

**CITY OF CLARKSTON
CITY COUNCIL AGENDA
829 5th Street
MONDAY, October 12, 2015**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. AGENDA CHANGES:**
- 4. APPROVAL OF MINUTES:
September 28, 2015, Regular Meeting**

- 5. COMMUNICATIONS:**
 - A. From the Public (Please limit comments to 3 minutes)**
 - B. From the Mayor**
 - C. From Staff or Employees**

- 6. COMMITTEE REPORTS:**
 - A. Finance – Audit Report on Current Bills**
 - B. Public Safety – October 6**
 - C. Public Works – October 7**
 - D. Administrative/Intergovernmental – October 12**
 - E. Community Development – October 6**

- 7. UNFINISHED BUSINESS:**
 - A. Ordinance No. 1545, Council Rules of Procedure, 2nd Reading for Action**
 - B. Ordinance No. 1547, Zoning Map Change, 2nd Reading for Action**

- 8. NEW BUSINESS:**
 - A. Proclamation, National American Indian Heritage Month**
 - B. 2015 Lighted Christmas Parade request**

- 9. COUNCIL COMMENTS**
- 10. MEDIA QUESTIONS**
- 11. EXECUTIVE SESSION: Personnel**
- 12. ADJOURN:**

Time limits for addressing the council have been established by council direction. Presentations are limited to 15 minutes and public comments are limited to 3 minutes per person, per topic.

CLARKSTON CITY COUNCIL MINUTES
September 28, 2015

COUNCIL:

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

Motion by Beadles/Provost to excuse Manchester. Motion carried.

STAFF:

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

AGENDA CHANGES: Motion By Beadles/Provost to limit public comment to 15 minutes. Motion carried; 4-2, Kolstad and Nash opposed.

APPROVAL OF MINUTES:

MOTION BY BEADLES/BLACKMON to approve the minutes of the September 14, 2015, Regular Meeting. Nash corrected Sandy Fromdahl's address. It should be 1759. Motion carried.

COMMUNICATIONS:

A. From the Public:

Tom Martin thanked PWD Martin for contacting the state. He said the access to the crossing lights have been corrected by the state so they are handicap accessible. Martin asked why Admin Committee minutes are not with the agenda. Mayor Warren said they will be included in the next agenda packet. Martin addressed a comment he attributed to Councilmember Beadles that votes of the public do not count. He again asked for the resignation of all councilmembers except for Kolstad, saying they have violated Article 15 of the Constitution. He said he will be contacting the ACLU to take action.

Colleen Squires, 1216 20th Ave, asked how someone who lives in the community can have a conversation with any of the council.

Ty Aiken, 1135 11th Street, asked the status of a traffic light at 13th & Highland that has been discussed. He was concerned that there is not enough room to stack traffic if a light were installed. He suggested marking the stop signs at the four-way stop to inform people who should have the right-of-way at the intersection. Provost asked who governs traffic signals. PWD Martin said the City only owns own traffic signal, but they are supposed to be communicating with each other. Martin said if a signal was installed at 13th & Highland, it would belong to the city.

B. From the Mayor:

Mayor Warren stated that the City's website has contact information for each councilmember. There is also a list of contact numbers available at City Hall.

Mayor Warren announced that Councilmember Manchester has submitted his resignation, effective September 30. She suggested that since it is so close to election, it would make sense to leave the position vacant and appoint whomever is elected to that position.

Mayor Warren reminded council that the AWC regional meeting will be held in Pullman on October 8. If any councilmembers are interested in attending they should get registered as soon as possible.

The City's health insurance provider is conducting a health screening event on October 15. Council is eligible to participate.

There is a candidate's forum on October 7 at 7:00.

From Staff:

COMMITTEE REPORTS:

Finance: Councilmember Provost reported that committee has reviewed the bills. MOTION BY PROVOST/BLACKMON to approve the September 28, 2015 invoices for \$278,027.44. Motion carried.

Public Safety: Councilmember Beadles reported on the Sep. 15 meeting. Chief Cooper will request a grant increase for the brush truck. He said the request has been approved. The fire department is preparing for an upcoming fire rating review. Chief Hastings discussed the STOP grant. It is on the agenda for approval. There is also a Washington Traffic Safety grant application of the agenda. Street bumps were discussed as a means of traffic calming. Chief Hastings will discuss locking the public restrooms on the green belt trails with the Corps.

Public Works: Councilmember Nash reported on the September 16 meeting. Quality Behavioral has requested to have a parking space designated a loading zone. The City's share of the Southway Bridge Overlay Study will be \$12,500. Engineering firm interviews will be on October 21. Asotin County landfill is increasing the tipping fee rate and going to a 10 year flat rate. It could mean an increase of \$1.50 to \$2.00 per month to our customers. Continued discussion on rental business licenses. Community Garden would like to teach bee keeping at their location. However, bee keeping is against city code. Discussed designating the alley behind the post office as a one way alley. Discussed traffic calming ideas for Riverview. There was a request for curbside recycling. Discussion of needed sidewalk repairs.

Admin Committee: Councilmember Nash said committee discussed a personnel item which will be reported on in executive session.

Community Development: Councilmember Beadles reported on the September 15 meeting. The mayor and several council members received a request to petition the State for a mandate requiring 10% solar power by the year 2025. Committee was split on the issue. DAR requested a proclamation, which is on the agenda. Committee will recommend the appointment of Danielle Conklin of the Quality Inn for the Lodging Tax Advisory Committee. Discussed Ordinance 1545, Council Meeting Procedures. Committee feels that an abstention should be viewed as a non-vote.

UNFINISHED BUSINESS:

A. Ordinance No. 1543, Code of Ethics, 2nd Reading for Action

Ordinance No. 1543 was read by title. MOTION BY PROVOST/BEADLES to approve Ordinance No. 1543. Councilmember Blackmon asked if the concerns expressed had been resolved. City Attorney Grow said he believes the revised ordinance addresses those concerns. Councilmember Kolstad said he raised some of those concerns and is satisfied with this ordinance. Motion carried.

B. Ordinance No. 1546, Budget Amendment, 2nd Reading for Action

Ordinance No. 1546 was read by title. MOTION BY NASH/BEADLES to approve Ordinance No. 1546. Kolstad asked if the expenditures have already been made. Clerk Storey said some have, however the budget is adopted by fund and the fund allotments have not been exceeded. Motion carried.

