

**CITY OF CLARKSTON
CITY COUNCIL AGENDA
829 5th Street
MONDAY, AUGUST 27, 2012**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. AGENDA CHANGES:**
- 4. APPROVAL OF MINUTES:
August 13, 2012 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 – 8/21**
 - C. Public Works –**
 - D. Administrative/Intergovernmental – 8/27**
 - E. Community Development –**

- 7. UNFINISHED BUSINESS:**
 - A. Joint Meeting with Asotin County**

- 8. NEW BUSINESS:**
 - A. Ordinance No. 1505, Medical Cannabis Operations Registration – 1st Reading**
 - B. Budget Amendment Request, Abatement (F)**

- 9. COUNCIL COMMENTS**
- 10. MEDIA QUESTIONS**

- 11. 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.

CLARKSTONCITY COUNCIL MINUTES
August 13, 2012

CALL TO ORDER: Mayor Warren, 7:00 P.M.

COUNCIL:

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

STAFF:

<input checked="" type="checkbox"/> Chief Hastings	<input checked="" type="checkbox"/> Chief Cooper
<input checked="" type="checkbox"/> PWD Martin	<input checked="" type="checkbox"/> Clerk Storey
<input checked="" type="checkbox"/> City Attorney Grow	

AGENDA CHANGES:

Mayor Warren announced an executive session to discuss the dispatch contract issue.

APPROVAL OF MINUTES: MOTION BY BEADLES/NASH to approve the minutes of the July 23, 2012, Regular Meeting. Motion carried.

COMMUNICATIONS:

A. From the Public

B. From the Mayor

C. From Staff

PWD Martin said he met with Admin committee today to discuss a proposed agreement with Avista that would change the way we are billed for the street lights on 6th Street. The City currently pays for the electricity and rental on the poles and lights. This new agreement proposes that the City take ownership of the existing poles. Avista would still maintain everything above ground. This arrangement would save the City about \$6,000 annually. Martin asked for authorization to sign the agreements, one for each pole. Councilmember MOTION BY NASH/BLACKMON authorizing the mayor to delegate signing authority to PWD Martin. Beadles asked what the maintenance liability would be. Martin said if a pole is damaged the city would have to replace it, but that rarely happens. City Attorney Grow said the estimated cost of replacing a pole is about \$1,000. Motion carried.

Martin advised council that he is obtaining quotes to clean up a residence that was previously discussed as a potential abatement project. He expects quotes to come in around \$15,000 and asked for permission to continue the process. Councilmember Beadles asked if there is a mortgage holder or family members who might step in. Martin said he does not think there is a mortgage, but family assistance may be possible. He said the home is not currently occupied. We received a call today that Avista was disconnecting the power, so without air conditioning the odors will probably get much worse. Beadles asked what the long term plan is. City Attorney Grow said that the city would have a lien on the property for our costs and could foreclose on the lien to take ownership of the property. Martin said the \$15,000 is only to remove debris from the house and does not address any repairs or demolition.

COMMITTEE REPORTS:

Finance Committee:

Councilmember Provost reported all bills have been audited and approved. MOTION BY PROVOST/MANCHESTER to authorize payment of the bills, total expenditures for August 13, 2012 of \$554,078.90. Motion carried.

Public Safety: Councilmember Beadles said committee met on August 7. Chief Hastings discussed the issue of medical cannabis gardens. He is still researching options.

Public Works Committee: Councilmember Nash said committee met on August 2. Committee is recommending bid award for the WWTP upgrade to Williams Brothers. Nash said the trees on 6th Street need pruned and committee would like to request funding to hire a trimming service.

Admin Committee: Councilmember Provost said committee met on August 13 and discussed the Sixth Street lighting options. Provost said committee agreed with the option Martin recommended for ownership of the lights.

Community Development: Councilmember Beadles reported that committee met on August 7. Beadles said committee discussed the South entry project. They hope to work on it this fall. Committee recommends signing the Constitution Week proclamation. SWEDA is working on upgrading the agency's comprehensive plan.

UNFINISHED BUSINESS:

A. Joint Meeting with Asotin County

Mayor Warren asked for topics that council might want to discuss with the County Commissioners. Nash said he would like to discuss mutual aid. Beadles added dispatch and Mayor Warren suggested stormwater also be a topic. Provost said he doesn't see the need for a moderator for this type of meeting. He would like to see the two entities meet and discuss business as responsible adults.

