CITY OF STANWOOD

Regular Meeting of the City Council
Thursday, April 12, 2018 – 7:00 p.m.
Stanwood Camano School District Administration Board Room

MINUTES

1. Call to Order and Pledge of Allegiance

Mayor Kelley called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance.

2. Roll Call

Deputy Clerk Erica Schorn called the roll with the following Councilmembers present: Rob Johnson, Dianne White, Elizabeth Callaghan, Timothy Pearce, Larry Sather, and Judy Williams. The meeting was quorate.

Motion by Councilmember Sather, second by Councilmember Callaghan, to excuse Councilmember Ryer. Motion carried unanimously.

Also present: City Administrator Ryan Larsen, Finance Director David Hammond, Public Works Director Kevin Hushagen, Police Chief Norm Link, Fire Chief John Cermak, City Attorney Grant Weed, and Deputy Clerk Erica Schorn.

3. Approval of the Agenda

Motion by Councilmember Sather, second by Councilmember Callaghan, to approve the agenda. Motion carried unanimously.

4. Presentation

a. Proclamation – Parkinson's Awareness Month

The mayor read a proclamation proclaiming the month of April Parkinson's Awareness Month, and presented the signed proclamation to the Secretary of the Parkinson's Support Group.

David Corser, Secretary of the Parkinson's Support Group, which has been in existence for nine years, stated that the group has 15 to 20 people at their monthly meetings which take place at the Stanwood Senior Center. The YMCA also sponsors a Cycle for Parkinson's group for free, which meets Wednesday and Friday mornings.

5. Citizen Comments

The mayor stated that comments on Ordinance 1456 will be heard when we get to that agenda item.

Cathy Wooten - 27828 84th AVE NW

Mrs. Wooten stated that there have been a number of staff suggested recommendations to change to administrative conditional use permits lately. She is concerned about wording changes to staff reports which alter its meaning and impact the decisions of council. She also commented that any expenses required to review a permit should be the financial responsibility of the permit applicant, not passed on to citizens.

6. Staff Reports

a. Planning Commission Minutes – February 12, 2018
b. Planning Commission Minutes – February 26, 2018
c. Planning Commission Minutes – March 12, 2018
d. Community Development Report – February 2018

7. Committee Reports

a. Finance
b. Public Safety

8. Consent Agenda

a. Approve Vouchers and Payroll Checks
b. Approve March 22, 2018 Regular Meeting Minutes
c. Approve Art By the Bay Special Event Permit and City Contribution
d. Approve Touch-a-Truck Special Event Permit and City Contribution
e. Adopt Resolution 2018-08 Authorizing Participation in Cooperative Purchasing Agreement with U.S. Communities
f. Authorize the mayor to sign the MRSC Rosters Contract

Motion by Councilmember Sather, second by Councilmember Callaghan, to approve the consent agenda items a through f. Motion carried unanimously.

9. Old Business

a. Ordinance 1455 – Edits to Zoning Use Table – Tattoo & B&B Changes, Second Reading and Final Adoption

City Administrator Ryan Larsen presented second reading of Ordinance 1455 relating to zoning use table edits affecting Tattoo and B&B changes. This item has been brought forward several times.

Motion by Councilmember Sather, Second by Councilmember Callaghan, to approve second reading and final adoption of Ordinance 1455 as identified in Attachment "A." Motion carried unanimously.

10. Public Hearing

a. To Hear Public Testimony regarding Resolution 2018-05 Surplus of City Property

Mayor Kelley opened the public hearing.

i. Resolution 2018-05 Surplus of City Property

Finance Director David Hammond presented Resolution 2018-05 Surplus of City Property. This is part of an annual inventory conducted by staff who have identified items that are obsolete or missing.

Mayor Kelley asked for public comment. There being none, he closed the public hearing.

Motion by Councilmember Sather, second by Councilmember Callaghan, to adopt Resolution 2018-05 declaring certain property to be surplus to the needs of the city and authorizing the Finance Director to arrange for and to execute the disposal of said property. Motion carried unanimously.