NEW BUSINESS:

A. Dept of Ecology Award to Wastewater Treatment Plant

Kim Prisock, DOE, was present to present an award to the Wastewater Treatment Plant and staff for 2014 performance. She commented that the plant is in operation 24 hours a day and people often don't think about it as long as it works properly, and the people who operate the plant don't get a lot of recognition. She said the recently completed upgrades have made the plant very efficient. The wastewater is treated with ultraviolet light and uses very few chemicals. She elaborated on the improvements that were made and urged the council to tour the plant and see how it operates. This award is the result of perfect compliance for an entire year, reports are completed on time, test results are within acceptable range and the plant is operated safely and properly. Clarkston is one of 127 plants who have won the award and it is the 3rd time Clarkston has won the award.

Kim recognized the WWTP staff and presented a plaque to the City. Wes Ison thanked the council for the support they give to the staff.

B. Ordinance No. 1547 Zoning Map Change, 1st Reading

Ordinance No. 1547 was read by title.

C. Ordinance No. 1545, Council Rules of Procedure, 1st Reading

Ordinance No. 1545 was read by title.

D. Proclamation, Constitution Week

The proclamation was read. MOTION BY BEADLES/NASH to authorize the mayor to sign the proclamation. Beadles explained that it is past the date of the Constitution Week because of the committee process that it went through. Motion carried.

E. Appoint Danielle Conklin to Lodging Tax Advisory

MOTION BY BEADLES/KOLSTAD to appoint Danielle Conklin to the Lodging Tax Advisory Committee. Motion carried.

F. Washington Traffic Safety Commission Grant

Chief Hastings explained that this is a similar grant to previous years'. The purpose is to emphasize certain traffic issues such as DUI, seatbelts and distracted driving. MOTION BY BEADLES/PROVOST to authorize the grant application. Motion carried.

G. STOP Grant Application

Chief Hastings said the STOP grant is a collaborative effort with the YWCA and the prosecutor's office. It serves mostly as an advocate for domestic violence victims. MOTION BY BEADLES/PROVOST to authorize the grant application. Motion carried.

H. Authorization for City Share of Southway Bridge Overlay Study

PWD Martin advised that the Southway Bridge is in need of resurfacing. The four entities that are responsible for maintenance are in the process of choosing an engineering firm to perform a study on the improvement needs. The City's share of the cost of the study is \$12,500. Martin asked the council to approve the expenditure and authorize payment from Current Expense Reserve. MOTION BY NASH/BEADLES to authorize the expenditure from CE Reserve. Councilmember White commented that the City is in an agreement for maintenance of the bridge and there is no choice except to honor the agreement. Beadles asked if there will be grant funding available for the actual repairs. Martin said that funding is part of the study. Motion carried; 5-1, Kolstad opposed.

I. Discussion of Court Services

Councilmember Beadles said committee has met twice with City of Asotin, who had proposed operating a court and having the City of Clarkston participate. Asotin had approached Asotin County about renting courtroom space and was not successful. City of Asotin needs a response so they can proceed with their plans. Beadles said he was concerned that Asotin would not be able to operate a court for the suggested cost. He said he would like to see the City continue an agreement with Asotin County for court services. Provost said the direction has changed over the course of discussions. He said sometimes it seems that a conflict between the city and the judge is driving the proposal. He would recommend that the City remain with the County for court services and if the City wants to study a change, go through that process in the future. Beadles asked City Attorney Grow if he has an opinion. Grow said he does not have an opinion and feels court is working pretty well at this time. Mayor Warren confirmed with Commissioner Shinn (in the audience) that the County needs a response by October 29. Shinn said the October date is a result of a requirement to give a one year notice and that notice was given last October. Beadles said Todd Richardson is reviewing the proposed agreement the City received from Asotin County. MOTION BY BEADLES/PROVOST to decline the City of Asotin's proposal to join with them in a court endeavor.

Kolstad commented that this whole issue started because of finances and asked if that has been resolved. Grow said there are many cost issues that are unanswered in City of Asotin's proposal. Kolstad said he thought the County had proposed to raise the rates to a level that the council found unacceptable. Grow said the rates are not far out of line with what other jurisdictions charge. Beadles said that Richardson is working on some issues in the agreement that Asotin County proposed. Kolstad asked if the rates proposed by Asotin County have been agreed upon. Grow said he doesn't feel comfortable with the rates. Kolstad clarified that if we turn down City of Asotin, then we are saying that we plan to work out an agreement with the County. Grow said his concern is that the proposed \$130 per criminal citation is such an increase from the \$40 currently being paid. Commissioner Shinn reminded council that there was a lot of discussion about rates and the tiered approach was settled on. Shinn said he thought council was on board with those fees after the last discussion. Beadles asked Mayor Warren to thank Asotin for the work they have done on their proposal. Kolstad asked when the deadline is to reach agreement with Asotin County. Shinn reminded council that they have been discussing this for three years and now it seems that the city wants to start negotiating again. Shinn said even with the current proposed rates the county would still be subsidizing court costs by \$48,000 annually. MOTION BY WHITE/PROVOST TO CALL THE QUESTION. Motion carried. Motion to send City of Asotin a letter declining court carried.

COUNCILMEMBER COMMENTS:

Councilmember Blackmon commented that he would like to see one of the committees present an ordinance to allow bee keeping and possibly also chickens and rabbits. White said one of the comments during discussion was liability. The proposed location for the bee keeping is adjacent to a daycare. Beadles said Community Development committee is meeting with a representative from the organization that proposed the change.

Councilmember Kolstad said he thinks having bees at the Community Garden would be a good thing.

Kolstad commented that the recent news that juveniles could be charged with a felony for possession of marijuana concerned him. He said he spoke with Chief Hastings and was happy to see that the prosecutor was able to make changes. He felt it was too severe to impact young lives with felony charges for possession of marijuana. Beadles commented that the law was passed by the state legislature.

Councilmember White said she was asked if maintenance for the brush truck is included in the cost and where it will be housed. Chief Cooper said maintenance is included in the annual budget and this year's budget will include a request to construct a shelter for the vehicle.

MEDIA QUESTIONS:

EXECUTIVE SESSION: Council went to Executive Session at 8:16 to discuss personnel. Anticipated length of session is 25 minutes and action may be taken as a result of the session. Council returned to open session at 8:43 p.m.

