

**CITY OF UMATILLA
COUNCIL MEETING
August 18, 2015**

- 1. CALLED TO ORDER:** Mayor Trott called the regular council meeting to order at 7:00pm.
- 2. ROLL CALL:**

PRESENT: Councilors Dedrick, Farnsworth, Ray, Fenton, Lougee, and TenEyck.
STAFF PRESENT: Recorder Sandoval, Manager Ward, Finance Director Ince, Planner Searles, Public Works Director Pelleberg, and Chief Huxel.
- 3. PLEDGE OF ALLEGIANCE:** Recited at 7:01pm.
- 4. APPROVAL OF AGENDA:** Mayor Trott asked Manager Ward if he could explain the late comer attempting to get on the agenda. Manager Ward explained that Stephan Bunn wanted to have a beer garden similar to the one that Riverside had for their twenty-fifth anniversary. Honey Bunnz was on their first one. Unfortunately, they did not turn in the information until yesterday and the event is being planned for the twenty-eighth and twenty-ninth of August. In order for this to be considered the Council would need to amend the agenda tonight. The Council does need to approve the license in order for Mr. Bunn to forward it to the OLCC. It was moved by Councilor TenEyck to amend the agenda by adding a temporary sales license under New Business. The motion was not seconded. The motion fails. It was moved by Councilor Fenton to approve the agenda as presented. It was seconded by Councilor Farnsworth. Voted: 6-0. Motion Carried.
- 5. PRESENTATION:** None.
- 6. APPROVAL OF MINUTES:** It was moved by Councilor Ray to approve minutes for July 07, 2015. It was seconded by Councilor Fenton. Voted: 6-0. Motion Carried.
- 7. PUBLIC COMMENT:**
 - 7.1 Stephan Bunn – He thinks it’s ridiculous to be treated like a second class citizen in this county. About the marijuana issue, he wanted to know what the big deal was. The Council chases all the businesses out of town. Every time we get a new business you guys won’t even help them to establish themselves. He stated he expected that from the Council, but he will be put on the next agenda. He would like to know why he can’t have a beer garden, he has had no problems in a year and a half whatsoever, and he can’t be treated fairly or as a business owner in this town. He wanted to know what was wrong with getting a medical marijuana facility. Mr. Bunn stated that we have an elementary school named after a whore. He stated that it was ridiculous, and wanted to know what we were doing here. Chasing everything out of town and the businesses that are in town we don’t’ help make business at all. The Council does not act like they care at all.
 - 7.2 William McMillan – He talked to the Council last time and explained his medical condition to all of them. He will not be covering that anymore. He just wanted to share other information with the Council, stuff to kind of think about. He asked the council if anyone knew why marijuana had the wrap it had right now. There was a guy back in 1930 named Harry Anslinger, who was appointed as the first commissioner of the Federal Bureau of Narcotics. At the time the only thing they were really worried about was cocaine. This

individual started noticing that there was more use of marijuana throughout the United States. It was mostly down in the southwest part, and it was Native Americans and Hispanics. This spread. He decided to take it upon himself to put it on the agenda to add it along with cocaine. He hooked up with William Hearst. He owned thirty of the largest newspapers in the United States. With that connection they started a propaganda against marijuana because of racial profiling. William Hearst had a thing against Hispanics. Back in the day, Poncho Villa took back eight-hundred thousand acres of timberland that he had owned. That really hurt his business because that is where he got his material for his newspaper. So he had to go an outside source to buy it. He became very racist about that. Harry Anslinger was racist against pretty much everybody, and so they did the smear campaign against Hispanics and Blacks. They threw in all kinds of misinformation. If you research it you can find out some really interesting stuff about these two guys. Mr. McMillan stated that there was a company who got on board with them, that company was DuPont. DuPont had just invented nylon. At the time hemp was the number one maker of rope. So DuPont got on board, started supplying money for the smear campaign. DuPont also have hands in the pharmacy world. At the time marijuana was used for all kinds of medical stuff. Now that pharmacies are involved, they can say, if we get rid of marijuana, now we can sell. It started out being a racial thing. He clarified that first it began as a political thing, then it became a racial thing, and now it is a money thing. The stuff that marijuana can do can help. They give it AIDS patients, cancer patients, asthma, arthritis, depression, epilepsy. There was a big story not too long about an eight year old girl who lived in Florida. Every three months he had to take his daughter to Colorado for treatment because Florida would not allow medical marijuana in the state. After he made several trips and begging with the governor, he decided to go through the media, the media put pressure on the governor, and then all of a sudden medical marijuana is legal now in Florida. MS patients, people with migraines, insomnia, paraplegics and quadriplegics use it to help muscle twitching. There is a lot of useful needs for this type of stuff, and the alternative is the stuff pharmaceutical companies are making, Vicodin, OxyContin, Selma, and so many others that they give me, Percodan, Percocet, all kinds of crud. Mayor Trott called time on Mr. McMillan's opportunity to provide public comment.

