

**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES
NOVEMBER 26, 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 Diana Jennings, Pam Horner, Bill Moore, Jesse Palacios, Javier Rodriguez and Joan Souders. Excused from the meeting was Councilmember Mike Bren.

Staff present were: City Attorney Quinn Plant, City Treasurer Matt Cordray, WWTP Superintendent Dave Lorenz and City Clerk Anita Palacios. Excused from the meeting was City Administrator/Public Works Director Cus Arteaga.

2. PLEDGE OF ALLEGIANCE

Mayor Childress led the pledge of allegiance.

3. PRESENTATIONS

A. IACC Infrastructure Award – Solid/Wastewater Treatment (Euclid Lift Station)

WWTP Superintendent Lorenz presented the Council with the IACC Infrastructure Solid/Wastewater Treatment Award for the Euclid Lift Station. The City was nominated for this award by the United States Department of Agriculture and the award was presented to the City at the 5th Annual Infrastructure Assistance Coordinating Council (IACC) Conference on October 23rd.

4. PUBLIC COMMENT – None

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 November 12, 2013 special budget meeting
- B. Minutes of the November 12, 2013 regular meeting
- C. Payroll Electronic Fund Transfers (EFT) Nos. 5101 - 5105 in the amount of \$61,982.64
- D. Payroll Check Nos. 7107 - 7125 in the amount of \$93,942.31
- E. Payroll Direct Deposit 11/1/13 – 11/15/13 in the amount of \$85,133.56
- F. Claim Check Nos. 104756-104823 in the amount of \$122,186.44
- G. Ordinance No. 2013-26 amending GMC Section 13.28.120 to provide that if a utility payment due date falls on a weekend or legal holiday such payments may be submitted the following work day
- H. Resolution No. 2013-55 authorizing the Mayor to sign the Technical Assistance Contract No. 010114GV with the Yakima Valley Conference of Governments

6. ACTIVE AGENDA

A. Public Hearing – 2014 Preliminary Budget

Mayor Childress opened the public hearing for the purpose of receiving comments on the 2014 Preliminary Budget.

Mayor Childress requested public comments. No public comments were received.

City Clerk Palacios indicated that there were no public comments received by mail.

The public testimony portion of the hearing was declared closed and no further comments were received.

B. Closed Record Public Hearing Petition for Annexation & Rezone – Russell/Dahlin/Syverson Annexation

Mayor Childress opened the closed record public hearing to consider a petition for annexation and rezone submitted by Eva Russell, Darlene R. Dahlin and Darin Syverson by reading the public hearing procedure.

There was no one in the audience who objected to his participation as Mayor or any of the Councilmembers' participation in these proceedings. None of the Councilmembers had an interest in this issue nor did any stand to gain or lose any financial benefit as a result of the outcome of this hearing and all indicated they could hear and consider the issue in a fair and objective manner.

The purpose of the hearing was for the Council to review the record and consider the pertinent facts relating to this issue. No new public testimony was allowed.

City Clerk Palacios provided the following review of the record.

The City received a Letter of Intent and Petition for Annexation and Rezone signed by Eva Russell, Darlene R. Dahlin and Darin Syverson requesting annexation of their property to the City of Grandview. The petitioners elected to request annexation under the 60% petition method of annexation. The 60% petition method required signatures by owners of not less than 60% of the assessed value of the total property proposed for annexation. The petition contained sufficient signatures. The proposed annexation included Parcel Nos. 230915-31001 and 230915-31003.

The petitioners requested the area be annexed with an M-1 Light Industrial zoning. The parcels were included in the City's Urban Growth Area and were currently designated industrial in the Future Land Use Designations.

At the September 24, 2013 City Council meeting, Council accepted the proposed annexation, required the simultaneous adoption of zoning regulations consistent with the Urban Growth Area Future Land Use Designations—M-1 Light Industrial and required the assumption of all existing City indebtedness by the properties proposed to be annexed the same as all other property within the City in accordance with past practice, and agreed to have the annexation petition heard by a Hearing Examiner.

On October 21, 2013, a public hearing was held before the Hearing Examiner to receive comments on the proposed annexation and rezone. A copy of the Hearing Examiner's Recommendation was attached.

Staff recommended Council accept the Hearing Examiner's conclusions and recommendation that the Russell/ Dahlin/Syverson Annexation Petition #01-13 with M-1 Light Industrial zoning of Parcel Nos. 230915-31001 and 230915-31003 be approved.