11. New Business

a. Authorize the mayor to sign contract with RH2 for professional consulting services for an Inflow & Infiltration Study

Public Works Director Kevin Hushagen presented an agreement with RH2 to conduct an inflow and infiltration study, which is a requirement of the Waste Water Treatment Plant permit. The purpose of the study is to find out if and where ground water or other sources of storm water are getting into the sewer system.

Councilmember White asked if we have done this study before.

Public Works Director said we haven't done this to the extent we will this time.

Motion by Councilmember Sather, second by Councilmember Callaghan, to authorize the mayor to enter into an agreement, not to exceed $88,514, with RH2 engineering for an inflow and infiltration study. Motion carried unanimously.

b. Authorize the mayor to sign the Termination Agreement for Les Schwab to terminate two water line easements and one floor tear up agreement

Public Works Director Kevin Hushagen presented a termination agreement with Les Schwab to terminate two water line easements and one floor tear up agreement. When the Les Schwab project was first proposed, their design had a water line running under their building. The water lines did not end up going under the building, so the easements and floor tear up agreement are not needed.

Motion by Councilmember Sather, second by Councilmember Callaghan, to authorize the mayor to sign the termination for two water easements and a floor tear-up agreement on the Les Schwab property. Motion carried unanimously.

c. Adopt Resolution 2018-06 Amending 2018 Salary and Benefit Schedule

Finance Director David Hammond presented Resolution 2018-06 Amending the 2018 salary and benefit schedule to extend Long-Term Disability insurance to represented employee as well as non-represented.

Motion by Councilmember Sather, second by Councilmember Callaghan, to adopt Resolution 2018-06 adopting a salary and benefit schedule for city employees effective April 1, 2018. Motion carried unanimously.

d. Adopt Resolution 2018-07 Supporting Funding of New Countywide 911 Emergency Radio System

Police Chief Norm Link presented Resolution 2018-07 supporting funding of a new 911 emergency radio system. The Snohomish County Emergency Radio System (SERS) is nearing the end of its 20-year life span. The initial estimate for replacing the system is $75 million. This would go out as a countywide ballot measure, and if it fails, the city would be required to pay roughly $750,000.

Councilmember Johnson clarified that the measure would be funded by a $0.01 sales tax, which is one-tenth of one percent.

Councilmember Williams clarified that if the measure doesn't pass, the city is on the hook for the funding.

Councilmember Pearce mentioned that the Public Safety Committee fully supports the funding of a new system.

Councilmember Callaghan said there are no other options if the current system fails.

The mayor commented that he has discussed the topic with other jurisdictions and what could happen if the measure fails.

Motion by Councilmember Sather, second by Councilmember Callaghan, to approve Resolution 2018-07 in support of county-wide funding of a new county-wide 911 emergency radio system. Motion carried unanimously.

e. Ordinance 1456 – Retail Marijuana Rules, First Reading, Public Comment

City Administrator Ryan Larsen presented Ordinance 1456 dealing with retail marijuana within Stanwood. Ordinance 1456 only considers a retail shop, not a producer or processor. He discussed setback requirements from schools, recreation centers, child care centers, public parks, libraries, and game arcades to which is not restricted to persons 21 or older. He also discussed odor regulations, and where a facility could be located. This ordinance proposes to allow facilities in Maintreet Business I, Mainstreet Business II, or the General Commercial zone. The ordinance would limit the number of retail shops to two, and would require them to be at least 2,500 feet away from each other. The Planning Commission reviewed this ordinance and chose not to make a recommendation, but to move the item forward for council to make a recommendation.

Councilmember Callaghan stated the Ordinance was discussed at the Community Development Committee meeting prior to the council meeting, and it was suggested that council not make a decision tonight, and instead have staff bring forward a map showing what it would look like to allow shops in the Light Industrial zone instead of the Mainstreet Business zones.

Mayor Kelley stated that council would now allow comments, beginning with those who live or have a business within city limits.

Amy Sellers – 27820 73rd Dr. NW Stanwood

Mrs. Sellers reminded council of the oath they took when elected to faithfully and impartially perform and discharge their duties. The majority of the people that she has heard from do not want a retail shop. She encouraged council put this to a vote of the people.

Edith Garvey – 28829 Copper Way Stanwood

Mrs. Garvey is a Nurse Practitioner and wanted to give a perspective from the medical community. She has attended many pain conferences and the opioid crisis has caused providers to not prescribe pain medications. She does not believe marijuana is a gateway drug. She encouraged people to visit a marijuana shop to educate themselves. The issue should be looked at clinically as well as financially.

