

Local

City Council

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“He was regretful of having to step down and I was regretful to accept that resignation. At the end of the meeting during Councilor Comments we can discuss how to proceed,” Mosier said.

Council then moved on to the consent agenda which included minutes from regular meetings of October 27 and November 10 and the special joint City Council/County Commissioners IAMP meeting from November 10. With no additions or changes to those minutes, they were approved unanimously.

Mosier next called for citizen participation for anything not already on the agenda. Judge Don Williams from Baker County Justice Court approached council and spoke to the letter that was sent to him by City Manager Mike Kee.

He explained an agreement has been in place between the City and the County allowing the Baker County Justice Court to act as the City Municipal Court has been in place since 1989. A 60-day notice must be given before terminating the agreement and according to the letter he received that was the intention of the City.

He cautioned that the City had better have a plan in place to assume those responsibilities because the 60-day time period was fast approaching, although the letter that was sent to him was not dated his court staff had date stamped it when it was received and that was the date they were working off of.

Mosier stated her understanding of the letter was not to terminate the agreement but to let them know the City was exploring other options.

Williams said he did not interpret that from the letter but either way the letter would terminate the agreement.

Kee said the letter did state that the City’s intention was to explore other options but understood the agreement was in jeopardy of expiring.

Mosier asked that this matter be placed on the agenda for the next City Council meeting as quick action was necessary.

Double sewer and water.

Glen and Cleidith VandenBos addressed Council citing a recently sent a letter to the Council requesting reimbursement in the amount of \$3038.25. That amount is for what they claim they paid in double water and sewer rates from 2005 when the property they leased, owned by Tom and Margaret Bootsma was annexed into the city until 2011 when the VandenBoses closed their business.

They say the double rates should have ceased when the property was annexed into the City in 2005 according to the VandenBoses. No agreement exists to allow the City to continue double billing after the annex date, yet according to the VandenBoses, they were. They are seeking compensation to cover time they were billed after annexation.

Mosier said the City Attorney had advised Council that they should not do anything without

first discussing it amongst themselves in Executive Session. She also indicated that the Council should receive further advice concerning this particular case.

Councilor Langrell voiced his opinion that doing so was a waste of taxpayer money and a decision regarding the matter had already been made referring to his own lawsuit that was recently settled against the City.

Mosier asked that an executive session be scheduled before the next regularly scheduled Council Meeting on December 8. She told the VandenBoses a decision as to their request could be made after that executive session, most likely at the regular meeting directly following the session.

BCVIBE Grant

City Manager Kee addressed Council as to the work they have done with contract grant writer Kat Davis. The idea behind this grant process is to attract a “creative class” aged 25-45 to move to Baker City.

The grant will pay for a part-time project leader. A proposal has been made to have Mosier speak to the Economic Development Committee as to partnering with Economic Developer Greg Smith. Mosier told council she was happy to do this and speak for the Council but felt she needed their approval to do so. Council was all in agreement.

Ordinance #3347 Interchange Area Management Plan – First Reading

Holly Kerns addressed Council about the project, reiterating what they had heard at the joint City Council/County Commissioner meeting on November 10. No changes had been made to the plan since the last meeting.

Mosier read a statement opening a public meeting on the matter. No one came forward to speak.

Kerns said she had heard no additional comments from the public and all Councilors also claimed they had heard nothing regarding the matter. City Manager Kee read the ordinance in full.

Upon a motion from Councilor Downing and a second by Abell a unanimous vote was cast to accept the first reading. Mosier said a second reading could be had if Council agreed unanimously to hear it. Councilor Lewis made a motion to hear a second reading which was seconded by Councilor Thomas. Council voted unanimously to have a second reading. Kee read the ordinance by title only a second time. Councilor Thomas moved to accept the second reading with a second by Councilor Downing. All Councilors voted to approve the second reading.

Marijuana Odor Discussion

Police Chief Wyn Lohner said, “Two weeks ago we began the discussion regarding the odor of marijuana and whether or not Council would choose to legislate any action to regulate that odor.”

Information was brought forth due to citizen concerns and complaints that were brought to the City Police Department.

Lohner said it was a

matter that should be addressed before the beginning of the growing season in the spring. At the last meeting he supplied Council with copies of ordinances from the cities of both Pendleton and Medford that addressed the concern. Lohner had also sought public input via the City Police Department’s Facebook page. He advised Council he had just received information from Prineville earlier that day stating they required all marijuana grows to be within a closed structure in property that could be locked.

Mosier noted there was one citizen that wanted to speak: Rodney Shaw. Shaw was heard before the meeting began saying, “I felt it was necessary to be here. We are on the home front.” He approached Council and said, “The new State law that goes into effect March 4, 2016 already reduces the size of medical gardens if you live in a residential zone.” Growers are allowed 48 plants but with the new law that is being cut to only 12. “By this action we are already hearing from patients that will be losing their growers from this law. Our Council had used these numbers to justify the dispensary ban. We are seeing a lot more people that are coming into the medical marijuana community as an alternative for their medical conditions. Getting away from pharmaceuticals that are poisons. I ask you that if you do reduce these plant numbers where will these patients medicine come from, the black market? Please look at the medical dispensary ban again, readdress the issue so our citizens have access to safe tested mold and mildew free medicine. Thank you very much.”

Carol Free arrived late and did not have opportunity to sign up to speak, but nonetheless was allowed to address Council. She said, “Y’all have heard from me a million times.” She said with a smile then continued “The majority of us that do grow seasonally do grow indoors in a greenhouse. I’ve repeated myself numerous times, go to your neighbors and talk to everybody, if it’s offensive you can work it out. We are getting down to the basics, the medical marijuana patients that can’t go to a dispensary, don’t have the ability to go to one, they need the local growers and those growers want to help. Unfortunately we did have numerous local growers that were robbed this year and I never read it in the paper. The police were called and came out which I do appreciate. I do have a great passion for what we do and there are lots of medicines we can’t use.”

