

PLEASE NOTE SPECIAL MEETING TIME

CHEHALIS CITY COUNCIL AGENDA
CITY HALL
350 N MARKET BOULEVARD, CHEHALIS, WA 98532

Anthony E. Ketchum Sr., District 3 Mayor		
Terry F. Harris, District 1, Mayor Pro Tem Daryl J. Lund, District 2 Dr. Isaac S. Pope, District 4		Dennis Dawes, Position at Large Chad E. Taylor, Position at Large Bob Spahr, Position at Large

March 11, 2013

5:30 p.m.

EXECUTIVE SESSION		
1. Pursuant to RCW 42.30.110(1)(i) - Potential Litigation. (City Manager)	---	

Regular Meeting of Monday, March 11, 2013

6:00 p.m.

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
2. <u>Call to Order.</u> (Mayor)		
3. <u>Pledge of Allegiance.</u> (Mayor)		

CITIZENS BUSINESS		
This is an opportunity for members of the audience to address the council on matters not listed elsewhere on the agenda. Speaker identification forms are available at the door and may be given to the city clerk prior to the beginning of the meeting.		

CONSENT CALENDAR		
4. <u>Minutes of the Regular Meeting of February 25, 2013.</u> (City Clerk)	APPROVE	1

ADMINISTRATION AND CITY COUNCIL REPORTS		
5. <u>Administration Reports.</u>		
a. Update on collaboration of city/county services analysis. (City Manager)	INFORMATION ONLY	
b. Update on Chehalis Avenue Beautification Project. (Public Works Director)	INFORMATION ONLY	
6. <u>Council Reports.</u>		
a. Councilor reports. (City Council)	INFORMATION ONLY	
b. Council committee reports. (City Council)	INFORMATION ONLY	

NEW BUSINESS		
7. <u>Ordinance No. 908-B, Second and Final Reading – Extending the Medical Marijuana Moratorium.</u> (City Attorney)	PASS	

THE CITY COUNCIL MAY ADD AND TAKE ACTION ON
OTHER ITEMS NOT LISTED ON THIS AGENDA

NEXT REGULAR CITY COUNCIL MEETING WILL BE ON MONDAY, MARCH 25, 2013

February 25, 2013

The Chehalis city council met in regular session on Monday, February 25, 2013, in the Chehalis city hall. Mayor Ketchum called the meeting to order at 5:29 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, Daryl Lund, Chad Taylor, and Dennis Dawes. Staff present included Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Amanda Vey, Assistant City Attorney; Judy Schave, City Clerk, Glenn Schaffer, Police Chief; and Dennis Osborn, Community Development Director.

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 30 minutes and there would be no decision following conclusion of the executive session.

Mayor Ketchum closed the executive 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. Additional staff included: Eva Lindgren, Finance Manager; Peggy Hammer, Human Resources Administrator; and Herta Fairbanks, Public Works Director. Members of the media included Kyle Spurr from *The Chronicle*.

2. **Proclamation.** Mayor Ketchum presented Susanne Sincok with a proclamation honoring the Founders of the Evergreen Theatre, now known as the Evergreen Playhouse.

3. **Briefing on the Chehalis Flood Authority and Flood Related Hazard Reduction Activities Occurring in the Basin.** City Representative Arnold Haberstroh introduced members of the Flood Authority in attendance, to include: Scott Boettcher, J. Vander Stoep, Lewis County Commissioner Edna Fund, Lionel Pinn, Julie Balmelli-Powe, Dave Muller, and Ron Averill.

Commissioner Fund reported she was the Chair of the Flood Authority's Outreach and Education Committee. She stated the committee would be going to every entity on the Flood Authority to give an update on what they've been doing and what the future looks like.

Flood Authority staff member Scott Boettcher, provided a PowerPoint presentation to the council on the action and activities benefiting the Chehalis River Basin. He reported they were currently waiting for the Legislature to act on a proposal for \$28.2 million in capital budget.

Mr. Boettcher stated they were to the point of having Board agreement and were working arm-in-arm on the next steps necessary to reduce flood damage and enhance salmon runs in the Basin. He noted they do have a basin-wide strategy in place that was before the Legislature for their consideration. Mr. Boettcher stated the Flood Authority was also positioned to continue to be a galvanizing force in the Basin for implementation of tools and projects.