Claire Hansen 28714 75th Dr NW Stanwood

Ms. Hansen stated that Stanwood voted against I-502, and that the marijuana issue has been discussed in Stanwood since 2012. Citizens have requested an advisory vote. To remedy the expense issue of a vote, she suggested waiting until 2019 to place the measure on the ballot at no additional cost from what is already in the city's budget.

Katie Shrock – 29680 94th Dr NW Stanwood

Mrs. Shrock commented that though the state does not allow shops to locate near schools, playgrounds, recreation centers, parks, or libraries, the areas where shops are proposed to be permitted could still permit shops near areas frequented by children including restaurants, homes, apartments and a church.

Michael Wooten - 27828 84th AVE NW Stanwood

Mr. Wooten thinks that not allowing shops in the Mainstreet I or II zones would be more acceptable to people. This has become more of a hot button issue since the state now treats retail and medical shops the same.

Tim Schmitt – 27308 101st AVE NW Stanwood

Mr. Schmitt believes council should send the issue back to the Planning Commission for a vote of yes or no.

Dottie Gorsuch – 27519 50th Dr NW Stanwood

Mrs. Gorsuch stated her stance against recreational marijuana. Council should take more time to consider this issue. She is not opposed to medical marijuana, just recreational. Councilmembers are the mothers and fathers of the city and should protect.

Rene Kettler – 26901 92nd Ave NW Stanwood

Mrs. Kettler, President of the Chamber of Commerce, spoke on behalf of the Chamber Board of Directors. The Chamber is in full support of any business coming to Stanwood which operates legally and legitimately. She has complete faith in the City and police force to manage this. Mrs. Kettler stated she has never worked with a council or city with more integrity.

Kelly McGill – 26549 Fox Hill Dr Stanwood

Planning Commissioner McGill is pro retail marijuana, and has seen the benefits that reasonable recreational and medical use of marijuana can have, certainly as an alternative to opioid use. He encouraged council to consider listening to the voices that do not want a shop in the mainstreet zone.

Cathy Wooten – 27828 84th AVE NW

Mrs. Wooten did not speak for or against Marijuana. She commented on administrative conditional use permits. She believes appeals should be paid for by the permit applicant.

Katie Farrey – 27313 Pioneer Hwy Stanwood

Mrs. Farrey stated that the medical marijuana shop that was behind the police station was well run. When the state law changed, bringing in retail marijuana, council voted to no longer allow the medical marijuana shop, and Mrs. Farrey believes that was a mistake. We now have a chance to rectify that decision by allowing a retail marijuana store at that location.

Ed Farrey – 27313 Pioneer Hwy Stanwood

Mr. Farrey commented that the state of Washington has legalized marijuana, and the issue is, will Stanwood allow a retail shop for those 21 years and over, and create an income stream. As a taxpayer he would welcome a new income stream. He is not in favor of a citizen vote, because the citizens elected council. Family affects children more than anyone else, and scare tactics don't work.

Irene Lyford – 27928 80th Ave NW Stanwood

Mrs. Lyford stated that just because something is legal does not make it a good thing. She would prefer to not have retail marijuana in Stanwood, but if we have to allow it, she would prefer it not be on mainstreet.

Cliff Grant – 8201 283rd ST NW Stanwood

Mr. Grant stated that the city is not following the required process to amend the zoning code. Marijuana retail is in conflict with the city's comprehensive plan. The Administrative Conditional Use process limits public comment. The income received would not outweigh the potential financial risk to the city. The city has not demonstrated why the concerns outlined in 2014 are no longer a concern, including health, safety, and liability concerns.

Bryan Hansen – 28714 75th DR NW Stanwood

Mr. Hansen encouraged council to read the cost-benefit analysis conducted by the state as part of I-502. The document acknowledges that there is not enough research on the legalization of

marijuana to determine the effects it will have. We need to acknowledge that there is a risk of potential substance abuse. Mr. Hansen thought it was sad that there was no exchange of ideas when this topic was discussed at Planning Commission.

