

**CITY OF JOHN DAY
CITY COUNCIL MINUTES
JOHN DAY, OREGON**

April 14, 2015

Adjourned Meeting

COUNCILORS PRESENT:

Ron Lundbom, Mayor
Steve Schuette, Council President
Gregg Haberly, Councilor
Paul Smith, Councilor
Louis Provencher, Councilor
Lisa Weigum, Councilor
Donn Willey, Councilor

COUNCILORS ABSENT:

STAFF PRESENT:

Peggy Gray, City Manager
David Holland, Public Works Director
Lance Woodcock, Public Works Director (incoming)
Valerie Luttrell, Dispatch Manager
Kevin Miller, Reserve Police Officer

GUESTS PRESENT:

Lara Petitchlerc-Stokes, PO. Box 226, Baker City, OR
Antonio Roberts Sr., 214 NW Bridge Street, John Day
Rose Garacci, John Day
Judy Schuette, John Day
Haley Hueckman, 59864 Hwy 26, John Day
Debi Hueckman, 59864 Hwy 26, John Day
Katrina Randleas, Mt. Vernon
Chantel Raud, 818 NW 11th St., Ontario, OR
Toriea Mills, 1785 SW 12th St., Ontario, OR
Chris Labhart, John Day
Phil Gray, KJDY
Terry Taylor, PO Box 692, John Day
Eva Harris, 25919 Hwy 395 S., Canyon City
Russell Comer, PO Box 666, Canyon City
Richard Friese, PO Box 793, John Day

Agenda Item No. 1 – Open and Note Attendance

The John Day City Council meeting opened at 7:00 p.m. Mayor Ron Lundbom noted that all Councilors were present.

Agenda Item No. 2 – Approval of City Council Minutes of March 24, 2015

The minutes of the March 24, 2015 adjourned meeting were included in the agenda packets and were presented for the Council’s approval.

Councilor Gregg Haberly made a motion to approve the minutes of March 24, 2015 as presented. Councilor Donn Willey seconded the motion, the motion passed unanimously.

Agenda Item No. 3 - Appearance of Interested Citizens

Mayor Ron Lundbom welcomed those in attendance and asked everyone to please sign in. He asked if there were any additional items that anyone would like to add to the agenda. Mayor Lundbom introduced Lara Petitcherc-Stokes, new Manager of Communications and Public Affairs for Oregon Trail Electric Co-op. Lara stated she was here to present the City of John Day their quarterly franchise check in the amount of \$23,848.00. She stated Oregon Trail Electric is constantly making investments and improving the electric delivery system in all four counties in which they serve, Baker, Union, Harney and Grant counties. For Grant County the 2015 capital budget includes almost \$1 million in system distribution improvements which includes highway relocations, joint pole corrections and street and security lights for the county. Currently OTEC has budgeted \$70,000 for transmission improvements and is working on the last installment of the J BAR L Star Ridge Fly Job. She also spoke about the four scholarships awarded by OTEC to four Grant County students in the amount of \$5,000 each.

Agenda Item No. 4 – Discuss for Adoption Ordinance No. 15-163-01, an Ordinance of the City of John Day Prohibiting Medical Marijuana Facilities (Dispensaries); and Declaring an Emergency

Mayor Lundbom noted a large audience in attendance and asked anyone that wished to speak on this subject to please sign in. He instructed the audience that they need to raise their hand in order to be recognized, state your name and address; each person will have five minutes to speak. He noted that not all the people present were citizens of John Day; he also noted that the City Council could only consider the testimony from the citizens of John Day.

Eva Harris - lives up Canyon Creek, she said she was here to put a face on who we are that have a medical marijuana card. She stated Grant County has 107 registered medical marijuana card holders. Ms. Harris informed the Council that she is epileptic and has been on pharmaceutical drugs for years and found them to be very toxic and unpleasant with many side effects. She decided to research medical marijuana; she informed the Council that since she’s been on the medical marijuana she has been able to cut the dosage of those toxic drugs to where many of her side effects have gone away or have been minimized and her quality of life has improved tremendously.

Ms. Harris stated she has to go to Bend to do all of her marijuana shopping, she understands that Burns now has a dispensary, its closer so she will also be shopping there. She’s hoping that some community in Grant County will welcome a dispensary because that is where she will be doing her shopping. Ms. Harris hoped the Council would not vote to ban the dispensary in John Day.

