

September 12, 2011

The Chehalis city council met in regular session on Monday, September 12, 2011, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 5:10 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Daryl Lund, Chad Taylor, and Dennis Dawes. Councilor Spahr was absent (excused). Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Judy Schave, City Clerk; and Glenn Schaffer, Police Chief.

1. **Executive Session.** Mayor Ketchum announced the council would be in executive session pursuant to RCW 42.30.110(1)(i) – potential litigation for approximately 15 minutes and there would be no decision following conclusion of the executive session.

Mayor Ketchum closed the executive session at 5:26 p.m. and announced the council would take a four minute recess before opening the work session at 5:30 p.m. Additional staff included: Herta Fairbanks, Public Works Director and Eva Lindgren, Finance Manager. Members of the media included Lee Hughes from *The Chronicle* and Bruce Hunting from KITI.

2. **Work Session – Review Event Policy Proposal.** City Manager MacReynold reported there had been an increasing number of special event requests and in trying to deal with them the administration realized that they needed some consistency and a common approach, since we currently don't have any clear written policy.

Police Chief Glenn Schaffer reported they were seeing an increasing number of requests for events, noting a lot of them were starting to use the parks and some are filling up our streets. He suggested, while events can be a good, they also put a drain on city resources, public safety, and can create real traffic nightmares. Chief Schaffer reported he really didn't have a lot to go on as far as a policy, or what they should use for a basis to either approving or not approving applications for events. He noted there was a memorandum handed out in 2003 by former City Manager Dave Campbell, which was the last documented direction that he had seen regarding the topic.

Chief Schaffer reported the proposed events policy was not a whole lot different from what they already do. He stated one of the major difficulties they have is when individual businesses want to close down the city's main thoroughfares for their own particular gain; the second issue was loud music and alcohol that can go until 2:00 a.m. in the downtown district where people reside.

Chief Schaffer reported the proposed policy before the council described how the Development Review Committee (DRC) would like to look at the applications. He noted the one major change would prohibit the closing down of any of the main thoroughfares, such as Market Boulevard, Washington Avenue, and Chehalis Avenue. Chief Schaffer stated the only exception would be for organizations, such as the Chehalis Businesses Association (CBA) and Chamber of Commerce, to do events that have a broader community interest. He stated he would like to restrict the ability for individual businesses to take over a main section of a city street primarily for the purpose of their own business.

Mayor Ketchum asked Chief Schaffer what would stop a business from using the CBA or the Chamber to hold an event. Chief Schaffer believed they would be able to show that those types of events were not for the greater interest and mostly just for that individual business.

Chief Schaffer reported only one permit would be issued per year, per individual, business, and/or organization. He noted that was not anything new, adding it was actually discussed by the council and Mr. Campbell back in 2003.

The council talked briefly about the impacts on other business. Chief Schaffer reported there was always some sort of impact on the surrounding businesses, adding they were trying to allow some sort of voice for those businesses to be able to stay open.

Chief Schaffer reported the other item they added to the policy was that events must occur between the hours of 8 a.m. and 10 p.m.

Chief Schaffer stated the only change for events with alcohol was that alcohol sales must stop at least 30 minutes prior to the closing of the event. He noted the intent was to get people to finish their drinks before the event closes, so they don't have as much trouble with them taking their drinks out into the streets.

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Chief Schaffer reported the policy would address live or amplified entertainment, adding in the past they've allowed it but hadn't done anything with regards to the noise ordinance.

Chief Schaffer reported one of the important issues they need to take into consideration before approving an application was the availability of city resources necessary to manage the anticipated impact to the public areas affected by the event. Councilor Taylor asked if they could charge the sponsors of the event for having to call in for extra help. Chief Schaffer reported they haven't yet, but they certainly could.

Councilor Lund inquired about sponsors of events offering to hire their own security for larger events. Chief Schaffer stated it certainly would help the resources for those types of events, which has been done before. He reported it would also depend on who they hire and their credentials, noting there were some credible security companies out there that will do it. Chief Schaffer reported people can also contract through the city to hire a Chehalis police officer at an overtime rate; however, since we only have a few officers who already get plenty of overtime, they really don't want anymore. He indicated the Sheriff's Department was pretty much in the same boat.

Councilor Lund brought up the car show, noting there were a lot of downtown businesses who don't want it and wondered how they could protect those businesses. Chief Schaffer reported one of the things they recently put into place was to put the onus on the sponsor of the event to get feedback from those who are going to be affected, to show whether they support the event or not.

Mayor Ketchum brought up the issue of events having to shut down at 10 p.m. Chief Schaffer indicated the council could make that time whatever they want, suggesting perhaps a mid-night deadline. He noted most events go until 2:00 a.m. and they start receiving phone calls from residents between midnight and 1:00 a.m. regarding the noise.

Councilor Taylor thought that downtowns were supposed to be lively and have events and music. He felt by putting so many restrictions on things, it would kill the whole idea of revitalizing our downtown. Chief Schaffer stated events would still happen, noting what they were trying to do was to regulate when and where events would occur, as opposed to letting people close down the streets whenever they want. He added these were just guidelines for the DRC to consider when reviewing applications.

