

Local

Busy City Council covers parking to pot ban

• WATER USE, DANGEROUS DOG ORDINANCE UPDATES GIVEN

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With a full agenda Tuesday's City Council meeting began promptly at seven with the Pledge of Allegiance and invocation led by Councilor Merrill. Roll was then called by City Recorder Luke Yeaton all Councilors answered the roll call with the exception of Councilor Langrell, who did arrive after the roll was called.

With that, the Council dove into the full agenda in front of them.

Citizen Participation.

Stephanie Ann Kinzel addressed the Council asking for their support in what she is seeing as changes needing to be made in Sex Offender Registry requirements.

Kinzel sees flaws in the way the system is currently set up and states that the registry is not being updated regularly. Kinzel would like to see new stipulations requiring all offenders, not just predatory offenders to register. She suggested the level could also be included to give more public information.

She would like to see child rape a federal offense citing that victims of child rape often continue on a path in which they do not make good life choices, many settling into a life of addiction that costs society not only monetarily.

Taxpayers continue that contribute to state and federally funded programs such as HUD housing, Medicaid, and Food Stamps utilized by these victims who are often unable to obtain or retain employment.

She gave a personal account of a lifetime of struggles after herself suffering the trauma of child rape also addressing the Statute of Limitations as another area that she would like to see changes made.

Recent news reports in Baker City over the matter have brought attention to the issue and as Kinzel said, "Awareness is not enough."

Mayor Mosier advised Kinzel that a discussion would need to happen among Council members before any commitment of support could be made but the Council would certainly have that conversation and get back with her. "I appreciate that you've been willing to come forward and tell your story; it raises awareness."

Marshall McComb spoke to council voicing his praise with the presentation made at the last council meeting by Oregon Climate. He stressed his agreement with the group's recommendation that Council prepare a resolution to send to the State legislature regarding the fossil fuel issue.

Rodney Shaw also approached council requesting enactment of an ordinance "as per charter 7 section 24 of our Baker City Charter."

Basically he was stating that he would "like for the council to initiate, set the guidelines of what it will take to create a referendum in Baker City."

Mayor Mosier asked, "An initiate or referendum on a particular resolution?"

Shaw replied, "It could be on anything, any kind of ordinance that the people don't agree with that the council has enacted."

Mayor Mosier advised that conversation would need to be had among councilors.

Resolution 3758 – Creating a handicap only parking space on Grove Street.

Before getting to the resolution, City Manager Mike Kee quickly interrupted to introduce the new contracted City Attorney from Yturri Rose, Andrew Martin.

Martin approached Council introduced himself told Councilors he grew up in the area and was happy to serve the city as the primary contact at the firm.

Mayor Mosier then turned to the Resolution on the agenda that was presented by City Works Director Michelle Owen. Before she spoke about the Resolution she gave a quick update on our City water usage: "I want to say I really appreciate volunteer water conservation efforts made. I noticed we've gone from 6.1 million gallons in usage when it was hot and sunny in June and when it rained we got down to 2.1 million gallons per day. I find this encouraging that the community can work together to meet the needs."

She went on to say that the city is still asking citizens to utilize the odd, even watering and irrigation system.

She then moved on to the resolution that the Museum has requested the creation of an ADA handicap parking space on Grove Street directly in front of the Museum.

Although there is a handicap spot in the gravel lot next to the building and one located directly across the street on Grove Street, this proposed spot is directly in front of the entrance to the Museum. Owen told Council that she did not feel adding another designated parking spot on the street would impact parking for events or for use of the park adversely.

Costs would be minimal, the cost of the paint and a sign "around \$100."

Councilor Langrell said, "I would move we approve this because the two existing spaces, one of them is in the gravel so it makes it very difficult to use a walker or wheelchair. Across the street, someone with a walker can't outrun traffic."

Councilor Merrill seconded the motion, in a unanimous vote the resolution passed.

Second reading of Ordinance 3341 – Development Code.

