

**CITY OF KALAMA
CITY COUNCIL MEETING
JANUARY 6, 2016**

1. OPENING

Mayor Pete Poulsen opened the City Council meeting at 7:00 p.m. Mayor Poulsen led those present in the Pledge of Allegiance.

Councilmembers present were Mike Truesdell, Dominic Ciancibelli, Mike Dennis Langham, Rosemary Brinson Siipola, and Mary Putka. City staff present were City Administrator Adam Smee, Public Works Field Supervisor Chad Moon, Clerk/Treasurer Coni McMaster, and Police Chief Randy Gibson. City Attorney Paul Brachvogel was also present. Members of the public present are listed on the sign-in sheet.

2. CHANGES TO THE AGENDA

Mayor Poulsen noted that the Council would hold an executive session and then take care of all other City business on the agenda before addressing the Citizen request under unfinished business.

3. EXECUTIVE SESSION

Mayor Poulsen announced the Council would go into executive session for 15 minutes to discuss potential ligation issues. The meeting resumed at 7:15 pm.

4. PRESENTATIONS & AWARDS - None

5. PUBLIC HEARINGS

A. Appeal of Denial of Appeal on Zoning Issue

The appellant was not present and no hearing was held.

6. PUBLIC COMMENTS/CONCERNS – None

7. UNFINISHED BUSINESS – Moved to Later in the meeting

A. Citizens Request – Proposed Marijuana Business Application process

8. NEW BUSINESS – None

9. ORDINANCES & RESOLUTIONS

A. Ordinance No. 1372 – 2015 Budget Amendment Ordinance

Ordinance No. 1372 was read by title: An Ordinance of the City of Kalama, Washington amending the 2015 Budget to account for increasing the Budget in the amount of \$398,205.00. Clerk/Treasurer Coni McMaster noted that some of the items are end of year items for an extra loan payment on the Bank building, understated sewer loan payment, additional hookups received and regular year end items and there were also some additions required due to the flooding which included a loan of \$35,000 to Street operations from the General Fund Reserve. Councilmember Dominic Ciancibelli made a motion the Council adopt Ordinance No. 1372 as read. Councilmember Mary Putka seconded, and the motion carried.

10. CORRESPONDENCE - None

11. MAYOR'S REPORT & COUNCILMEMBERS' REPORTS

A. Mayor Pete Poulsen reported there would be a luncheon for all the volunteers that helped through the flood event and the recovery. He requested that anyone that helped out to be sure to get their contact information to the City.

B. Councilmember Mike Truesdell had no report.

C. Councilmember Dominic Ciancibelli had no report.

D. Councilmember Mike Langham had no report.

E. Councilmember Rosemary Siipola had no report.

F. Councilmember Mary Putka reported that the Library is located in a warehouse at the Port and the staff is working on organizing the collection. They will be working on the database for the new circulation system while they are shut down.

12. DEPARTMENT REPORTS

A. City Administrator Adam Smee noted he has been involved in several meetings regarding future development opportunities with the Port of Kalama. It looks like 2016 will be busy with several different applications.

B. Public Works Field Supervisor Chad Moon presented a written report, and noted that the crew has had a busy few weeks. He noted there have been issues with the PLC at the Water Plant and the new unit is about two weeks out. They also had a pump fail at the Water Plant which will be pulled and rebuilt beginning next week. Mr. Moon also thanked the many volunteers that helped during and after the flood event.

C. Police Chief Randy Gibson presented his statistical report, noting the burglary at the pharmacy. This is the third one in a year and although there is now an alarm system, the

department was not immediately contacted so the suspect(s) was able to get away before they could respond. There were no significant narcotics taken during the burglary.

D. Clerk/Treasurer Coni McMaster reported she has been working on the end of year closeout, as well as tracking the flood expenses. She has also been coordinating some of the flood cleanup of the City buildings. The City Hall/Library building has had the walls and carpet removed so that it can be dried out and this is nearly complete. Work is beginning at the Police Building at the request to the City's insurance.

E. City Attorney Paul Brachvogel had no report.

13. CONSENT AGENDA

Councilmember Mary Putka made a motion the City Council approve the Consent Agenda including:

- A.** *Claims and Payroll warrants 35608-35692 and electronic transactions for December 2015 totaling \$259,884.60*
- B.** *Minutes of the December 16, 2015 City Council Meeting*
- C.** *Appointments to Planning Commission*
 - 1.** *Mike Reuter to Full Term from 2016 to 2022*
 - 2.** *Susan Dennis Langham to Fill partial term from 2016 to 2019*
- D.** *Reappointment of Cynthia Svensson to Library Board for a five year term.*
- E.** *Authorize Mayor to sign the 911 Center Inter-local Agreement with Cowlitz Co.*

Councilmember Mike Truesdell seconded, and the motion carried.