Motion by Provost/Beadles to give a 5% increase in response to the reclassification request for the Deputy Clerk/Treasurer and Secretary positions based on budget constraints and change the Secretary job title to Finance Clerical Assistant. Kolstad said he feels like a bigger adjustment is warranted. Motion carried; 5-1, Kolstad opposed.

ADJOURNMENT:

Meeting adjourned at 8:46 p.m.

Vickie Storey, City Clerk

Kathleen A. Warren, Mayor

Total Fund Expenditures, 9/28/15	59990, 60013-79, 9058996	\$149,416.22
Payroll, 9/15/15	59991-60012	\$128,611.22

Fund Transaction Summary

CITY COUNCIL MEETING
OCTOBER 12, 2015

Fund Number	Description	Amount
001	Current Expense Fund	\$38,202.53
103	Street Fund	\$18,079.16
108	Drug Enforcement Fund	\$263.04
120	Ambulance / Ems Fund	\$2,914.31
400	Sewer M & O Fund	\$18,990.00
409	Stormwater O & M	\$1,003.39
410	Sanitation O & M Fund	\$27,223.42
635	Agency Fund - Trust Account	\$3,173.84
	Count: 8	\$109,849.69

PAYROLL - NET PAY	\$85,021	32
DEDUCTIONS	\$187,362	66
TOTAL PAYROLL	\$272,383	98
TOTAL OF ALL EXPENDITURES	\$382,233	67

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed described herein, and that the claim is a just, due and unpaid obligation against the City of Clarkston, and that I am authorized to authenticate and certify to said claim.

Signed _____
City Clerk

APPROVED, Finance Committee:

Public Works Committee

Oct. 7, 2015

Attendance: A. White, G. Nash, J. Martin

Discussion:

- 1) "Clarkston Free Parking" group is once again requesting the City take over the ownership of the parking areas. They are proposing to do a long term, 40 or 50 year lease for the amount the City would lose in real estate excise taxes. They would also continue to maintain the parking lots. A denial of a request in 2010 was briefly reviewed and it was agreed to request a draft proposal from the group for further review. A review of the possible loss of revenue to the City indicates a loss in general taxes at \$778.88, EMS levy losses at \$471.69 and a cost of \$1,018.08 in stormwater fees annually.
- 2) Bee Keeping:
City's insurance carrier was contacted regarding bee keeping in the City and WCIA does not support the idea of allowing it in the City.
- 3) Sidewalk Repair:
Current CMC language requires owners to repair or replace damaged sidewalks. It is being investigated as to the possibility of using a lien process without having actual language in the code specifying the use of liens to mitigate the problems.
- 4) TBD funding was discussed for the possible project to improve the Walmart / Costco intersection. PWD will follow up.
- 5) Beachview Park Picnic Cover:
Replacement need was discussed and how it might be possible to make the replacement of this highly used facility to be accomplished with the help of the general public and local contractors and business.

Administrative Intergovernmental Committee
September 14, 2015

Attending: George Nash, Brian Kolstad, Terry Beadles

1. Discussed the new Ethics Code. Discussion on Abstention votes. Forwarded to Community Development
2. Discussed going to bid for a new Brush Truck. Chief Cooper has \$150,000 in grant money but thinks the truck will be over. Discussed going with a smaller truck. Council Item

Admin/Intergovernmental Committee

9/28/15

Attending: G. Nash, B. Provost, S. Cooper, K. Nollett

Discussed a personnel issue
Executive Session

Discussed Community Appreciation Awards

Discussed Personnel raises
Executive Action

ORDINANCE NO. 1545

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, RELATING TO PROCEDURES FOR CITY COUNCIL MEETINGS AND AMENDING CLARKSTON MUNICIPAL CODE CHAPTER 2.08 AND REPEALING ORDINANCE NUMBER 390, 882, 1128, AND 1198.

SECTION 1.0

REPEALER. The following are hereby repealed:

- A. Ordinance No. 390, enacted February 14, 1939.
- B. Ordinance No. 882, enacted January 14, 1980
- C. Ordinance No. 1128, enacted January 14, 1992
- D. Ordinance No. 1198, enacted January 24, 1995

SECTION 2.0

The City Council of The City of Clarkston do ordain as follows:

2.08.010 Types of Meetings

2.080.20 Attendance

2.08.030 General Rules

2.08.040 Presiding Officer

2.08.050 Council Meeting Agenda

2.08.060 Voting and Motions

2.08.070 Audience Participation

2.08.080 Filling Council Vacancies

2.08.090 Executive Sessions

2.08.100 Preserving the Attorney Client Privilege

2.08.110 Good Faith Cooperation with Insurance Carrier

2.08.120 Ultra Vires Actions

2.08.130 Criminal Convictions and Violations of the Code of Ethics for Municipal Officers and Oath of Office

2.08.140 Violation of Council Rules of Procedure

2.08.150 Suspension and Amendment of Rules

2.08.010 TYPES OF MEETINGS.

(1) Regular Council Meetings: The Council shall meet on the second and fourth Mondays of each month at 7:00 p.m. When the meeting falls on a holiday the Council may determine an alternate day for the meeting or cancel the meeting. The Council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be the Council Chambers at City Hall, unless specified otherwise by a majority vote of the Council. All regular and special meetings shall be public pursuant to RCW Chapter 42.30, the Open Public Meetings Act.

(2) Special Meetings: Special meetings may be called by the Mayor or any four members of the Council. The City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by telephone or otherwise, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio station and/or television station which has filed with

the Clerk a written request to be notified of special meetings. The Council may not make final disposition on any matter not identified in the special meeting notice.

Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with emergencies involving injury or damage to persons or property or the likelihood of such injury or damage.

(3) Study Sessions and Workshops: The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or of any three or more members of the Council, to review forthcoming programs of the City, receive progress reports on current programs, receive other similar information from city department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute official actions of the Council.

2.08.020 ATTENDANCE

~~**Time and Place.** Regular meetings of the city council shall be held at the City Hall at the hour of 7:00 p.m. on the second and fourth Mondays of each month; provided, that nothing herein shall be construed to prevent the calling of special meetings in the manner and form prescribed by the laws of the State of Washington.~~

(1) Attendance, Excused Absences: Pursuant to RCW 35A.12.060, a Council member shall forfeit his/her office upon failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. To be excused, the member shall contact the Mayor before the meeting and give the reason for his/her inability to attend the meeting. If the member cannot contact the Mayor, the member shall contact the City Clerk/Treasurer or Deputy Clerk/Treasurer, who shall convey the message to the Mayor. The Chair shall inform the Council of the member's absence and reason therefore, and ask if there is a motion to excuse the member. Upon passage of such motion by a majority of the members present, the absent member shall be considered excused and the appropriate notation will be made in the minutes. If the motion is not passed or the above procedure is not followed, the minutes will reflect that the absence is unexcused.

