

**CLARKSTON CITY COUNCIL MINUTES**  
**September 14, 2015**

COUNCIL:

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

STAFF:

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

Mayor Warren reported that Councilmember Provost and Manchester advised they would not be at the meeting. MOTION BY BEADLES/MANCHESTER to excuse Councilmember Provost and Manchester. Motion carried.

**AGENDA CHANGES:** MOTION BY BEADLES/WHITE to limit public comment to 15 minutes. Motion carried 3-2, Kolstad, Nash opposed.

Chief Cooper asked council to add a discussion on the brush truck bids. Nash said he will bring it up in committee reports.

Mayor Warren said Executive Session will cover union negotiations and City Attorney Grow added litigation.

Attorney Grow announced that there can be no public comment on the Zoning action that is on the agenda because the Planning Commission has held the public hearing and there is no additional testimony allowed.

MOTION BY BEADLES/BLACKMON to excuse Councilmember Provost and Manchester. Motion carried.

**APPROVAL OF MINUTES:**

MOTION BY BEADLES/NASH to approve the minutes of the August 24, 2015, Regular Meeting. Motion carried.

**COMMUNICATIONS:**

**A. From the Public:**

Tom Martin, 421 11<sup>th</sup> Street, asked the city attorney to require Councilmembers Beadles, Provost, Blackmon, Nash and Manchester to step down immediately from their council positions because they have grossly violated their oath of office. He said they have sworn to be impartial and they have shown that they are extremely biased and prejudiced. They are neither honorable nor ethical and violates their oath of office. He said he is ashamed to say he lives in Clarkston. Martin suggested the ban is a violation of civil rights and is illegal. Martin asked the city attorney who he represents, the city or the biased and prejudicial council members. Mayor Warren explained that council and staff will not respond to questions during public comment.

Gayla Filler, 928 Beachview, said she doesn't use marijuana and doesn't plan to. She feels it should be regulated and believes there should be legal marijuana sales in the city. Filler commented on the disrepair of sidewalks and asked the city to address it. She referred to property she owns in Lewiston, where they notify property owners of deficiencies and require them to be repaired. Filler said she has been talking to the City for several years, but the sidewalks deficiencies don't seem to get resolved. She gave a list of deficient sidewalks to PWD Martin and said it was last updated in 2009. The list also contains locations where vegetation encroaches on the sidewalks and blocks the path.

Kyle Tostenrude, 738 13<sup>th</sup> St. said the ban is unfortunate. He said there is nothing for kids to do here and there is a lack in the arts for young people. He would like to see something going for the kids and suggested Clarkston could be known as a place for the arts. He said there are no venues for all ages music performances. He suggested the council could get something going for the kids. He said he is associated with the LCMP which has 40 bands affiliated with it, but they don't have a good venue to perform. He

said kids don't care about the aquatic center and there is nothing for them.

Kevin Nollette, 928 16<sup>th</sup> St., apologized to Councilmember Beadles for offending him at the last meeting. Beadles accepted the apology.

Sandy Fromdahl, 1759 6<sup>th</sup> Ave, said Greenfield Co. is now open and will be bringing in money for the City of Clarkston.

Troy Olson, 815 13<sup>th</sup> Street, said the appeal was won for Greenfield. He said Clarkston needs more fast food restaurants.

Kasey Enyeart, 1115 Highland, said there is \$70 million in tax revenue in Washington State from marijuana sales in 2015 that could go toward funding schools, parks and other things. He said he doesn't understand the ban. He asked why the council banned it. Mayor Warren explained that council does not answer questions during public comment. If they wish to address the questions, they will do it under council comments.

Tom Martin, 421 11<sup>th</sup> Street, addressed PWD Martin, said repairing sidewalks doesn't last over the winter. He said he repaired sidewalks with Portland cement, water and Elmer's glue and it lasted a long time.

Seth Blankenship, a local band member in Nuclear WaterHeater, said he has lived in the valley his whole life and he doesn't think there has ever been a music scene in the valley. He said there are between 10 and 25 bands in the area that play nearly every weekend. He suggested a local scene would be inexpensive and bring people out. He suggested a city funded art center could give free lessons.

**From the Mayor:** Mayor Warren announced that Jim Braddock has resigned from all committees he served on. That creates vacant positions on the Planning Commission and the EMS Council. Braddock was also a citizen representative on Public Works and Public Safety committees.

