

**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 27, 2013**

1. CALL TO ORDER

Mayor Norm Childress called the regular meeting to order at 7:00 p.m. in the Council Chambers at City Hall.

Present were: Mayor Childress and Councilmembers Mike Bren, Pam Horner, Bill Moore, Javier Rodriguez and Joan Souders. Excused from the meeting were Councilmembers Diana Jennings and Jesse Palacios.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Treasurer Matt Cordray, Assistant Public Works Director Santos Trevino and City Clerk Anita Palacios.

2. PLEDGE OF ALLEGIANCE

City Treasurer Cordray led the pledge of allegiance.

3. PRESENTATIONS

A. AWC Certificate of Municipal Leadership – Councilmember Bill Moore

Mayor Childress announced that Councilmember Bill Moore Councilmember recently received a Certificate of Municipal Leadership (CML) from the Association of Washington Cities (AWC). Councilmember Moore completed over 30 hours of training credits to earn this distinction. The CML program was designed to enhance the ability of elected municipal officials by providing knowledge and skills to effectively operate within the law, plan for the future, secure and manage funds and foster community and staff relationships. To earn this certificate, Councilmember Moore attended a variety of AWC sponsored municipal workshops. The courses help the mayors and councilmembers learn the essentials of municipal service and improve their ability to work with council colleagues, city staff and citizens.

4. PUBLIC COMMENT

Beautification Award Program – Mary Barrett, 301 Douglas, representing the Beautification Award Program, requested that the City honor the community at-large by placing the Beautification Award signs in a park within each of the five sections of the City. The signs would be placed in the parks during the month of September to recognize the community's efforts in beautifying their respective neighborhoods.

5. CONSENT AGENDA

On motion by Councilmember Horner, second by Councilmember Souders, Council unanimously approved the Consent Agenda consisting of the following:

- A. Minutes of the August 13, 2013 regular meeting**
- B. Payroll Electronic Fund Transfers (EFT) Nos. 5052-5056 in the amount of \$67,797.12**
- C. Payroll Check Nos. 6938-6970 in the amount of \$100,510.08**
- D. Payroll Direct Deposit 08/01/13–08/15/13 in the amount of \$90,086.64**

- E. **Claim Check Nos. 104215-104293 in the amount of \$194,342.93**

6. **ACTIVE AGENDA**

- A. **Resolution No. 2013-47 authorizing the Mayor to sign the Local Agency Federal Aid Project Prospectus and Local Agency Agreement Supplemental Number 1 with the Washington State Department of Transportation for the Bonnieview Road Improvements from Wilson Highway to Elm Street**

The City was awarded a Surface Transportation Program grant in the amount of \$1,022,257 for construction of the Bonnieview Road Improvements from Wilson Highway to Elm Street. The proposed construction project will include roadway widening, sidewalk, curb, gutter and storm drainage improvements. In order to obligate the federal funds, the City needs to approve the Local Agency Federal Aid Project Prospectus and Local Agency Agreement Supplemental Number 1 with the Washington State Department of Transportation.

On motion by Councilmember Moore, second by Councilmember Rodriguez, Council unanimously approved Resolution No. 2013-47 authorizing the Mayor to sign the Local Agency Federal Aid Project Prospectus and Local Agency Agreement Supplemental Number 1 with the Washington State Department of Transportation for the Bonnieview Road Improvements from Wilson Highway to Elm Street.

7. **UNFINISHED AND NEW BUSINESS** – None

8. **CITY ADMINISTRATOR AND/OR STAFF REPORTS**

Old Inland Empire (OIE) Improvements – City Administrator Arteaga reported that he anticipated the OIE Improvement Project would be awarded construction funding early next year.

WWTP Improvements – City Administrator Arteaga reported that Apollo began work at the Euclid Lift Station this week by excavating the area to make provisions for the bypass pumping. They also demolished the old building at the former treatment plant facility.

Aerated Lagoon Repairs – City Administrator Arteaga reported that the WWTP crew was still in the process of cleaning out the sludge at the aerated lagoons in order to assess the needed repairs. A pump was rented from Orange Dairy Services in Sunnyside that was used for pumping manure from lagoons at dairies. The pump was installed and should be up and running this week.