Peggy Kitting – 7229 286th PL NW Stanwood

Mrs. Kitting opposes a retail shop in Stanwood. Her main concern is the abuse of marijuana and youth using marijuana more. She stated that cigarettes, marijuana, and alcohol are gateway drugs, and users get habituated to their effects and turn to stronger alternatives. She asked what the hurry is, and asked for a motion for a discussion item that includes the citizens of Stanwood in the plan.

Miles How- unintelligible - 27625 73rd Ave NW Stanwood

He moved to Stanwood from Virginia because of the family environment here. Children will get ahold of marijuana no matter how dispursement is controlled. He commutes to Seattle every day, and it is filthy. He works with paramedics, and it is not uncommon to see three overdoses in one night, and it could be argued that some of this is from this gateway drug. He asked what the goals of the city are, and if it is a family oriented area. He does not believe marijuana will take the city down the right path.

Aleph Fackenthall – 6104 284th ST NW Stanwood

Mr. Fackenthall commented on the idea of confirmation bias, which he explained is when one looks for information that supports one's own position. We avoid having our thinking challenged. The easiest and quickest path would be to put the shop on mainstreet, however, the easiest path is seldom the right path. In the recent online survey conducted, Mr. Fackenthall stated that the vast majority of those surveyed want the shop off of mainstreet regardless of their position on marijuana. In the interest of due diligence, he requests the council consider an advisory vote.

Connie Danielson – 17426 Marine View Drive Stanwood

Mrs. Danielson stated she has lived here all of her life, and asked what good is bringing marijuana into Stanwood going to do for our town?

There being no additional citizen comments from those within city limits, Mayor Kelley asked for any comments from those outside of the city limits.

Wendell Johnson – 852 Madrona Beach PL NW Camano Island

Mr. Johnson stated he is a Land Use Consultant, and recently listened to a presentation conducted by the American Planning Association explaining how Planners can work with local officials to address the opioid epidemic, including regulating the density of alcohol and marijuana outlets. He also noted that it is rare to see more than four cars at a time at the Bud Hut on Camano Island, therefore demand has not outstripped supply.

Phil Schneider – 278 Gilbertson Rd Camano Island

Mr. Schneider asked if kids can find opioids easily what prevents them from obtaining marijuana. He read comments from the National Center on Addiction and Substance Abuse regarding correlations between marijuana retail outlets and risks to youth.

Debbie Klein – 242 Scotland Dr Camano Island

Mrs. Klein works for the Stanwood School District and is invested in this community. She cares about the direction of mainstreet Stanwood. The image of mainstreet in her mind does not involve a marijuana retail shop. Stanwood is family friendly. She asked that retail marijuana not be allowed in Stanwood, or to let people vote on the issue.

Erika Lervick – 28921 64th Ave NW Stanwood

Mrs. Lervick said she loves this town because it's small and different, and she asked why we need to be like everyone else. Let Stanwood stay the way we are and not conform.

Mayor Kelley commented that city staff has no input on where or what businesses apply within the city. They do not recruit people to do business here. Someone put in an application for a business license to open a marijuana shop, and the application was denied.

Councilmember Callaghan stated that she has met with many new people and has received many phone calls over the last two weeks from citizens, and she hopes it doesn't end with this issue. The city needs citizen input on other topics as well, such as parks. There seems to be some agreement that mainstreet is not the place for a retail shop, and she hopes council will agree that we should re-evaluate the location. She encouraged citizens to get to know the process of how things are decided. Items often go through the Planning Commission, and then to city council committees, sometimes twice or more, which are open to the public. She encouraged citizens to attend council workshops, which are for a more open discussion, though citizen comments are not heard during these meetings.

Councilmember Johnson is concerned about location. He likes the idea of a free-standing marijuana retail shop, like when we used to have liquor stores. He would like to see options for locating a legalized marijuana store in Stanwood off of the mainstreet. He is not against legalized marijuana, but thinks we can be reasonably intelligent on where one is located. Councilmember Johnson asked that we put off the vote tonight and have city staff bring back some zoning or overlay options of where else we can put a legalized marijuana store off of mainstreet.

Mayor Kelley asked if Councilmember Johnson was making a motion.

Councilmember Johnson said yes he will make that a motion.

