

**CITY OF ROSLYN
CITY COUNCIL MEETING MINUTES**

August 9, 2011 – 7:00 P.M.

Roslyn Council Chambers, 109 S. 1st, Roslyn, Washington

CALL TO ORDER, ROLL CALL, FLAG SALUTE, AGENDA UPDATE: 7:00pm

Mayor Pro-tem Cooke called the meeting to order at 7:00pm, led the flag salute and asked the Clerk – Treasurer to call roll.

PRESENT: Mayor Pro-Tem Cordy Cooke, Councilmember Andy Januskiewicz, Councilmember James Begley, Councilmember Laura Osiadacz, Councilmember Geoff Scherer, Councilmember Bethany Spurrier, and Councilmember Derek Gruber

ABSENT: Mayor Jeri B. F. Porter

MOTION: Councilmember **MOVED** to excuse the absent Mayor. Councilmember **SECONDED** the motion. The motion **PASSED 4-0**

STAFF: Amber Shallow, Clerk – Treasurer; Mitch Long, CAC Staff Liaison; Margaret King, City Attorney; Skye Osiadacz, Fire Chief

Mayor Porter amended the agenda to discuss a hearing examiner after item #5, Council agreed to amendment by consensus.

Mayor Pro-Tem Cordy Cooke moved item #8 Hearings Examiner to the beginning of the agenda with no objections.

MOTION: Councilmember Begley **MOTIONED** to approve moving item #8 Hearings Examiner to the beginning, Councilmember Spurrier **SECONDED** the motion. The motion was **APPROVED 7-0**

Mayor Pro-Tem Cordy Cooke then invited Hearings Examiner John Galt to speak; Mr. Galt defined the data that was included with the agenda bill, feels he is qualified to do the work we need him to do.

Mayor Pro-Tem Cordy Cooke asked if you have a case and you make a recommendation is that a final decision or does it come back to Council. Mr. Galt replied that the code states my decision is final and is appealable directly to Superior court.

Margaret King, City Attorney – we did change the code because before the Council was the hearing body and the Council didn't want to be in that position anymore, as I understand the Commission/Council is considering going to Hearings Examiner for land use as well but for now it is just code enforcement.

Councilmember Januskiewicz – what is our need right now, what kind of case load would he be looking at?

Margaret King, City Attorney – not sure, most of the notices of violation do get corrected within the first/second notice. We do have the process set up and the code is in place so I don't feel comfortable having that process in place without having a Hearings Examiner in place to hear the cases.

Lisa Haley – I do have more Code Enforcement issues than building permits, most of them do comply but some do "blow the City off".

Margaret King, City Attorney – in that circumstance we can move forward and serve a final notice and they can appeal, some won't show up but then we could close out those cases.

Councilmember Osiadacz – this is to help close out some of those cases that are ongoing.

Hearings Examiner John Galt – failure to appear doesn't mean we sit in limbo, we could move on.

Neil Lockett-Roslyn-Mr. Lockett asked what kinds of conflicts might come up in the normal order of business?

Hearings Examiner John Galt- in terms of conflicts of interest I can't imagine there would be any, but if I had a familial or financial interest then I would need to recuse myself but I don't see any issues. In terms of my list of clients, although it is long, most of them only use me once or twice a year so I don't see any issues there either.

Councilmember Begley – impressive resume and seems like he'll do a good job.

Mayor Pro-Tem Cordy Cooke – handles being on the spot very well

CONSENT AGENDA:

1. Accounts Payable Checks #11005 – #11035, in the amount of \$59,711.91
2. Payroll Checks of July 29, 2011 #7503 – #7526, in the amount of \$18,228.43
3. Minutes of July 26, 2011 Regular Council Meeting
4. AB11-050 Resolution Authorizing Collection Services Contract

Mayor Pro-Tem Cordy Cooke read the agenda

MOTION: Councilmember Januskiewicz MOTIONED to approve the Consent Agenda; Councilmember Gruber SECONDED; The motion was APPROVED 7-0

CITIZEN'S COMMENTS: (non-agenda items)

ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

5. AB11-051 Presentation – 2011 2nd Quarter Budget Update

Jean McDonald, Cle Elum – on behalf of Friends would like a quick update on Phase 1b;

Mayor Pro-Tem Cordy Cooke replied that a meeting was held last week via telephone conference. We are currently trying to get the numbers lined up and we were able to get closer with the numbers and we will be getting a response back soon. The goal is to get to a project scope that matches the budget available.

INTRODUCTION:

6. AB11-052 Ordinance Adopting the 2011 Budget Amendment #1

MOTION: Councilmember Januskiewicz MOTIONED to approve the Ordinance Adopting the 2011 Budget Amendment #1 as a FIRST READING; Councilmember Scherer SECONDED; The motion was APPROVED 7-0

Councilmember Osiadacz would like to know the cost of both meters & if we could only replace the low flow meter; would like to have more information. (Include labor costs – such as opening the hole twice, etc.)

7. AB11-053 Resolution Adopting the Cemetery Design Standards

MOTION: Councilmember Begley MOTIONED to approve the Resolution Adopting the Cemetery Design Standards; Councilmember Gruber SECONDED; The motion was amended.

