

# CLARKSTON CITY COUNCIL MINUTES

July 27, 2015

## COUNCIL:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Beadles | <input checked="" type="checkbox"/> Nash       |
| <input checked="" type="checkbox"/> Provost | <input checked="" type="checkbox"/> Manchester |
| <input checked="" type="checkbox"/> Kolstad | <input checked="" type="checkbox"/> Blackmon   |
| <input checked="" type="checkbox"/> White   |  |

## STAFF:

- Chief Hastings    Chief Cooper    Clerk Storey    City Attorney Richardson    PWD Martin

**AGENDA CHANGES:** MOTION BY BEADLES/PROVOST to move Public Comments to the end of the meeting with the three minute limit in place. Kolstad said he saw no reason to move comments to the end. Nash said comments used to be at the end and council changed it for the convenience of the public. Provost asked if this would be a permanent change. Beadles said it is just for this meeting. Nash asked where in the agenda. Beadles said it would be before council comments. Kolstad said it doesn't make sense and wouldn't shorten the meeting. Beadles said there wouldn't be a time limit and would allow those who hadn't been able to speak previously to have an opportunity. Motion carried; 4-3, Kolstad, Nash, Blackmon opposed.

## **APPROVAL OF MINUTES:**

MOTION BY BEADLES/PROVOST to approve the minutes of the July 13, 2015, Regular Meeting. Kolstad objected to the wording on the motion giving Clerk Storey authority to negotiate on the Skyline settlement mediation. He asked Storey to read from the minutes. He said he didn't say Storey couldn't negotiate, but he was opposed to the amount. It was pointed out that an amount was not part of the motion. Motion carried, 6-1, Kolstad opposed.

## **PUBLIC HEARING:**

### **Public Hearing on the Six-Year Transportation Improvement Plan, 2016-2021**

Mayor Warren opened the Public Hearing at 7:08 p.m. PWD Martin said the Six Year Plan is a sort of wish list of potential projects. It is part of a process and the resolution goes to the MPO who presents it to the state for funding assistance. The 13<sup>th</sup> Street project is a carryover, because the project is not complete yet. Revisions to the WalMart/Costco entry on 5<sup>th</sup> Street is at the top of the list. Number 2 on the list is the intersection at 2<sup>nd</sup>, Diagonal and Bridge; three is resurfacing of Highland; four is signalization at 13<sup>th</sup> & Highland and five is sidewalks in the Grantham School vicinity. Martin said if state and federal funding were available the city would still need \$350,000 to \$400,000 in matching funds. Nash said he would like to see the Grantham project higher on the priority list. Blackmon said he doesn't see problems at the Highland intersection.

Tom Martin commented that he agrees with moving the Grantham sidewalk project up on the list.

The public hearing was closed at 7:16 p.m.

## **COMMUNICATIONS:**

- A. **From the Public:** moved to after New Business.
- B. **From Mayor:** Mayor Warren announced that the City received an award from Dept. of Ecology for outstanding performance for 2014.
- C. **From Staff:** Chief Cooper reported that there was a serious fire at the grain terminal in Port of Whitman on Friday. He said our staff did an excellent job and was very appreciative that neighboring departments assisted with mutual aid.  
Clerk Storey said she placed a 2<sup>nd</sup> Quarter financial report in the council mail boxes today.

## **COMMITTEE REPORTS:**

**Finance:** Councilmember Provost reported that committee has reviewed the bills. MOTION BY

PROVOST/NASH to approve the July 27, 2015 invoices for \$166,254.06. Motion carried.

**Public Safety:** Councilmember Beadles reported on the July 14 and July 21 meetings. Chief Hastings is doing some research on the fireworks issue. Aerial fireworks are being discussed and the ability to call an emergency ban if weather conditions warrant. Chief Hastings reported on crime statistics for the city. Serious crime is down 13%...

Chief Cooper discussed the EMS budget and proposed levy. The levy is on the agenda for approval.

**Public Works:** Councilmember Nash reported on the July 15 meeting. Committee reviewed the 6-year TIP and it is on the agenda for approval. There was some discussion on our business license regulations for rentals.

**Admin Committee:** Councilmember Manchester said committee met July 27 and discussed personnel matters and discussed licensing for landlords.