Staff further recommended Council adopt Resolution No. 2013-56 authorizing the petition to annex property known as the Russell/Dahlin/Syverson Annexation that is contiguous to the City of Grandview and providing for transmittal of said petition to the Yakima County Boundary Review Board for a 45-day review prior to taking final action.

Council requested no clarification of the record.

The public hearing was declared closed.

On motion by Councilmember Palacios, second by Councilmember Souders, Council unanimously accept the Hearing Examiner's conclusions and recommendation that the Russell/ Dahlin/Syverson Annexation Petition #01-13 with M-1 Light Industrial zoning of Parcel Nos. 230915-31001 and 230915-31003 be approved.

- C. **Resolution No. 2013-56 authorizing the petition to annex property known as the Russell/Dahlin/Syverson Annexation that is contiguous to the City of Grandview and providing for transmittal of said petition to the Yakima County Boundary Review Board for a 45-day review prior to taking final action**

On motion by Councilmember Jennings, second by Councilmember Moore, Council unanimously approved Resolution No. 2013-56 authorizing the petition to annex property known as the Russell/Dahlin/Syverson Annexation that is contiguous to the City of Grandview and providing for transmittal of said petition to the Yakima County Boundary Review Board for a 45-day review prior to taking final action.

7. UNFINISHED AND NEW BUSINESS

A. Recreational Marijuana Moratorium

City Attorney Plant explained that the purpose of the staff report was to inform the City Council about the impacts of I-502 and legislative responses available to the City Council in the event it finds that a legislative response is necessary and/or appropriate.

The City prepared a map that overlays the various buffer zones mandated under I-502 on City zoning districts. The purpose of this map was to illustrate for the City Council those locations that it appears a recreational marijuana business (producer, processor or retailer) could locate under I-502.

It was unknown whether any recreational marijuana a business would apply for a license to locate in Grandview. If a business applied for a license, it was unknown whether that business

would prove viable and succeed. However, the Liquor Control Board had designated one of Yakima County's retail licenses for Grandview. There were additional producer and processor licenses that could also potentially seek to locate in Grandview.

The question for Council was whether to take legislative action in response to I-502. Legislative action could be (but was not limited to) any of the following:

- No action: Under this scenario, a recreational marijuana business could technically locate in any zoning district. As a practical matter, political considerations and the security requirements imposed by I-502 may make it difficult for a business to locate within a district zoned for residential use.
- Zoning amendment: The City could exclude recreational marijuana businesses from specified zoning districts. The City could also impose its own buffer zones such as a prohibition on recreational marijuana businesses within a specified distance from a designated use or zoning district (e.g., 500 feet from any residence; 1,000 feet from any residential zoning district). The caveat should be that locations remain within Grandview where such businesses could locate.
- Ban marijuana businesses: Many jurisdictions have banned marijuana businesses. There was an open question whether municipalities may do so. The Washington Attorney General was considering this question, but it was unknown when an answer may be provided. And the AGO opinion would only be an opinion; a ban was still subject to a legal challenge.

Unrelated the zoning, the City Council should consider whether to require recreational marijuana businesses seeking to locate in Grandview to obtain a business license. At present, the municipal code prohibits the issuance of a business license to a business that does not comply with federal law. GMC 5.04.010. This provision would need to be amended.

On motion by Councilmember Souders, second by Councilmember Moore, Council unanimously referred the issue to the Planning Commission for further review and recommendation for zoning amendments.

8. CITY ADMINISTRATOR AND/OR STAFF REPORTS – None

9. MAYOR & COUNCILMEMBER MEETING REPORTS

Dog Park Committee – Councilmember Souders reported that she met with the Dog Park Committee and advised of Council's decision that the dog park be located at the City-owned property adjacent to Public Works shop on Willoughby Road.

YVCOG General Membership Meeting – The Yakima Valley Conference of Governments general membership meeting would be held on December 11th in Sunnyside. RSVP's were received from Mayor Childress and Councilmembers Jennings, Moore, Palacios and Souders.

December 24th Council Meeting Cancelled – **On motion by Councilmember Horner, second by Councilmember Jennings, Council unanimously cancelled the December 24, 2013 Council meeting.**

10. **EXECUTIVE SESSION** – None

11. **ADJOURNMENT**

On motion by Councilmember Moore, second by Councilmember Bren, Council unanimously adjourned the regular meeting at 8:00 p.m.

Mayor Norm Childress

Anita Palacios, City Clerk