(2) Attendance of City Staff: The City Attorney, Clerk/Treasurer or Deputy Clerk/Treasurer, Fire Chief, Police Chief, and Public Works Director shall attend all regular meetings of the City Council unless excused by the Mayor. Staff attendance at Special meetings and/or workshops will be at the discretion of the Mayor or per contracts. The City Attorney, upon request from the Mayor or Council, shall give an opinion on legal questions. The City Clerk/Treasurer shall keep the minutes of Council, record all Council votes and actions and perform such other duties as necessary for the orderly conduct of the meeting.

(3) Attendance of Media at Council Meetings: All meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic equipment at any time; provided that if such recording interferes with the orderly conduct of the meetings the Mayor may make such orders as necessary. The Mayor or presiding officer shall designate a space in the meeting room from which such recording activity may take place. The Council reserves the right to adopt by motion additional rules and procedures applicable to a meeting in progress.

2.08.030 GENERAL RULES

~~**Minimum level of order.** The city council is a deliberative body, and it requires a minimum level of courtesy and order when conducting the business of the city. To facilitate such order, Robert's Rules shall apply to council meetings. Additionally, the council authorizes the mayor, or the councilmember who is chairing a council meeting in the absence of the mayor, to have any disruptive councilmember or disruptive member of the public removed from the meeting room. Disruptive behavior includes, but is not limited to, extremely~~

~~rude or abusive language, or failure to abide by the basic directions of the person chairing the meeting, such as continuing to speak after being directed by the chair to cease speaking.~~

(1) Recording of Meetings: A journal of all proceedings (minutes) of the Council shall be kept by the Clerk/Treasurer and shall be entered in a book constituting the official record of the Council.

(2) Right of Floor: Any councilmember desiring to speak shall first be recognized by the Mayor and shall confine his/her remarks to one subject under consideration or to be considered.

(3) Decorum: All members shall preserve order, decency and decorum at all times while the Council is in session. No member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disturb any member who is speaking. No member shall refuse to obey an order of the Mayor. Members shall confine their remarks to one subject under consideration or to be considered. Discussion shall relate to the subject under consideration and shall be relevant and pertinent thereto so as to provide for the expeditious disposition and resolution of the City's business. No member shall use any impertinent, degrading or slanderous language as to any other member, staff or public. There shall be no lectures, speeches or grandstanding. For purposes of this section "member" includes the Mayor.

(4) City Staff Decorum: City staff and employees shall observe the same rules of order and decorum as are applicable to the Council.

(5) Council Roles: The City Council is to work through the Mayor when dealing with administrative services of the City. Members of the Council must avoid intrusion into those areas that are the responsibility of staff. Individual Council members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect the staff from undue influence and pressure from individual Council members, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal. If a Council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the whole Council to do so as a matter of Council policy.

No Council member, directly or indirectly, shall become involved in or attempt to influence personnel matters that are under the direction of the Mayor. The Council is not prohibited, while in open session, from fully and freely discussing with the Mayor anything pertaining to appointments and removals of City officers and employees and City affairs.

(6) Council Representation: If a Council member appears on behalf of the City before another government agency, community organization, or through the media, for the purpose of commenting on an issue, the Council member shall state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Council member clearly states these statements do not represent the majority Council's position. Council members, when serving as a City of Clarkston representative, may act without authorization on specific votes for matters which pertain to the general operation of the organization or are emergency in nature. Issues which have a direct financial impact on the City's finances, the level of service provided in Clarkston, or are issues of significant policy shall be reported back to the Council for feedback and potential authorization before taking action.

If an individual Council member wishes to contact an outside agency or business regarding city business, the Council member shall identify to that agency or business that he or she is making the contact as an individual, and not as a representative of the Council. Any information that the individual Council member requests

from the agency or business that the Council member wishes to present to the City Council for consideration shall be submitted in writing from the agency or business.

(7) Council / Mayor Relationship: The relationship between the Mayor and City Council honors the fact that the Mayor is the chief executive of the City. The Council's dealings with the Mayor, whether in public or private, should respect the authority of the Mayor in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the Mayor.

The Mayor respects and is sensitive to the policy responsibilities of the Council and acknowledges that the final responsibility for establishing policy direction of the City is held by the City Council.

2.08.040 PRESIDING OFFICER

(1) Mayor: The Mayor shall preside at meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. In case of the Mayor's absence or temporary disability, the Mayor Pro Tempore shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and Mayor Pro Tempore, the members of the Council shall select a member to act as Mayor during the continuance of the absences. The Mayor or Mayor Pro Tempore are referred to as the "Chair" or "Presiding Officer" from time-to-time in these Rules of Procedure.

(2) Call to Order: The meetings of the Council shall be called to order by the Mayor, or in the Mayor's absence, by the Mayor Pro Tempore. In the absence of both the Mayor and Mayor Pro Tempore, the meeting shall be called to order by the City Clerk for the election of a temporary Chair.

(3) Preservation of Order: The Chair shall preserve order and decorum, prevent attacks on personalities or the impugning of members' or public motives and confine members or public in debate to the question under discussion.

(4) Points of Order: The Chair shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Chair be sustained?"

(5) Questions to be Stated: The Chair shall state all questions submitted for a vote and announce the results. A roll call vote shall be taken upon request of any member.

(6) Presiding Officer - Powers: The Mayor shall have the powers set forth in RCW 35A.12. In addition to RCW 35A.12 powers, the Chair shall have the powers of the Chair as set forth in Roberts Rules of Order when those powers are not inconsistent with the rules and procedures set forth herein.

When the Mayor is unable to act as Chair and the Mayor Pro Tempore, or his or her successor acts as Chair, the Mayor Pro Tempore's or successor's right to vote on matters coming before the council at that meeting are not abridged and his or her vote shall count.

2.08.050 COUNCIL MEETING AGENDA

(1) Agenda Preparation: The City Clerk/Treasurer, under the direction of the Mayor, will prepare the agenda for each Council meeting setting forth a brief description of each item and any supporting documentation to be considered by the Council. Prior to submission to the Council, the agenda shall be reviewed by the Mayor.