She cited drug allergies developed from being subjected to numerous medical procedures for long-term illnesses as the reason many turn to medical marijuana. She urged Council to “show some compassion.”

Council discussed the matter amongst themselves agreeing that determining what was an offensive odor was subjective. Thomas spoke of a friend who had been a vegetarian all her life—the smell of meat cooking made her ill while



Gina K. Swartz / The Baker County Press

Rodney Shaw testifies in opposition to any future marijuana odor ordinance while Chief Wyn Lohner listens.

the smell of a good steak was like Heaven to him so he did not feel that Council deciding what was offensive and what was not was a decision they ought to make. They all agreed they would need to think long and hard about this issue.

Lohner said next growing season would be upon them soon, and then it would be unfair to those growing to make an ordinance affecting them negatively at that time with short notice. He noted that waiting through a growing season might be a viable option as well to see how other cities that enacted ordinances were handling those situations.

He stressed that whenever citizens could handle an issue such as this one amongst themselves, it was best, as the least amount of government intervention possible is always preferable.

Sam-O Swim

Randy Daugherty, at the last Council meeting proposed a solution to the funding issues for the malfunction showers being encountered by the Sam-O Swim Center Committee.

Daugherty had gathered together a group that would provide \$3,000. However they required the City, The YMCA, and the Sam-O Swim Committee to each fundraise and contribute an additional \$3,000.

After contacting each member of the committee it was found that they all agreed that the money being gifted and subsequently raised to fix the showers was only a simple quick fix that they all felt that replacing the leaking and malfunctioning parts with the similar new parts may not be the best solution to use those funds. The committee all agreed that researching other options for the showers was still the best option.

By choosing this option the committee understands that they may have to wait for a new budget cycle to fund the project and Daugherty indicated his group was no longer willing to make a contribution to a project that is not going to happen immediately. The committee hoped in making their recommendation to Council Daugherty and his group would reconsider.

Ordinance #3336 Property Maintenance Dealing With Graffiti – Third Reading

After a third reading by City Manager Kee, Council voted to pass the ordinance 5:1. All councilors voted in favor of the ordinance with the exception of Langrell who likened the Ordinance to

someone side-swiping his car yet receiving a citation from the police for not fixing the damage himself within a predetermined timeframe.

Lewis did note that Augenfeld had opposed this ordinance but felt a separate ordinance could address concerns he had had better than not passing this ordinance as it allowed options for property owners to peruse.

Resolution #3761 Personnel Handbook

City Human Resources Manager Luke Yeaton has been working to update the personnel handbook for the City. The handbook has not been updated fully since 1984. Small updates have been made over the years but a complete overhaul was necessary.

Yeaton advised Council that sections concerning alcohol and drug policies needed updating as well as issues concerning criminal history questions and leave issues. When asked where he received some of the legal advice concerning changes to the document he stated he had been in contact with an attorney representative from CIS, the City’s insurance provider.

Yeaton advised Council the update also encompassed grammatical errors within the document.

Council voted unanimously to accept the updates to the handbook.

City Manager Recruitment

A request for proposal was sent out in order to retain an agency to assist in recruitment of a new City Manager due to Kee’s retirement. Only one agency responded to the RFP, Slavin Management Consultants based out of Arizona. They have proposed services in the amount of \$13,800 with an additional \$7,590 for additional expenses.

Coincidentally, Slavin is currently assisting both the City of Ontario and the City of the Dalles in their searches. Slavin estimates approximately 90 days to complete their search. Kee advised council estimated costs for staff time to conduct all the same tasks involved with recruitment would cost approximately \$11,000.

Kee said what was attractive about utilizing Slavin was that they would guarantee if the person chosen did not stay with the job for two years they would assist in the search for a replacement candidate for only out of pocket expenses.

Mosier found that to be of considerable value. Kee then informed council that staff had offered a revised

proposal that allowed for staff to schedule and conduct final interviews and negotiate the final contracts. This brings the costs down to \$11,760 with an additional \$5,390 in expenses.

Mosier and the Council were all in consensus Kee should move forward with the revised proposal finding the cost and timeline agreeable.

Comments

Yeaton reminded that the Tree Board and the Parks and Recreation Committee have vacancies and encouraged interested persons to contact him.

Michelle Owen briefly spoke to council about grants she is waiting to hear on for the heating system updates at Sam-O Swim, one in December and the other in January. She said she was hopeful they would both be successful and that would mean a possibility of moving forward with that project as early as March.

She also spoke about the additional UV filtration system the city has that isn’t used. The company that it was purchased from has expressed interest in buying it back, at a fraction of what it cost, of course. Owen will put information together for the next meeting since Council approval is required to liquidate any City property. She mentioned snow plow routes were available on the City’s website for anyone interested.

Council addressed Augenfeld’s resignation and how to proceed filling his vacancy. Kee said he felt like the process used to appoint Lewis recently was successful. Council agreed they would use the system but wanted to review the application that had been used as some questions about it had been noted. Council agreed December 31 should be the cut-off date and that would allow them time to review applications before the meeting in January.

Thomas took a moment to thank the Public Works Department for their swift response to an issue he’d had recently with tree roots growing into his piping.

Downing noted the appointment of long-time 911 dispatcher Margaret Sackos to the position of temporary director as the search for a permanent director continues.

Lewis invited the public and her fellow Councilors to join her for lunch at Community Connection saying “They serve a great meal.”

Mosier wished everyone a Happy Thanksgiving and adjourned the meeting just before 9 p.m.