7. UNFINISHED BUSINESS

A. Citizens Request – Proposed Marijuana Business Application process

Mayor Poulsen asked for a show of hands from the audience as to how many lived in the City, how many lived adjacent to the property but in the County and how many just lived in the County. He informed the audience that those wishing to speak would be given 3 minutes. He invited the owner of All Natural Products to explain what he will be proposing in his final application. Mr. Frank Giese of Sultan WA explained that they have gone through extreme steps during the process for rezoning. Upon legalization of marijuana he and his partners are proposing to grow medical grade marijuana for a wholesale market. He has a medical background and wants to focus on the medical benefits of the CBD element of marijuana. They will not be selling to the public and not selling to the retail markets. He noted that all workers will have to be over 21 as required by state law. There will be air

scrubbers on site to deal with odor issues. He would defer any crime rate questions to the authorities, but noted that if they were to have 3 burglaries within a year like it was reported on the pharmacy, the facility would be shut down by the state. There is 24 hour monitoring required. Mr. Giese noted that as a parent he doesn't want his children involved in drugs, but should they go in that direction he would prefer pot to any others. Mayor Poulsen opened this up to the public noting that Mr. Giese may be able to answer questions or rebut testimony later. The public was reminded to address the Council and to identify themselves with their name and address.

Mr. John Schmidt of 6931 Old Pacific Highway referred to the applicant's master plan that was submitted as part of the rezone application and asked about the reference to increasing the industrial land in the future to possibly include a restaurant, event space, healing facility and what does that mean. Mr. Giese explained that when they looked for property they looked at property that could have extended possibilities and were looking at cancer research or treatment center related to medical marijuana treatments. Ms. Tauschia Copeland with All Natural Products noted that this is a master plan that will require full applications to be submitted for any portion thereof. At this point only the rezoning to industrial has been approved.

Ms. Diana Durgeloh of 205 Todd Road asked what Mr. Giese's medical background was, to which he responded he has been a biologist. As a patient he became involved in the research of the medical benefits of marijuana and would like to pursue research. One of the investors in the company is a medical doctor.

Ms. Tina Day of 5351 Meeker Drive asked if the plants would be organic or genetically modified as GMO plants are more potent so there are more concerns with the effects. It was explained that the Department of Agriculture won't work with the modified plants and they plan to only grow natural organic plants.

Mr. William Canada of 115 Stepping Stone noted that he and the citizens don't want this activity adjacent to a residential zone. It should be far away. He sees the City as having a conflict with its own codes, allowing it here. He noted he has been an addiction counselor and believes it messes up the minds of those that use marijuana. He believes there will be an increase in crimes and has concerns with the exposure to kids. He quoted some statistics on the costs to the public as well. He has concerns with the odors and smoke from field burning for residents in the Stone Forest area, as well as the possibility of it affecting their property values. He added that he believes that businesses will not locate here if this activity is approved. Just because this is legal in Canada, it is federally illegal here and forbidden by the constitution. Mr. Giese explained that field burning is not allowed by state law. They plan to grow as environmentally as possible with solar energy and there should be no downwind contamination. He noted that since his product would have a lower THC content, should anyone steal the product they wouldn't be able to get high. It was also noted that the property does not border on a residential zone which was disputed by members of the audience.

Ms. Kathy Schmidt of 6931 Old Pacific Highway noted that the Lunday property does border the property and it is residential along with several other residential lots. It was pointed out that these lots are in the County and there is no zoning designation. Ms. Schmidt

stated that it isn't personal to Mr. Giese, but regardless of whether it is medical or recreational, the citizens don't want it there and would vote it down. It was asked if it isn't the Council's job to represent the citizens and if they don't want it shouldn't the Council listen? It was noted that an application was made and the rules followed in processing that application.

Mr. Travis Buck who owns a septic installation business in town read from the City code 17.56.030 what the notification requirements are. He also stated that based on what he does for a living he knows that the scrubbers proposed will not fully address the odor concerns. How will the City enforce the odor regulations and take complaints from citizens. He stated he doesn't want Kalama to smell like a skunk farm. City Administrator Adam Smee noted that there are remedies in place to deal with code violations and nuisance complaints. Depending upon the issue the results can be citations from the police, business closure and loss of permits. The applicant has to abide by the code. The City adopted code based on state regulations which are enforced by the State Liquor Cannabis Control Board at the state level for marijuana businesses. Citizens can register their complaints with the City offices. During the application process issues of odor and compliance will be addressed under SEPA. Currently the City does not have an application.

Ms. Anna Lunday of 229 Bannister Road owns a piece of property right next door and did not receive any notification.