NEW BUSINESS:

A. WWTP Upgrade Project Bid Award

PWD Martin said that all bids have been reviewed by Keller Associates, the consulting engineers. He said we have a letter of recommendation from Keller to award the bid to Williams Brothers and Martin is in agreement with the recommendation. Reference checks have been completed and all have been very positive. Williams Brothers has done about \$85 million in wastewater and water projects. MOTION BY BEADLES/NASH to award the bid to Williams Brothers for a total cost of \$13,569,341.00. Beadles asked if the amount includes sales tax. Martin confirmed that it does. Motion carried; 5-1, Baumberger opposed.

B. Proclamation – Constitution Week

The proclamation was read. MOTION BY BEADLES/NASH authorizing the mayor to sign the proclamation. Motion carried.

COUNCIL COMMENTS:

Councilmember Nash reported that there was a stormwater management meeting today. The idea to reduce the stormwater fee for all entities did not get support from the group. Nash said that the preliminary budget appears to have an increase in cost to Clarkston. They are also proposing to hire two new employees to do maintenance work.

Councilmember Provost proposed that the city again propose a joint meeting to the county without a moderator. MOTION BY PROVOST/BEADLES to send a letter back to the commissioners proposing a joint meeting without a moderator with the topics previously discussed. Chief Cooper reminded council that fire mutual aid is controlled by the fire commissioners, not the county commissioners. Topics would include the aquatic center, dispatch, stormwater and mutual aid to the extent that it applies. Commissioner Shinn said that the thought for having a moderator is to have the meeting in a neutral location with a third party moderator who would organize the topics and keep the discussion moving. The commissioners have agreed to the City's suggestion that public comment not be taken. Provost said he feels the officials are all adults and just doesn't feel a need for a moderator who doesn't really know the issues. Shinn said that Marshall Doak of SWEDA, who has experience as a moderator and arbitrator, has offered to serve as moderator. Provost said he still thinks having a third party will muddle it up. Beadles said he agrees that a one on one dialogue is the best way to proceed.

Potential dates were not discussed as council wanted to see the commissioners reply on eliminating a moderator. Motion carried.

MEDIA QUESTIONS:

EXECUTIVE SESSION: Litigation

Council went into executive session at 7:30 p.m. to discuss litigation. Anticipated length of session is 40 minutes. No action is anticipated as a result of the session.

Council returned to open session at 8:40 p.m.

ADJOURNMENT:

Meeting adjourned at 8:40 p.m.

Vickie Storey, City Clerk

Kathleen A. Warren, Mayor

Total Fund Expenditures 8/13/12	CK# 51473, 51538-624	\$270,934.12
Total Payroll, 7/31/12	CK #51474-51537	\$283,144.78

Vickie Storey

From: James Jeffords <jjeffords@co.asotin.wa.us>
Sent: Tuesday, August 21, 2012 2:00 PM
To: clarkstoncity@cableone.net
Subject: Joint Meeting

Hi Vickie,

The Board of Commissioners discussed the issues contained in your 8/15/12 response letter last night at our BOCC meeting. To speed things up I decided to email you rather than go through snail mail. Please let the Mayor and Councilors know we are agreeable to meeting without a moderator (although we believe that would be beneficial) and are willing to discuss mutual aid and stormwater topics along with... obviously ACFAC funding.

Two evening dates the three of us are available in the near future are 9/5 and 9/6. We also thought holding the meeting at Walla Walla Community College – Clarkston Branch would be an appropriate option for a venue (although they have not been contacted yet... concerning availability).

Thank you for your consideration and let us know if this will work regarding the joint meeting.

Respectfully,

Jim Jeffords
Asotin County Commission Chairman

ORDINANCE NO. 1505

AN ORDINANCE OF THE CITY OF CLARKSTON CREATING CLARKSTON MUNICIPAL CODE CHAPTER 5.06, WHICH ESTABLISHES BUSINESS REGISTRATION REGULATIONS FOR MEDICAL CANNABIS OPERATIONS.

Clarkston Municipal Code Chapter 5.06 is hereby created as follows:

Sections:

6.02.010	Purpose.
6.02.020	Definitions.
6.02.030	Commercial Business Registration Required
6.02.040	Issuance of Medical Cannabis Operations Registrations; Procedures & Fees
6.02.050	Change of Place of Operations
6.02.060	Ownership Change, Registration not Transferable
6.02.070	Registration Renewal
6.02.080	Enforcement
6.02.090	Standards of Conduct
6.02.100	Display of Registration
6.02.110	Appeals

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

SECTION I

6.02.010 Purpose. The purpose of this chapter is to provide for a means of obtaining public safety and emergency contact information on existing and new Medical Cannabis Operations in the City, and to assist in the effective administration of the City's obligations under state, federal and local laws.

