

City of Prairie City
CITY COUNCIL MEETING
September 9th, 2015

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Attended: Jim Hamsher, Mayor
Carole Garrison, Councilor
Les Church, Councilor
Butch Goslin, Councilor
Viola Rose, Councilor
Georgia Patterson, Councilor
Taci Philbrook, City Recorder
Kathy Smith, Museum Director
Chris Camarena, PWD Director
Marvin Rynearson, PC Fire Chief
Senator Ted Ferrioli, State Senator
Mary Ferrioli, Grant Co.
Rita Westfall
Tami Kowing, Mt. Vernon City Recorder
Cheryl Hoefler, BME
Frances Preston, resident
Malachi Wilson, resident
Carlos Bortell, residents

The Mayor opened the regular meeting at 6:00pm. Roll Call taken. Councilor Miller not present, with an excused absence. Pledge of Allegiance.

The minutes of August 12, 2015 regular council meeting were considered for approval. **MSP: To approve the minutes with corrections. Councilor Rose / Councilor Church. All in favor.** (see attached) Councilor Rose noted line 34 read “abetter” and should read “a better”. Councilor Patterson noted line 72 should read Councilor Miller seconded to ratify payment of bills.

Mayor Hamsher recognized Dan Bishop was not present.

Mayor Hamsher then went into a brief history of Medical and Recreational Marijuana and explained the reason Senator Ted Ferrioli was present so as to better educate the Councilors so as to make a decision about opting out using SB 460. He then introduced Senator Ted Ferrioli. As a cowriter of SB 460 Senator Ferrioli explained the reason for the Bill was to

41. give the cities and counties the opportunity to “opt-out” of Marijuana without
42. legal recourse. He stated with the legalization of Recreational Marijuana any one
43. person can have 4 plants, transport an ounce, or have up to 8 ounces in their
44. home. SB 460 does not change any of that. Even though it was passed state wide,
45. 15 Counties voted significantly against the legalization of Marijuana. Grant Co.
46. was one of them. The real questions are whether or not cities wanted to have a
47. medical dispensary or a recreational marijuana sales outlet within their city
48. limits, say on Main St.?

49. The Senator explained although he voted against Medical Marijuana he did vote
50. to allow it for Veterans as he has seen the medical benefits in children with
51. seizures and PTSD. He expressed how he felt he did not do the cities any
52. favors by gaining them local control for now they have to make a hard decision.
53. Now the City is left with making the decision to opt out of some or all of
54. the Marijuana activities. The Senator then opened up the meeting to questions.
55. Councilor Rose asked him to verify if we would not be getting tax revenue
56. should we decide to opt out? Senator Ferrioli explained we would be losing out
57. on shared revenue for recreational. There is no tax revenue from Medical. Cities
58. that enact a prohibition on any marijuana activity will not be eligible to receive
59. state marijuana tax revenues or impose a local tax, even if the city bans only
60. certain activities and allows others. He was unable to answer how much when she
61. asked him to estimate how much we would be rejecting should we decide to op
62. t out. He did explain it will depend on the level of consumption and sales in our
63. community, and that it will be similar sharing, as it is now with the OLCC. After
64. Councilor Patterson asked him if the amounts would be based on population, the
65. Senator explained it would be based on sales in our community and redistributed
66. per ca pita.

67. The Senator went on to explain the big question is, “what will this industry look
68. like in a year, what will be the financial outcome?” He explained, “To “opt-Out”
69. is to the cities advantage. It would allow you to sit back and watch others as they
70. overcome hurdles and you can learn from their mistakes, to “Opt-out” gives the
71. City back the control.”

72. Councilor Garrison asked if we take the “opt-out” option to the voters do we need
73. a temporary ordinance until the vote? The Senator answered “No” its treated as a
74. as an immediate opt out. The Senator then went on to tell the Councilors that he
75. believes that if we take this to the voters (again) that the voters will feel like they
76. weren't being heard the first time. What part of No didn't we understand.

77. Councilor Garrison then asked what are the chances (like HB3400) that SB460
78. will change in the future? The Senator admitted there is a 100% chance. He
79. reminded the Councilors about the December 24th, deadline and that in reality it
80. really gives them until December 1st so that the time is allowed to implement it.
81. The Senator reminded the Councilors they need to make a decision that reflects
82. our communities values. The Senator said he did not know, when he was asked if

83. the County is going to “opt-out”. While there are a few medical outlets on this
84. side of the state that may be grandfathered in, he doesn’t think that many cities in
85. Eastern Oregon will be licensing recreational marijuana but that after watching
86. the West side of the state, the cities on the East side may want to make some
87. changes.

