

CLARKSTON CITY COUNCIL MINUTES

August 24, 2015

COUNCIL:

- Beadles
- Provost
- Kolstad
- White

- Nash
- Manchester
- Blackmon, excused

STAFF:

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

Mayor Warren reported that Councilmember Blackmon will miss this meeting due to work commitments. MOTION BY BEADLES/MANCHESTER to excuse Councilmember Blackmon. Motion carried.

AGENDA CHANGES:

An executive session was added for personnel and litigation.

MOTION BY BEADLES/PROVOST to limit public comment on marijuana to three minutes each with a total of 15 minutes. Motion carried; 4-2; Nash and Kolstad opposed.

APPROVAL OF MINUTES:

MOTION BY PROVOST/BEADLES to approve the minutes of the August 10, 2015, Regular Meeting. Councilmember White noted that PWD Martin was not present at the August 10 meeting. Councilmember Kolstad corrected the spelling on Kevin Nollette's name. Motion carried.

COMMUNICATIONS:

A. From the Public:

Kevin Nollette, 928 16th Street, said he was putting out \$2 worth of quarters for swear words that he expected to use in his comments. Councilmember Beadles commented to the mayor that inappropriate language should not be tolerated. Councilmember Kolstad encouraged speakers not to use inappropriate language. He said it appears that some of the concerns voiced about Ordinance No. 1543 have been corrected miraculously by somebody and it will be discussed when it comes up on the agenda. Nollette said he would like the quarters to be donated to the city fund. He said the council is going about the marijuana issue all wrong and compared them to Bruce Jenner, saying they have been stuck in a closet. Beadles commented that he finds that comment offensive.

Carina Kamen, read a letter she had sent previously to the council. . She encouraged the council to step back and look at what they are doing. She commented that this is a giving community who joins together to help others. She said they have joined together at every council meeting to stand up against the negative looks, negative comments, name calling and overall feeling of being looked down on just because they feel differently than members of the council. She said they are destroying the unity the city possesses. She said she has heard council say they are not opposed to medical marijuana, but SB5052 bands medical and recreational marijuana together. So how can they tell people they have to suffer because of a \$50 business license that the city refused to issue. She accused Councilmember Provost of sleeping at the last meeting and suggested he should step down.

Adele Plouffe, 2334 Valleyview Drive, said she is working on a committee to coordinate an event to "Meet the Candidates" to be held on Wednesday, October 7. She asked for two members of the council to attend and discuss the pros and cons of the proposed transportation sales tax. Nash and Kolstad volunteered.

Tom Martin asked when and where a public hearing was held on Ordinance No. 1543. He said it is poorly written and should be rewritten. He felt it could be used maliciously if someone wanted to. He said he believes in a code of ethics. He accused some of the council of violating their own oath and not being impartial. He said Councilmember Beadles has said the City cannot afford to contribute to

the Health District, but still turns down marijuana tax. The City could use the sales tax from marijuana to contribute to the Health District. He wondered why the current council is trying to bankrupt the city with all the legal issues. He said the council members who are up for election are losing votes daily by continuing to ban marijuana sales.

Melyssa Andrews, 721 11th Street, said there are three people in this room who have been collecting donations for the fire victims. She thanked those who have donated. She asked if there can't be some kind of compromise by the council so the city isn't spending money. She said she respects many of the councilmembers, but not what's happening here. She said she wants to have a seat on council. She asked the council to listen to the comments and to review everything that has been said previously and reconsider.

Kelly Jackson commented on the ethics ordinance. He said he thinks maybe an ethics ordinance is needed because he doesn't see many ethics here. He commented that he worked with the City when he remodeled his building and now his lawsuit is over \$1 million and growing daily. He referred to a comment Nash made last meeting about being everybody's friend. He said he invited all the council to come down and see how his store was operating and Nash did. He said Nash told him that he had convinced him to change his position and said that wasn't good ethics. He said Beadles wouldn't return his phone calls. He accused Manchester of being unethical because he told Jackson that I502 was decided at the state level and he would do well at that location. He told Councilmember White that her earlier comment that those who voted for marijuana should come to the council meeting and speak. He said that would divulge how they voted and that is un-American. Jackson referred to an interview Mayor Warren had done where she commented that a ban won't work and kids will get it anyway. But, he said, we don't hear that at meetings. He stated that Clerk Storey had made a comment some time that maybe it would help her mother's arthritis and now she is on the other side.

B. From Mayor:

C. From Staff:

COMMITTEE REPORTS:

Finance: Councilmember Provost reported that committee has reviewed the bills. MOTION BY PROVOST/BEADLES to approve the August 24, 2015 invoices for \$192,219.39. Motion carried.

Public Safety: No meeting.

Public Works: Councilmember Nash reported on the August 19 meeting. City Attorney Grow met with committee to discuss an agreement with Ken Harper to continue to assist in ongoing court issues regarding the marijuana ban. A response is due by Monday for a pending action and could cost up to \$3,000. On the agenda.

PWD Martin discussed the need to update sewer lift stations. There are funds remaining from the bond issue for the WWTP upgrade that can be used for capital projects. An amendment to the bond ordinance that will allow the use is on the agenda.

Committee is discussing business licenses for landlords and Martin gave an update on the Southway Bridge resurfacing.

Admin Committee: Councilmember Manchester said committee met August 24. Committee discussed a personnel issue and the ethics ordinance.

Tom Martin asked why there are no minutes for Admin Committee meetings. Manchester said because the committee meets immediately prior to the council meeting. Mayor Warren said every committee should be keeping written minutes.