**Community Development:** Councilmember Beadles reported on the July 21 meeting. Jim Braddock (former building inspector) presented some research on regulations for “unfit/unsafe to occupy” dwellings that he had proposed when he was still employed. Committee recommends appointing Sarah Barr of the Best Western Rivertree Inn to the lodging tax advisory board. Committee discussed public restrooms for downtown. Committee would like to encourage the city to work to achieve Well City designation. It would mean a cost savings on insurance premiums. Nash discussed the citizen recognition program that was referred to committee. Medical marijuana was discussed.

#### **UNFINISHED BUSINESS:**

#### **NEW BUSINESS:**

##### **A. Resolution No. 2015-09, Six-Year Transportation Improvement Plan, 2016-2021**

Resolution No. 2015-09 was read by title. MOTION BY NASH/BEADLES to approve Resolution No. 2015-09. MOTION BY NASH/BEADLES to move the Grantham project to number three on the priority list. Kolstad commented that PWD Martin is the professional and put the projects in the order he did for a reason. Martin said the main reason was to keep it on the radar, but there are several hurdles to funding the project. He said projects on local streets as opposed to arterials do not score as well. Kolstad said the street is typically traveled by vehicles dropping their kids off at school and he doesn't see that much foot traffic. Martin said there are no sidewalks there now and if there were it might increase foot traffic. Martin said he didn't feel that moving the other projects down would hurt chances for funding. Motion to amend carried. Motion to approve Resolution No. 2015-09 as amended carried.

##### **B. Resolution No. 2015-10, 2016 EMS Levy**

Resolution No. 2015-10 was read by title. MOTION BY BEADLES/NASH to approve Resolution No. 2015-10. Chief Cooper said the goal of the EMS budget was to fund the ambulance service with as little general fund money as possible. The subsidy in 2015 is \$35,000. Transport revenues are planned higher for 2016. The levy will ask for \$570,400. Part of the increase is anticipated from increases to property value, but a levy rate increase of about \$0.02 per thousand is also anticipated. Beadles commented that call volume has about doubled since the service was started. Kolstad said one of the issues that got him involved in council was the ambulance service. He said he has heard for several years that the goal is to eliminate the need for funding from current expense fund. He asked when that might happen. Cooper replied that the first year the subsidy was \$100,000 and has declined steadily. He said we are close, but not yet there. Cooper spoke of the cross use of fire and EMS personnel. Blackmon asked if this levy replaces the current one or is in addition to it. Cooper said the levy is voted on annually. Councilmember White asked Cooper when he thinks the subsidy might be eliminated. Cooper said he hopes that 2016 is the last year. Part of the solution is a Medicaid program that would allow the city to collect at a higher rate. Motion carried, 6-1, Kolstad opposed.

### **C. Appointment to Lodging Tax Advisory Board**

MOTION BY BEADLES/PROVOST to appoint Sarah Barr of the Best Western Rivertree Inn to the Lodging Tax Advisory board. Motion carried.

### **D. Approval of Settlement Agreement re: Skyline Lawsuit**

Clerk Storey explained that PWD Martin, Chief Cooper, Jerry Brotnov and herself attended the mediation on May 17. The City's attorney in the case, Arne Hedeem, and Bruce Blake, a construction consultant, also attended for the city. Two attorneys were present on behalf of the bankruptcy trustee and the mediator, Jim Craven. After several hours of negotiation, an agreement was reached at \$75,000. Storey said the bankruptcy trustee has signed the agreement, as has Lisa Roberts, the owner of Skyline. If the council approves the agreement, the mayor will sign it and it will be sent for final approval of the bankruptcy court. MOTION BY BEADLES/PROVOST to approve the settlement agreement.

Blackmon asked if there is a chance the bankruptcy court wouldn't approve it. City Attorney Richardson said there is always a chance, but he feels it is not likely. Storey added that the claim started at \$956,000 which had been reduced to \$338,000 by the time of mediation. A similar claim with another jurisdiction that was originally over \$1 million settled for \$76,000 and it has been approved.