Holly Kerns addressed Council saying since the last Council meeting she has had no additional public comments regarding changes proposed.

Amendments include housekeeping items such as changing misspelled words or more clearly referencing items in the document as well as including sections for adding a cell tower to land, revising the language for land use permits giving the planning department more authority in rescinding permits if necessary and stronger

language outline guidelines for kennel permits within the city.

Kerns read the Ordinance for its second time by title only. After the second reading Councilor Merrill made a motion to approve the second reading that was seconded by Councilor Downing.

The Council voted unanimously to approve. The third and final reading will be at the next City Council meeting and public comment will still be accepted before the final reading at that time.

Second Reading of Ordinance 3340 - Removal of Annexed properties from Rural Fire District.

City Manager Kee spoke to this Ordinance advising Council that he had heard from a property owner with some concerns and was wanting to stay in the rural fire district because he was aware that there was dual dispatch with both the City and Rural Fire Departments.

After speaking with that owner and explaining the Ordinance more in detail and advising that the departments have an agreement that would continue that dual dispatch system that property owner was agreeable, his only other concern was funding for the Rural Fire District that would be lost.

That property owner decided he was willing to make a donation to them. Due to being a property owner in the affected area Councilor Langrell abstained from any vote on this issue. Kee read the Ordinance by title only for the second time.

Councilor Thomas made a motion to accept this reading, the motion received a second by Councilor Downing. All were in favor carrying the Motion.

The next City Council meeting will be the third and final reading and anyone wishing to speak to the matter will be heard before any final votes.

Ordinance 3343 E Street Vacation.

Holly Kerns again addressed Council regarding this ordinance. The planning commission has recommended approval of this Ordinance. A petition has been made to vacate an undeveloped portion of E street by two adjoin property owners in the area.

The area has seen some development but prevents the street from ever being extended. City Public Works, Police, Fire, Baker Sanitary and other utilities said they have no need for a right of way and according to Kerns no objections were received.

A first reading of the Ordinance was done by Kee and a motion to approve that reading was made by Councilor Downing and a second by Councilor Merrill all voted in favor. Downing then moved for a second reading which was seconded by Councilor Thomas a unanimous vote for a second reading followed. Kee read the Ordinance again by title only. It was moved by Councilor Merrill and seconded by Councilor Downing to approve the second reading a unanimous vote followed approving that second reading.

Review/update of dangerous/vicious dog ordinance.



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Rod Shaw expressed to Council that he believed the City is missing an economic benefit in not allowing marijuana dispensaries in town.

Chief Lohner spoke to the Council giving an update on the City's dangerous/vicious dog ordinance.

He said, "On September 27, 2013, a horrific event occurred in Baker City. That event broke the heart of this community, ended a police officer's career and forever altered the lives of our own families. That was the day a Pitbull brutally, brutally attacked and killed a five year-old boy in our community. That event set forward in motion a group of people that ended up getting together to try and come up with an idea to provide a greater level of safety to our community."

Council put together a citizen committee called the dangerous dog ordinance committee. The committee met over a period of about three months and researched endlessly before agreeing on the wording in the Ordinance.

Lohner stated that the only thing the committee had not come to a consensus on was whether or not to leave breed specific language within the ordinance. It was decided on by Council that wording would be left out and it is dependent on dog behavior. The Ordinance was passed in January 2014.

Since that time they have put into place a hearing officer, someone independent of the City appointed by council to hear cases and render decisions. 16 cases have come before hearings officer two have gone beyond the hearing officer to the courts due to non-compliance after the decision or disagreement of the finding.

Overall Lohner is finding the ordinance to be a good tool in the community some adjustments may need to be made in the near future but the Council will remain updated of the situation.

Authorization to purchase police vehicle.

Chief Lohner next spoke to Council about the need to purchase a new patrol vehicle as the one scheduled to be replaced has a mechanical issue that will cost \$500 to fix.

