

Local

City Council hears from citizens about marijuana odors

• **GRAFFITI ORDINANCE GETS 2ND READING, LANGRELL AND KEE END MEETING IN SQUARE-OFF**

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Mayor Mosier called to order the regular session City Council Meeting at 7 p.m. Tuesday night. Councilor Lewis led the group in the Pledge of Allegiance and invocation followed by roll call administered by Julie Smith, Management Assistant, filling in for an absent City Recorder Luke Yeaton.

All Councilors were present with the exception of Councilor Downing.

Public Works Director Michelle Owen, City Manager Mike Kee and Police Chief Wyn Lohner were also present for the meeting. Council first directed its attention to the consent agenda with Councilor Abell making a motion to accept and Councilor Thomas seconding the motion. Council voted to unanimously in favor. Mayor Mosier called for citizen participation—there was none, allowing Council to move on.

Sam-O Swim Center Discussion

Owen updated the Council on what transpired at the last Sam-O Swim committee meeting held just the night before.

She advised that the committee felt that simply replacing the showers was only the tip of the iceberg of what needed to occur there.

She stated that the committee felt there were ADA projects to be completed, not that they are not in compliance with ADA regulations but there are changes that could be made to benefit the community at that level.

Randy Daugherty has garnered support of six citizens willing to pledge \$500 each to get the shower replacement project completed by February 1.

Gary Dielman addressed council as well, as one of those that has pledged money toward the fix. He stated if Council chose not to move forward with the shower replacement immediately and let the committee address their other concerns another time, he would be withdrawing his pledge.

In his opinion, the showers have been leaking and in a state of disrepair for far too long and found it disgraceful to reside in a City that was allowing this.

“Finally after dragging Ms. Owen in the men’s locker room to show her

how bad the leak was, they’ve gotten a little better. But frankly, I’m ashamed,” he said.

Owen said she was looking at the shower options as the committee had directed her to do, but since that directive just came the evening before, she had not had time to research as needed.

She suggested that she could do that and get back to the committee quickly to make a decision and get the ball rolling.

Ordinance #3346 Graffiti Ordinance Second Reading

Much discussion was had regarding the graffiti matter among Council.

Augenfeld feels this ordinance needs to address public art as well, while Langrell questioned the need for the ordinance at all. He feels that property owners should not be held responsible in any way, as it is not their fault. His opinion is that the police department should do a better job at locating those responsible instead.

After a lengthy and heated discussion, Mosier called for a motion to have a second reading. There was none.

“Hearing none, the motion fails,” she said.

Kee asked for direction from the Council on the matter, to which another discussion ensued where Mosier reminded her fellow councilors that the amendment in the ordinance was to simply give another avenue for business owners to use before being cited.

Abell then made a motion that was seconded by Councilor Lewis to hear a second reading.

Council Voted 4:2 with Langrell and Augenfeld against the second reading. Passing this time, the ordinance was read for the second time by title only.

Resolution #3763 Connect Oregon Grant

Owen again addressed Council regarding the grant. She stated the Airport Commission had identified a plan to improve the apron at the airport. Right now the project is only in the design phase, but the FFA is willing to fund a large portion of that reconstruction project.

Connect Oregon is grant funded by Oregon Lottery dollars that could be used to meet the 10% the FFA is requiring. The grant application for Connect Oregon is due November 20, and as part of that grant application they request acknowledgement that the public body, in this instance the Council, is in support of the project.

“What I have before you is just a resolution of support,” said Owen.

This grant would al-

leviate the City’s need to spend any dollars on the reconstruction project.

Owen also mentioned increasing tanks at the airport for gasoline citing the need for the increase as difficulty splitting deliveries with neighboring airports and the increase for demand as seen with the increase of air traffic this summer with firefighting efforts.

Owen indicated this as beneficial to the City as the airport could sell more fuel and the City could see more revenue from the gas tax.

Lewis motioned to approve the resolution with a second by Augenfeld.

Council voted quickly and unanimously to approve the resolution. “Can’t they all be that simple?” said Mosier.

The Council then moved on.

New Street Closure Requirement Discussion

Chief Lohner addressed Council stating he had been contacted in the past by business owners who were unaware of street closures, and felt it had adversely affected their business because they were not able to plan around it.

Lohner is suggesting a change be made in the application to close a street for an event that would require the event organizer to notify business owners before even submitting the application to the police department, which currently requires a three-week advance notice.

Council agreed this was a good idea and did not necessarily need to be done face-to-face—an email or phone call could suffice.

Abell asked if there was some type of list that could be accessed.

Lohner offered to create and maintain that list.

Marijuana Odor Discussion

Since the legalization of marijuana, there have been an increased number of informal complaints from people who have come into contact with officers in the field, in reference to the odor of marijuana.

Lohner said, “Just to clarify, this is not the burning marijuana, people smoking it, but growing it. When they (plants) start to bud out, the odor coming from those buds can be fairly overpowering.”

Lohner said he brought this discussion before Council for informational purposes only, to see if the issue was something they wished to look at further, or construct an ordinance.

Several citizens addressed Council concerning the matter. First to speak was Rodney Shaw.