An item to be considered by the City Council at a regular meeting may be placed on the agenda by the Mayor, Clerk/Treasurer or any member of the Council. Agenda items should be vetted through one of the

council standing committees or a council workshop before being placed on the agenda. Routine items, such as proclamations or requests for letters of support do not need to go to committee prior to being placed on the agenda. Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare) as determined by majority vote of the Council.

The Clerk/Treasurer will distribute a copy of the agenda and supporting materials to Council members, the Mayor and the press before close of business on the Thursday before a regular Council meeting. The agenda packet will be sent by email to the Mayor, Council members and members of the press who have requested copies, and a hard copy will be placed in each member's mailbox at City Hall. In addition the agenda shall be posted to the City's website by close of business the Thursday before a regular meeting.

(2) Order of Business: The order of business for all regular meetings shall be transacted as follows unless the Council, by majority vote, suspends the rules and changes the order:

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call. Motion to excuse absent members may be made at this time.
- 4) Approval of Minutes
- 5) Communications
 - a. From the Public
 - b. From the Mayor
 - c. From Staff or Employees
- 6) Committee Reports
 - a. Finance
 - b. Public Safety
 - c. Public Works
 - d. Administrative/Intergovernmental
 - e. Community Development
- 7) Public Hearings
- 8) Unfinished Business
- 9) New Business
- 10) Council comments
- 11) Executive Session (if needed)
- 12) Adjournment

2.08.060 MOTIONS AND VOTING

(1) Motions: Motions should be clear and concise and shall not include arguments for the motion within the motion. Members who wish to make a motion must first be recognized by the Mayor. After the member makes a motion and it has been seconded (if required), the chair must then restate it or rule it out of order, then call for discussion. Most motions require a second, although there are some exceptions: nominations, points of order, and motions to table.

Motions for items not related to an item on the agenda may be considered by the council if the matter is an emergency or action cannot wait until the next regular council meeting. Motions that do not fit this criteria will automatically be placed on the agenda for the next meeting.

A motion may be withdrawn by the maker of the motion at any time if there is no objection from any member of Council.

(2) Motion to Table: A motion to table does not require a second and is not debatable. The Mayor will state the motion and call for the vote. The purpose of a motion to table is to enable the council to lay a pending question aside temporarily when something else of immediate urgency has arisen or something else needs to be addressed before consideration of the pending question.

(3) Motion for Reconsideration: Motions for reconsideration must be made by a member from the prevailing side. Any member may make the second. The motion to reconsider must be made at the same or succeeding regular meeting. Councilmembers who wish to have a matter reconsidered must notify the Clerk/Treasurer in time for the reconsideration to be listed on the agenda. No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.

(4) Motion to Postpone: A motion to postpone requires a second and is debatable. The motion should specify a certain time when the motion will be considered, or it should be a motion to postpone indefinitely.

(5) Motion to Call the Question: A motion to call for the question shall close debate on the main motion and is non-debatable. The motion requires a second and fails without a 2/3 vote of those present. Debate is reopened if the motion fails.

(6) A motion to amend: is defined as amending the motion that is on the floor and has been seconded, by inserting or adding, striking out or substituting.

(7) Questions of Interpretation: The City Attorney shall decide all questions of interpretations of these policies and procedures and all other questions of parliamentary nature to the best of his/her abilities, which may arise at a Council meeting. All cases not provided for in these policies and procedures shall be governed by the most recent version of Robert's Rules of Order. In the event of a conflict, these policies and procedures shall prevail.

(8) Voting: The votes during all meetings of the Council shall be transacted as follows:

(a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any councilmember, the Mayor shall take a roll call vote.

(b) The passage of any ordinance, grant or revocation of a franchise, any motion or resolution for the payment of money, and any approval of expenditures shall require a majority vote of the whole Council, i.e., at least four affirmative votes. Any other motion requires a majority of the members present so long as there is a quorum.

(c) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency, such as budget amendment, shall require four affirmative votes of the Council.

(d) Councilmembers shall vote on all matters before the Council except on matters in which he or she has been disqualified for a conflict of interest or under the appearance of fairness doctrine, or in which he or she has been granted leave to abstain by the City Council in advance and for a stated reason. Any councilmember who is disqualified from voting on a matter shall not participate in the debate. If any councilmember refuses to vote "aye" or "nay", their vote shall be counted as an "aye" and their conduct shall

be considered disorderly. Abstentions shall be treated as the absence of a vote and abstaining member shall not be counted as present.

2.08.070 AUDIENCE PARTICIPATION – These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

(1) Manner of Addressing the Council: Citizens are welcome at all Council meetings and are encouraged to attend and participate. Each person addressing the Council shall step up to the podium, give his/her name and address and subject matter of comments for the record, and unless further time is granted by the Council, shall limit their address to three minutes. All comments shall be made to the Council as a board and not to any single member nor to staff or the audience. Any questions for councilmembers or staff shall be presented through the Presiding Officer. The council will determine the disposition of any issues raised (e.g., placed on the present agenda, workshop, other agendas, refer to staff or do not consider).

(2) Conduct of Audience: All audience members shall abide by the rules of decorum contained in paragraph 2.08.030(3.3) above. Any person making personal, inappropriate, disrespectful or disparaging remarks or who shall become boisterous while addressing the Council may be requested to leave the meeting and may be barred from further audience before the Council during that council meeting by the Presiding Officer. No audience member shall disrupt the conduct of the meeting or clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so shall be determined out of order and Mayor may have such person removed from the Council chambers. Such person shall not be permitted to attend the remainder of that Council meeting.

(3) Written Communications: Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council has control at any time. Written communication may be submitted by direct mail or by addressing the communication to the City Clerk who will distribute copies to the councilmembers. Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be placed in councilmembers mailbox and/or emailed. A brief staff memorandum or note should accompany each letter explaining the request and recommending a course of action or which department is replying or taking action. Written correspondence which requires some Council discussion, is of policy nature, or for which a non-routine official action or response is required, shall be placed on the next regular Council agenda, either under Staff Comments or New Business and accompanied by backup information. Some items may be routed through Council Committees as appropriate for Committee recommendation before coming to the full council for review.