7.3 Boyd Sharp – He exclaimed that he was confused. He did not realize that they had opened up public testimony. Mayor Trott elaborated that it was not public testimony, it was an opportunity for attendees to speak about whatever they wanted to the Council during open session. Mr. Sharp stated that in previous meetings people have been stopped when something like this was slated on the agenda and asked to return when the subject was brought to attention. Mayor Trott asked for a point of order, and further clarified that there was not a public hearing tonight. So, there was not testimony to be taken tonight. Mr. Sharp thanked the Mayor.

7.4 Esteban Rodarte – He wanted to read a story to the Council. He stated that this story fitted Umatilla to the T. “Marijuana has been legalized for little over a month now, and contrary to popular belief the sky has not fallen. Now I hear that the City wants to opt out of recreational selling and medical. I believe this is a mistake for a number of reasons. First, we are a town in desperate need of the funding that will be available through taxed purchases. We've seen that Colorado has made a ridiculous amount of money, so much so that they may be giving some of it back to the citizens. Also with counties around us issuing a memorandum on all dispensaries, we would have the potential to make even more money from those who would come to legally purchase. I understand that Eastern Oregon prides itself on tradition, religion and the old way and that's awesome. However, we must be careful to avoid letting those things hold us back from the potential of the blossoming cannabis

industry and the benefit it can bring not only to our city but to our schools, which are greatly in need of more funding. This is a large, untapped resource and to opt out would be a very bad move.

Second, by not allowing legal purchase, this opt-out would cause issues for the citizens who partake, and believe me, there are so many more than most realize. If people are not allowed to purchase legally, it leaves them with two options: travel to a place where they do sell it, which would give them more money or continue to buy illegally. That means that law-abiding citizens who are allowed to smoke and buy marijuana will either have to dish out cash for travel or run the risk of becoming criminals. That is unfair to people who wish to use their legal right to use marijuana products.

Third, in Washington and Colorado, prescription drug abuse has dropped drastically. We have a huge problem with prescription drugs as well as methamphetamines. That in itself should be a good enough reason to make it available for purchase. Who are we content with kids popping Vicodin and eventually turning to heroin when the prescriptions no longer give them a high?

I can only see two reasons for this opt-out: fear and stereotypes. The fear stems from years of anti-marijuana propaganda and rhetoric by our own government. There is nothing to be afraid of. Cannabis is not dangerous. We had someone in here last week, who was the head nurse at Kadlec, two weeks ago. Head nurse, Kadlec, to give you guys all the stats. She wasn't here paid, that was voluntary for her loved one who had cancer. She felt compelled to share her story, just as important as that man over there. Mr. Rodarte pointed at Mr. McMillian. There are some who cannot and should not partake, but the same could be said for alcohol. The stereotype that all potheads are lazy, unproductive members of society is so unbelievably false that it actually makes me laugh. I won't name any names, but there are business owners, lawyers, teachers, etc. in this city who use marijuana in one form or another. That doesn't make them bad people, unproductive or lazy.

This comes down to a matter of rights. We live in an area that is so anti-government involvement, yet our own government officials would make it nearly impossible for us to use our right. This is a new world and a new America. The baby boomer generation is beginning to retire and a new generation is stepping up to the plate. Let's step out of the 1950s and become a more modern area. Let us be a beacon in an area that is still stuck in the past. Most of all, don't let the fear forced on our country by the past hinder our future development. If we pass this opt-out, it will hinder our development and could have disastrous effects. Small towns everywhere are dying, we don't need to be one of them."

8. CONSENT AGENDA: It was moved by Councilor Ray to approve item 8.1 Court Report. It was seconded by Councilor Farnsworth. Voted: 6-0. Motion Carried.

9. COMMITTEE REPORTS: Mayor Trott asked for a point of clarification from Manager Ward, if there was a one year residency requirement for any of the committees. Manager Ward shook his head no. It was moved by Councilor Dedrick to approve Mark Ribich to the Code Improvement Board. The motion was seconded by Councilor Farnsworth. Voted: 6-0. Motion Carried.

10. UNFINISHED BUSINESS:

10.1 Council Discussion Regarding Proposed Direction to Planning Commission on Zoning Recommendations - Councilor Ray stated that they had not received the minutes from the last meeting. Mayor Trott stated that he was correct, that they had not received them. In terms of

discussion at the workshop, they did have the chair for the Planning Commission there, the City Planner there, and the thing now is that there was information that imparted some clarification and question on a few matters. So, the expectation of the Council is what in terms of the next move here. We talked previously of having a joint session with the Planning Commission.