6.02.020 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

“City” means the City of Clarkston.

“Engage in operations” means commencing, conducting or continuing in Medical Cannabis Operations within the city.

“License Officer” means the Chief of Police or his or her designee appointed by the mayor to act in such capacity.

“Marijuana” has the same meaning as currently defined in RCW 69.50.101(q) or as amended.

“Medical Cannabis Operations” means any person engaged in the production, processing, distribution or collective cultivation of marijuana for medical use, including any person operating as a “designated provider” as currently defined by RCW 69.51A.010(1) or as amended.

“Medical use of marijuana” has the same meaning as currently defined in RCW 69.51A.010 (3) or as amended.

“Nonresident business” means a Medical Cannabis Operation with a place of business located outside the borders of the City of Clarkston and that provides services within the City limits that requires registration of the business with the City.

“Person” includes the singular and the plural and also means and includes any natural person, firm, corporation, association, club, partnership, limited liability company, individual receiver, assignee, trustee in bankruptcy, trust, estate, joint venture, company, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, collective, or otherwise.

“Premises” means and includes all lands, structures and places at a single physical location, and also any property which is either affixed to, or otherwise used in connection with the operations conducted on such premises.

“Registration” or “licensee”, as used generally in this chapter, means and includes respectively the works “permit” or “permittee” or the holder for any use for a period of time of any similar privilege, whether relevant to any provision of this chapter or other law or ordinance.

“Taxpayer” includes any person who engages in business or who is required to have a business license hereunder, or who is liable for the collection of any license fee or tax hereunder, or who performs any act, for which a license fee or tax is imposed by this chapter.

“Year” means the calendar year.

6.02.030 Commercial Business Registration – Required. No person shall engage in any Medical Cannabis Operations within the City without first having obtained from the City a valid and current Registration authorizing such person to engage in operations. This registration shall be in addition to any other registrations or permits required by State or Federal laws. Registrations required under this Chapter are nontransferable. Each of the premises on which any person is engaged in operations subject to registration under this Chapter must be registered separately even if the individual operations are owned, operated, or maintained by the same person, or collective group of persons. Each operation owned by a different person, or collective group of persons must be registered separately, even if co-located at the same premises as another operation.

6.02.040 Issuance of Registrations; Procedures and Fees.

(1) Any person desiring to engage in Medical Cannabis Operations shall complete the Registration application form provided by the Clarkston Police Department with the following information:

- (a) Street Address of any all locations at which Medical Cannabis Operations will be conducted;
- (b) Name, date of birth, address, telephone and email contact information of the applicant.
- (c) Name, date of birth, address, telephone and email contact information for the title owner of the real property on which the Medical Cannabis Operations will be conducted;
- (d) Where applicable, the name, date of birth, address, telephone and email contact information for all members of any collective group of persons operating pursuant to RCW 69.51A.085;
- (e) A minimum of one (1) emergency contact name and 24-hour contact information for purposes of emergency notifications relating to the Medical Cannabis Operations;
- (f) Written documentation from the United States Department of Justice, Drug Enforcement Administration of the operator's compliance with all applicable federal laws relating to the production, processing, distribution or collective cultivation of marijuana.

(2) The Clarkston Police Department will issue a Registration document to an approved Medical Cannabis Operation. The Registration document must be conspicuously posted at the place of operations identified on the document.

(3) In all instances, the application filing shall include payment of all fees due as established by the City Council. The applicant shall be required to provide all information requested on said form and failure to do so shall be grounds for refusing to issue the City Registration. In addition, the Chief of Police or his/her designee, from time to time, may request from a person holding a Medical Cannabis Operations Registration that they supply to the City an update of the information that was given on the original Registration application. Failure to supply said update as requested shall be sufficient grounds for revocation of the City's Medical Cannabis Operations Registration.

(4) Medical Cannabis Operations Registrations shall be effective for a one year term and shall be renewed annually through the Clarkston Police Department. Renewal applications shall provide all of the information required herein.

6.02.050 Change of Place of Operations. Any change in the location of the premises used in the operation of a Medical Cannabis Operations will require the filing of a new application for a registration with the City and issuance of a new registration document by the Police Department before engaging in operations at the new location. A change of location may require the payment of additional application fees. Upon approval of the application, a new registration document shall be issued for the person's new place of operation.