(4) Correspondence Directly Related to Quasi-Judicial Hearing Matters: Copies of such correspondence shall not be included with the agenda materials, but shall be placed directly into the appropriate hearing file, so that the contents of the quasi-judicial file will be only circulated to City Council members at the time that the matter comes before the Council for a quasi-judicial hearing, and as a part of the hearing exhibits.

2.08.080 FILLING COUNCIL VACANCIES

(1) Notice of Vacancy: If a Council vacancy occurs, the Council will follow the procedures outlined in RCW 42.12.070. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy and the procedure and deadline for applying for the position.

(2) Application Procedure: Applications will be accepted on a form prescribed by the City Council. The application form will be used in conjunction with an interview of each candidate.

(3) Interview Process: All qualified candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting open to the public. In order to make the interviews fair, applicants will be asked to remain outside the Council Chambers while other applicants are being interviewed. Councilmembers will ask the same questions of each candidate. Each candidate will be allowed three (3) minutes for closing comments.

(4) Selection of Councilmember: The Council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

2.08.090 EXECUTIVE SESSIONS

Executive sessions or closed meetings may be held in accordance with the provisions of the Washington Open Meeting Act (RCW 42.30.110). Among the topics that may be discussed are: (1) personnel matters; (2) consideration of acquisition of property for public purposes or sale of city owned property; (3) potential or pending litigation in which the city has an interest, as long as legal counsel is present in person or by phone as provided in RCW 42.30.110. The Council must keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. The Council may hold an executive session during a regular or special meeting. Before convening in executive session the Chair shall publically announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded. If the Council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session. The announced time limit for executive sessions may be extended to a stated later time by the announcement of the Chair.

2.08.100 PRESERVING THE ATTORNEY CLIENT PRIVILEGE

No councilmember shall make any disclosures or release any information which would result in the waiver of the attorney/client privilege without first obtaining the approval of a majority of the Council in open session. Such a request for disclosure shall first be raised during an executive session for discussion prior to a vote in open session.

2.08.110 GOOD FAITH COOPERATION WITH INSURANCE CARRIER

All Council members shall cooperate in good faith with any insurance carrier or attorney representing the City in connection with a defense provided by an insurance carrier.

2.08.120 ULTRA VIRES ACTIONS

Council members shall not act *ultra vires*, or outside the scope of their authority and duties as Council members.

2.08.130 CRIMINAL CONVICTIONS AND VIOLATIONS OF THE CODE OF ETHICS FOR MUNICIPAL OFFICERS AND OATH OF OFFICE

No councilmember shall serve on the City Council after having been convicted of any criminal violation of Chapter 42.23 RCW (as now enacted or hereafter amended) or any felony or malfeasance in office (RCW 9.92.120, as now enacted or hereafter amended). No councilmember shall serve on the City Council after having violated any of the provisions of Chapter 42.23 RCW (as now enacted or hereafter amended). No councilmember shall serve on the City Council after having been convicted of any offense involving a violation of his or her official oath (RCW 42.12.010(5), as now enacted or hereafter amended).

2.08.140 VIOLATION OF COUNCIL RULES OF PROCEDURE

- (1) These Rules of Procedure are adopted with the intent that they be fully enforceable and that violations thereof result in Council action against members as provided herein and pursuant to RCW 35.23.270 and Title 35A RCW, as now enacted or hereafter amended. Any violation of these Rules of Procedure is deemed to constitute disorderly conduct by such member.
- (2) Any claim of violation of these Rules of Procedure must be made in writing by a councilmember and filed with the City Clerk and made a part of the minutes of the Council meeting where the charge is first considered.
- (3) Violations of Rules Nos. 2.08.090 – 2.08.130 above, may be subject to removal from office pursuant to the process set forth in subparagraph 2.08.140(4)(c) below, unless the Council determines to utilize the admonition and reprimand process contained in subparagraphs 2.08.140(4)(a) or (b) below.
- (4) Members violating any other Rules of Procedure shall be subject to admonition for the first violation of a particular rule, reprimand for a second or third violation of that same rule, and removal from office on the fourth violation of that same rule as follows:
- (a) Admonition: An admonition shall be a verbal vote in open session, recorded in the minutes, made by the Council to the member.
 - (b) Reprimand: A reprimand shall be administered to the member by letter. The letter shall be prepared by the City Council after action in open session to approve such letter. If the member objects to the contents of such letter, he/she may file a request for review of the content of the letter of reprimand with the City Council. The City Council shall review the letter of reprimand based upon the request for review and record established, and may take whatever action appears appropriate under the circumstances.
 - (c) Removal from Office: removal from office shall occur after trial on written charges before the City Council upon a two-thirds majority vote of the whole Council.
- (5) The action of the City Council in response to a violation of these rules shall be final and not subject to further review before the City Council.

2.08.150 SUSPENSION AND AMENDMENT OF RULES

- (1) Suspension of Rules: Any provision of these rules may be temporarily suspended by a two-thirds vote of the City Council.
- (2) Amendment of Rules: These rules may be amended or new rules adopted by a majority vote of the full Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

SECTION 3.0

SAVING CLAUSE: Ordinance No. 1128 and No. 1198, which are repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance.

SECTION 4.0

SEVERABILITY CLAUSE: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION 5.0

EFFECTIVE DATE. This ordinance shall take effect five days after its passage, approval and publication as required by law.

Passed by the Clarkston City Council at a regular meeting thereof this _____ day of _____, 2015.

Kathleen A. Warren, Mayor

Attest:

Vickie Storey, City Clerk

Approved as to form:

James Grow, City Attorney

ORDINANCE NO. 1547

AN ORDINANCE AMENDING CLARKSTON MUNICIPAL CODE CHAPTER 17.05.080, WHICH ESTABLISHES THE OFFICIAL ZONING MAP OF THE CITY OF CLARKSTON.

WHEREAS, the Planning Commission held a public hearing on Aug. 17, 2105 to consider a request from Clarkston Estates Inc. on Zoning Map Change Application No. 2015-05 and adopted Findings of Fact, Conclusions of Law and a Recommendation to approve the zone change;

NOW THEREFORE, be it ordained by the City Council of the City of Clarkston as follows:

SECTION 1.0

Clarkston Municipal Code Chapter 17.05.080 is hereby amended as follows:

The property described below is hereby changed from Medium Density Residential (R-2) to High Density Residential (R-3) zoning designation:

That part of the NW1/4, NW1/4 of Section 21 of Township 11 North, Range 46 East, W.M., Asotin County, Washington, more particularly described as follows: Commencing at the intersection of the centerlines of Morrison and Fair Streets; thence East along the centerline of Fair Street a distance of 376.67 feet; thence North 30.00 feet to a point on the North right-of-way line of Fair Street, said point being the true place of beginning; thence East along said right-of-way line a distance of 248.62 feet; thence North 390.00 feet; thence West 248.62 feet; thence south 390.00 feet to the true place of beginning, containing 2.23 acres.