Councilor Ray stated that his expectation at least on his part was that they were going to have minutes available and hopefully have some of that information tabulated, have a chance to read them, and have a meeting with the Planning Commission.

Councilor Dedrick stated that she thought it was a lot more information processed for some in regards to what the Planning Commission had planned. So, she is not sure, because before they can meet with the Planning Commission they need to have direction on what changes need to be made.

Councilor Ray asked Councilor Dedrick if she wanted to have another meeting. Councilor Dedrick stated that they had already had their meeting, from that meeting we need to be able to tell the Planning Commission what has to be changed and what doesn't have to be changed.

Mayor Trott stated that it was imparted in the workshop to both the Planning Commission Chair and the City Planner, and he is going to ask both to pipe in for information to Council. He asked them both to explain what their understandings were in regards to the meeting. Mr. Sharp thought it was a very productive meeting and they were able to clarify at least some of the questions that were asked, one was the simplification. He thought that the Mayor had done that well about how it looks complicated when you look at all the zones and try to take them all together. On his computer he has a file that says documents, when he goes to documents, he has a few thousand documents there. So if he wants to know something about a particular thing, let's say the minutes to a Planning Commission meeting, and searching through a few thousand documents. He compares that to what they now have in all the ordinances, so we can do business. You are handing them 3 or 4 or 5 other ordinances and pieced them together. So what he had done on his computer is he has a folder that says Planning Commission. Then he goes in and look at them. That is what they have tried to do. He thought that they have clarified that for some of the Council members. The other great thing that got clarified, he thought was the highway zone. He thought Bill talked quite eloquently about that, and covered why that might be probable. Those two areas were that you all had strong feelings about; that we say this is why we planned it this way. This is one of the things they will need to address as a Planning Commission. Mr. Sharp thought it was a good meeting. He knows there are some small things that may happen to change down the road, but he thinks the document as it is he thought he was able to explain to the Council. He thought he had some kind of satisfaction from the Commission. Any questions he can answer, he thought it was a good meeting.

Mayor Trott then inquired in terms of path forward, since there was some mutual clarification that went on in the workshop. Did Mr. Sharp or will Mr. Sharp take that information back to the Planning Commission members? Mr. Sharp stated yes. He thinks that between Lyle Smith, who also listened in on that meeting, Planner Searles, and himself, they have enough to take back to the Planning Commission to have another meeting. He knows there are some things like what Councilor Ray's has raised, but he did not hear a consensus from the rest of the Council for those issues. Some of those are important, but they are his, and that is not demeaning what he has because those are points that all of them could have. He does not know how they will change all of those, and if it is even necessary. The main points he thinks were the clarification and simplification. He thinks they have enough.

Mayor Trott asked when that meeting would take place. Planner Searles explained that the next Planning Commission meeting was scheduled for a week from the current meeting (August 25, 2015) starting at seven o'clock. He further explained that he believed it would fit in nicely with what the Planning Commission's schedule at this point since there was not a lot on it. They can take whatever time they want without the Planning Commission having to detract with other business. He guesses what he took out of that meeting was that there were a few points that the information from the August sixth meeting helped the Council out, but that a meeting with the Planning Commission would help to clarify any other issues that the Council might have and give them information that they might need to actually give the Planning Commission further instructions on how you would like to see them proceed. They could then go make those changes and look at holding another couple of public hearings, and have the Planning Commission bring a revised, essentially, recommendation to the City Council.

Mayor Trott asked Planner Searles and Mr. Sharp to take the information from the August sixth workshop to the Planning Commission. The most logical path would be to give the Planning Commission an opportunity to hear what they got from the Council, and give the Planning Commission an opportunity to discuss that amongst themselves, then have a joint session where everybody is informed.

Councilor Dedrick wanted to know when the moratorium expired. Mayor Trott explained that they had already completed done a first reading of Ordinance No. 805, and the next logical move was to make a decision on whether the ordinance would pass or be rejected. Manger Ward explained that their action on Ordinance No. 805 could be conceivably a place holder because it is not an irrevocable action, so that would be an indefinite extension of the moratorium, if you pass 805.

Mayor Trott stated that each Councilor had their own issues to discuss. It appears that the number one issue that everyone shared was the sign ordinance, which has nothing to do with zoning. There needs to be some opportunity for the Planning Commission to digest what was said in the workshop.

Councilor Lougee felt like they had reached a resolution at the workshop. He does not see a need to have meeting after meeting. He understands the Planning Commission taking it back and maybe reworking a few details, but he felt they had most things resolved.