Nash asked how much the city spent per month on attorneys. Storey said they worked by the hour, so it varied between around \$2,000 and the highest was \$35,000. Beadles commented that the City had to accept the lowest bidder and the lowest isn't always the best. White asked if there is anything we have learned as a city that would help us avoid a similar situation in the future. Storey said we have learned many things, although she didn't know if there would have been any way to reject the bid at the time without being sued. Provost said \$75,000 is a lot of money, but the decision now should be to cut our losses and move on. Storey said the next step would have been to go to arbitration which would be another expensive process. Kolstad asked the total spent on attorneys for this. Storey said she didn't have that figure, but could provide it.

Beadles commented that this has been a big workload for staff and they should be commended for handling it.

Motion carried, 6-1, Kolstad opposed.

### **PUBLIC COMMENT:**

Tania Smith, 1148 8<sup>th</sup> St, said she is a US Navy Seabee veteran and served in Iraq and Kuwait. She told of some of her experiences in Iraq. She suffered a brain injury while in Iraq and suffers from migraines and seizures. She said she uses cannabis to alleviate her symptoms. She has quit using prescribed medications and is married with 3 children. She said cannabis allows her to function, and has alleviated the depression and headaches and seizures. .

Sandy Fromdahl, 1759 6<sup>th</sup> Ave. said she asked to speak at the last council meeting, and was instructed as to how and what to say. She felt demeaned. She said the city council is stubborn and unwilling to listen. She said allowing the marijuana stores to open would bring revenue and more understanding of marijuana.

Tom Martin, Clarkston, said he has one serious objection and that is the council insulting the voters by pledging allegiance to the flag and then violating the voter's rights. He said he wants to address comments that were made on Facebook. He said the council is supposed to be working for the majority of the voters, not smirking and ignoring the speakers who speak in favor of pot. He said if the council doesn't listen to them, they will all be out. He asked why the mayor has not disclosed how much revenue the city will receive from Bill 2136. He asked why she has not disclosed that the city and the county will be getting hundreds of thousands of dollars. He asked Councilmember Beadles when it is okay to change the law that the voters have approved. He said the council is running the city as a small empire. He told Councilmember White that he did not call her a parrot, but that if she is not parroting Beadles, then she should make a motion to lift the ban. He said the ban is driving people to the black market and supporting organized crime.

Gayla Filler, 928 Beachview, pointed out that the voters spoke and she thinks the council should listen. She said she does not use marijuana, but will if she wants to and that is her right. She commented that the police chiefs of Pullman and Moscow said they see no problems with the legalization. She said council is spending her tax dollars foolishly on legal fees and by throwing away significant tax revenue. She suggested the city could spend their time more wisely by seeing that the sidewalks get repaired. She said she finds the sidewalks to be hazardous.

Melissa Andrews, 721 11<sup>th</sup> St., said she listened to the discussion about the lawsuit and the projects on the Six-Year plan. She would like to see the city get tax revenue and use it to improve parks, making them more handicap accessible, and sidewalks and do other worthwhile projects. She said the council has to let go the idea that the city is going to be full of stoners. People are going to be irresponsible regardless of the laws. Why spend the money on jails when it could be better used for schools.

Isabel Landkammer, 934 Riverview, said she has attended several meetings and is disappointed by the actions of both the council and the audience. She said morality is subjective. She said the real evil is ignorance. She commented that a couple was recently arrested for giving marijuana to a child to calm his tantrums. She said that is an example of irresponsible parenting. She said she believes that a child should not be allowed to use marijuana unless under the care of a doctor. She said children die from over the counter drugs, but there are not restrictions on Tylenol and other common drugs. She feels that the reasoning that children will be harmed by marijuana questions her ability as a parent. She said she doesn't see a lot being done for the kids. She said public education should be the primary concern when it comes to the kids. She quoted Ghandi, saying that politics without principle, is wrong. She said she is not asking the council to change their views, but to respect her opinion and fulfill the right of the people to vote.

James Evans, 1115 Highland, commented that the mayor is very rude. He said the state legalized marijuana and he sees no reason the city should be ban it. He asked the council for their reasons. He said he is pro marijuana and if the council allows the sale of alcohol and tobacco, they should allow marijuana.

