

**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, November 26, 2012

Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Todd Welch, Suzanne Quigley, Kathy Holder, Kim Daughtry, Marcus Tageant, and John Spencer

COUNCILMEMBERS ABSENT: Neal Dooley

STAFF MEMBERS PRESENT: City Administrator Jan Berg, City Attorney Cheryl Beyer, Planning Director Becky Ableman, Finance Director Barb Lowe, Public Works Director Mick Monken, Human Resource Director Steve Edin, Interim Police Chief Dan Lorentzen, and City Clerk/Admin. Asst. Norma Scott

OTHERS:

Excused Absence. Councilmember Holder moved to excuse Neal seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Guest Business. Sam Low 8409 4th Place SE, noticed on the check register the charge for ammunition – the rounds are 74 cents each, internet price is half that price, and 45 cents on the State contract. Mr. Low expressed support of the Police Department but should look into the ammunition cost.

Martin Reimers, 2919 127th Avenue NE, commented he lives behind the Industrial Zone. If medical marijuana was allowed, there would only be a 100 foot buffer. Mr. Reimer requested increasing the buffer in the Industrial Zone when located next to residential.

Bryan Allredge, 3221 127th Avenue NE, noted the following comments: drug enforcement in Washington State is still closing down marijuana businesses, it is still illegal, the law goes into effect December 2013, and is a waste of City money to do regulations now. Mr. Allredge provided written comments to the Council (attached).

Consent Agenda. Councilmember Daughtry moved to approve the consent agenda (A. Approve November 2012 vouchers [Payroll Direct Deposits 906508-906563 for \$127,005.05; Payroll Checks 343-46 for \$2,488.73; Claims 34347-34405 for \$109,164.06; Electronic Funds Transfers 524-528 for \$5,986.62; Tax Deposit 11.15.12 for \$45,934.32 for total vouchers approved of \$290,578.78]; B. Approve November 13, 2012 regular Council meeting minutes; and C. Support of regional priorities for Snohomish County – 2013 State Legislative agenda), seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Public Hearing in consideration of adoption of Ordinance No. 833, proposed 2013 Budget. City Clerk Scott read the public hearing procedure. Finance Director/Treasurer Lowe noted the hearing can be continued to the next meeting. Ms. Lowe reviewed the following: Lake Stevens priority initiatives, 2013 budget focus, General Fund forecast, Revenue/Expenditure forecast, property tax levy, General Fund Revenue/Expenditures assumptions, capital /project requests, Public Works funds, and staffing level.

Public Comments. Sam Low, 8409 4th Place SE, questioned staffing levels. The Public Works Coordinator was under Planning and is now under Public Works. Finance Director/Treasurer Lowe responded the coordinator works for both departments.

Mr. Low questioned the General fund expenditures for 2013 – 2 weeks ago it was 3% and is now 4%. Finance Director/Treasurer Lowe responded it now includes severance pay. Mr. Low questioned the salary spreadsheet. Finance Director/Treasurer Lowe responded there was an error in the previous salary spreadsheet. Mr. Low commented the Street fund revenues were preliminary from two weeks ago. Finance Director/Treasurer Lowe responded the City just received grant revenue.

Councilmember Quigley briefly left the meeting.

MOTION: Councilmember Daughtry moved to close the public comments portion of the hearing, seconded by Councilmember Spencer; motion carried with Councilmember Quigley absent. (5-0-0-2)

MOTION: Councilmember Spencer moved to close the second public hearing on the proposed budget, seconded by Councilmember Holder; motion carried with Councilmember Quigley absent. (5-0-0-2)

Councilmember Quigley returned to the meeting.

MOTION: Councilmember Spencer moved to adopt the proposed 2013 Budget Ordinance 883 for City of Lake Stevens as presented this evening, seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Authorize the Mayor to sign the Clean Air Interlocal agreement with Puget Sound Clean Air Agency. Planning Director Ableman noted this is a joint agreement to resolve odor issues. The agency will provide training to City employees in investigation of odor complaints and will function as their agent. This has been successful with the City of Marysville. Currently are looking at training one Police Officer, Building Official and one Public Works employee.

MOTION: Councilmember Holder moved to authorize the Mayor to enter into interlocal agreement with Puget Sound Clean Air Agency for cooperative odor complaint investigation, seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

Adopt first and final reading of Ordinance No. 882, 2012 budget amendment. Finance Director/Treasurer Lowe reviewed each of the fund changes. There were no changes since the November 13 presentation.