Mr. Boettcher provided a brief background on the formation and focus of the Flood Authority. He noted the 2007 flood caused \$938 million in damage (Basin-wide), and \$300 million in lost economic activity (State-wide). Mr. Boettcher talked briefly about the frequency of flooding, noting events taking place in 1990, 1996, 2007, and 2009 all closed I-5 for a brief period of time. He noted the Chehalis River Basin was the second largest river basin in the state, adding it supported a variety of agricultural, timber, fishing, and natural resource based interests.

Mr. Boettcher reported on the Basin-wide strategy, tools, and actions needed, as follows:

Strategy

- Focus on significant reduction of flood damage
- Be cognizant that solutions in one area may have impacts in another
- Maintaining focus on :
 - major capital projects
 - localized projects
 - land use management
 - environmental enhancements
 - flood warning and emergency response

February 25, 2013

Tools - Flood Warning System

- Front-facing website
- Back-end data collection, data synchronization system
- Improved forecasting and early-warning
- Localized tracking, forecasting

Tools - Hydraulic Analysis Model

- Science-based model to inform decision-makers on the hydraulic effects of potential flood relief alternatives (at basin-wide and localized scales)
- 25 potential flood relief projects or project combinations - analyzed/evaluated with the model
- Covers the mouth of the Chehalis River upstream to Pe Ell (108 miles)
- Analytic ability to understand potential project effects, downstream and up

Tools – Fish Studies

- Two significant fish studies conducted in Upper Basin (WRIA 23)
 1. Analyze effect of dam alternatives on Spring Chinook, Steelhead and Coho
 2. Prioritize potential fish habitat enhancement opportunities

Action – 2012 Jobs Now Act Projects

- \$5,000,000 provided under 2012 Jobs Now Act:
 - \$1,875,000 – Repair/modification of levees and dikes
 - \$2,075,000 – Modification of Sickman Ford Bridge and floodplain culverts
 - \$50,000 – Installation/calibration of rain gauge on Chehalis reservation
 - \$500,000 – Construction of evacuation routes and critter pads
 - \$500,000 – Improvements to areas affected by Satsop River
- Half of the funds have been allocated to date

Action – 2013 Proposed State Capital Budget

- Governor workgroup convened to develop prioritized list of projects for 2013 state capital budget based on Basin-wide solution
- Proposed Budget:
 1. Construct local flood damage reduction projects now (\$10.7 million)
 2. Complete design alternatives for large-scale flood damage reduction projects (\$9.2 million)
 - Upper Basin water retention-engineering and design
 - I-5 protection options
 3. Construct multipurpose projects that reduce flood damage and benefit fish (\$4.3 million)
 4. Reduce residential damage (\$1.8 million)
 5. Ensure successful implementation (\$2.2 million)
- Local Contribution
 - Response and recovery of expenditures, significant recovery still remains
 - Basin communities are resilient and will continue to invest as they can, and as they should

Looking Ahead

- Continue to focus on local small/mid-scale projects
- Major Projects
 - Upper Basin Dam – Evaluate design alternatives to determine permit feasibility, engineering safety and mitigation requirements by December 2014
 - I-5, Airport, Twin Cities – Conduct design and engineering analysis on four protection alternatives
- Continue to improve existing tools (usability improvements to Flood Warning System)
- Continue to be a galvanizing force for the Basin

Mr. Boeltcher indicated they had more information available on their website.

February 25, 2013

Councilor Dawes stated he was liking what he had be reading lately, adding there appears to be some forward movement and for once maybe they could be a little more optimistic rather than guardedly optimistic. He stated there seemed to be some significant changes in getting folks to want to look at the same thing for the same reasons, and hoped it would continue.

Councilor Taylor inquired about Senator Shin's response to the local match analogy, wondering if there would be a lot of local match required, or would they look at what we've already contributed.

Commissioner Fund stated, "Anyone that's looked at the slide could not believe how much we've put forward on our own behalf." She reported they know as they go further they will need dollars from other places, and in order to get those dollars you have to put dollars forward.

Commissioner Fund reported a couple of weeks ago Chairman Burnett of the Chehalis Tribe made the comment that he believed a water retention facility could be built that could also benefit fish. She noted it was an amazing statement and it gave them a lot of hope.

Councilor Spahr noted it was interesting to look at the background and ranking of previous flood events; how they are clustered and then go for a period of time without any. Mr. Boettcher noted that was real data and it needed to be factored in.

J. Vander Stoep reported what was currently before the Legislature didn't include the \$5 million that's already been funded for the Chehalis-Centralia Airport Levee Project.