88. Senator Ferriloi stated that he is assuming Prairie City folks don’t want city
89. services funded by the sales from marijuana. The “opt-out” gives the City the
90. opportunity to allow the experience to pile up else where at someone elses
91. expense. He knows the toughest decision is about medical but that the people
92. have spoken already about recreational. With Medical we set the time, place and
93. manner, we set the hours and location, basically in charge of how that will affect
94. our community. “They” have already discovered that large recreational grows
95. have their own epa center of nuisance. They have odor, traffic at all hours, break
96. in crimes, even thefts and hostage situations, these are all illicit grows. The only
97. experience we have is with black market grows and these are not good
98. experiences. The Medical is different. Oregon Medical Authority regulates the
99. medical side, and they are not amateurs. They have committed to a seed to sale
100. tracking system. Folks that are licensed for medical are subject to
101. inspections and controls by the folks at OHA. It is more regulated now to
102. prevent leakage from the black market. The patients have to go through a
103. series of steps to get a prescription. By allowing the medical dispensaries
104. to sale recreational as a soft start until the OLCC finalizes their regulations
105. it will give them the chance to study how it will affect things. Councilor
106. Patterson asked the Senator if we don’t “opt-out” can the Federal Govt.
107. come in and arrest someone who is growing it? The Senator explained that
108. they could and that some citizen could come in and say we are violating
109. Federal Law by allowing Marijuana here. 68% of the land here in Grant
110. Co. is Federal land and the issue of crossing Federal land with Marijuana
111. has not been addressed. There is not to be any Federal interface with
112. Marijuana such as watering a grow site with a Federally funded water
113. source.

114. The Senator then recommended we read the latest Cole Memorandum, a
115. series of stipulations made by Colorado when they legalized Marijuana. It
116. lays out the principles of how Federal prosecution might not occur.
117. Councilor Church asked if the City issues a license and a citizen objects
118. can't they sue the City? Senator Ferrioli explained that they could but we
119. would invoke SB 460. If the citizen found 10% that agreed the citizen then
120. would file a referral instead which would still require an attorney to fight.
121. Councilor Rose asked if we do not “opt-out” and there no one applies for a
122. license and we don’t have any facilities here do we still get tax revenue?
123. Senator Ferriloi then explained that he believes there has to be a retail
124. outlet to participate in the revenue share.

125. The Senator opened the questions to the public in attendance.
126. A resident had heard that someone was interested in using Prairie Wood
127. Products for process. If the City opted out they would not be able to would
128. they? The Senator asked where PWP was located and once it was
129. established they are out of city limits in the county he explained it would
130. fall under what the County decides. When asked if he knew what the
131. County was going to do, he stated he had no idea. She then asked if the
132. City opts out and other places are us us are providing wont it still impact us
133. socially?
134. The Senator told her I wouldn't worry about the guy driving miles to get it
135. when they can grow it themselves. She confirmed with the Senator that the
136. only thing we would be giving up is a little tax revenue, to which he
137. concurred.
138. The Senator recommended his staff person, Andrea Chiappelo at 986-1950
139. to answer any questions. She sat through thousands of hours of legislature
140. when Measure 91 was going through the Senate.
141. Malachi Wilson asked what happens if the County opts out can Prairie City
142. not "opt-out"? The Mayor and Senator explained how "Home rule" works
143. and that allows us make our own laws here in Prairie City. Kathy Smith
144. asked if there have been any studies on any comparative statistics on law
145. enforcement, accidents, etc between Alcohol, Crystal Meth and
146. Marijuana? He stated that there were reames of it from Colorado that they
147. are using for our States own research. Colorado has already found that over
148. 50% fatal automobile accidents in Colorado used to be alcohol are now
149. instead Marijuana related.
150. The Senator ended by reminding the Councilors over 65% of the voters in
151. Grant Co. voted they did not want it in their communities and they would
152. expect the Councilors to act upon that. He expressed his hopes that we take
153. advantage of SB 460. The Mayor thanked the Senator for coming to
154. speak and then thanked the Councilors for preparing so well.