6.02.060 Ownership Change – Registration not Transferable. When a registered operation subject to this Chapter changes ownership or operator, the Registration of the previous owner or operator may not be transferred to the new owner or operator. The new owner or operator shall apply for a Registration for that place of business by applying for Registration with the Clarkston Police Department and paying applicable fees.

6.02.070 Registration Renewal. A Medical Cannabis Operations Registration will expire one year from the date of issuance. The Registration shall be renewed by filing a new, completed registration application with the Clarkston Police Department and paying a renewal fee as established by the Clarkston City Council. Persons not renewing by the expiration date are subject to a late renewal penalty fee as established by the City.

6.02.080 Enforcement. It is unlawful for a person either directly or indirectly to be engaged in operations for which a Registration or permit is required by any regulation or ordinance of the City without a registration or permit being first procured and kept in effect at all times as required by this Chapter or other regulation or ordinance of the City. Any violation of this Chapter shall, in addition to other penalties provided herein, be a Class 1 civil infraction. Subsequent violations after the issuance of a Notice of Infraction may be punishable by two times the penalty for a Class 1 violation. Any or all individual members of a collective shall be liable for and subject to citation for any collective operations conducted in violation of this Chapter.

6.02.090 Standards of Conduct. Every licensee under this Chapter shall:

- (1) Permit reasonable inspections of his or her business premises;
- (2) Ascertain and at all times comply with all laws and regulations applicable to such registered operation;
- (3) Refrain from operating the registered operation on premises after expiration of his/her registration and during the period his/her registration is revoked or suspended.

6.02.100 Display of Registration. Every licensee under this chapter shall:

- (1) Post and maintain such registration upon the premises in a place where it may be seen at all times;
- (2) Not allow any registration or special permit to remain posted, displayed or used after the period for which it was issued has expired, or when it has been suspended or revoked, or for any other reason become ineffective;
- (3) Not loan, sell, give, or assign to any other person or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession, except as authorized by the license officer or by law any registration which has been issued to the licensee.

6.02.110 Appeals.

- (1) Notification of Suspension, Revocation, or Denial. When the license officer determines that there is cause for denying, suspending, or revoking any license issued pursuant to this chapter, the officer shall notify the person holding such license by personal service or certified mail, return receipt requested, of the decision. Notice mailed

to the address on file shall be deemed received three business days after mailing. The notice shall specify the grounds for the denial, suspension or revocation. The suspension or revocation shall become effective 10 days from the date the notice is delivered or deemed received unless the person affected thereby files a written request with the license officer for a hearing before the city council within such 10-day period.

(2) Hearing Procedure. Upon written request as set out in subsection A of this section, the city council shall schedule and hold a hearing as soon as practicable. During the pendency of the hearing and until action by the city council, the action of the license officer shall be stayed. At the hearing, both the applicant or licensee and the city shall be entitled to present evidence. Upon completion of the hearing, the city council shall:

- (a) Accept the license officer's recommendation as presented; or
- (b) Determine no action is warranted; or
- (c) Modify the recommended action.

(3) Appeal from City Council. Appeal from a decision of the city council shall be to the Asotin County Superior Court and must be served and filed within 30 days of the decision of the city council. In the event the applicant or license holder does not follow the procedures within the time periods set forth in this section, the action of the city council shall be final.

SECTION III

Severability. 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.

Passed by the City Council of the City of Clarkston, Washington at a regular meeting thereof this _____ day of _____, 2012.

Kathleen A Warren, Mayor

Approved as to Form:

James Grow, City Attorney

Authenticated:

Vickie Storey, City Clerk

City of Clarkston
Public Works Director
829 5th St.
(509) 758-1662
(509) 769-6019fax

Memo

To: Council

From: James E. Martin, PWD

CC: Mayor Warren

Date: Aug. 23, 2012

Re: Nuisance Abatement, 814 11th St.

We have an opportunity to jump on the cleanup of the property I've been telling you about. I've received two quotes for the cleanup. King Services could begin Monday morning the 27th. Their quote came in nearly one half of another firm. \$6,800.15 for King Services compared to \$11,843.76 for CTR Cleanup & Total Restoration.

This being the case, with written permission of the owner, the mitigation will begin after he has the opportunity to remove any personal items from the home.

I am requesting a budget amendment for the amount of \$6,800.15 to cover the cleanup at this time. I'm sure this is just the beginning of the process and we will be discussing our next steps in the future.

Thanks,

Jim
