

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

Monday, June 25, 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/Treasurer Barb Lowe, Senior Planner Russ Wright, Public Works Director Mick Monken, Human Resource Director Steve Edin, Police Chief Randy Celori, and City Clerk/Admin. Asst. Norma Scott

OTHERS: Dawn Darrington, Laura and Chris Healy, Ally Sonsleng, Marcus Cravens

Excused Absence. Councilmember Quigley moved to excuse Councilmember Dooley, seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

Guest Business. Mark Wakefield, 121 95th Ave SE, read a letter dated June 25 he wrote to City Prosecuting Attorney Zachor about his being a victim of domestic violence and requesting a no contact order. The case was closed, no one told him why it was closed, and you don't close a case without contacting the victim.

Consent Agenda. Councilmember Tageant moved to approve the Consent Agenda (A. Approve June 2012 vouchers [Payroll Direct Deposits 905886-905943 in the amount of \$130,956.29; Payroll Checks 33638-33639 in the amount of \$3,390.50; Claims 33640-33707 in the amount of \$89,322.14; Electronic Funds Transfers 468-471 for \$16,332.06; Tax Deposit for 6.15.12 for 47,826.87; for total vouchers approved of \$287,827.86]; B. Approve minutes of June 11, 2012 regular Council meeting; C. Approve Revised Professional Services Agreement for Child Interviewing Specialist Services with Dawson Place; D. Approve Federal Emergency Management Agency resolution for designation of applicant's agent to process grant funding for the January 2012 snow storm event), seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

Public hearing and first and final reading of Ordinance No. 874, extending the moratorium prohibiting the establishment of medical marijuana / cannabis dispensaries and collective gardens for an addition six months. City Clerk Scott read the public hearing procedure. Senior Planner Wright noted the first moratorium was adopted July 2011 and second moratorium January 2012. Due to the legal uncertainties, Council felt comfortable with this extended moratorium. There will be a ballot issue in November and Governor Gregoire is working to reclassify medical marijuana as a Type 2 drug which would be purchased through a pharmacy. Mr. Wright noted that Scott Private provided written public testimony that was

distributed to Council (letter on file in Planning & Community Development File # LS2011-7, Medical Marijuana Moratorium Extension).

Public Comments. Dawn Darrington, 11318 5th Avenue, Seattle, commented she is 66 years old, has cancer and is being cured by cannabis. Cannabis is not a drug but an herb that has been used for thousands of years, which gives pain relief and cures. The City is punishing their constituents by forcing them to drive to Seattle to obtain medication. Give medical users a safe access storefront and well lit area to go to without shame and have it legal. There are 140 accesses in Seattle.

Laura Healy, 8014 Maple Lane, worked with City of Shoreline City Council to have safe access in town. They understand the need for a safe place to receive the medicine. Doctor authorization is checked and medicine is all natural and no pesticides. The man on the side of the street is selling uncontrolled and unsafe marijuana. They are fighting to get this unscheduled and should be made readily available. Initiative I502 is for recreational use only and not medical marijuana. Many cities are allowing and regulating and Lake Stevens should choose to do the same.

Chris Healy, 8014 Maple Lane, asked Council for their opinion on marijuana. Councilmember Tageant commented he listen to all constituents, is gathering information and has not decided yet. Councilmember Holder is trying to gather information and taking input from as many sources as she can. Councilmember Quigley is here to listen. .

Ally Sonsleng 440103 Fir Road, mentioned she started using a year ago. Marijuana can be bought anywhere; you can buy it on a school bus. Better to have in Lake Stevens than drive to Seattle

Marcus Cravens, 11709 34th Street NE, has lived there 15 years. Mr. Cravens commented I502 is for recreational use but speculates that it could affect medical law. Governor Gregoire's Schedule 2 change has not happened and will take years. There is no reason to wait on this; it is an amazing drug. He uses for medical purposes. He disagrees with the Hartford location because there is nothing for rent, not willing to rent, and has a high crime rate.

MOTION: Councilmember Holder moved to close the public portion, seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

Senior Planner Wright reviewed the medical marijuana schedule. The draft zoning regulations are done and will go to Council in September for their opinion. In October will finalize the regulations and then public hearing in November/December. Schedule could be pushed up some.

City Attorney Beyer commented some cities are not regulating at all, conduct is still federally illegal, and some have zoning in order to say where they would be located.

Councilmember Spencer is supportive of the schedule but would be great if completed a month or so sooner.