Stacy Lane of 149 Nectarine Drive stated that she moved from Portland when the neighborhood there started going downhill after certain activities were let in and crime and gang activity increased. She asked how the City decides which businesses to let into the Community. Administrator Smee explained that the City relies on zoning to address issues of where businesses can locate. It has a "sin zone" or Sexually Oriented overlay zoning which is also where retail marijuana outlets could be located which is out next to the area currently rezoned to industrial. The City needs to have such zoning in place or it faces the possibility that legal businesses such as strip clubs or retail marijuana could locate anywhere within the business districts. The City believes it has done the best it can to find an area that is least harmful to the community. There was a lot of work and effort put into making these kinds of decisions. When marijuana was legalized in the State, there was not a lot of information available and a lot of questions on what could or could not be done.

Ms. Tina Day asked if the City has regulations in place that will address the advertising of marijuana and if they don't shouldn't they be proactive in addressing that issue now. Administrator Smee noted that the City has a sign code and also has adopted the state regulations on advertising for the marijuana.

Mr. Jim Mauck of 607 Cloverdale Road noted that he hadn't heard about the issue before and asked why the applicant doesn't put the business where he lives or in Seattle instead of here. Also why locate near a residential area and the federal interstate. Mr. Mauck also noted that he has been having an issue with odors for over 18 months and the City has not been able to effectively address the situation. Mr. Giese explained that zoning in his home area would not allow the activity.

Mr. Mike Herz of 104 Nimmo Road stated he went to the "first" meeting and at that time no one was in favor of the proposal. He asked how does the community benefit from the

business. Administrator Smee noted that while recent changes in how the taxes are to be distributed, he is not sure that the City will receive any revenue from the business. Mr. Herz asked why then do we want to allow it. Mayor Poulsen noted that the property rights of the owner are a factor in this as well. The property owner has rights to develop and use his property.

Cory Miller, 6929 Old Pacific Highway stated that he left Portland to come to quiet, peaceful Kalama with good schools and purchased a home that will now overlook a pot farm. Why put this near a residential area or the highway? He noted that 10 acres of pot plants will take a huge amount of water and can the City actually supply 1.9 million gallons? Mr. Giese noted that they can only grow on 33,000 square feet of the 10 acres and this will be an outside grow operation which will use much less water. They are also planning on drilling a well and want to be very efficient and not draw down City services. It was noted that development usually pays for development and the necessary infrastructure. The City would not consider bankrupting the water system for one business. Mr. Miller noted that he ultimately wants to build a brewery, but knowing that his neighbors would object, he won't build it in Kalama.

Ms. Brandy Kays of 121 Monarch Road, a local real estate agent noted that in conversations with potential buyers the feedback she has received is that they might not buy in an area with a marijuana grow operation. It was asked that if the entire community doesn't want this, shouldn't the Council not do it. Mayor Poulsen noted that the 40-50 people in the room don't make up the "entire" community. There is still a long process before the business is established. Mayor Poulsen said that the citizens need to look at all the City has done during the last 12 years and not just this one issue. The Council works very hard to improve and support the City and they deal with many issues. This applicant followed all the rules and made an application which was then processed and acted on which is his right. Ms. Kathy Schmidt noted that they don't want industrial zoning in this residential area and they weren't notified. She asked where the certified mailings were to prove notification and it was noted that the City doesn't do certified mailings for these applications.

Field Supervisor Chad Moon noted that he heard a lot of grumbling during the fluoride issue and suggested that the City do the same here by putting the issue out for a vote, for which the audience applauded. Mr. John Schmidt noted that this isn't them against the Council. Mayor Poulsen noted that it does feel like the Council and staff are being attacked. Only the rezone has been done. There will be more when an application is submitted. Mayor Poulsen noted that the City sent out notices and apologized for those that may not have received one, but the process was followed for the application for rezoning and a decision made. Mr. Giese noted that he looked at many, many pieces of property before settling on this one and making any kind of application. It is not simple to find. He met the property owner working on another project and they came together on this proposal.

Mr. Ron Johnson of 360 Birch Street noted that he feels this was a poor choice in approving the rezone. Mayor Poulsen ended the comment period.

Mr. Tony Curtis of 601 N. Second Street asked to address another subject – the stormwater issues on Second Street and if there was any update on the progress for improvements. He noted that he has had two flooding events in the last year. Administrator

Smee noted there were no updates.

14. EXECUTIVE SESSION - None

15. ADJOURNMENT

Mayor Poulsen adjourned the meeting at 8:43 p.m. These minutes are not verbatim. A copy of the recording for this meeting is available for review upon request.

Pete Poulsen - Mayor

Coni McMaster - Clerk/Treasurer