

Local

City Council hears second reading of pot ordinance, hears kennel denial appeal

BY GINA K. SWARTZ
Gina@TheBakerCountyPress.com

Tuesday evening's City Council meeting began with The Pledge of Allegiance led by Mayor Mosier, who then offered a moment of silence for local firefighter

After the moment of silence was observed, City Recorder Luke Yeaton called roll with all councilors answering present, with the exception of Councilor Augenfeld.

Minutes were then approved.

City Manager Kee addressed council saying he had received a late application for the Public Arts Commission. "I wonder if the Council would consider adding it to the agenda, let the council decide if they would like to make that appointment or not?" he asked.

Mosier said she did not have a problem with that but stated Councilor Merrill had to leave as he was dividing his time between Council and preparations for the High School registration happening the next day.

Mosier stated Merrill had expressed his desire to vote on Ordinance #3342 so she agreed to allow the agenda addition but that item would need to wait.

Mosier called for citizen participation next. There was none.

Council swiftly moved to the marijuana ordinance before Merrill had to leave.

Ordinance #3342 – Second Reading. Prohibiting Medical and Recreational Processors, Dispensaries, Producers, Wholesalers and Retailers Within Baker City and Declaring an Emergency.

Kee addressed council giving a brief history of the ordinance. "Since February of 2014 Council has been working on different ordinances to address the State sanctioned marijuana laws. Recently, after HB 3400 passed it gave cities a roadmap on how to write an ordinance if more than 55% of the voters within the county had not voted for the ballot measure, which was the case in Baker City."

Kee advised no changes to the proposed ordinance had been made since the first reading on July 28, 2015.

Mosier called for any additional discussion, for which there was none and no one approached the council to speak on the matter.

Kee then read the ordi-

nance by title only for the second time.

Councilor Downing motioned for approval of the second reading with Councilor Merrill seconding that motion.

Council voted 4:2 passing the motion with Mosier and Councilors Downing, Abell and Merrill voting for and Councilors Thomas and Langrell voting against.

The third reading will be at the next council meeting.

Public Arts Commission Application.

Luke Yeaton spoke to council and provided a copy of the application that had been submitted by . Yeaton cited that the opening had been open since May and had been advertised actively.

Council looked over the application. Mosier asked Council if they wished to have any discussion on the matter. Seeing none, Langrell moved to appoint Ms. Miller to the Commission with a second by Abell. Council voted unanimously to appoint Miller and Mosier thanked her for her willingness to serve the community.

Ordinance # 3341 – Third Reading. Development Code.

After briefing Council on the ordinance again Holly Kerns, Planning Director, stated that she had heard no further public comment and no one spoke at the meeting after Mosier declared the public hearing still open. Kerns did acknowledge Kelly Howsley-Glover for all the hard work that she has put into revising the development code and answering public questions regarding changes.

Kerns read the ordinance by title only for the third time. On a motion by Downing and a second by Thomas to accept the final reading of the ordinance the motion passed by unanimous vote among the Council.

Ordinance #3340 – Third Reading. Remove Annexed Properties From The Rural Fire District.

Kee read the ordinance by title only for the third time.

Kee advised Council he had heard no additional concerns or comments from the public regarding this matter and had reconferred with the Fire Chief and dispatch that dual dispatching would continue in the area. Councilor Downing moved for a vote to approve.

A second to that motion was made by Abell. Mosier asked Langrell if he would be abstaining from the vote since the matter directly affects him.

Langrell advised he would indeed be abstaining. A unanimous vote among the remaining Council resulted.

Ordinance #3343 – Third Reading. E Street Vacation.

Kerns again addressed Council reading the ordinance by title only and advising Council she had not received any additional public comment concerning the matter.

She explained the ordinance to Council one again for clarification purposes. Council declined further discussion on the matter and no one came forward to speak to the issue. A motion to approve passing this ordinance was made by Downing and seconded by Thomas. A unanimous vote was rendered on the matter.

Cured in Place Pipe Bid Award.

Public Works Director Michelle Owen addressed Council advising about this project.