MOTION: Councilmember Tageant moved to adopt first and final reading of Ordinance No. 882, 2012 budget amendment, seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

Authorize the Mayor to sign the City Attorney retainer agreement with Weed, Graafstra and Benson Inc. City Administrator Berg noted the agreement is for the same hours and dollar amount as last year. There was a proposed rate increase that was too late for the budget process so we should expect an increase in 2014. Their rate is under the market.

MOTION: Councilmember Spencer moved for approval of legal services contract, seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

City Police Services. Mayor Little asked Council for their opinion on continuing City Police Services rather than contracting with the County. All Councilmembers were supportive of continuing City Police services.

City Administrator Berg commented that Councilmember Dooley expressed his interest in continuing with the Police Department.

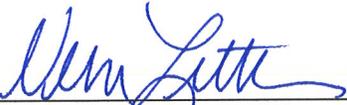
Chamber lease of Lundeen Park office space. Public Works Director/Engineer Monken reported the Chambers lease expires this January. They have expressed interest in leasing the Lundeen Park office space. Some improvements are needed on the inside of the facility, which the tenants will make at their expense. The outside of the facility would be maintained by the City. The advantages to the lease are the Chamber would occupy the facility every day, serve as information center, assist in opening and closing restroom facilities and the Chamber would be more visible. The facility has power, heat and telephone services. It was the consensus of Council to move forward with negotiations.

Council Person's Business: Councilmembers reported on the following meetings: Tageant – Sewer Utility Subcommittee; Holder – Sewer Utility Subcommittee; Spencer – on December 10 agenda requested retreat follow up in particular the 20th St SE subarea; and Daughtry – attended Snohomish County Cities dinner and War Memorial Foundation meeting.

Mayor's Business: Mayor Little attended Snohomish County Cities dinner.

Staff Reports: Staff reported on the following meetings: Planning Director Ableman – set up a Shoreline Master Program meeting with Subcommittee members Tageant, Daughtry, and Spencer, new permitting system software is in full operation, and Park Board meeting tomorrow night; Public Works Director/Engineer Monken – Department of Emergency Management announced they expect more icing and snow this year; and Interim Police Chief Lorentzen – expressed appreciation for Council's support of the Police Department and will still prosecute current marijuana violations (only have a few cases).

Adjourn. Councilmember Spencer moved to adjourn at 8:46 p.m., seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)



Vern Little, Mayor



Norma J. Scott, City Clerk/Admin. Asst.

November 26, 2012

Re.: Medical Marijuana / Cannabis Regulations

SUBMITTED AT MEETING OF

Nov / 26 / 2012
FOR PUBLIC RECORD

Dear City Council,

With Initiative 502 passed by voters Nov. 6, 2012 (to be certified Dec. 6) and to go into effect Dec. 9, many of the City's previous assumptions and draft proposals are now standing on old ground. I believe it's critical that we step back and take the marijuana issue very slowly, solicit a great deal input from the families adjacent to the proposed marijuana grow operations and think carefully about the consequences of going down this road.

First let's not forget, at this moment the federal government classifies cannabis as an illegal narcotic, regardless of what the Governor has asked for, or what the City of Lake Stevens zones for. Let me repeat, marijuana is an illegal narcotic and after the passage of I-502 the U.S. Department of Justice reaffirmed that their enforcement policies remain unchanged. Manufacturing a controlled substance is a felony. Interestingly enough, some of the interests whom have petitioned this council to grow marijuana in Lake Stevens, have had businesses shut down in other cities by the Drug Enforcement Agency.

Even setting the felony elephant aside, which we appear to be doing through our Draft Medical Cannabis Collective Gardens Regulations, it will be another full year (December 2013) before the Washington State Liquor Control Board decides how to license and regulate cannabis growers, processors and retailers. The current estimate is that rulemaking process will cost as much as \$17 million dollars. Clearly there are heavy legal issues we don't need to wade into or spend precious treasure on when the ground rules will remain unknowable for some time.

But again, setting aside the fact that it's an illegal narcotic, and setting aside the fact that state laws and regulations are about to be completely re-written, then litigated, there are plenty of additional questions we should be considering.