Motion seconded by Councilmember White.

Councilmember Callaghan clarified that was a motion to bring it back with different options.

Councilmember Johnson confirmed this.

Councilmember White stated that she is a pharmacist and has studied the pharmacology of marijuana for her whole career, and it has been proven that marijuana is not a gateway drug. She supports removing the illegal dealers. It's illicit drug dealers that profit by starting kids on marijuana

that make it a gateway, not marijuana itself. She believes a retail marijuana store managed by the marijuana laws that are in place are not a problem for the city.

Councilmember Sather stated that if we were to allow a marijuana store in town, it would make medical marijuana more readily available to people who live within Stanwood. Some of those people do not drive and are not able to make it to the Bud Hut.

Councilmember Pearce said he has become more open-minded regarding medical marijuana, and understands the difficulty of getting to it, but understands the state is working on delivery processes for medical marijuana. He comes at this as an educator as opposed to a medical professional. Things that are legal are perceived by young people to be ok. From a medical standpoint it may not be a gateway drug, but from a young person's standpoint it very well could be.

Councilmember Williams thanked everyone for coming and speaking. She also thanked Councilmember Callaghan for encouraging continued participation. We have had many meetings with no citizen attendance. Councilmember Williams was on the Planning Commission when it voted to transition from medical sales to retail sales, and the council at that time voted no. She asked that citizens be open-minded, and recognize that this is a methodical process that is not decided today, or yesterday. She does not see that this item is being rushed through, and asks that people not assume what council is thinking or how it will vote.

Councilmember Pearce asked for the motion to be repeated.

Deputy Clerk Erica Schorn stated the motion was to bring the item back to council with location options off of mainstreet and to postpone tonight's vote on the Ordinance. Roll was called and the motion carried unanimously.

12. Reports of Officers and Committees

a. Mayor's Report

During the May Snohomish County Cities Meeting, the county will be doing a presentation on the SERS program and the resolution passed tonight in support of that.

b. City Administrator's Report

c. Councilmember Reports/Questions

Councilmember Johnson is glad to be back after being ill.

13. Citizen Closing Comments

Bev Collins – 2231 256th St Stanwood

Mrs. Collins stated this was her first time attending a council meeting, and one thing that would help would be for council to speak so that everyone could hear them.

Cathy Wooten - 27828 84th AVE NW

Mrs. Wooten commented on an experience she had at Wayne's Corner Café where she brought her grandchildren to breakfast recently, including her granddaughter who has spina bifida and is in a wheelchair, and was given a piece of metal artwork from a fellow customer. Another customer bought their breakfast, and another gave each of the kids $1.00. She is happy to live in a town where this sort of thing can happen.

Bryan Hansen – 28714 75th DR NW Stanwood

Mr. Hansen stated that it would help with engagement if there was some sort of orientation on how citizens could get involved. He was not aware of committee meetings that citizens could attend. He would like to understand the process better.

Tim Schmitt – 27308 101st AVE NW Stanwood

Mr. Schmitt suggested that citizen questions and participation be allowed during committee meetings to encourage citizen participation.

Jim Collins – 2231 256th St Stanwood

Mr. Collins commented on the fact that it was very difficult to hear what council said and the audio needs to be fixed, and individually councilmembers need to speak up.

Steve Shepro – 8611 280th St NW Stanwood

Mr. Shepro stated that it was curious that an application for a marijuana license came to the city in mid-January, and at the same time council suggested the topic be re-visited, so he believes that's where the confusion or perception of conflict of interest came from.

14. Adjourn to Executive Session – Property Acquisition [RCW 42.30.110(c)]

At 9:07 p.m., Mayor Kelley adjourned the meeting to executive session to discuss property acquisition for 10 minutes with action anticipated.

The meeting reconvened at 9:17 p.m.

Motion by Councilmember Sather, second by Councilmember Callaghan, to authorize the mayor to sign the addendum to the real estate purchase and sale contract for the Johnson Farm for $205,000. Motion carried unanimously.

15. Reconvene and Adjourn

There being no further business before the Council, Mayor Kelley adjourned the meeting at 9:19. p.m.

CITY OF STANWOOD

Leonard Kelley, Mayor

ATTEST:

Erica Schorn, Deputy Clerk