Judy Schuette – NW Bridge Street, John Day. Mrs. Schuette cited statistics from the Oregon Medical Marijuana Program website. She stated according to this website there are 107 card holders, 63 care givers, 80 growers and 68 grow sites in Grant County. Mrs. Schuette stated growers and grow sites have

different definitions depending how many patients you serve. Mrs. Schuette stated she is not in favor of opening a store front dispensary in John Day because of this reason. 107 cardholders should easily be able to be serviced by 80 growers and 68 grow sites, she doesn't understand the need for a storefront dispensary with those kinds of numbers. Mrs. Schuette asked if someone could clarify this with correct information, she would be happy to listen.

Antonio Roberts, John Day. Mr. Roberts stated he is a patient, he stated a grower can live in this county and facilitate for someone that lives in Eugene; just because the grower lives here doesn't mean they can't grow for someone who lives outside of the county. Mrs. Schuette questioned if they could also grown for somebody here. Mr. Roberts replied that every grower is assigned to a medical marijuana patient. They either grow it for themselves like he does or they grow it for other people, which he has also done. Mrs. Schuette asked if he thought the 68 number is more relative to the 107 card holders than the 80? Mr. Roberts stated he did think the two could be compared together. Total number of growers to the total number of patients in this state could give you an accurate description. Mrs. Schuette stated she didn't care about the state, she cared about our community. Mr. Roberts stated they are not tied between counties or communities; they're tied between the medical networks of people that provide medicine to other people within the state, they're not your neighbor necessarily.

Mrs. Schuette asked when you get a medical marijuana card, do you also get information as to who your supplier could be. Mr. Roberts stated no, you have to establish that yourself. Mr. Roberts explained the network sources available. Mr. Roberts stated we need the medical marijuana facilities for the people who don't have access to someone to grow for them or who can't or don't want to grow their own medical marijuana for themselves. He stated we need those facilities because it's just not there. Mrs. Schuette disagreed that it's just not there. Mr. Roberts used Meadowbrook Apartments as an example; they can't grow for themselves because they have landlord/tenants rights. They would have to go to a neighboring county. Mr. Roberts stated there are more card holders than growers. Mrs. Schuette asked if a grower can grow for up to four patients, Mr. Roberts confirmed that was correct. Mrs. Schuette stated that is available locally, Mr. Roberts disagreed and stated not necessarily because not everyone can grow medical marijuana, physically capable, knowledgeable to provide a medicine for those individuals. Mr. Roberts stated the 80 people that are educated and registered don't necessarily facilitate for this county. Mr. Roberts stated the patients outnumber the growers; there are more people in need than are growing medicine in this community.

Mayor Lundbom stated he read that the State of Oregon, one guy with 10 acres could supply enough for all the medical marijuana patients and five thousand acres could supply the entire country. Mr. Roberts stated he was referring to the article in the local newspaper last week. He said that was an OSU expert, and stated when you read the article he states it is his own data and is unverifiable. Mr. Roberts stated the Department of Agriculture stated there is absolutely no way they can verify what the cash crop or the volume is in the State of Oregon.

Ms. Harris spoke of the different strains of marijuana. She stated she uses a particular strain other strains don't work for her. She doesn't have a grower and stated she doesn't want to be a grower. Ms. Harris stated it is essential for her to know what she is getting and her medical marijuana has to be tested by a lab. She needs to know exactly what the THC level is and the CBD level is because if she doesn't get the right thing, she has a seizure. She stated she needs to go through a dispensary because they cannot sell anything that has not been tested, it has to be tested.

Mr. Roberts stated they also do testing for pesticides, additives, chemicals, toxins and those types of things. The dispensaries also have to test for levels; you have to find out what works for you and your body. Mr. Roberts stated Ms. Harris worries about what she is putting into body, he stated if we don't have a facility here, how many people aren't going outside of the community to a registered facility to get approved medicine that is safe for them. Instead maybe they're going to someone inside the community that's just looking to make money that hurts this community. He stated he thought the black market is the greatest danger we have here; we need to allow those people safe access.