**From Staff:**

### **COMMITTEE REPORTS:**

**Finance:** Councilmember Blackmon reported that committee has reviewed the bills. MOTION BY BLACKMON/KOLSTAD to approve the August 31, 2015 invoices for \$420.88 and the September 14, 2015 invoices for \$500,214.22. Motion carried.

**Public Safety:** Councilmember Beadles reported on the Sep. 1 and Sep. 8 meetings. Agendas were discussed. Committee recommends that media questions be limited to agenda items and directed to the Mayor or Council. Interviews should be requested at a later time. Also recommend moving public comment to the last item on the agenda. The court contract was discussed. More research is needed. Chief Hastings reported that crimes are down from the previous year. Chief Cooper discussed volunteer retention, the brush truck grant, mutual aid and a vehicle exhaust system. The proposed ethics ordinance was discussed and some changes recommended. It is on the agenda. The jail contract was discussed and still needs some changes. There is a possible home forfeiture as a result of a drug case.

**Public Works:** No meeting.

**Admin Committee:** Councilmember Nash reported that the committee reviewed the proposed Rules of Procedure and would like council input on how abstentions are counted. Should it be a yes, a no, or a non-vote? Mayor Warren commented that according to Robert's Rules, it is considered a non-vote. MOTION BY BEADLES/KOLSTAD to add authorizing bids on the brush truck to the agenda. Motion carried.

**Community Development:** Councilmember Beadles reported on the September 1 meeting. Eric Peterson presented the proposed plan for the Nez Perce Recovery & Resource Center. The Mayor will provide a letter of support. Clerk Storey presented some information on the Well City program. Committee recommends the City move forward to try to accomplish the Well City designation. If the City can meet the requirements it would result in a 2% savings on insurance premiums. The Chamber of Commerce will

be conducting a survey on the feasibility of public restrooms for downtown. Belinda discussed putting a pocket park in the downtown area and pickle ball for the tennis courts.

**UNFINISHED BUSINESS:**

**A. Ordinance No. 1544, Excess Sewer Bond Funds, 2<sup>nd</sup> Reading for Action**

Ordinance No. 1544 was read by title. MOTION BY NASH/BEADLES to approve Ordinance No. 1544. Beadles commented that this is a good use of the remaining funds to improve a lift station. Motion carried.

**B. Ordinance No. 1543, Code of Ethics, 1<sup>st</sup> Reading**

Ordinance No. 1543 was read by title.

**NEW BUSINESS:**

**A. Melyssa Andrews**

Melyssa Andrews, 721 11<sup>th</sup> Street, said she is in support of using marijuana taxes to educate and help children and the elderly. She said she doesn't want to make this about marijuana. She wants to make it about finances. She referred to signs that were placed around the room and said they were made by people who usually attend, but were out celebrating the court decision. Andrews said she made a records request for the cost of both bans and only got information for the Skyline lawsuit. She said that the Skyline lawsuit cost the city over \$360,000. She said it was settled out of court for \$75,000. She asked if this is for one lawsuit, how much more is it for two... Mayor Warren reminded Andrews she is addressing the council, not the audience. Andrews said one councilmember commented that it was a very pricey mistake. She said she was told the insurance would pay for it and asked where that money comes from. Andrews said she is still waiting for numbers on Greenfield and Canna 4 Life, but has not received them yet. She said that Whitman County made \$650,350 in excise tax to date and Asotin County made \$20,019 in the few days the marijuana stores were open. She commented that many things could be done with those funds, such as science museums, music museums, 10 or 12 aquatic centers. Andrews displayed a Time magazine that was all about marijuana. Andrews said she is running for a council position and asked if the ethics policy would apply to her as a councilwoman since the policy mentions "councilman". She asked where the money comes from and where it is going.