Central Washington Local Government Academy – City Administrator Arteaga, City Clerk Palacios and City Treasurer Cordray would be attending the Central Washington Local Government Academy on August 28th in Yakima. The academy was hosted by the Public Works Trust Board, State Department of Commerce, and Community Economic Revitalization Board.

I-502 and Recreation Marijuana Moratorium – City Attorney Plant reported that several jurisdictions in Yakima County either have or were considering adopting moratoriums relating to recreational marijuana. He explained that the Liquor Control Board (LCB) was expected to publish proposed final rules on September 4, 2013 to become effective November 4, 2013. Applications for licenses would be accepted for 30 days starting November 18, 2013. Licenses

would authorize three types of recreational marijuana uses: (1) Producers – restricted to growing marijuana; (2) Processors – incorporate the plant into edibles, liquids and packages for sale; and (3) Retailers – sell the marijuana, marijuana infused products, and marijuana deliver services. Under I-502, the LCB would determine the number of licenses to be issued in each county. When a license application was received, the LCB would notify the respective jurisdiction of the application. The jurisdiction would have 20 days to file written objections against the applicant or against the premises for which the license was requested. Under I-502, none of the above-described marijuana uses and no marijuana advertising may be located within 1,000 feet of the perimeter of the following: elementary or secondary schools; playgrounds; recreation centers and facilities; child care centers; public parks; public transit centers; libraries; and game arcades.

The question for Grandview would be whether to take legislative action in response to these pending developments. It would be impossible to know whether an applicant may seek a license to operate in Grandview. However, if an applicant were to pursue a permit, their rights would likely be vested as to the regulations in effect at the time they submit the application. For this reason, if the City wanted to take legislative action, the time to do so was sooner rather than later. The City could also adopt a moratorium to gain more time to evaluate whether legislative action was required.

He presented the following questions and options:

- *Can the City ban recreational marijuana uses outright?*
Possibly. This could be accomplished by a zoning amendment to the effect that no activities prohibited by federal law shall be allowed in any zoning district. The City of Yakima took this approach with respect to medical marijuana dispensaries. Whether this type of regulation could survive a legal challenge was a significant question that raised issues of state pre-emption of local jurisdiction, and also federal pre-emption of I-502. This approach would bring some level of litigation risk in the event an applicant sought to locate in Grandview.
- *Can the City adopt zoning regulations concerning recreational marijuana uses?*
Yes. I-502 prohibits these uses within 1,000 feet of various uses. The first step in determining whether additional zoning was required would be to map these distances and determine where licensees could currently locate in Grandview. With this information, a more informed decision as to whether additional zoning amendments were needed could be made. The City would need to carefully substantiate a decision in this regard.
- *Can the City require the proponent of a recreational marijuana use to obtain a business license?*
Probably. I-502 was silent on the question of whether local governments could issue a business licenses for recreational marijuana uses under their general police power authority. Because municipal business licensing serves a very different purpose than the LCB licensing, it seemed likely that the City retain its authority to require a business license for recreational marijuana uses.

Following discussion, Council instructed the City Attorney to prepare a moratorium ordinance and staff to map the 1,000 foot distance from schools, parks, etc., as identified above.

9. MAYOR & COUNCILMEMBER MEETING REPORTS

Dog Park Committee – Councilmember Souders reported that the Dog Park Committee obtained their 501(c)(3), opened a bank account, and would be presenting to Council an alternate site location at the next Council meeting.

10. EXECUTIVE SESSION – Union Negotiations

Mayor Childress adjourned the meeting to an executive session at 7:30 p.m., for approximately 15 minutes to discuss union negotiations per RCW 42.30.140(4) with the aforementioned Mayor, Councilmembers, City Attorney and City Administrator present. City Clerk Palacios recused herself from the executive session. The meeting resumed at 7:45 p.m., with the aforementioned Mayor, Council and staff present. No action was taken.

11. ADJOURNMENT

On motion by Councilmember Moore, second by Councilmember Rodriguez, Council unanimously adjourned the regular meeting at 7:45 p.m.

Mayor Norm Childress

Anita Palacios, City Clerk