Councilor Lisa Weigum asked about the testing of the marijuana. Mr. Roberts stated there are special labs that are approved by the state that do all of the testing. He said you have to package your product ready for sale. They take possession of it, do their sample testing of it and put a report with it; then it goes back to whomever (the dispensary or the individual) then it can be approved for sale within the dispensary.

Mrs. Schuette asked if she could ask Mr. Roberts a question and did not ask the question to be contentious. Mrs. Schuette stated Mr. Roberts seems very well spoken and knowledgeable and asked what his credentials were? Mr. Roberts stated he has 10 years of being a medical marijuana patient, advocate and a grower. He stated he took that very seriously, his compassion for others and himself and to stay within the confines of the law.

Ms. Harris confirmed that she had basically the same information that Mr. Roberts stated regarding marijuana testing. She stated she learned that because she needs to know to protect her own health. She doesn't have credentials but she had to find that out. Ms. Harris explained the process she goes through at the medical marijuana dispensary to the Council.

Rose Garacci – stated she has a condition for 17 years and has to travel to Portland because she has a special doctor that gives her injections to her neck, three shots, every 3 to 4 months. She stated they inject her with poison. She tried marijuana and remarkably she's been able to cut down from going to Portland every 3 to 4 months to once or twice a year now. She said she won't smoke it because she's a cancer survivor.

Mrs. Schuette asked to clarify something, she stated to the people testifying in favor of the dispensaries that their need is not her issue at all. If it benefits you, she is grateful that they have it. Her issue is the need for a dispensary.

Ms. Garacci – stated if she could go on line, she would do it but she has to drive three hours to get to a dispensary. It was noted that the City of Burns now has a medical marijuana dispensary.

Mr. Roberts stated the Department of Justice has stated the State no longer has the right to go after medical marijuana patients and growers within their state. Mr. Roberts went on to state that Congress wrote a letter to the Department of Justice when they wanted a clarification; he read a statement from his phone. He wanted to know that if the Department of Justice is not supposed to be impending on these state's medical marijuana laws, why are we?

Councilor Lisa Weigum understood that going out of town is a bummer and she gets that; we're having a discussion not to have a storefront next to Radio Shack, we're not taking your right away to use your medicine. Those are two different things. Mr. Roberts stated you're trying to take away my access. Councilor Weigum stated he has access because he can grow for himself; Mr. Roberts stated I have access

but I am standing here representing the rest of the people who don't have the nerve to come here and stand before you or don't want to make it public. Discussion on different strains and their availability, shelf life continued. Mr. Roberts stated state law needs to be respected and the voters voted in medical marijuana.

Mayor Lundbom referred to the map in the back of the room. Mayor Lundbom stated State law dictates that a medical marijuana dispensary cannot be placed within 1,000' of a school or youth development activities and the map shows those boundaries. He noted there is a very small area in our town that allows the dispensaries. City Manager Gray clarified the youth (child) development restriction of 1,000' for youth development activities was a council decision, not a state requirement.

City Manager Gray clarified that local governments within our State have Home Rule Authority that gives them the authority to adopt their own rules and regulations as they see fit. Mr. Roberts stated he wasn't familiar with Home Rule Authority; City Manager Gray encouraged him to research it.

Russ Comer of Grant County Safe Communities Coalition – Mr. Comer stated their efforts are to reduce substance abuse by the youth in our community. He stated he was personally sympathetic to people getting medication and doing what they need to do to stay healthy; however, he stated we also need to think about keeping our kids safe and healthy as well.

Mr. Comer presented data for youth trend rates for marijuana use as follows:

- Marijuana use rates going up for the past 10 years.
- Number 3 substance abused in the county; trumped by alcohol and tobacco (battle for first place)
- Youth use is based on certain factors:
 - Perception of harm – if they notice a substance is perceived to be less harmful they use it more.
 - Brain development – brain develops until early twenties. Any substance going into the brain has adverse effects on it.

Data source: Oregon Health Authority. Mayor Lundbom noted they (OHA) are the same people who allowed this to happen. Mr. Comer stated the State of Oregon voted medical marijuana down twice, it was Governor Kitzhaber who signed to allow the dispensaries.

