

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

**August 11, 2015**

**Adjourned Meeting**

**COUNCILORS PRESENT:**

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

**COUNCILORS ABSENT:**

**STAFF PRESENT:**

Peggy Gray, City Manager  
Lance Woodcock, Public Works Director  
Richard Gray, Police Chief  
Valerie Luttrell, Dispatch Manager

**GUESTS PRESENT:**

Judy Schuette, NW Bridge, John Day  
Ray Cox, 415 SW Brent Dr., 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 July 28, 2015**

The minutes of the July 28, 2015 adjourned meeting were included in the agenda packets and were presented for the Council's approval.

Councilor Louis Provencher questioned Agenda Item No. 5, the first paragraph he just wanted to mention regarding the ambulance and restroom; that was based on the Council's questioning. Agenda Item No. 6, paragraph 5. Councilor Provencher stated the last sentence should say "Councilor Provencher stated the cost of the single audit may (instead of can) be included as matching funds for future federal grant applications." He stated it depends on the type of the grant.

**Councilor Donn Willey made a motion to approve the minutes of July 28, 2015 as amended. Councilor Gregg Haberly seconded the motion, the motion passed unanimously.**

**Agenda Item No. 3 - Appearance of Interested Citizens**

Mayor Lundbom welcomed those in attendance and asked everyone to please sign in.

**Agenda Item No. 4 – Discuss for Adoption Ordinance No. 15-164-02, an Ordinance of the City of John Day Prohibiting Marijuana Establishments; Prohibiting the Sale of Marijuana Retail Products; and Declaring an Emergency**

Ray Cox, 415 SW Brent, John Day. Mr. Cox stated he was present to try to give the City Council a different perspective on why he voted for the drug initiative (state). He stated it looked like the Council was leaning in a different direction than what he was thinking. Mr. Cox stated he voted to allow the marijuana thing not because he thinks drugs are a good deal and he is opposed to the use of marijuana, but the way things have been going with the drug thing, the system seems to get worse, it's broken and it seemed to him that we need to take a different approach to try to get it fixed. He stated he hoped that by making it legal, we could gain control of it. He gave an example of our neighbors to the south in California, stating the woods are almost completely closed off because it is not safe to be there anymore. His thought is that if we have a place where somebody can purchase legal marijuana and everyone knows who they are, we can try to get the drug dealer out of equation.

Mayor Lundbom asked the City Council if there were any questions or comments for Mr. Cox. There being none, Mayor Lundbom thanked Mr. Cox for his comments.

Judy Schuette, NW Bridge Street, John Day. Mrs. Schuette stated she hasn't changed her view since the Council's last vote, which shocked, surprised and dismayed her. She stated she has been traveling a lot since then and has traveled to both big cities and small towns that now have numerous facilities. She noticed one right next to a cute little restaurant she had been wanting to go to but now that probably won't happen. Mrs. Schuette informed the Council of an experience right here in John Day, not with a dispensary, but with a business who sells paraphernalia, her first thought observing what was happening across the street, what would a tourist think? Mrs. Schuette stated for us as a community, this is not what she wants our community to be known for or have a reputation for. She stated she is not convinced that the need is there for us to have a dispensary – Burns and Prineville have one, she stated she didn't think going out of town is a hardship. She reminded the council that she learned about shelf-life at the last meeting, it was 6 months –one trip out of town in 6 months is not a hardship. Mrs. Schuette stated one of the ladies at the last meeting stated how good the security is at a facility, she stated that is probably true. However, Mrs. Schuette stated she does not believe that it (the dispensary) doesn't attract the other element as well. Mrs. Schuette stated she would very much like to see John Day stay drug free as far as franchise businesses.

Mayor Lundbom stated the Council all had their reasons to vote the way that they did. He respected everyone's opinion; he thought that we (the Council) are going to represent how the voters voted; if they (the voters) want an initiative on the ballot, then they can do an initiative and we can see how the voters in John Day vote. Mayor Lundbom attended the Mayor's Conference in Cottage Grove and stated the LOC people were there and stated that most of the cities that lived in Counties that voted against Measure 91 are opting out.

Councilor Gregg Haberly agreed that we're not winning the battle. You need to go to the state level, the DA's hands are tied.

Police Chief Richard Gray gave an OLCC report on the cities and counties that have already opted out. Police Chief Gray stated it's legal, you can have 8 ozs. at your residence; you can grow four plants. Police Chief Gray stated we don't need it (a facility) in downtown John Day.