Councilor Fenton agreed with Councilor Lougee.

Mayor Trott stated that they would wait for the Planning Commission to digest what was discussed.

10.2 Ordinance No. 805 - An Ordinance Prohibiting Medical Marijuana and Recreational Marijuana Processing Sites - Mayor Trott stated that the moratorium on this issue would expire in two days. Councilor Ray stated he had thrown this up in the air a lot until Mr. Sharp talked at the last meeting. He feels they need to pass this until they have their rules in place, which is then, what the Planning Commission would do. He believes this is a very reasonable move tonight, because it can always be rescinded. Councilor Lougee and Farnsworth both agreed. Mayor Trott explained that if they vote for approval it would put a ban on medical and recreational marijuana commercial processing. Councilor Fenton moved for approval of Ordinance No. 805. Councilor Lougee seconded. Voted: 6-0. Motion passed unanimously.

11. NEW BUSINESS: None.

12. CORRESPONDENCE: None.

13. PUBLIC COMMENT:

13.1 Esteban Rodarte – Thanked the Council for passing Ordinance No. 805. Wanted to know if there was a tree on commercial property that needed to be cut down, who he could contact to help, within City limits. Who do you contact to cut a tree down? Public Works Director Pelleberg asked if was located on private property. Mr. Rodarte stated that he believed it was located on City property. Public Works Director Pelleberg told Mr. Rodarte that he would speak to him after the meeting.

14. MAYOR'S MESSAGE: Thanked the City staff for putting on movie in the parks and making it happen. He thinks it was something very much appreciated by the families who attended. Wanted to let the staff know that he appreciates their hard work and efforts.

15. STAFF REPORT: Manager Ward stated that we needed to look at Title 5 in regards to drug paraphernalia, which will need to be addressed. There is also some of the bolder homeless people the City is experiencing issues with tent communities within City limits. He does not want the community to think that there is no compassion for the homeless, he just wants to ensure that there are no health hazards or other dangers among the community. At some point he hopes to address something that actually helps the homeless. Mayor Trott asked the Council if anyone had any questions for staff. Councilor Ray asked who addressed Title 5 in regards to drug paraphernalia. Manager Ward stated that it was a police enforcement issue, but the City writes the ordinance so it needs to be cleaned up. Councilor Ray asked if it were to be up for discussion. Manager Ward said yes, they would be coming back with a proposal for Title 5.

16. COUNCIL INFORMATION & DISCUSSION:

16.1 Councilor TenEyck – He would like to say a few words on Ordinance No. 805. He was really torn on making a decision on 805, and it was not something that he took lightly. It is his personal opinion that given some time, people can grow their own. His personal feeling is that the citizens who are in need will take care of their own. He understands Mr. Rodarte's position and appreciates his tenacity. He has been a staunch proponent and he commends him for that. He said that if we could get that kind of energy around the other things that need to be done, just think about what they could accomplish. That is really awesome. He thanked Mr. Rodarte. He feels a few more months down the road, marijuana will be accessible to those who want or need it. The voters spoke and they dictate the Council's decision making process. Folks on the east side of the state are more conservative.

16.2 Councilor Lougee – Well said. Thanked Mr. Rodarte for his presence. Thanks to staff for the movies in the park, and for making it the best it can be. Also, thanks to the Public Works Department and the work that they are doing.

16.3 Councilor Fenton - He appreciate everything that is going on, and he believes there have been some great discussions going on.

16.4 Councilor Ray – Asked if the next meeting was pretty full. Manager Ward stated yes. He said he had nothing to state. He had a proposal for the next agenda. Manager Ward told him to come see him so he can be added to the next agenda.

16.5 Councilor Farnsworth – Welcomed Mr. Ribich. She has been out of town for a few weeks, came back into town and noticed that the Lamp Lighter had been painted a lovely

beige color. It is a great improvement. She noticed the photography place has a nice floral arrangement in the planter in front of the building and it is looking really nice.

16.6 Councilor Detrick - She is excited to see that the City staff has shown to be real go-getters. They see things getting done, some things are still slow and some things move faster, but at least they are getting done. She also wanted to thank the audience for their attendance and input, and thanked Councilor Ray for finally agreeing with her on something.

17. ADJOURN TO EXECUTIVE SESSION: ORS 192.660 (2)(g)

18. RECONVENE:

19. ADJOURN: Next meeting will be held on September 1, 2015 at 7:00pm. It was moved by Councilor Detrick to adjourn the meeting. It was seconded by Councilor Farnsworth. Voted: 6-0. Motion Carried. Meeting adjourned at 7:56pm.

David P. Trott – Mayor

ATTEST:

Nanci Sandoval – City Recorder