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156. The Mayor proceeded with reports:
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158. **Fire Department** – Chief Rynearson began by thanking the Mayor and
159. everyone in the community on the 29th for their help in getting through it.
160. He told the Council he had taken a class that will entitle him to get free
161. smoke detectors in lots of 100. He would like to start a fire prevention
162. program by blanketing the City and going house to house and installing a
163. number of detectors in each one. He will be training three people to assist
164. him. He would begin in Rural, then canvass the City before Christmas. The
165. Council agreed it would be a great project. Councilor Church asked if there
166. would be some available for the "do it yourselves"? Chief Rynearson

167. explained each one needs to be documented and installed by him or
168. someone he trains. He will be following the Oregon Fire Code. We can also
169. purchase up to \$250.00 worth of equipment to be used with this program.
170. We would purchase it and they would reimburse funds spent.
171. Something else that came up during the wild land fire is the fire shelters we
172. are using have been deemed useless and need to be replaced. We need 20
173. of them. The cheapest he has found them is \$384.00 each. He thinks we
174. can buy a few at a time. He has some feelers out with the state to see if
175. they will donate some as they donated all of them last time. A resident
176. asked the Chief if the County could assist with funds to purchase new ones
177. from their Fire fund. The Chief thought some FEMA money might be
178. coming our way and perhaps some of that could help pay for them. The
179. Mayor invited Chief Rynearson to the Town Hall mtg. for City leaders to
180. meet with agencies that could help with funding with this project. Chief
181. Rynearson told the Council he is also looking into a grant from the State
182. Fire Marshall.

183. The Fire Chief declared he has chosen Ryan Williams as Assistant Fire
184. Chief. He requests all communications go through himself or Ryan, that
185. includes all mail. He feels Fire Dept. mail should only be opened by him or
186. he will have to request a seperate mail box. He had issue with a letter from
187. the US Forest Dept. that had been opened by City Staff. He asked the
188. Council to back him on that and no one said anything.

189. Chief Rynearson than told the Council he is being pressured into not
190. allowing 16-18 year olds on the fire line. He stated he has chosen to do so
191. even though there are rules out there that he shouldn't. He stated he doesn't
192. know what he will do if he doesn't allow these 16-18 year olds, he needs
193. them. If he doesn't allow them there will only be two or three fire fighters
194. during the day. Councilor Garrison suggested partnering with the school to
195. acquire coverage under the graduates community service program. A
196. discussion began about the issue not being whether or not the school
197. supports the program. The City Recorder stated she knows the City covers
198. the 16-18 year olds on Workman's Comp. so its not the City now allowing
199. them and asked who is raising the issue? The Fire Chief said the State Fire
200. Marshall told him if they are close to 18 yrs. old they cant look at fire. He
201. thinks its also either Federal or State under the Child Labor Laws. The
202. Mayor felt it fell under a moral issue of allowing them to fight fire. If
203. "they" are trained and they want to fight fire for their community then they
204. should be allowed to. Councilor Patterson likened it to the Public Works
205. Dept., it used to be she could hire 16 year olds, then the laws changed and
206. she couldn't. Chief Rynearson explained to the Council how the situation
207. came about after the State Fire Marshall saw one of our Jr. Fire fighters in
208. the local newspapers and asked the Chief to tell his City Council that he

209. was allowing minors in the Jr. Firefighter program. The chief did tell the
210. fire marshall he thought the Council already knew.
211. Councilor Garrison was excused at 7:16pm. Before leaving she passed a
212. note to the Mayor saying she was in favor of training and using 16-18 year
213. olds. Everyone except Butch was in favor. Butch spoke about the huge fine
214. involved with getting caught, and was not in favor.
215. The Mayor and Chief Rynearson had a discussion about how important it is
216. to clutch on to these kids when they are young. Several old timers in the
217. department started when they were kids and have lasted 40+ years. They
218. felt it was one of the better mentor programs available to kids.
219. The City Recorder asked if the State Fire Marshall hinted at what kind of
220. repercussions or fines were involved. The Chief said he would find out and
221. perhaps she could look into it. Councilor Church suggested a disclaimer or
222. Release form. The Council decided to use common sense over the law.
223. Councilor Patterson asked Chris Camarena how he felt with his son in the
224. program. He felt it was an excellent program and wished it was around
225. when he was younger. Chris said during the last fire he was on the hill and
226. Ethan was down here and he had full confidence in the department and the
227. men Ethan was with. Chris stated he thinks the Fire Chief needs to know
228. the Council is in full support of his program. Chris Camarena spoke about
229. how the licensing works with the State. If they can get Firefighter 1
230. certificate before they get out of high school they can move on with their
231. careers faster. Two of our cadets were already approached to apply for
232. paying jobs in Portland. The mayor suggested asking the City Attorney to
233. draw up a liability waiver to offer some protection for our City.
234. **MSP: For our attorney to draw up a liability waiver for parents and**
235. **kids that are interested in being in the fire dept. to sign and have on**
236. **file. Councilor Patterson / Councilor Church. All in Favor.**
237. The Mayor thanked the Chief on behalf of the City. The Mayor can
238. himself attest to how much work went into that fire. and the fires all year
239. long, and again thanked Chief Rynearson and his department.
240. The Mayor began talking about a Fire Wise program that could go out on
241. the utility bills and asked Chief Rynearson to speak about it. The Chief said
242. the program is basically about neighbors helping neighbors. You can go to
243. www.firewise.com to get ideas for defending fires, such as making areas
244. defensible, watch out for your neighbors like if they have high grass or a
245. burn barrel. A neighborhood can be a fire wise program and they can go
246. out once a month and check out things in their neighborhood.
247.
248. **Museum:** See attached report. Kathy said the museum was back on its
249. regular hours after altering them during “the fire”. The Mayor asked where
250. the bat boxes are being located. Kathy explained they will be going to be