Councilor Louis Provencher stated he had some other thoughts. He noted he voted against Measure 91; he stated therefore, he is against the use of recreational marijuana and do not promote such use. However, he stated the voters of the State of Oregon have spoken and passed Measure 91. 35.2% of Grant County voted for Measure 91 and stated that is not an insignificant amount of voters. Now the state, counties and cities are going to make it much more difficult for individuals, law enforcement and businesses by having a variety of laws from one area to the next. You may be legal in John Day; you may not be legal in Prairie City, Canyon City etc.

Councilor Steve Schuette stated this (ordinance) will not change whether it's legal or not. City Manager Gray stated this ordinance only affects marijuana establishments; it does not affect medical marijuana grow sites and does not ban the personal use. Councilor Provencher stated these laws are not going to stop the use. City Manager Gray stated we're not arguing that, we just don't want to have the dispensaries in our town.

Councilor Provencher stated in our country we have individual and constitutional rights and as such as these rights include freedom of speech, freedom of religion, second amendment etc. However, when these rights pinch us and everything - we disagree with them or we ignore them or push our own individual beliefs so we ignore these rights of other individuals. Our current laws are not working, Councilor Provencher said to look at the use of alcohol, use of prescription drugs, gambling, cigarettes; all these laws we have they're just not working and passing an ordinance will not solve the marijuana use problem, in fact, Councilor Provencher stated he thought it would continue to foster the illegal trade. Councilor Provencher also stated it would also have a large impact to individual liberties for false sense of security and health benefits. He stated we're just giving up our individual liberties and everything.

Councilor Gregg Haberly stated there is one thing that he has against what Councilor Provencher is saying, he stated no doctor has proven the health benefits.

Councilor Donn Willey stated with our rights come responsibility. Councilor Willey stated we're not all just free moral agents out there doing what we want. We have a rule of law that is a democratic system, broken or not but this is what we live under. His opinion was that there is no way that passing this ordinance is going to battle the drug problem in any place; we're saying that our town doesn't need a storefront. Councilor Willey stated he respected and appreciated Councilor Provencher's opinion.

Councilor Provencher stated this city will lose the potential for tax revenue, as little as you think it may be. We will lose the opportunity for businesses and employment desperately needed in this city and county and we are not providing a facility for people who may need a medical marijuana facility. He finished by saying he thought we were spending way too much time and money on this issue.

Mayor Lundbom concurred and stated he has heard that the cities that have banned are becoming more attractive for people to move to than the cities that have not banned. Councilor Schuette stated we're here to represent the democracy, 64.8% of the voters in Grant County voted against it (Measure 91).

City Manager Gray reminded the Council that this ordinance does not address medical marijuana grow sites. City Attorney Jeremy Green stated HB 3400 is silent on whether a city may ban medical marijuana growers from operating and recommends the Council consider exploring an outright ban on medical marijuana grow sites or at the very least consider setting time, place and manner regulations on them.

Councilor Gregg Haberly stated there is no way financially someone could keep a medical marijuana store going in Grant County. Councilor Lisa Weigum stated there are 80 growers and 108 card holders in Grant County.

**Councilor Steve Schuette moved to have Mayor Lundbom read Ordinance No. 15-164-02 by title only. Councilor Gregg Haberly seconded the motion, the motion passed unanimously.**

**Mayor Lundbom read Ordinance No. 15-164-02, an Ordinance of the City of John Day Prohibiting Marijuana Establishments; Prohibiting the Sale of Marijuana Retail Products; and Declaring an Emergency by title only.**

**Councilor Steve Schuette moved to adopt Ordinance No. 15-164-02. Councilor Donn Willey seconded the motion, the motion passed 6 -1 with Councilor Louis Provencher opposing.**

#### **Agenda Item No. 5 – Other Business and Upcoming Meetings**

1. LOC Bulletins were included in the Council packets.
2. A groundbreaking press release for the new fire station was presented to the City Council. No date has been scheduled; however, Kirby Nagelhout Construction Company will send out a couple of dates for us to choose from within the next few days. City Manager Gray stated she would pass on the information to the City Council when she receives it.
3. Councilor Louis Provencher stated he was told about an article in the Baker Herald that the state gave the City of Halfway \$450,000 to buy land and another \$400,000 to build the new fire station with Senator Ferrioli's help.
4. Councilor Gregg Haberly stated he is interested in attending the League of Oregon Cities Annual Conference in Bend. City Manager Gray stated she would send him the information.
5. Councilor Louis Provencher and Councilor Donn Willey stated they would not be able to attend the August 25, 2015 council meeting.
6. Police Chief Richard Gray stated for the next four months, one week out of each month Sergeant Daman Rand will be attending the DPSST academy in order to receive his Supervisor's Certificate.

**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 7:28 p.m.**

Respectfully Submitted:

Peggy Gray  
City Manager

ACCEPTED BY THE CITY COUNCIL, AUGUST 25, 2015

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Mayor Ron Lundbom