"We usually try to replace in the spring, but I hate to spend the money now on a repair just to replace it soon anyway," he said.

Money was already placed in the Police Department budget for a new car this year so no new money is being requested only the allotted money appropriated so that the purchase can be made.

Lohner said he had sent the bid out statewide and Gentry Ford locally was able to meet the lowest bid

as they have in the past so he would like to purchase the vehicle from them.

Councilor Downing moved to approve this request with a second by Councilor Merrill. The Council voted unanimously to approve this request.

Ordinance 3342 – Prohibiting Medical and Recreational processors, dispensaries, producers, wholesalers and retailers with in Baker City.

Kee addressed Council regarding this ordinance. He said, "It seems we have been discussing this issue for a couple of years as the state has progressed through a series of regulations and elections. Back in February 2014 the Council passed Ordinance 3330 prohibiting marijuana facilities with in Baker City."

"That Ordinance had a sunset clause, which took effect June 15, 2014. In March 2014 the City took advantage of Senate bill 1531 and passed ordinance 3333 which authorized Cities with in the state to place a moratorium on the operation of marijuana facilities until May 1, 2015."

"The idea of the moratorium was that while there was that moratorium in place things would get ironed out in the legislature and cities could look at development code, time place and manner restrictions."

"In March of 2015 the City passed ordinance 3336, which places an outright prohibition on all recreational and medical marijuana facilities with in Baker City and based on the belief that the City has the authority to regulate businesses that do not comply with the law under home rule."

"When this Ordinance was passed there were still questions at the state level within the legislature and pending court cases. During the 2015 legislative session House Bill 3400 was passed and signed by the governor. This bill makes significant changes in both measure 91, the recreational marijuana ballot measure passed by the voters and the medical marijuana statutes. House Bill 3400 section 133 authorizes local governments to enact ordinances banning certain marijuana related activities in their jurisdiction if 55% or more of the voters in that jurisdiction opposed ballot measure 91. The City of Baker City is eligible to enact the ban if the Council chooses."

Kee advised the Council to rescind the previous ordinance and replace it with a new ordinance that is backed by HB 3400 so as to have a bit more credibility and carry less

risk. "I think it is important to note and for people to understand that this would not apply to personal possession or cultivation which the voters of Oregon have chosen to allow and went into effect on July 1, 2015," he said.

It was stated by a member of the audience that people he has spoken with were scared and thought it was affecting their right to even have marijuana. They simply did not understand. That concern was noted by Mayor Mosier, who confirmed with Kee that legal rights would not be affected.

Rodney Shaw spoke to Council regarding the matter. Shaw feels that there is economic benefit to allowing dispensary facilities that need to be reconsidered. He spoke to regulations the state is mandating and potential revenue the city could benefit from.

Shaw also said, "I would like to say that we from the community simply ask that you not take the vote out of the people's hands by enacting this ordinance."

Lohner explained that there could be a risk in accepting tax revenue from dispensaries regarding the awarding of Federal grant dollars.

"We are really close to securing a Federal grant for a school resource officer. If we begin accepting money from a source that is not legal federally we run the risk of not getting that needed grant," he said.

Councilor Langrell said, "I'm afraid we may be missing an opportunity here to boost a lousy economy."

Councilor Thomas also voiced opposition to the new ordinance.

Kee read the new proposed ordinance in its entirety Councilor Downing moved to approve the first reading with a second by Councilor Augenfeld. Council voted 5:2 to approve the new ordinance.

Mayor Mosier called for a motion for a second reading to which Councilor Merrill answered with Downing giving a second.

In order for a second reading a unanimous vote from the council is required, the vote was again 5:2. The next reading will be at the next council meeting.

Council comments.

Lohner did speak up wanting to let our community know that the Shrine parade scheduled for this Saturday, usually at 10:00 a.m. has been moved to 11:00 a.m.

Downing also stated that before the parade for 6 a.m. to 11 a.m. the Cattle-men will be serving up steak, eggs and pancakes.