffic stops were made with 98 citations issued (41 percent); in 2009, there were 410 traffic stops, with 163 citations issued (39 percent). Banks experienced a 25 percent decrease in crimes reported, with 56 in 2009, and 75 in 2008.

The City Manager' report included the following:

- The Sellers Road Realignment Project has gone to bid. It is likely that construction will start on June 1 and be finished by October 31;
- Hough is requesting agenda items, if any, to be given to him in preparation for the March 4 Region-Two quarterly meeting of the 2010 League of Oregon Cities, Small Cities Network, which Banks will host. Mayor Kinsky will preside, and the city anticipates a number of guests from around the region.
- Banks has been solicited to submit projects to the county as part of a review of projects that might be eligible for Economic Recovery Zone stimulus money from the ARRA. Although it is not anticipated that any local projects will survive the review process, the city will submit eligible projects.
- The City of Banks has shared in a distribution of insurance reserves money. This year the city will receive a check for \$2,576 from CIS; the money will be applied toward next year's insurance premiums.
- Hough is in the early

stages of researching a potential tree growing project in conjunction with Clean Water Services. The city will be advised as the idea progresses.

Banks resident Frank Hartman requested that the city remove three pin oak trees on the Trellis Way parking strip because he thinks the trees will break the sidewalk. Council denied the request, based on the recommendation of the Banks Tree Board. Hartman was invited to resubmit a replacement application when sidewalk distention occurs.

A February 5 memorandum to the city from attorney Phillip E. Grillo, of Miller Nash Attorneys at Law, stated objections to the City of Banks UGB decision-making process. Nash, who attended the meeting, stated three objections on the record, noting that the "intent is to avoid an even more complicated and expensive process later". The firm represents landowner Jim Crawford.

The objections include whether or not Councilor Craig Stewart has an actual or potential conflict of interest in the decision. Grillo believes that council is tainted by Stewart's participation in UGB matters because Stewart owns property adjacent to, or near property currently being considered for inclusion in the UGB. Another objection regards Planning Commissioner Sam Van Dyke's failure to declare a conflict of interest because he owns land east of Banks which is included in the area under consideration

for inclusion in the UGB. Van Dyke abstained from participating in the January 13 proceeding, so the issue is whether or not he timely declared a conflict of interest. The final objection regards providing proper notice and opportunity for a full and fair hearing. City Attorney Jim Lucas and Grillo disagree on the terminology of these meetings, Grillo characterizes the proceedings as "hearings" with evidence and testimony being taken, and Lucas identifies them as "meetings". State notice requirements are different

for "meetings" and hearings".

Grillo asked the city to rescind and reconsider its January 13 decision and that Stewart and Van Dyke recuse themselves from further proceedings.

Council decided to hold a special meeting on the subject, on February 18 at 7:00 p.m. at City Hall. Councilor Stewart abstained from participating or voting on the motion.

The next regular City Council meeting will be held at Banks City Hall, March 9, at 7:00 p.m.

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