SECTION 2.0

This ordinance shall be in full force and effect upon the signing hereof by the Mayor, attestation by the City Clerk and publication as required by law.

Dated this _____ day of _____, 2015.

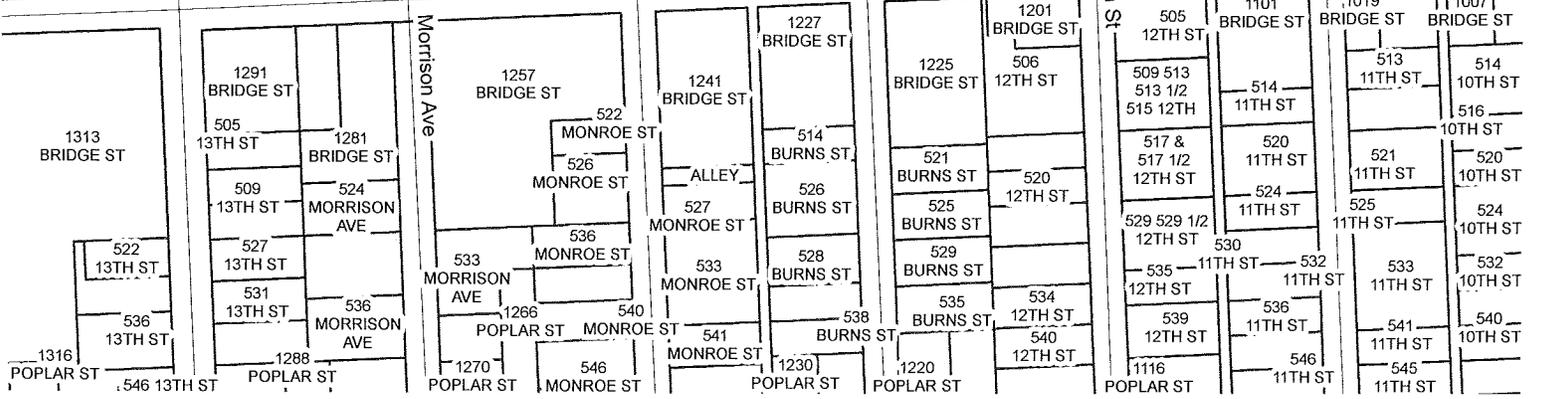
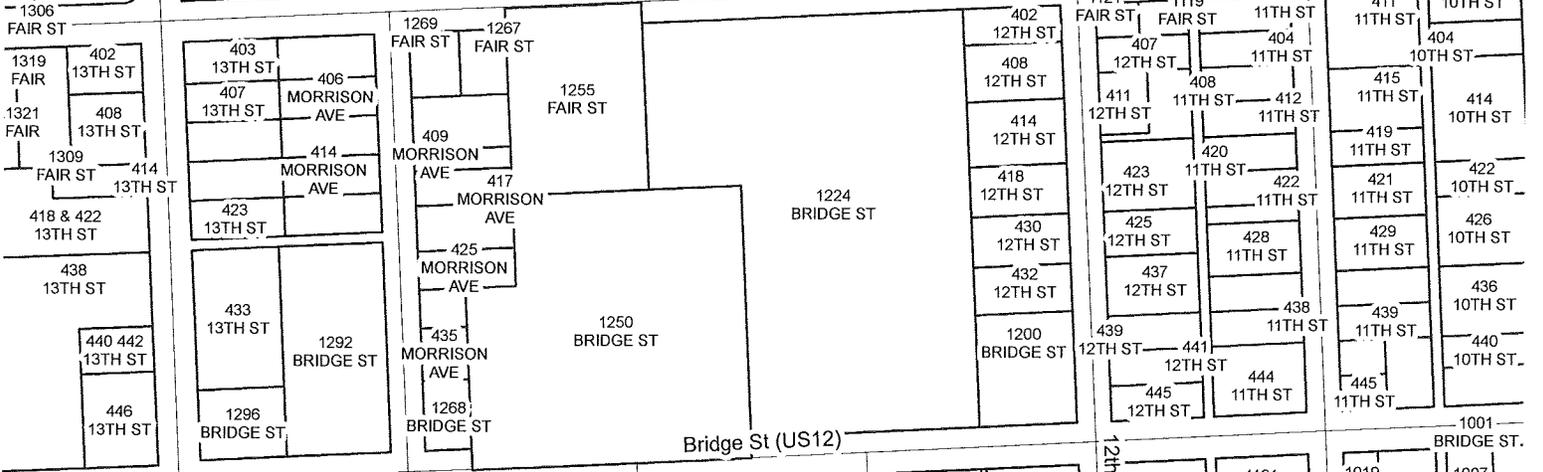
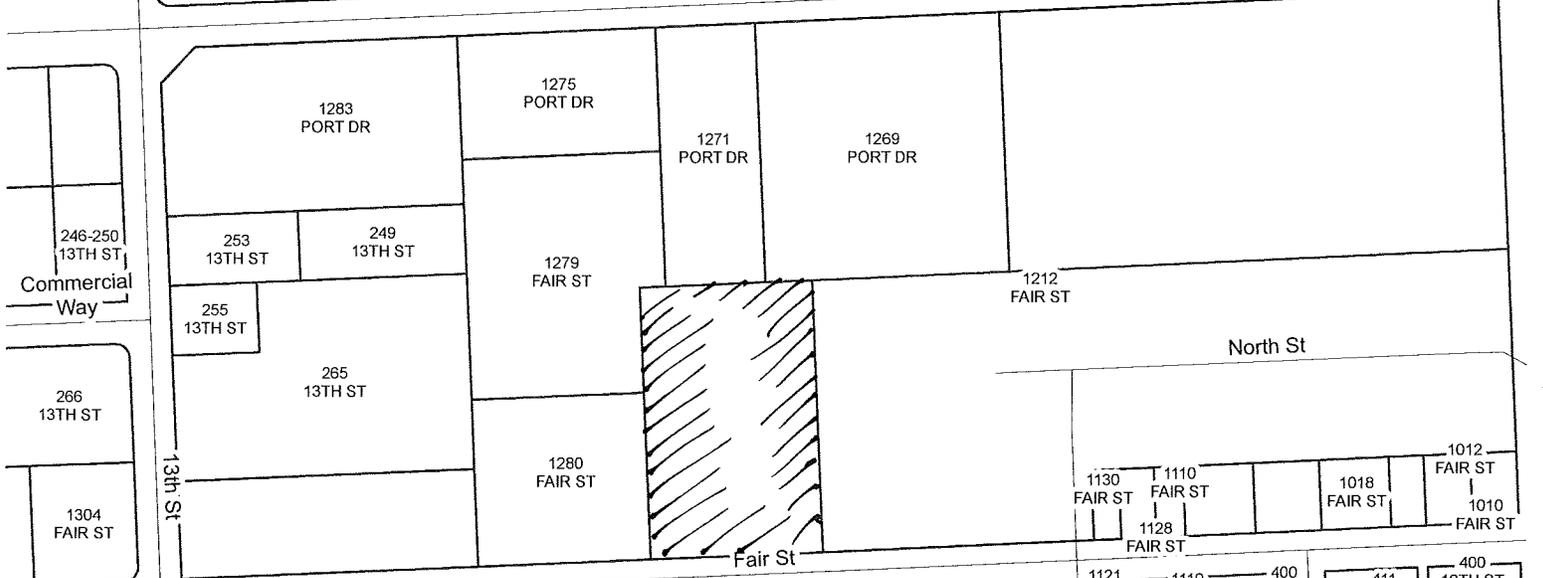
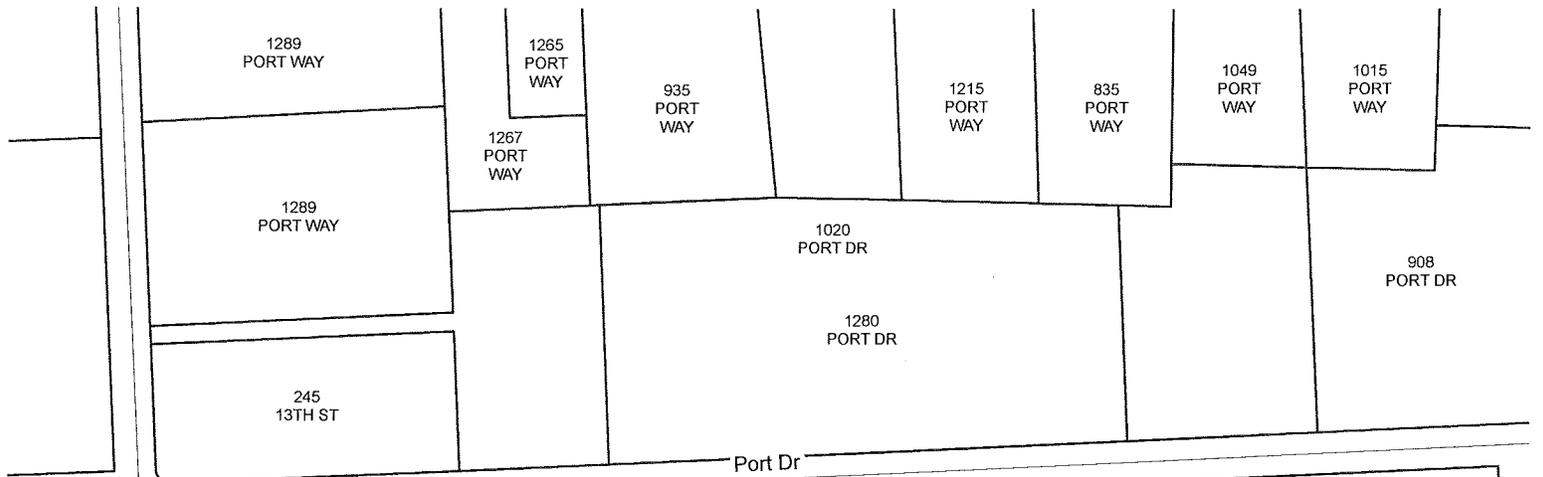
Kathleen A. Warren, Mayor