Mr. Comer also presented data regarding medical marijuana measures, how they were passed. Nothing to do with marijuana has ever passed in Grant County. Other data point is the Student Wallace Survey data, same data that the Oregon Health Authority uses and it is very reliable data; that shows past 30 days use and lifetime use for grade 11 (marijuana, alcohol, meth, tobacco, cocaine etc.). Mr. Comer stated the Grant County Safe Communities Coalition supports the City's efforts in trying to keep our kids safe. He said he wished more users were like the people we have in the room today that are responsible but as we know from past experience that is not always the case.

Mayor Lundbom questioned if there was any data since medical marijuana dispensaries came into effect, have we seen a rise in use by our youth. Katrina Randleas stated we have seen a rise since 1998 because of the lower perception of harm, because it's medicine. Mr. Comer stated the trend data shows from 2002 to 2012 that curve start to rise, medical marijuana is the only thing that has changed in our laws since that time.

Mayor Lundbom stated it's also more available. Mr. Comer agreed and stated the more it's available the more they're going to use it; whether it's a retail outlet or medical dispensary. He referred to alcohol and tobacco, as the number one substances that are abused by our youth and they are regulated but our youth still get it and they get it more than anything else. The more available we have other substances, the more our youth will be able to get it.

Mr. Roberts added more statistics and stated he thought it was parenting. He stated it's already an issue for our children, we're already there. He didn't think not having a medical marijuana facility would lower the numbers; thought the medical marijuana facilities would help with the black market. He went on to discuss taxes that would go towards education. It was noted there were more bars downtown than restaurants. Mayor Lundbom stated the State hasn't said you can't sell alcohol within 1,000' of a school. He agreed there is as much concern with alcohol.

Discussion on a city in Washington State, where the city formed a co-op; the resources earned are going to the community. Councilor Schuette noted that was recreational marijuana not medical.

Richard Friese – questioned the ban on medical marijuana; when come July 1st, when recreational marijuana kicks in. People can grow it for themselves, how much access are the children going to have then. He stated the medical marijuana should be in Len's Drugs. At least allow yourselves to tax it. Come July 1st it's going to be a nightmare.

Councilor Lisa Weigum reminded the audience that people in Grant County voted medical marijuana down by 65% to 35%. Mr. Roberts stated you (the Council) represent all the people and they still deserve to be represented and are not less just because we didn't get the majority of the votes.

Mayor Lundbom asked for further discussion, there was none. Mayor Lundbom asked if the Council had further discussion, there was none presented. At this time Mayor Lundbom asked for a motion of the Council.

Councilor Donn Willey moved to have Mayor Lundbom read Ordinance No. 15-163-01 by title only. Councilor Louis Provencher seconded the motion, the motion passed unanimously.

Mayor Lundbom read Ordinance No. 15-163-01 by title only as follows:

Ordinance No. 15-163-01, an ordinance of the City of John Day prohibiting medical marijuana facilities (dispensaries); and declaring an emergency.

Councilor Donn Willy moved to adopt Ordinance No. 15-163-01. Councilor Lisa Weigum seconded the motion, the motion failed by a vote of 4 (no) – 3 (yes).

Agenda Item No. 5 – Discuss for Adoption Ordinance No. 15-164-02, an Ordinance of the City of John Day Establishing Time, Place, and Manner Regulations Concerning Medical Marijuana Facilities (Dispensaries); and Declaring an Emergency

City Manager Gray stated this is an ordinance that establishes time, place and manner regulations concerning medical marijuana facilities. Since the Council did not adopt the banning ordinance and this ordinance was designed to go into effect upon the repeal of the ban, we will need to revise the language of this ordinance. She stated the council can adopt the ordinance; however, she will need to have City

Attorney Jeremy Green make the revisions (taking out the repeal language) and bring it back to the Council for adoption at the next council meeting.

City Manager Gray stated the ordinance establishes the following restrictions on where a medical marijuana dispensary can be located:

Section 6.10 Dispensary Location. A dispensary must not be located (a) at the same address as a marijuana grow site, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, (c) within 1,000 feet of any real property comprising a public library, (d) within 1,000 feet of any real property comprising a public or private park, (e) within 1,000 feet of a facility that provides youth development activities to minors, which facilities include, without limitation, the 7th Street Sports Complex and Grant County Fairgrounds, (f) within 1,000 feet of another dispensary, and/or (g) in any area and/or zone not expressly permitted under the City of John Day Land Use and Development Code. “Within 1000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property specified above.