Kolstad asked why the lawsuit and business licensing was being discussed with Public Works. Mayor Warren said that should be brought up when those items come up on the agenda.

Community Development: No meeting.

UNFINISHED BUSINESS:

NEW BUSINESS:

A. Agreement for Legal Services, Menke Jackson Beyer, LLP (Ken Harper)

City Attorney Grow explained that this the form that represents the City on the Jackson case and some of the issues on the Greenfield case. He said the City was served with a court action with a very short turnaround time. He felt it was in the best interests of the City to associate with Ken Harper since he is familiar with the case and a response to the court was needed before council could meet. Grow said the city was served again today with another matter on the Greenfield case. He asked council to approve the agreement with Menke Jackson.

Kolstad asked why this went through Public Works. Grow said it was the only committee that was meeting last week and he felt it was better to present to them than to wait and bring it up at council.

MOTION BY BEADLES/PROVOST to approve the agreement with Menke Jackson Beyer. Motion carried, 5-0-1; Kolstad abstained.

B. Ordinance No. 1543, Code of Ethics, 1st Reading

Beadles commented that an ethics code is required by the state. He said people seem to think it is a local issue, but it isn't. Kolstad said that was not true, it is a requirement of WCIA as a result of an annual audit last October. He said it has to do with land use issues. He said the version that went out with the agenda was a complete joke, but this revised ordinance that has been presented addresses some of his concerns. Kolstad said he spoke with Debbi Sellers of WCIA who referred him to some additional sample documents. Kolstad said it is intended to keep council from making land use decisions that would benefit them in some way. He said the problem with what was originally written would make a casual association with a member of the community a crime if not disclosed. He contacted the city attorney with his concerns. He commented that the city is becoming a police state and it makes him sad. He said the revised ordinance shouldn't be considered at this meeting because it was just received. Mayor Warren commented that this would just be a first reading and a vote wouldn't take place until the next meeting.

Attorney Grow asked if there would be a reading at this meeting. He suggested changes can be made and a reading held at the next meeting for adoption at the following meeting. Grow said the ordinance as written complies with state law. Or, it can be amended at a later date. There can be financial penalties if the City fails to adopt a policy by October. Grow said he can think of additional changes he might suggest. He was not sure if a councilmember can be removed from office.

MOTION BY PROVOST/KOLSTAD to postpone the first reading of this ordinance until September 14. Grow asked that if councilmembers have concerns or suggestions, they contact either him or Todd Richardson. Motion carried.

C. Ordinance No. 1544, Excess Sewer Bond Funds, 1st Reading

Ordinance No. 1544 was read by title.

D. Addendum to Contract with Keller Engineering for Lift Station Planning & Design

PWD Martin said this addendum falls into place with the preceding ordinance. He said there is about \$500,000 in funds left from the WWTP construction project that can be used for this project. Ordinance No. 1544 revises the bond ordinance to allow the use. This addendum is a total cost of \$16,700, but does not include actual design of the improvements. Martin added that about \$3,000 of this addendum includes warranty work that has been done on the plant upgrade.

Beadles asked how many lift stations the city has. Martin said there are two, but one is in the Port and serves only one customer. The immediate concern is the Sunrise Lift Station.

MOTION BY NASH/BEADLES to approve the addendum to the agreement with Keller Engineering. Motion carried.

COUNCILMEMBER COMMENTS:

Councilmember Nash congratulated Monika Beauchamp and her husband on the birth of their baby. He also thanked the community for coming together to help those impacted by the fires. Nash also asked if

they could get a tour of the wastewater treatment plant. PWD Martin said he could arrange that.

Councilmember Beadles commented that council really cannot discuss the marijuana issue as long as there is pending litigation. He said the City has to defend the laws that are in effect. Beadles said people keep talking about all the tax money the City is turning down, but he spoke with the City of Pullman, and it just isn't that much.

Councilmember Kolstad said the City of Pullman has received \$20,000 in sales tax for the year. He said one of the stores has been doing between \$200,000 and \$350,000 a month in sales. He commented that whether \$20,000 is a lot of money depends on who you ask. He commented that last budget the council said we couldn't afford to seal the parking lot or contribute to the Health Department. He said the pro marijuana side tends to exaggerate the amount of revenue and the anti-marijuana side exaggerates the health issues and other problems. Kolstad commented that Denver reports lower crime rates and Pullman's police chief said there is no increase in crime. He said he doesn't see how lifting the ban would affect any legal case. It would stop the bleeding. He said Kelly's lawsuit will go on regardless and Matt isn't suing the City.

MEDIA QUESTIONS:

John Michael, said Grow referred to a state law on the ethics code and asked what that law is. Grow said it is in RCW 43. Michael asked if this had been discussed with councilmembers as it was adopted. Grow said it was discussed in committee and he received comment from Kolstad.

EXECUTIVE SESSION: Council went to Executive Session at 7:58 to discuss personnel and litigation. Anticipated length is 10 minutes. No action is anticipated as a result. An additional five minutes was added. Council returned to open session at 8:17 p.m.

ADJOURNMENT:

Meeting adjourned at 8:17 p.m.

Vickie Storey, City Clerk

Kathleen A. Warren, Mayor

Total Fund Expenditures, 8/24/15	Ck # 59786-88, 59877-49, 7/15Excise	\$69,318.65
Total Fund Expenditures,		
Payroll, 8/15/15	Ck # 59789-59810	\$122,900.39