**B. Planning Commission Recommendation re: Zoning Map Change Application No. 2015-05, 1200 Block of Fair Street.**

PWD Martin said the Planning Commission held a public hearing on August 17 related to a zone change application in the 1200 block of Fair Street. The property is 2.23 acres just to the west of the housing authority. The application is to change the zoning from R2 to R3. The change would allow an apartment complex of up to 60 units. Martin said the Planning Commission has adopted findings and a recommendation to approve the zone change. MOTION BY BEADLES/NASH to direct staff to prepare an ordinance to move the requested zone change forward. Nash asked how many units can be placed in an R2 zone. Martin said a maximum of 4 units per parcel. Blackmon said he read the concerns about traffic in the provided information He said there is already a traffic problem with Walmart and wondered if this would make the problem worse. He wondered if the neighborhood can support the additional traffic. Martin said Fair Street is classified as a collector, which means it is supposed to handle traffic from residential streets and funnel them on to arterials. Martin said there really isn't any mitigation that would be available for this project. Kolstad asked the status of affordable housing in Clarkston. Martin said it is his understanding that there is a shortage of rental units. Kolstad said he would like to see people who work in Clarkston also live in Clarkston. White commented that the memo in the packet says this won't be subsidized. White said she believes part of the housing shortage is in affordable, subsidized housing. Martin said that is true, but these units will not be subsidized. Motion carried; 4-1, Blackmon opposed.

**C. Discussion of Order of Agenda**

Councilmember Beadles said the Public Safety Committee recommends that public comment be moved to the end of the agenda, just prior to adjournment. Kolstad said he doesn't think the public should

be inconvenienced by waiting until after executive session to speak. Nash said some cities have two public comment periods, one at the beginning and one at the end. Beadles said there doesn't need to be a decision now. Blackmon said if the comment period was at the end, it would give the public the opportunity to comment on things that happened at the meeting. Beadles said the media comments should be clarified also that media questions should be to clarify something that was on the agenda, not to interview council members.

**D. Ordinance No. 1546, Budget Amendment, 1<sup>st</sup> Reading**

Ordinance No. 1546 was read by title.

**E. Authorize Bid Advertisement of the Brush Truck**

Chief Cooper said the City received a grant to purchase a new brush truck. The total grant is for \$150,000 with the City's match being \$7,000. Specs have been developed and were revised when it was discovered that the cost would probably exceed the grant amount. The cost estimate now is \$174,000, \$24,000 over the grant award. Cooper asked for permission to go to bid. He said the grant is only good for 10 months so timing is critical. Cooper discussed some options for design that could impact the total cost. One option that would reduce cost is to order a poly tank rather than stainless. Cooper said the best option is to build a truck similar to those used by other local agencies, but the cost will probably come in higher than the grant. Blackmon asked if the department needs the quad cab. Cooper said he would recommend saving money by ordering the extended cab. MOTION BY NASH/KOLSTAD to advertise bids using the first proposal with the stainless tank. Motion carried.

**COUNCILMEMBER COMMENTS:**

Councilmember Nash congratulated Clarkston football and wished them luck.

Councilmember White commented that she has a son-in-law in Florida who is in a band and they practice in a shed and it is possible to do anything if you want it bad enough and are willing to work.

Councilmember Beadles commented on the Skyline issue. He said that cities are required by law to accept the lowest bid and that is not always the best option.

**MEDIA QUESTIONS:**

**EXECUTIVE SESSION:** Council went to Executive Session at 8:07 to discuss personnel and litigation. Anticipated length of session is 20 minutes and action may be taken as a result of the session. The session was extended for an additional 5 minutes. Council returned to open session at 8:30 p.m.

MOTION BY BEADLES/BLACKMON to authorize the city attorney to move forward with an appeal on the Valle Del Rio decision. Grow explained that the court commissioner stayed the injunction. He recommended the city contest the court commissioner's ruling on the case. Expected costs are \$3,000 – \$4,000. Kolstad said if we want to keep wasting the city's money, then we should move forward. He said those stores will open eventually and this is just a waste of money. Blackmon commented that he feels Kolstad has an obvious conflict of interest. Kolstad said he has no financial interest in Plemmon's business. MOTION BY BEADLES/BLACKMON to call the question. Motion carried; 3-2, Kolstad and Nash opposed. The original motion carried; 3-1-1, Kolstad opposed and Nash abstained.

**ADJOURNMENT:**

Meeting adjourned at 8:36 p.m.

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Vickie Storey, City Clerk

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Kathleen A. Warren, Mayor

Total Fund Expenditures, 8/31/15	JV # 20150801, 3-10, 15-16	\$420.88
Total Fund Expenditures, 9/14/15	Ck #59850-54, 59901-89	\$216,418.73
Payroll, 8/31/15	Ck # 59855-59900	\$283,795.49