251. erected at Pryce's so as to draw the bats away from the museum/park. We
252. are only erecting one, and it will house 1000+ bats. They will be putting up
253. screening over the old holes so the bats can't get back into the museum.

254.

255. Public Works: See attached. Chris said they had been busy with water
256. restrictions which we are off now. The Mayor commended the PWD for
257. their work. He asked Chris to speak about the well production. Chris
258. explained because the production has been down he had the well drillers
259. come out to do a drop down test but was unable to do because its an
260. artisan well and we can't afford to take it off line to do the test. He
261. reminded the council we are not on the filtration system, we are just
262. running off wells since June through the irrigation season. Chris
263. explained, Usually this time of year we are running 28-29 feet in the
264. reservoir in the 30-31 foot tank. This year we were 27.5 in the reservoir
265. and holding our own. But, the night the fire broke out the production in well
266. #3 went from 300 gal per minute to 80, mostly due to residents watering
267. their dry areas trying to avoid catching on fire. Once they can take it off line
268. they will do so and then do the drop down test. Well #2 is picking up, it
269. varies in pressure compared to what Well #3 does. A couple of other
270. variables was Unity had a bad water test come back with E-Coli so we were
271. providing both the Fire Camp there with water, and ODF from a hydrant on
272. the Mill rd which were metered. We charge ODF, set up fee, OT, and
273. signage at a commercial rate and we should be getting money from them.
274. Also, since the level was dropping more at night than during the day so
275. Chris went hunting for a heavy water user during the night and found a
276. resident using excessive water at 3am. Chris spoke to him and resolved the
277. issue. The alarm was going off every 10 minutes, 24 hours a day so each of
278. the PWD employees took shifts up there to reset the alarms.
279. The Mayor went on to explain to attendees that when the well is producing
280. 300 gal. a minute and well #2 producing 165 gal. a minute it is a sufficient
281. amount of water. And when the rains and snows come it should raise the
282. water table considerably. But, according to the Master Water Report, there
283. is a real chance that Well #2 will never do more than 165 gal. a minute and
284. in fact has reduced it's production since it was initially dug. The Mayor
285. thinks there is a good chance that Well #3 is doing the same thing. Mayor
286. Hamsher did say he spoke to Senator Wydens office about our situation,
287. because he knows the residents can't fund another City Project, and Senator
288. Wydens office is looking into Grants being offered to cities. His thinking is
289. we could get a Grant to fund another Well on-line. With another Well
290. we could up the usage amount, citizens could water their lawns, and it
291. could cut back on fire risk. The Mayor stated he is going to stay on this
292. until he gets a solution.

293. Accounts Payable: **MSP: to ratify payment of the bills. Councilor Rose /**
294. **Councilor Church. All in Favor.**

295.

296. **Helmet Program Update-** Taci showed the donation “jar” to the
297. Councilors, that will be at several merchants in town. She spoke to Tony
298. Johns who said Mike Cosgrove will assist in purchasing helmets for the
299. program once the funds are raised.

300.

301. The Mayor again thanked the Councilors for preparing so well for the
302. meeting with Senator Ferrioloi, the mayor felt the councilors are prepared
303. for the Town Hall meeting September 23rd at The Community Center at
304. 6:00pm. The mayor invited all attendees at the meeting to the Town Hall
305. meeting.

306.

307. Councilor Rose shared her research from Washington officials about the
308. 300 licensed Marijuana facilities and only three of them had been broken
309. into. This information contradicted a program she had watched that had
310. stated every licensed facility had been broken into. She cautioned the
311. Councilors in believing what they hear, and to do their research. She will
312. be furthering her research with the Judicial Department to see what the
313. impact of crime has been since the legalization of Marijuana.

314.

315. The Mayor adjourned the meeting at 7:58pm

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317. Submitted by:

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321. _____
Taci Philbrook, City Recorder

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Approved by the City Council this _____
day of _____, 2015 and
signed by the Mayor:

Jim Hamsher, Mayor

