

# CLARKSTON CITY COUNCIL MINUTES

July 14, 2014

## COUNCIL:

<input checked="" type="checkbox"/> Beadles	<input checked="" type="checkbox"/> Nash
<input checked="" type="checkbox"/> Provost	<input type="checkbox"/> Baumberger, excused
<input checked="" type="checkbox"/> Kolstad	<input checked="" type="checkbox"/> Blackmon
<input checked="" type="checkbox"/> Manchester	

## STAFF:

Chief Hastings  Chief Cooper  Clerk Storey  City Attorney Grow  PWD Martin  
Motion by BEADLES / NASH to excuse Councilmember Baumberger.

## AGENDA CHANGES:

**APPROVAL OF MINUTES:** Councilmember Kolstad corrected that his vote on the approval of minutes was an abstention. MOTION BY BLACKMON/NASH to approve the minutes of the June 23, 2014, Regular Meeting as corrected. Motion carried.

## COMMUNICATIONS:

**A. From the Public:** Jennifer Haddock, 631 3<sup>rd</sup> Street. Ms. Haddock said she purchased this house in April 2009 and has had major problems since she purchased it. She later discovered that it had been illegally flipped. She said that a law was enacted in 2007 requiring that a person had to be licensed contractor to “flip” a house. She asserted that the city allowed the work to be done illegally. Haddock said the work was inspected by former building inspector Jim Braddock and was not adequately inspected. She said there were problems with the plumbing being done incorrectly and she has had to make repairs. She said inspections reports required R-30 insulation where possible under the floors. Old insulation was used instead. She said plumbing was installed incorrectly, her kitchen floor sags and she had to install a new support beam. Haddock said roof supports were cut away from the trusses and a furnace was installed in the attic. She said her roof has dropped over a foot. She feels the city is responsible for the problems with her house.  
Councilmember Provost asked Ms. Haddock if she had more to share. She said she had plenty to share. She was told by Jim Martin to file a claim with the City’s insurance. She cannot find an attorney to take her case. She wants the building inspectors held accountable. She said Jim Braddock has apologized to her for the problems. She said she is now unable to sell the house.  
Martin said he has been working with Ms. Haddock and said there is some merit to her complaints. He has discussed the issue with the City’s insurance carrier and provided Ms. Haddock with a claim form. Councilmember Blackmon asked if she had a home inspection. She said she did and was not informed there were issues. She said the FHA inspector did not note any issues either.  
Provost asked if she has returned the claim form. Haddock said she has not. Provost recommended she complete the forms and return them.  
Councilmember Beadles asked if a permit was issued. Martin said there was. In order to flip a house without a contractor’s license, you are supposed to live in the house for at least a year after the work is done. But if the person who takes out the permit does not state they are flipping the house, the city does not have a way to know. The contractor’s license requirement is enforced by the State Dept of Labor and Industries. Martin agreed that the home was not as advertised. Martin said he will continue to work with Ms. Haddock.

**B. From the Mayor:**

**C. From Staff:**

## COMMITTEE REPORTS:

**Finance:** Councilmember Provost reported the bills were reviewed and approved for payment.

Total expenditures for July 14, 2014, of \$654,654.99. MOTION BY PROVOST/NASH to approve the bills. Motion carried.

**Public Safety:** No meeting.

**Public Works:** Councilmember Nash said committee met on July 2<sup>nd</sup> and discussed the Six Year TIP which is on the agenda for consideration.

**Admin Committee:** Councilmember Manchester said committee met earlier today. They discussed the RTPO which is on the agenda for discussion.

**Community Development:** No meeting.

### **PUBLIC HEARING:**

Mayor Warren opened the public hearing at 7:17 p.m. PWD Martin explained that the Six –Year plan is an annual plan that goes through the MPO. The list of projects includes the intersection on 5<sup>th</sup> Street at Wal-Mart and Costco; US 12 / 2<sup>nd</sup> Street reconfiguration; signalization at 13<sup>th</sup> & Highland; Highland resurfacing; 13<sup>th</sup> Street resurfacing; and the Grantham Elementary Safe Routes project. Councilmember Nash asked if there are projected timeframes. Martin said it all depends on funding. Councilmember Beadles asked if there have been traffic studies on the 13<sup>th</sup> & Highland intersection because he has observed that the 4-way stop seems to work well. Councilmember Provost asked about the schematic that shows the plan for 5<sup>th</sup> Street at Costco and Wal-Mart. Martin said that if left turns into Wal-Mart and out of Costco are eliminated, the right turn going west from Fair onto 5<sup>th</sup> would not be a problem. Councilmember Blackmon questioned the right turn only exit from the Costco parking lot onto Fair Street.