Kasey Enyeart, 1451 7<sup>th</sup> St. said he smokes cannabis for severe social anxiety. He said it is difficult to obtain in Clarkston.

Carina Kamman, 411 9<sup>th</sup>, commented that in the interview Beadles gave with the Daily fly, he said people who approved of his stance on banning marijuana live to a higher standard. She took that as meaning that people who do use are low lifes. She said the council treats these voters as if they are nothing.

Justin Banks, 1129 15<sup>th</sup> St, said he spoke several months ago when the council was considering a ban. He said warned the council then that people would be upset by a ban and that has happened. He said most of the council will lose their jobs in the election. He said he works for a moving company and has a family and a nice home and doesn't consider himself a lowlife. He commented that the council voted to fund wine tourism and wondered where the wineries are and how that will generate money.

Jill Ekberg, 1126 5<sup>th</sup> Street, asked the audience why they don't run for city council. She commented that it is a difficult job. She said she respects the council even though she doesn't always agree with them. She asked if there is going to be a Transportation Benefit District meeting and was told there is. Her husband works with the NezPerce tribal council and people are allowed to speak as long as they want at the meetings. Ekberg said she has a friend who was the mayor of Moscow and she got some tips from her on the audience addressing the council. She left a copy. She then spoke about the weeds in the city this year that have overgrown the sidewalk in some locations and asked that the code enforcement officer address the problem.

Nathan Betts, Clarkston, said he wanted to present some new ideas regarding marijuana. He said I502 requires tax revenue be used to support education websites, such as "Learn About Marijuana.org". He said there is a lot of information about how to educate your children. It is our responsibility to educate our children and arm them with knowledge. He presented DUI statistics he obtained from the WSP and compared the alcohol related DUI's with drug related DUI's. He stated that Mayor Warren has not reported on her learnings at the AWC conference she attended in June. He mentioned a statement by the AWC president regarding the new revenue sharing of marijuana excise tax and the restored sharing of liquor tax revenues. He asked if the council heard anything he said or if they were just waiting for him to shut up.

Rob Sinner, Maple St, said he believed that the heart of our voting system is supposed to be anonymity... He said the majority of the council members have not done their due diligence by visiting a marijuana store to see what protections there are to prevent minors from obtaining it. He said the stores did about \$70,000 in business when they were open. That is \$5,000 in city and county taxes and \$15,000 in state taxes. He said that money is now being spent in the black market. He wondered why the council is so for the black market when there is a legal alternative. He suggested the council's next order of business should be to ban drinking in Clarkston.

Tania Smith, apologized for things that are said. She said she believes the council has people's best interest at heart. She said it is easy to purchase marijuana on the street. She would rather have the industry regulated. She asked the council to do some research to see what it can do for people with illnesses like her.

Carina Kamman, commented on a Tribune poll where 72% of the voters in the poll approved of marijuana. Melissa Andrews said she started a petition on Facebook called "Ban the Ban" that has 62 signatures so far.

She would like to present the petition to council next meeting.

Nathan Betts, spoke on Beadles comment at an earlier meeting on slavery. He offered a history lesson on slavery and said that everything Beadles said about slavery at a prior meeting was wrong.

**COUNCILMEMBER COMMENTS:**

Councilmember Nash said Clarkston lost a great community asset in Dale Spears, who passed away Saturday.

Nash suggested the community should offer suggestions on who should receive the community awards.

Councilmember White said at all the meetings she hears the audience speak on medical marijuana, but the council has not stated they are against medical marijuana. But she doesn't hear the audience address recreational marijuana and that is what is banned in Clarkston. She would like to hear that addressed. Nash said he has been in favor of medical marijuana, but it doesn't seem that you can have medical without recreational.

Beadles said one of his concerns is youth safety and he can back it up with the school resource officer reports.

Kolstad thanked everyone for attending and appreciated hearing their stories.

**MEDIA QUESTIONS:**

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

Meeting adjourned at 8:43 p.m.

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Vickie Storey, City Clerk

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Kathleen A. Warren, Mayor

Total Fund Expenditures, 7/27/15	Ck # 59610-59, June excise	\$28,697.98
Total Fund Expenditures,		
Payroll, 7/15/15	Ck # 59589-59609	\$137,556.08