Shaw said, “The first thing I’d like to point out is taking us back to when we



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Public Works Director Michelle Owen and Baker City Police Chief Wyn Lohner.

were first having these discussions about the dispensaries in Baker City. On two different occasions, Mayor, you told the medical community that it was not the Council’s intention to restrict the medical community as far as their abilities to grow.

“We took you at your word on that. If we’re going to start dealing with offensive odors, I happen to live across the street from the fair grounds and I have to put up with some very offensive odors. But I don’t complain about it. I just deal with it. If you put an odor ordinance in, you’re going to be pulling more away from those that need it because you’re going to restrict more growers from being able to help needy patients.

“We let diesel trucks come into town and just idle—that odor is offensive. People within our city limits raise chickens—that odor is offensive. So, I don’t think that we can really discriminate against marijuana users simply on odor.”

Next to speak was Carol Free. “Just a pleasure to be back,” she began. “You all know me well. I’m a grower and I was robbed this summer, so I only stunk for a while. I did go to all my neighbors behind, front and to the side. The majority of my neighbors are retired, widows, grandmothers, that came to my house to my grow. They were all okay, not offended.

“Let’s just educate our neighbors, show them it’s not a fearful thing, the smell thing. It’s almost appalling and joking. It’s ludicrous. I have a daughter-in-law that is so deathly allergic to mint, and she lives next door to a mint field. As it grows, her eyes swell shut, but that is somebody’s crop. I personally like the smell of pot. Skunks are all over Baker. A lot of people find that smell offensive. What are we going to do? Go on a skunk rampage? And capture all the skunks? Not everything in this town is going to please everybody. I think we all need

to learn to live all together, and accept each other, a lot of things bother me but why can’t we just live in peace in the this community. This is just ridiculous and hateful and mean.”

After Carol Free spoke, she left the room and, Al Free spoke, reiterating much of what Carol said, but asking Council, “Where will it all end? There are 10,000 people about in Baker City and some smell and some stink and we’ve just got to learn to live with each other. You can make your blood alcohol and you can measure noise, how are you going to measure the stink? How can you subjectively say that the stink that citizen A makes is any better or worse than the stink citizen B makes? In conclusion, I would like to say I don’t need no stinking ordinance, I don’t want no stinking ordinance, I will not obey any stinking ordinance!”

Free then went on to personally attack Lohner, claiming he had a personal vendetta against marijuana. Mosier smoothly interjected, asking Free to allow others to speak as his time was up.

Next to speak in support of an ordinance were Jared and Tricia Wood who both said that they and family members were suffering from respiratory issues due to the growing of marijuana in the neighboring yard. Corrine Vegter also spoke out against the odors.

All three mentioned selling their property to move away from the odor, but none felt they should be punished by other property owners, or as in Vegter’s case a renter, simply due to this issue.

Council took both sides under advisement to address at a future meeting.

Lohner said he would speak with other municipalities such as Pendleton and Medford that have passed ordinances concerning marijuana odor to see how those ordinances are working and what they entailed, and report back to Council his findings.

City Manager Recruitment RFP Review

As of Tuesday, Kee said there had only been one RFP received regarding manager recruitment. The closing date to accept those RFPs was Friday so he hoped more would come.

He asked Council if three would be willing to look at those proposals and score them along with two staff representatives.

City Manager/Director Comments

Owen had no additional comments. Kee stated historically Council only met once in December because of the holiday season and asked if Council wanted to do the same this year. Council agreed they did.

Council Comments

Abell mentioned the feasibility study being conducted at the Crossroads Art Center. She urged her fellow councilors to attend one of the outreach meetings.

Lewis mentioned she would like to see the Council participate in more work sessions, and posed the question of exposing our youth more to City Government as done in the past.

Langrell then addressed Kee, directly calling for him to answer why, in Langrell’s opinion, Kee refused to follow City Ordinances in regard to the double billing of city water and sewer regarding his neighboring property owners, considering the outcome of Langrell’s recent lawsuit against the City over that same matter.

He asked for Kee to report those reasons to the City Council. Kee replied that he did what he believed was directed by Council. A debate ensued as to if direction had been given during executive session, as decisions are not made in that forum.

Langrell and Kee argued at length over the matter with Kee finally telling Langrell he worked for all seven councilors not just one, and if it was the direction of the Council, he would fulfill Langrell’s request.

Mosier finally broke into the argument and adjourned the meeting.

OTEC ready for D.C. Youth Tour applicants

If you are a current high school student in your junior year with a sense of adventure and a curiosity for electric cooperative history, your Oregon Trail Electric Cooperative (OTEC) is looking for you!

OTEC is seeking student applicants for a one-week, all-expenses-paid trip to Washington, D.C. to celebrate the 2016 Rural Electric Cooperative Youth Tour.

The trip will be held

from June 9 – June 16.

Those selected to attend the Youth Tour will join approximately 2,000 high school students from across the United State to learn about electric cooperatives, issues in

renewable energy, energy efficiency and climate change legislation that face their communities and the nation.

Youth Tour recipients also visit the historic sights of the nation’s capital,

learn about American history, U.S. Government and visit with Oregon’s congressional delegation on Capitol Hill.

To download an application, visit www.otecc.com and click on the

“Community” tab.

The application deadline is 5 p.m. Friday, January 15, 2016.

For more information on the Youth Tour visit www.youthtour.coop.