Robert DeMean, 950 Vineland, said Costco removed their right turn sign, but there is still a right turn only at 3<sup>rd</sup> & Bridge. He asked what would happen to the new businesses on the WalMart property if the intersection is changed. Martin said they would have an entrance off Fair Street. There being no further comments, the public hearing was closed at 7:27 p.m.

### **UNFINISHED BUSINESS:**

### **NEW BUSINESS:**

#### **A. Resolution No. 2014-09, Adopt Six Year Transportation Improvement Plan, 2015-2020**

Resolution No. 2014-09 was read by title. MOTION BY PROVOST/NASH to approve Resolution No. 2014-09. Blackmon asked if all these projects would be done in this 6-year time period. Martin said it is all dependent on funding. Motion carried.

#### **B. Planning Commission Recommendation for changes to the Zoning Code**

PWD Martin said the Planning Commission has been working for some time on changes that are needed to the City's zoning code. Those changes include updates to the matrix to include uses that are not currently included in the matrix; additions to the definitions; issues related to I-502; the addition of a new zone designation called Neighborhood Commercial. Martin said the new zone came about as work progressed on I-502. The current zoning has two "satellite" commercial areas that are somewhat isolated in residential neighborhoods. The new zone will allow uses that are not destination related, but are meant to serve the residential area they are located in.

Councilmember Nash thanked the Planning Commission for their work.

Councilmember Provost asked if the fact that marijuana growing, processing and retail are allowed by this code in certain zones, will those activities be allowed regardless of opposition. Martin said a marijuana business would have to meet all state requirements also. Provost asked if this is approved, can the council still prohibit marijuana business.

Martin explained that because there are several areas of the zoning code addressed in this proposal, the changes would be presented in separate ordinances. Councilmember Blackmon questioned the allowance of a distillery or brewery in the Downtown Commercial Zone. Martin said he would envision a micro-brewery, not a big manufacturing plant.

Blackmon asked if approving this zoning matrix will then allow marijuana sales in downtown. Mayor Warren said this is not a vote to approve the matrix. It will just direct staff to prepare the ordinances. City Attorney Grow said that if an area is zoned for marijuana retail stores, he doesn't see how they can be refused.

John Murray, chair of the Planning Commission explained that zoning is the designation of land uses within the city. He said the Commission looked at marijuana businesses as if they were any other similar business; i.e. retail or manufacturing. He stressed that there are limited areas that will meet the state regulations and the zoning both. He said the intent of the new Neighborhood commercial zone is to allow limited commercial uses in a predominately residential area.

Councilmember Provost said he takes issue with the state telling the City that they have to allow certain types of business. He said there are several entities that have banned marijuana businesses. Murray said they are being sued. Provost said that shouldn't be the deciding factor. Murray said council can vote against the zoning changes. Murray said the Planning Commission took comments at several meetings and there was no opposition to location of marijuana business in Service Commercial.

MOTION BY NASH/BEADLES for staff to develop ordinances to reflect the changes recommended by the Planning Commission for council consideration and action. Motion carried.

#### **C. RTPO Membership Request, Resolution No. 2014-11**

PWD Martin said the RTPO (Regional Transportation Planning Organization) has asked the city to approve a resolution agreeing to be a member of the RTPO. There is no cost involved to the City. Discussion with Admin committee recommends that the City maintain membership at this time. MOTION BY BEADLES/PROVOST to approve Resolution No. 2014-11. Motion carried.

#### **D. Resolution No. 2014-10, Interfund Loan to Sanitation**

Resolution No. 2014-10 was read by title. MOTION BY BEADLES/BLACKMON to approve Resolution No. 2014-10. Motion carried.

#### **COUNCIL COMMENTS:**

Councilmember Beadles said he will be out of town and will miss the next meeting.

Beadles commented that when he took the oath of office part of it was that he would uphold the US Constitution and he is unsure how the council can approve something that is against Federal law.

#### **MEDIA QUESTIONS:**

#### **EXECUTIVE SESSION: Negotiations**

Mayor Warren announced that once the Executive Session is finished, council will return to open session and then there will be a meeting of the Transportation Benefit District.

Council went into executive session at 8:00 p.m. to discuss union negotiations. The session is anticipated to last 15 minutes and no action will be taken as a result of the session. The session was extended for an additional 5 minutes. The session was extended again for an additional 10 minutes. Council returned to open session at 8:27 p.m.

#### **ADJOURNMENT:**

Meeting adjourned at 8:27p.m.

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Vickie Storey, City Clerk

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Kathleen A. Warren, Mayor

Total Fund Expenditures, 7/14/14	CK #56794-99, 56850-56951, 956765	\$383,366.36
Payroll, 6/30/14	Ck # 56800-49	\$271,288.63