

**CITY COUNCIL
WORKSHOP**

**January 6, 2015
5:30 P.M.**

MINUTES



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

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Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

- I. Call to Order** –Mayor Neil Johnson, Jr. called the meeting to order at 5:30 p.m.
- II. Roll Call:** Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Randy McKibbin, Councilmember Donn Lewis, Councilmember James Rackley, and Councilmember Tom Watson. Councilmember Katrina Minton-Davis was absent.

Deputy Mayor Swatman moved to excuse Councilmember Minton-Davis' absence. Councilmember Lewis seconded the motion.

Motion to excuse Councilmember Minton-Davis' absence approved 6 – 0.

Staff members in attendance were City Administrator Don Morrison, Community Development Director John Vodopich, Public Works Director Dan Grigsby, Chief Financial Officer Cherie Gibson, Police Chief Dana Powers, City Attorney Kathleen Haggard, Senior Planner Jason Sullivan, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

Planning Commission Chair Grant Sulham was also in attendance.

III. Agenda Items:

- A. Council Open Discussion:** Council had no items for discussion during Council Open Discussion.
- B. Review of Council Minutes:** November 25, 2014 Council Meeting, December 2, 2014 Council Workshop, and December 9, 2014 Council Meeting.

Minor corrections were made to the minutes and this item was forwarded to the January 13, 2015 Council Meeting for action.

- C. Discussion:** 2015 Council Retreat.

Deputy Mayor Swatman listed the topics currently being considered for the 2015 Council Retreat. He will email the list to the Councilmembers for their review and any other items the Council would like added to the retreat agenda.

City Administrator Morrison and Council agreed to schedule the Council's 2015 Retreat for Saturday, February 21st. Mayor Johnson said he was checking with a location in Seattle to utilize for the retreat, however, Councilmember Rackley advised he would prefer to have the retreat at a more local location. Councilmember McKibbin said it is not considered a retreat if it happens locally, as it would then be considered a meeting. Council consensus was to have the retreat at a closer location. City Administrator Morrison said he would also like to discuss and review the City's visions and goals at the retreat. There was no action taken, as this item was for discussion purposes only.

D. Discussion: AB15-08 – Ordinance D15-08 – Regulation of State-Licensed Marijuana Businesses (Previously AB14-129).

Senior Planner Sullivan advised that the Workshop presentation would be in three parts. He summarized the City's actions on licensed marijuana businesses, since Initiative 502 was approved by the voters. He advised that on November 5, 2014, the Planning Commission held a public hearing regarding two possible proposed ordinances regarding regulation of State-licensed marijuana businesses.

Planning Chair Sulham said the Planning Commission voted 6-1 to recommend that the City Council not adopt Ordinance D14-129A and that the City Council adopt Ordinance D14-129B. This recommendation would authorize state-licensed marijuana retail establishments and ban state-licensed marijuana producers and processors. He said additionally, the Planning Commission voted 7-0 to recommend that the City Council adopt an ordinance that would set aside a percentage of the sales tax that the City receives from the operation of state-licensed marijuana retail establishments within the City for youth drug education programs or other programs that support healthy lifestyles of the City's youth.

City Attorney Haggard provided a presentation with an update to the current legislation regarding State-licensed recreational marijuana businesses and the Liquor Control Board ("LCB") Regulations, the Attorney General Opinion regarding municipalities' ability to ban marijuana businesses, Federal regulations, and the City's ability to object to specific licenses. She provided a breakdown of potential revenue from marijuana businesses, environmental issues with production of marijuana, and the temporary moratorium and action needed to be taken by the Council before its expiration. Senior Planner Sullivan provided clarification regarding private parks located throughout the City, wherein no licensed marijuana establishments may be located within 1,000 feet. Mayor Johnson asked about out potential areas that are or will be dedicated to future open space, parks or trails. Senior Planner Sullivan addressed Mayor Johnson's questions and provided clarification. Councilmember Rackley questioned whether a local dog park or small park would qualify. Councilmember Hamilton had questions regarding other businesses that may want to locate within 1000 feet of a licensed marijuana business and Mr. Sullivan and City Attorney Haggard responded. Councilmember McKibbin and Councilmember Lewis reminded Council of other types of business restrictions within the City, such as adult entertainment.

Councilmember Hamilton asked if the LCB could reallocate the number of allowed marijuana businesses. Attorney Haggard advised that it is possible, but that the LCB would have to give notice. Senior Planner Sullivan said there is a very in-depth rule process that must be followed. Councilmember Hamilton asked Attorney Haggard about his concern with the Federal government's right to enforce federal regulations, especially with a new Attorney General that could force these type of businesses to close down given 60 days' notice. She advised that without an act of Congress, cities are in limbo unless marijuana is removed as a

Schedule 1 drug. She said the 'Cole Memo' is the declaration of the current Federal administration's intention. However, it is not binding and it could be changed. Councilmember Hamilton said the cities do have the powers and control of the zoning wherein they would allow a recreational marijuana business, but stated if the State legislature acted in the next few years that forces cities to allow these business and possibly increase the number that each city is required to have.

Deputy Mayor Swatman reiterated his concern of conflict with federal law.

Councilmember Watson said he visited both facilities in Buckley and didn't feel there were proper controls at these locations. He said he does not want to see this type of business in Bonney Lake, which will promote problems with no benefit to the City. He read notes, which he provided to the City Clerk's office to be included with the minutes. In summary, he noted that there would be only one Washington State LCB Officer per licensed business; facility inspections by the LCB, with no inspection by the FDA, USDA or Health Department, and original inspection by the Department of Agriculture; the harm marijuana chemicals can cause and the addictive nature of marijuana; heavy use of marijuana affecting a person's IQ and average intelligence; advertising of marijuana products; and top three ways teens get alcohol and that there would likely be similar results for marijuana.

Councilmember Hamilton said he has spoken with many friends and family members who support the initiative to decriminalize use of marijuana. However, they believe there are better locations for this type of business than Bonney Lake. Councilmember McKibbin agreed. Councilmember Lewis said his biggest concern are the safeguards that are available and his educated audience throughout the Sumner School District are adamant that they don't want it around the students or in the workplace, where use could cause injury.

Mayor Johnson said his biggest concern is affecting other businesses with the zoning, if the Council permitted this type of business. He doesn't agree with it and if the City has a chance to ban it, then he would support such a ban. He said if Council supports such a business, he believes the Easttown area would be the best area for zoning purposes. He believes the residents of Bonney Lake do not want this type of establishment in the City.

Councilmember Hamilton said other big concerns for him are financial banking issues, and public safety issues.

Mayor Johnson said the next step is for Council to choose how to proceed. Council consensus was to move Ordinance D14-129A (D15-08A) to the next Council Meeting. Mayor Johnson advised that proposed ordinance D14-129A (D15-08A) be forwarded to the January 13, 2015 Meeting for action. Deputy Mayor Swatman asked that people wanting to make public comments be at the meeting, prior to the Council taking action.

IV. EXECUTIVE SESSION: None.

V. ADJOURNMENT:

Councilmember Watson moved to adjourn at 6:50 p.m. Councilmember Lewis seconded the motion.

Motion to adjourn approved 6 - 0.



Harwood Edvalson, MMC
City Clerk



Neil Johnson, Jr.
Mayor

Items presented to Council for the January 6, 2015 Workshop:

- Councilmember Tom Watson– *Notes read at the January 6, 2015 Workshop pertaining to marijuana licensing, businesses, and use.* Notes were received from Councilmember Watson via email to the City Clerk’s office on January 7, 2015.

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.