Councilor Harris asked if the studies were being shared with other agencies. Mr. Boettcher reported the Governor's Office was working on that relationship with the state agencies, noting the state agency team comes to all of the Flood Authority meetings.

4. **Update From New Chamber Executive Director.** Executive Director Alicia Bull reported they were excited to see things picking up and getting a little more consistent at the Chamber. She shared the 2013 Festival & Events Guide with the council, noting there was a lot of time put into the publication by a hard-working committee made up of Chronicle staff and the Chehalis Renaissance marketing team.

Ms. Bull thanked the council for providing lodging tax, along with the county that allows them to be open from 9am to 3pm on Saturdays. She stated they were thrilled to have the extra time to be available to people coming off the freeway.

Ms. Bull reported they were working on the Lewis County Visitor's Guide; again, made of up the marketing team from the Chehalis Renaissance and others, to make sure it gets out earlier this year.

Ms. Bull reported on upcoming events, to include:

- The Home and Garden Show – March 22-24, at the Southwest Washington Fairgrounds
- Regular Forums on the 2nd Monday of the month - O'Blarney's Irish Pub, Centralia
- Business After Hours on the 3rd Thursday of the month – various locations

Ms. Bull thanked the council again for their support, noting they were going to be very present when it comes to marketing.

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

- a. Minutes of the regular meeting of February 11, 2013;
- b. Claim Vouchers No. 105355-105509 in the amount of \$179,228.84 dated February 15, 2013;
- c. Adopt Resolution No. 05-2013 -- Amending sick leave provisions of the city's employee rules and regulations;
- d. Adopt Resolution No. 06-2013 – Surplus of city property; and

February 25, 2013

- e. Award 2013 rock, gravel, and asphalt bids to the various bidders as recommended.

The motion was seconded by Councilor Spahr and carried unanimously.

6. Administration Reports.

- a. January Financial Report. Finance Manager Eva Lindgren reported the only thing she wanted to note was that the insurance paid at the beginning of the year to Washington Cities Insurance Authority had not been charged out, but was recorded into a pre-paid insurance account. She noted the insurance premiums would be reflected in the February financial statements.

- b. Discover! Children's Museum. City Manager MacReynold reported the council received a copy of an email from Discover! Children's Museum Director Jim Valley. He noted they were averaging 147 people a day in attendance, which was incredible. City Manager MacReynold suggested if any of the council had not had a chance to see the facility yet, they should go take a walk-through tour, adding it was amazing what the volunteers had done.

- c. Lodging Tax. City Manager MacReynold reported the council had received a handout on the status of the lodging tax issue. He noted there was strong support for maintaining the lodging tax as is, but there had been some additions in the Senate version. City Manager MacReynold noted he would keep the council informed as it moves through the process.

Councilor Dawes inquired as to how the amendments would affect what they were trying to accomplish. City Manager MacReynold stated his read was that the three additions were not significant; although, one of the amendments was clearly trying to get some control over using tourism funding for capital expenditures.

Councilor Dawes asked if what the city had been doing was related to any of the amendments. City Manager MacReynold indicated it was not.

7. Council Reports.

- a. Update From Councilor Dawes. Councilor Dawes reported on the Regional Fire Authority Planning Committee, adding they were trudging forward towards starting the functional consolidation phase. He noted the committee still had to identify things to get policies aligned to allow it to run as close to one department as they can without it being one department. Councilor Dawes stated both union presidents were present and spoke solidly in favor of it and were willing to take part in the subcommittees.

Councilor Dawes reported he attended the Chamber Business After Hours event at the Evergreen Playhouse, adding it was nice to get a tour of the facility.

- b. Update From Councilor Lund. Councilor Lund reported he and Councilor Spahr also attended the Fire Authority meeting, noting he thought things were going well.

Councilor Lund indicated things were also going well at the Lewis County Historical Museum, adding they were fulfilling their requirement of getting an audit done. He reported Blue Goulding out of Winlock, Washington, was doing the audit, noting they only do audits for non-profit organizations.

- c. Update From Mayor Ketchum. Mayor Ketchum reported the Sister City Committee met to discuss the upcoming trip to Inasa, Japan, noting they were planning to go October 30 through November 6. He stated if anyone would like to go they should contact City Manager Administrative Assistance Caryn Foley by February 27.