The Project was accounted for in the 2015-2016 budget. The proposed project consists of 4723 lineal feet of wastewater and or wastewater rehabilitation lining for parts of Cedar, Court, Estes, Spring Garden, 9th Street, 5th Street, North 2nd Street as well as five alley line sections. The proposal also includes a one block section of Broadway. Owen received four bids for the job and recommended the bid be awarded to Planned and Engineered Construction, Inc. (PEC) for a total of \$153,425. That is lower than the \$160,600 that was budgeted.

The city has worked with PEC in the past on similar project and has been pleased with the success of the work. PEC has been performing this type of work for 20 years including both industrial and municipal pipe linings.

Owen stated the Public Works Advisory Committee had approved the proposal that was in front of the Council tonight. Owen did advise Council it was likely this work would not be performed until January, but by awarding a bid now a better price was secured.

Mosier seemed very surprised this work could be performed during that time of year. Owen assured her it was common and even "quite impressive with the steam rising up."

Downing moved to award the bid to PEC with a second by Abell. A unanimous vote awarded the bid to PEC.

Mini Excavator Bid Award.

\$75,000 was allotted in the 2015-2016 budget for the purchase of a new mini excavator by the public works department. Five bids were received for the excavator and evaluated by Owen and supervisors Keith Magnuson and Larry McBroom.

The trio decided that a bid from Arnold Machinery for a Volvo ERC 58D for \$55,800 was the best proposal citing price, available warranty, economy of operation, ease of maintenance, availability of additional features and value of buyback option as reasons for their decision.

Council was provided a staff report with information on all the bids received. "We really felt that buy back option was a big determining factor—we felt the amount a company was willing to buy back their equipment for spoke to what they thought of their own equipment."

Owen advised council that while the city had not previously owned any Volvo equipment the fact that Arnold Machinery would guarantee parts be overnighed or delivered personally the next day if needed (they are located in Meridian, Idaho) and a willingness to be available for a city mechanic to speak with someone should a question arise as additional reasons for the choice.

Abell moved to approve the award of this bid to Arnold Machinery with a second by Downing. A Unanimous vote followed.

Appeal Of Kennel Permit Denial

In April, Sylvanna Martin of 1924 18th Street applied for and was denied a kennel permit.

Martin currently owns and houses seven dogs at that property.

Martin appealed the denial to Kee as allowed by the ordinance within the 30 day time period allocated.

As required by the ordinance a hearing with recommendations to Council was held.

Kee cited reasons for the denial included previous citations being issued for Dog at Large and Martin's failure to license the dogs as required by the City stating, "There is a history of documented violations of the Baker City Municipal Code 90."

Opposition to the permit was made by several (18) of Martin's neighbors who were notified by mail as to the application. Those opposing neighbors cited issues with the dogs barking, running at large and property maintenance issues as being reasons for their opposition.

There was also concern that the kennel was commercial. Kee stated he met with Martin and her spouse Rodney on August 3rd, "After speaking with the Martin's and the Planning Department I agree that based on information of only selling a couple of litters a year Ms. Martin is more of a 'hobby breeder' than a commercial breeder. Therefore, the activity is allowed in a residential zone."

Kee recommended to the Council that the denial be upheld due to a history of violating the Baker City Municipal Code 90 and opposition from neighbors with some perceiving the property to be a nuisance with barking dogs and excessive waste.

Kee did note that he could no actual complaints filed in connection with the property.

Martin addressed council informing them of improvements to fences and the kennel area. "I'm not sure I agree with the barking dog issue, my dogs are in kennels in the house at night," she said.

Mosier advised Martin that she would be voting for upholding the denial but acknowledged Martins emotional state.

Mosier told Martin she felt the need to explain her reasoning saying she felt if she did not take objections seriously she felt she was doing an injustice to those neighbors and 18 was just too big of a number to ignore.

Thomas noted that when Martin first applied for the permit three of the dogs currently named in the application were not named.

Martin explained that at that time those dogs were not at her home but with relatives and that could no longer keep them for her.