Councilor Dawes stated he didn't want to give the impression that they were trying to kill events, adding he wanted to make sure we do what we can to see that events happen. Chief Schaffer stated they were on the same page with regards to that.

City Manager MacReynold reported, as Chief Schaffer described, what the administration was trying to do was to give ourselves some consistent guidelines in which decisions can be made.

Councilor Lund had concerns that the city has been operating without any rules, and felt there might be a little hesitation on the part of the businesses. He added, the staff we have right now knows how to work with the public and wondered what happens when they retire and we get people in those positions that are strictly by the book and have no flexibility or common sense. Chief Schaffer stated their goal was to write the policy not to be restrictive and put hard-line rules together, but to just have some guidelines to follow. He noted he had discussed the concept with both Debbie Knapp and Jim Valley and both were very amiable to the idea of having something consistent. Councilor Lund suggested those people don't realize what the business people want. With regards to parades, Councilor Lund recommended lining up in a different location, such as along Cascade Avenue. Chief Schaffer reported the staging area for parades was going to change, adding he believed they found a better way to address it. Councilor Harris noted Lewis County Commissioner Bill Schulte had mentioned using the county's parking lot for staging if the event takes place on the weekend.

Mayor Ketchum closed the work session at 5:58 p.m. and announced the council would take a three minute recess before opening the regular meeting at 6:01 p.m.

3. Citizen Business.

- a. Utility Deposits. Tom Guyer from T.J. Guyer, Inc., (1616 S Market Blvd) reported he was approached about six

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months ago by former Public Works Director Tim Grochowski, to talk about the water code. He noted the problem he was having was that once a tenant moves out of one of the single-family dwellings that they manage they are required to put down a \$200 deposit. Mr. Guyer stated he had been in the business for 30 years and never missed a payment. He felt there was too much money being spent on the transfer of information between the city and his business. Mr. Guyer suggested the city take a look at the code (13.12.030) and try to make it less expensive and less of a headache. He stated he would like to have the issue revisited as to how to pay it, make it easier, or keep a deposit on the account until the property sells.

Mayor Ketchum suggested Mr. Guyer make an appointment with City Manager MacReynold and the public works director to see what they can come up with.

4. Report from the Chehalis Foundation on Pool Funding. Mike Austin, President of the Chehalis Foundation, reported they had been pretty busy over the last year. He noted they had been working with the Chehalis Community Renaissance Team on various projects, and the Chehalis School District on their 'Excellence in Education' initiative. They also recently helped with the tennis court remodel at the Chehalis High School, and gave the city \$25,000 for various parks and recreation projects.

Mr. Austin reported they had spent the last six months looking for their next project, which they decided will be the Chehalis community swimming pool. He stated the Foundation requested the parks department have an assessment done on the pool to evaluate the needs. Mr. Austin noted the assessment provided information on some necessary things that would extend the life of the pool by 10 years, which included: a plumbing filtration system; surge tank; valves and inlets. Other items included new lighting and a diving board.

Mr. Austin reported the three items in Phase 1 would be approximately \$166,000. He noted they were rounding it up to \$200,000 just in case the bids come in higher. Phase 2 would include a new fiberglass liner, which would add another 10 years of life to the pool and help with the yearly maintenance. He added they would also have to drain the pool and fill in the cracks. Phase 3 would be another \$25,000 to put vanity screens in the showers, storage for clothing, and new toilets.

Mr. Austin reported in order to get Phase 1 off the ground, the Foundation was willing to put up \$100,000 and do a one-on-one match with the community.

Councilor Dawes asked if Phase 2 was to add a new liner or if it was a replacement. Mr. Austin indicated the pool did not currently have a liner.

Councilor Lund thought it was great what the Foundation was doing, adding they are a great asset to our community. He stated he had concerns about draining the pool, noting what he learned from the people who had experience with the pool in Centralia, that it's bad to drain a pool. Mr. Austin indicated it would need to be done at the right time of the year, adding it would be difficult to paint it if it wasn't drained.

Mr. Austin asked for the council's blessing on the project and hoped they were as excited as the Foundation. He noted he talked with several people around the community and they were very excited about the project, as well.

Mr. Austin reported they planned to raise money by going out to the different organizations and individuals, adding it would be similar to what they did on the kiddy spray pool project.

Mr. Austin stated, in order to get the project off and running, he and his wife would like to donate the first \$250 to the project.

Councilor Pope reported the Foundation did take a hard look at covering the pool. Mr. Austin noted to cover the pool it would run about \$1.5 million and there was no way during these hard times that that type of project would get done.

Mayor Ketchum stated the Foundation had their blessing, adding they appreciated all the hard work that the Foundation does for the community.

Councilor Pope reported Mr. Austin did a good job of keeping the Foundation organized and moving forward.