Councilmember Begley amended his MOTION to approve the resolution with clarification to be added in the code at a later date; Councilmember Januskiewicz SECONDED; The motion was APPROVED 7-0

Councilmember Begley – I think the commission did an extraordinary job on putting this together

Mayor Pro-Tem Cordy Cooke – the commission seems to be moving forward and it's great to see

Neil Lockett-Roslyn – chain link, why the disparity

Councilmember Januskiewicz – is there a conflict with our current code

Margaret King, City Attorney – when I initially reviewed this I thought there would be but in the recent code revisions the outright prohibition was removed and a reference to

the guideline was put into place and the guidelines state that the Planning Historic Preservation Commission will not approve chain link but the Cemetery code states that the cemetery commission approves all structural changes in the cemetery so there is no conflict. We could always clarify it in the code that this applies only to the cemeteries.

Councilmember Januskiewicz asked if Margaret King felt it was necessary to clarify, Margaret King replied that she always likes clarification but it is not necessary.

Councilmember Spurrier- I think we should move forward and we could always clarify later.

~~8. AB11-054 Resolution Authorizing a Contract for a Hearing Examiner~~
This item was moved by Mayor Pro Tem Cooke

9. AB11-055 Ordinance Adopting an Emergency Moratorium on Medical Cannabis Gardens & Dispensaries

MOTION: Councilmember Januskiewicz MOTIONED Ordinance Adopting an Emergency Moratorium on Medical Cannabis Gardens & Dispensaries; Councilmember Spurrier SECONDED; The motion was APPROVED 6-1 (Scherer)

Mayor Pro-Tem Cordy Cooke introduced and asked Margaret King to clarify how this ended up on agenda

Margaret King, City Attorney – I was contacted by the Mayor yesterday, the bottom line is there was legislature that clarified dispensary, some portions were vetoed that dealt with explanations on collective gardens but were left in as allowable and there is some concerns by communities. This isn't anything other than a moratorium so staff & Council can look at zoning issues, other regulations that we might want to look at and maybe allowing the legislature some time to maybe clean up some of the problems.

Chief Ferguson – this was passed on July 22, 2011 by the legislature, up to ten individuals can have up to 25 plants; one of the challenges is the conflict between State law & federal law and there is a lot of uncertainty out there and this will give us time to look at it.

Margaret King – there are a few cities have chosen to move forward and allow them. It would be helpful to take a breather and watch the other cities to see how it is working for them; we also don't necessarily have any zoning in place to address this so we should look at that.

Chief Ferguson – Ellensburg did allow it but 300' buffer zone around schools/churches/and where youth are present.

Margaret King – almost every City Kenyon Disend represents has put a moratorium in place so they have a chance to review it.

Councilmember Januskiewicz – I notice that it says we are declaring an emergency;

Margaret King said yes it's a zoning emergency and the ordinance would need to be approved by a majority plus one in order to be enacted.

Chief Ferguson – does this include dispensaries,

Margaret King replied yes and I drafted it fairly broadly.

Neil Lockett-Roslyn – I read with interest what they were doing in Ellensburg and I didn't get the impression that it had to be inside just screened from view; but I didn't quite grasp if it had to be done on private or public property.

Margaret King there is no duty under the legislature to make public property available, as far as indoor vs. outdoor I would defer to the Chief but as I understand most is grown indoors for quality control to be effective for medical purposes.

Margaret King – the questions you are asking is the reason most cities are putting in moratoriums so that these things can be looked at.

Chief Ferguson / Margaret King, City Attorney /Council/Public discussed some of the issues that we would need to address.

Mayor Pro-Tem Cordy Cooke – the six month part, that is not long enough to see what the legislature but only what the other cities are doing.

Margaret King, City Attorney – you do the 6 months & have a public hearing on it and with work being done we could extend it another 6 months if we need to.

Mayor Pro-Tem Cordy Cooke at the end of 6 months we'll have the experience of other cities and police departments and attorneys.

Councilmember Januskiewicz then it is possible to have another 6 months to get our ducks in a row such as zoning which would be our work plan.

Chief Ferguson -Possession of marijuana with a card is legal with the current legislature and this doesn't take that away but helps us

Neil Lockett, Roslyn asked if Chief Ferguson is aware of any wilderness growing yet

Chief Ferguson stated that this legislature is helping

Mayor Pro-Tem Cordy Cooke would like to see the ordinance that was passed in Ellensburg and Seattle.

Margaret King replied that she will pull up the ones she is aware of already for Council to review.

MAYOR AND COUNCIL CONCERNS AND INITIATIVES:

Mayor Pro-Tem Cooke informed the Council that they each had a copy of the finished report from the water and sewer rate study done by FCS Group in front of them.

ADJOURNMENT: 8:19pm

MOTION: Councilmember Januskiewicz MOTIONED to adjourn the meeting. Councilmember Begley SECONDED the motion. The motion was APPROVED 7-0

C Cooke
Cordy Cooke, Mayor Pro-Tem

Attest: Amber J Shallow
Amber Shallow, Clerk - Treasurer