Langrell told Martin, "The evidence and the history of the way your dogs have treated your neighbors, you should be absolutely ashamed of yourself. This ordinance was written for people like yourself to correct problems in neighborhoods. If we cut down the amount of dogs and you can show you can take care of them in a good manner perhaps you can in

the future reapply."

Langrell then motioned to affirm the denial with a second by Councilor Abell.

Council voted unanimously to affirm the denial.

Martin left the Council Chambers visibly upset as the final vote was being rendered.

As outlined in the ordinance Martin will have 30 days to remove the excess dogs.

Training.

Kee advised Council he had received an email inviting local workers to learn how to coordinate with Federal entities.

The training will be August 21-23 with a tuition of \$150. Kee felt the training could provide valuable information for the City but was not sure about sending City employees and asked Council to consider attending. (*Editor's note: See Community Calendar on Page 2 for more information.*)

Kee also mentioned that a patrol of the watershed revealed an area of fence that had been compromised and three cows were found to be inside the fence, although they were not near water.

Kee said he had notified the Forest Service and is requesting that the grazing permit for those cattle owners be pulled until the issue is fixed.

Chip Sealing.

Owen said she would like to thank Baker City residents for their patience and cooperation of the chip sealing projects that have been ongoing and thank residents in advance for patience and cooperation as the city workers move on to fog sealing in the areas of Pochontas, Best Frontage Road, E Street near the High School and Resort Street.

Maps of those locations are available that give more detail including alternate routes.

Council Comments Before the meeting adjourned Downing said he had received an e-mail from former Mayor Clair Button concerning falling pine needles and embers from the local fires that were of serious concern.

Downing reminded everyone to keep an eye out for potential problems, keep a hose handy and call 911 if necessary.

Mosier adjourned the meeting exactly one hour after it was called to order, the clock chiming in the background for both actions.

— OBITUARIES —

Patricia Mae Williamson
Baker City, 1934-2015

Patricia Mae Williamson, a lifetime resident of Baker City, Oregon, passed away Monday, August 10, 2015 at home with family near her side. She was born February 27, 1934 to parents Lesley and Anne Shuck.



Patricia Williamson

She followed siblings Donald, Elaine, Billie and Dickie.

There was a rosary and funeral mass Thursday, August 13 beginning at 10am at St. Francis DeSales Cathedral in Baker City.

Urn interment was at Mt. Hope Cemetery with a luncheon following at St. Francis DeSales Parish Hall.

Pat graduated from Baker High School in 1952 and shortly thereafter she met her husband of 62

years, Tony Williamson. They were engaged on April Fools'

Day 1953 and married on Independence Day the same year. They were the last couple to be "shiva-reed" "down Main Street following their wedding in the St. Francis DeSales Cathedral.

Her greatest love in life was her family.

A year after their marriage they welcomed twin daughters Cindy and Sandy.

Three years later their

son Dan arrived. She was extremely proud of her children and seven grandchildren and the accomplishments they have achieved.

Many will remember her working 17 years at Kennedy's Eastside Grocery.

There wasn't a kid in Brooklyn that mom didn't know and hug daily.

She was always most happy at home but was well traveled. Her most memorable trips include visiting family in Thailand

and watching her favorite tennis player, Roger Federer, at the US Open in New York.

She loved her sunroom where she sat and enjoyed her yard, birds and squirrels, all the time crocheting hot pads by the hundreds.

Everyone who knew mom has a hot pad.

She is survived by her husband Anton (Tony) Williamson; her children and their spouses: David and Cindy Schildknecht, Trotter and Sandy Vaughan, Dan and Kathryn Wil-

liamson; grandchildren: Danielle Williamson, Christopher Vaughan, Kimberly Schildknecht, Jeffrey Williamson, Mary Vaughan-Hoffman and her husband Ian, Derek Schildknecht and Jillian Vaughan. Her siblings Don Shuck, Billie Stoner (Jyme) and numerous family members.

Memorial contributions may be made to the Hope Lodge through Gray's West & Company 1500 Dewey Avenue Baker City, OR 97814.