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5. **Consent Calendar.** Councilor Dawes moved to approve the consent calendar comprised of the following:

a. Minutes of the regular meeting of August 22, 2011; and

b. Claim Vouchers No. 100865-100988 in the amount of \$89,171.37 dated August 31, 2011; and Payroll Vouchers No. 34964-35055, 2513-2584, and Electronic Federal Tax Payment No. 102 in the amount of \$726,660.49 dated August 31, 2011.

The motion was seconded by Councilor Pope and carried unanimously.

6. **Council Reports.**

a. **Update from Councilor Taylor.** Councilor Taylor reported they would be having their final interviews for the Twin Transit general manager position on Tuesday, and hoped that by the end of the day they find their new general manager.

b. **Update from Councilor Dawes.** Councilor Dawes reported he had a chance to see KELA's newly refurbished studio during the Business After Hours event on August 25. He also spent a short stint in the information booth at the Garlic Fest on Saturday, August 26.

c. **Update from Councilor Pope.** Councilor Pope reported the Advisory Tax Committee had its first meeting earlier that day, since the one-tenth of one percent sales tax passed to support drug court. He stated he was recently appointed to the committee and would try to keep the council up to date on their progress.

7. **Ordinance No. 877-B, First Reading – Placing a Moratorium on Receipt of Applications for Development of Community Medical Marijuana Gardens in the City of Chehalis.** City Attorney Bill Hillier reported before the council was Ordinance 877-B, which asked for the council to declare an emergency, so they can immediately adopt an ordinance creating a moratorium for a maximum of six months, unless at sometime during the six month period the council chooses to extend it for some reason or another.

City Attorney Hillier reported it was clear from the information they were getting from the State that it's on the minds of all of the state legislators, adding they are working between sessions to address the confusion that's been brought before all the cities with regards to the distinctions between federal and state law in the application of state law that's currently in place. He indicated by knowing the legislature is going to address the issue, our six month moratorium would put the city in a position where the legislature will act within the six months and we'll know which way it will be resolved.

City Attorney Hillier reported they would come back to the council through the process and would be working on what they anticipate will happen, which would be to allow gardens to exist, but with limitations on how many people can use a single garden, or how many dispensaries can apply to one single garden's creation of a crop versus multiple gardens. He stated they wanted to be sure the city has proposed zoning in place, which they would bring to the council.

City Attorney Hillier reported the recommendation from Municipal Research was that we work on specific located zones to protect any conflict the city might have with locations of schools, daycares, and the like. He noted there may be some move at the federal level to create it as a class drug and run it through pharmacies which would take it out of our hands, but they don't know that yet.

City Attorney Hillier reported the ordinance creates the moratorium and allows the council to direct staff to continue to look at the issues and see what we can do to co-exist with state and federal law. He noted the moratorium would clearly stop anyone from coming to the city and making application for a permit to allow either a dispensary or garden to occur. City Attorney Hillier reported the reason for declaring an emergency was, if it was simply on for first reading they didn't want anyone racing in between the two readings to create a problem for the city.

Councilor Taylor inquired about the process of obtaining the marijuana and asked if a doctor would have to write a prescription for the marijuana and if the person who owns the dispensary had to be pharmacists. City Attorney Hillier stated it's clearly not designated as a 'pharmacists,' but as a person who is authorized to dispense marijuana. He noted possession of marijuana was illegal unless you have a prescription or the right for medical reasons to possess it. City Attorney Hillier suggested

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it creates the potential that it is legal to possess it, which would be an affirmative defense to the charge.

Chief Schaffer reported you do not need to be a pharmacist to dispense marijuana under the current laws. For example, if he had a medical marijuana card he could grow his own, or ask someone to grow it for him because it requires no qualifications at all. Chief Schaffer reported during the last round the legislature opened up an avenue for people to create collective gardens where people can get together and grow marijuana to dispense to individuals under the previous set of laws pertaining to medical marijuana. He noted the proposed ordinance would prohibit collective gardens, because like the previous laws before them, there is so much ambiguity in how to regulate the collective gardens, what it means to be a part of them, who would have access, how to secure them, and where they can be. Chief Schaffer stated there were just no solid answers yet.

City Attorney Hillier stated the ordinance also restricts a dispensary from setting up in Chehalis to dispense it out to people who have cards, until such time the city is able to figure out the appropriate way to handle it.

Councilor Pope moved to suspend the rules requiring two readings of an ordinance.

The motion was seconded by Councilor Taylor and carried unanimously.

Councilor Pope moved to declare an emergency and pass Ordinance No. 877-B on first and final reading.

The motion was seconded by Councilor Harris and carried unanimously.

8. **Resolution 14-2011, First and Final Reading – Surplus of City Property.** City Clerk Judy Schave reported the city recently purchased a new generator for the high level pump station located just below the water filter plant. She noted with the new generator in place, the administration was recommending to surplus the old generator.

Councilor Dawes moved to adopt Resolution No. 14-2011 on first and final reading.

The motion was seconded by Councilor Pope and carried unanimously.

There being no further business to come before the council, the meeting adjourned at 6:28 p.m.

Mayor

Attest:

City Clerk