- Are we limiting this to Lake Stevens residents with "terminal or debilitating medical conditions" or can anyone from anywhere in Washington come to Lake Stevens to grow their pot? For example, folks from Seattle, Tacoma, Marysville, Everett or Granite Falls would all be welcome to come grow their pot here?
- If this is *really* about sick people with a "terminal or debilitating medical condition," do we actually envisage them tending to gardens drying and curing, or will their friends, children or "caregivers" be the pot growers?
- When we accept a grow-pot-note from a "health care professional," what type of professional must they be? A Doctor, Nurse, Medical Marijuana Dispensary Technician, Safeway pharmacist? How will we verify the "permission slip?"
- What plans are there to ensure the safety of children who attend Lake Stevens schools in the area? There are four schools 1 mile or less from the Hartford industrial zone; Pilchuck Elementary, Highland Elementary, North Lake Middle, and Lake Stevens High School. Of greatest concern, North Lake Middle School is located less than 1/2 mile from the industrial zone. The students at North Lake range in age from 11 to 13, and those living within a 1 mile radius of the school are not provided with bus transportation to or from school. Many of these students walk to school and an even greater number walk home or to childcare after school. Is the City planning on expanding bus service to ensure safe passage to and from school for the students living in the vicinity of the marijuana operations.
- With over 2000 strains of marijuana and as many growth cycles and yield profiles, 15 plants per "patient" could potentially be over a hundred pounds of pot per gardener, and well over 1000 pounds of pot per garden per year. Will there be any limits on the strains allowed to be grown or the number of plants harvested? If not, would that mean a grower could produce as much pot as possible (two harvests in 12 weeks), so long as only 15 plants were in the ground at any one time?
- As more grams are yielded per watt, what will be the max wattage allowed per "patient"? In other words, could each of the 10 growers in a collective deploy fifteen 1000w metal halide fixtures? How does that help LS in goal of reducing green house gas emissions? What about the sound of all those lights buzzing away and the strong odor?
- Will the harvested plants/buds be dried and cured onsite? What consideration has there been given to the smell of drying cannabis? This is a real concern when you factor that the residents adjacent to the Hartford Zone already suffer with the almost daily smell of raw human sewage.
- How severe will the penalties be for code infractions? How will they be inspected for and enforced? Will we issue permits to people with criminal records?

- In the May 02 2012 City Council Meeting Minutes Senior Planner Wright introduced the draft medical cannabis collective gardens regulations, "based on those of the City of Mukilteo." In the "Comparison of Medical Marijuana/Cannabis Regulations" exhibit 2 document included with the 10/08/2012 City Council Regular Agenda it lists the land use buffer for Mukilteo as 1,000 feet. However, the proposed buffer for Lake Stevens is only 100-500 feet. Why do we at a minimum cut that buffer in half, and at a maximum (as in the case of residential homes with children) cut the buffer by 90%? Specifically what criteria is the Planning Department and The Council using to propose 1000 feet vs. 100 feet? Is it risk based? What risks and how much does each hundred feet reduce that risk?
- Why did the planners propose giving the thousands of children in Lake Stevens a 500 foot buffer when they are standing in the playground at school, but only a 100 foot buffer when standing in their own yard?
- If The City believes that growing potentially thousands of pounds of marijuana behind the homes adjacent to the Hartford Zone is safe and good, why focus only on Hartford? If it's safe and good why not re-zone the Frontier Village area and the Old Town Center to grow the pot? If the council members believe that it is safe for my children and good for my neighborhood, I believe all neighborhoods in Lake Stevens should have the same opportunity for these little gardens. On the other hand, if the Council members believe there are risks and don't believe this is safe and good to set up next to their homes, why do they believe it is safe and good do so next to ours?
- As the marijuana lobby continues to campaign in Washington, introduce new measures and so forth, the marijuana farmers will in all likelihood push to turn gardens for terminal patients into dispensaries for recreational use. If you have the farm and the skills, why not cash in? What was first proposed as a humanitarian measure for the dying would now be a legal pot farm with customers, distribution and all the trappings of any other business. This council has already been petitioned aggressively and repeatedly by interests that essentially go from city to city hoping to find new locations to grow their drugs. This city is too compact, too many families with too many children to properly buffer out enough of the risks.
- I don't think we need to spend a great deal of time on the crime issue. Having buildings filled with super fun drying racks of "Big Buddha" or "Super Silver Haze" just a short stroll through the neighborhood away, break-ins and theft are inevitable. The same types will funnel through our neighborhoods looking for crimes of opportunity such as vehicles, unlocked back doors and so forth. God forbid a gun or other weapons are used so close to the beds where our children sleep. I'm quite sure a bullet can travel more than 500 feet, let alone 100 feet.

Respectfully,

Bryan Alldredge