MOTION: Councilmember Daughtry moved to reopen public comments, seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

Councilmember Daughtry asked Laura Healy for clarification on dispensaries being illegal or is she here for collective gardens. Ms. Healy responded she is trying to start a collective garden. Councilmember Daughtry asked who regulates. Ms Healy responded someone is in charge of it, usually a director like a food bank, and is self-regulating at the moment. Councilmember Welch asked if Council zones collective gardens can staff be accused of committing a crime if approving. City Attorney Beyer stated that is one of the most troubling aspects of the whole piece. Ms. Healy mentioned the feds did shut down some collective gardens but didn't go after staff.

MOTION: Councilmember Spencer moved to close the public comment portion of the public hearing, seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

Councilmember Quigley asked if any cities are incurring legal issues. Senior Planner Wright is not aware of any and noted the City of Mukilteo adopted last year and some jurisdictions in South County have been operating longer.

Mayor and Council discussed moving the schedule back 1-2 months.

MOTION: Councilmember Welch moved to close the public hearing, seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Spencer moved to extend the moratorium on establishing medical marijuana ordinance to six months with the request that staff have a draft ordinance reported the first week in August with completion before end of the year on Ordinance 874 (first and final reading), seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Approve On-call Professional Engineering Services Agreements with KPFF Consulting Engineers; Tetra Tech, Inc; WH Pacific, Inc; and Robinson Noble, Inc. Public Works Director/Engineer Monken reported they solicited for a number of types of consultants, which they asked to submit proposals and qualifications. Over thirty submittals were received and four were selected not to exceed a \$50,000 cap each. These agreements do not provide authorization for staff to spend the funds until Council approves amended agreements for a specific project. This saves staff time and costs as the selection process only needs to be performed once over the next 2 ½ years. The contracts expire December 31, 2014.

MOTION: Councilmember Tageant moved to pre-approve the use of the selected consultants for on-call profession services and authorize the Mayor to execute a professional service agreement for on-call services with KPFF Consulting Engineers, Tetra Tech, Inc., WH Pacific, Inc. and Robinson Noble, Inc. for an amount not to exceed \$50,000 each, seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

Accept Transportation Level of Service methodology for the 20th Street SE Corridor and Lake Stevens Center subarea plans. Public Works Director/Engineer Monken briefly reviewed levels of service C, E and F (undesirable). The City currently has a level C. He is recommending Level E for each subarea. This would allow development and control and can be revised if it does not work.

City Administrator Berg arrived.

Councilmember Spencer left the meeting at 8:11 p.m.

MOTION: Councilmember Holder moved to accept Transportation Level of Service methodology for 20th Street SE Corridor and Lake Stevens Center, seconded by Councilmember Tageant, motion carried unanimously with Councilmember Spencer absent for the vote. (5-0-0-2)

Authorize the Mayor to execute Quit Claim Deeds from Snohomish County for Lundeen Creek Restoration Project Easements and continue vegetation monitoring. Public Works Director/Engineer Monken reported the City entered into an annexation agreement with Snohomish County where the City would assume these easements including inspections and maintenance. The easements expire in 2016. The City did not contribute to any of the prior inspections and maintenance. Snohomish County has submitted a proposal to continue the vegetation monitoring program for 2012 and 2016 at a total cost of \$8,600.

Councilmember Spencer returned to the meeting at 8:14 p.m.

MOTION: Councilmember Welch moved to authorize the Mayor to execute the Quit Claim Deeds from Snohomish County for the Lundeen Creek Restoration Project Easements and continue the vegetation monitoring program through 2016 at a cost not to exceed \$8,600, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

Subarea plans Design Guidelines and Zoning Map review. Senior Planner Wright reviewed the design guidelines, where they apply, structures, and application on how they are used. For site orientation and design he reviewed pedestrian and streetscape, architectural landmarks and gateway, plazas, courtyards and seating areas, including lighting, crosswalk and intersections and pedestrian connections, parking lots, screening of trash and service areas. For Building Design he reviewed primary orientation, ground level details, massing and articulation, architectural character and signs. For Multifamily neighborhoods he reviewed site design, parking, and building design.

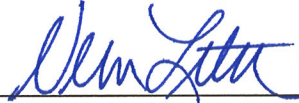
Councilmember Quigley mentioned she wants to keep discussion on table about current signage.

Senior Planner Wright reviewed the preliminary draft zoning map for 20th Street. At the open house last week there were considerable supportive comments as well as phone calls – nothing unreasonable.

Senior Planner Wright reviewed Lake Stevens Center preliminary draft zoning map and Council discussed at length the various zones and their potential development.

Executive Session. At 8:56 p.m. Mayor Little called for an executive session on potential litigation for 15 minutes with no action to follow. After a brief break the executive session began at 9:00 p.m. and ended at 9:15 p.m.

Adjourn. Councilmember Tageant moved to adjourn at 9:16 p.m., seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)



Vern Little, Mayor



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