ATTEST BY:

Vickie Storey, City Clerk

APPROVED AS TO FORM:

James W. Grow, City Attorney



*Proclamation of
National American Indian Heritage Month*

Whereas: the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

Whereas: the contributions of American Indians have enhanced the freedom, prosperity, and greatness of American today, and

Whereas: their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

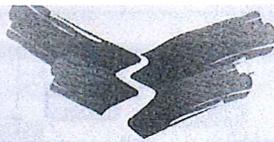
Whereas: Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

Whereas, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned;

Now Therefore, I, _____ by virtue of the authority vested in me as _____ of the city of _____ do hereby proclaim November as the National American Heritage month, in (city) _____, and urge all citizens to observe this month with appropriate programs, ceremonies, and activities.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the city of _____, to be affixed this _____ day of _____, the year of our Lord two thousand and fifteen.

Signed _____ Seal Attest:



lewis clark valley
chamber of commerce

September 21, 2015

Mayor Kathleen Warren
City of Clarkston
829 5th Street
Clarkston, WA 99403

RE: 2015 Lighted Christmas Parade

We are gearing up for the 29th Annual Lighted Christmas Parade and are working with WSDOT on the street closure.

The Lighted Christmas Parade is planned for Saturday, December 5, 2015 at 4:30 p.m. I am requesting permission to hold this parade on the streets we have indicated.

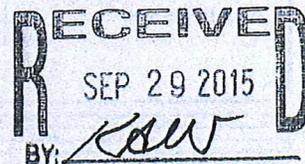
The participants will lineup on Diagonal Street. The Parade will proceed west to 6th Street (Highway 129). At 6th Street we will head south and go past Chestnut Street and end our parade at Vernon Park. As in the past, I am requesting assistance with traffic control on the streets we have indicated.

We hope this will meet the approval of the Clarkston City Council and the Clarkston Police Department.

We look forward to working with you on this worthwhile community event.

Sincerely,

Kristin Kemak
President/CEO



(509) 758-7712 • fax (509) 751-8767
502 Bridge Street • Clarkston, WA 99403 • lcvalleychamber.org