City Manager Gray referred to the map at the back of the room showing the 1,000’ restrictions on the city’s zoning map.

Chris Labhart asked for the clarification of a minor. City Manager Gray responded that a minor is defined in the ordinance as any person under 18 years of age.

City Manager Gray stated there were copies of the ordinance on the back table for anyone interested in reviewing the entire ordinance.

Councilor Donn Willey moved to have Mayor Lundbom read Ordinance No. 15-164-02 by title only. Councilor Louis Provencher seconded the motion. The motion passed unanimously.

Mayor Lundbom read Ordinance No. 15-164-02 by title only as follows:

Ordinance No. 15-164-02, an ordinance of the City of John Day establishing time, place and manner regulations concerning medical marijuana facilities (dispensaries); and declaring an emergency.

Councilor Donn Willey moved to adopt Ordinance 15-164-02 with revisions. Councilor Lisa Weigum seconded the motion. The motion passed unanimously by a vote of 7 – 0.

Agenda Item No. 6 – Discuss for Adoption Resolution No. 15-732-02, a Resolution Establishing Fees for Medical Marijuana Facilities (Dispensaries)

City Manager Gray stated with the adoption of the time, place and manner ordinance establishing regulations concerning medical marijuana dispensaries; the Council needs to establish by resolution the amounts of the initial dispensary permit application and investigation fees and permit renewal application and investigation fees as required under Sections 5.1 and 5.2 of the ordinance.

Resolution No. 15-732-02 establishes the following fees:

- Pursuant to Section 5.1 of the Ordinance, the City Council establishes an initial permit application and investigation fee of \$300.00

- Pursuant to Section 5.2 of the Ordinance, the City Council establishes a permit renewal application and investigation fee of \$200.00 (i.e., the fee payable for dispensary permit renewals)

Councilor Steve Schuette asked how often the permits are renewed, City Manager Gray stated the renewal time will be established in the permit application process. She thought it would be the same as our business license process which are renewed annually.

Mr. Roberts asked for clarification regarding the setting of the fees, can they be changed at anytime by the Council. City Manager Gray stated the Council can set the fees at any time they wish; however, they have to do it in a public meeting by resolution.

Councilor Steve Schuette moved to adopt Resolution No. 15-732-02. Councilor Donn Willey seconded the motion, the motion passed unanimously.

Agenda Item No. 7 – Discuss Request from Grant Union High School Grad Night 2015

City Manager Gray stated a letter from Teri Bowden asking for the City Council’s support of the annual “Grad Night Party”. In the past the John Day City Council has donated \$100 towards this event by utilizing our community promotions line in the general fund. As of March 31, 2015 the community promotions line item has \$300 left in the budget.

City Manager Gray stated this event offers an alcohol and drug free environment for our high school graduates; keeping them safe and off the streets. She recommend the John Day City Council donate \$100 to Grant Union High School Grad Night 2015.

Councilor Steve Schuette moved to donate \$100 to Grant Union High School Grad Night 2015. Councilor Paul Smith seconded the motion, the motion passed unanimously.

Agenda Item No. 8 – Other Business and Upcoming Meetings

1. LOC Bulletins were given to the City Council.
2. Council was reminded to file their SEI forms with the Oregon Government Ethics Commission by April 15, 2015.
3. The John Day Farmers’ Market signed agreement was included in the council packet. City Manager Gray noted the dates for this year’s Farmer Market are June 20, 2015 to October 17, 2015. Councilor Provencher noted he heard there has been access and maintenance issues in the past, City Manager Gray stated she has not heard of any past issues with the Farmers’ Market.
4. Mayor Lundbom invited the Council to attend the LOC small cities meeting in Sumpter on Thursday, April 16, 2015.
5. Grant County Commissioner Chris Labhart stated that evening the Senator passed a House Resolution bill to renew the Secure Rural Schools (SRS) funds for two years.

Adjourn

There being no further business before the Council, Councilor Donn Willey made a motion to adjourn the meeting. Councilor Steve Schuette seconded the motion and the motion passed unanimously. The meeting was adjourned at 8:25 p.m.

Respectfully Submitted:

Peggy Gray
City Manager

ACCEPTED BY THE CITY COUNCIL, APRIL 28, 2015

Mayor Ron Lundbom