8. Ordinance No. 908-B, First Reading – Extending the Six-Month Moratorium on Medical Marijuana and Dispensaries. City Attorney Bill Hillier reported the most salient point was that there still hasn't been a stated agreement between the federal government and state government regarding the enforcement of the federal regulations. He noted the state was working on it and hoped to have a solution by the end of the year.

February 25, 2013

City Attorney Hillier stated the state was also working on rules and regulations governing not only medical marijuana, licensing, production and sales, but also for non-medical recreational marijuana. He recommended the city sit tight a little longer while the state does their job.

Councilor Spahr moved to pass Ordinance No. 908-B on first reading.

The motion was seconded by Councilor Taylor and carried unanimously.

There being no further business to come before the council, the meeting adjourned at 6:51 p.m.

Mayor

Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of February 25, 2013.

CITY OF CHEHALIS

AGENDA REPORT

DATE: March 4, 2013

TO: The Honorable Mayor and City Council

FROM: William T. Hillier, City Attorney

SUBJECT: Ordinance No. 908-B – Extending the Six-Month Moratorium on Medical Marijuana and Dispensaries

ISSUE

To date there has been no change made to the application of the state law that's currently in place regarding medical marijuana collective gardens and medical marijuana dispensaries. The city's six-month moratorium extension on this issue expires March 12, 2013.

DISCUSSION

This matter has been before the council on more than one occasion to request an extension on the city's moratorium for the establishment, location, operation, licensing, permitting, maintenance, or continuation of medical marijuana collective gardens or medical marijuana dispensaries.

On September 13, 2012, the council passed Ordinance No. 899-B, extending for a second time, the moratorium established by Ordinance No. 877-B, passed on the 12th day of September, 2011.

While there have been recent discussions at the federal and state level, the U.S. Justice Department has yet to clarify its stance on the issue.

The state is currently working on rules to govern the growing and selling of legalized marijuana in the State of Washington. The rules adopted by the state will help the city in our formulation of rules governing the growing and distribution of medical marijuana. The state should have their rules in place by the end of this year. It makes little sense for the city to try and establish rules when they may differ with the state regulations, thus making sense to wait.

The administration is proposing a one-year moratorium to allow additional time for lawmakers to formulate state rules governing the growing and distribution of medical marijuana.

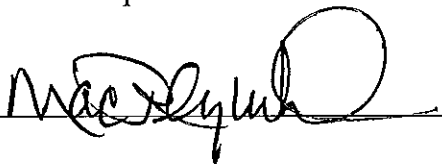
Council passed Ordinance No. 908-B on first reading on February 25, 2013.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council pass Ordinance No. 908-B on second and final reading.

SUGGESTED MOTION

I move that the council pass Ordinance No. 908-B on second and final reading.

Reviewed by:  _____, City Manager

ORDINANCE NO. 908-B

AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON, EXTENDING THE SIX-MONTH MORATORIUM AS CREATED UNDER ORDINANCE NO. 877-B, DEALING WITH MEDICAL MARIJUANA COLLECTIVE GARDENS OR MEDICAL MARIJUANA DISPENSARIES.

WHEREAS, the city of Chehalis passed Ordinance No. 877-B on the 12th day of September, 2011, providing for a six-month moratorium on establishment or location of medical marijuana collective gardens or medical marijuana dispensaries within the city limits; and

WHEREAS, on February 12, 2012, it was the consensus of the City Council to pass Ordinance No. 890-B, extending the moratorium for an additional six months; and

WHEREAS, on September 13, 2012, the City Council passed Ordinance No 899-B, extending the moratorium for an additional six months; and

WHEREAS, the City Council has determined it appropriate that the six-month moratoriums established under Ordinance Nos. 877-B, 890-B and 899-B be extended for an additional one-year period; and

WHEREAS, it is in the best interests of the city and its citizens that the moratorium under Ordinance Nos. 877-B, 890-B, and 899-B be extended for an additional one year period; now, therefore,

THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council of the city of Chehalis, Washington, hereby agrees to extend the six-month moratorium from the 12th day of March, 2013, until the 12th day of March, 2014.

Section 2. In all other respects, the provisions of Ordinance No. 877-B passed the 12th day of September, 2011, shall remain in full force and effect, and any public hearings held thereunder shall be properly noted for public information and held in accordance with the mandates of Ordinance No. 877-B.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 11th day of March, 2013.

Mayor

Attest:

City Clerk

Approved as to form and for content:

City Attorney