

**CITY OF CLARKSTON  
CITY COUNCIL AGENDA  
829 5<sup>th</sup> Street  
MONDAY, JULY 13, 2015**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. AGENDA CHANGES:**
- 4. APPROVAL OF MINUTES:  
June 22, 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 – no meeting**
  - C. Public Works – no meeting**
  - D. Administrative/Intergovernmental – July 7 and July 13**
  - E. Community Development – no meeting**
  
- 7. UNFINISHED BUSINESS:**
  - A. Ordinance No. 1542, Budget Amendment – 2nd Reading for Action**
  
- 8. NEW BUSINESS:**
  - A. Authorize Purchase of Software Updates for Utilities and Business License (F)**
  
- 9. COUNCIL COMMENTS**
- 10. MEDIA QUESTIONS**
- 11. EXECUTIVE SESSION: Litigation**
  
- 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**  
**June 22, 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 |

STAFF:

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

Mayor Warren said that Councilmember Manchester notified her he is out of town. Motion by Provost/Beadles to excuse Manchester's absence. Motion carried.

**AGENDA CHANGES:** Councilmember Beadles added Support Services Agreement to New Business. Councilmember Kolstad moved to add to Unfinished Business a motion to lift the ban on marijuana. Beadles said he feels like the council is being harassed. He doesn't believe the council should have to discuss this topic at every meeting. He said there are two court actions pending on this issue and the council shouldn't take any action until those cases are resolved. Kolstad asked for the attorney's guidance. City Attorney Grow said there should be a second to the motion before discussion. There was no second.

**APPROVAL OF MINUTES:**

MOTION BY BEADLES/PROVOST to approve the minutes of the June 8, 2015, Regular Meeting. Motion carried.

**COMMUNICATIONS:**

- A. From the Public:** Motion by Beadles/Blackmon to limit discussion of marijuana to 3 minutes per person and a total of 15 minutes per side. Motion carried, 3-2. Nash and Kolstad opposed. Kolstad said that since the topic will not be on the agenda, he doesn't see any point in having public comment. Councilmember Provost said one councilmember can't set aside a vote that has already been taken. Charles Beauchamp, 610 Sunrise Drive, said the legalization of marijuana was voted in by the people and he thinks it is just strange that Clarkston will not allow it. He said the valley is a beautiful place and he would like to see other things happen here also. He said he is adamant about people voting and having their voices heard. He said he doesn't want to vote, but right now he feels it is a waste of time.
- Thomas Martin, 421 11<sup>th</sup> Street, said it appears to him the council is breaking the law by banning marijuana. He referred to the oath taken by the councilmembers. He said the state has legalized marijuana and it is only the attorney general who has said cities can ban it. He said the majority of the Clarkton voters approved marijuana and that the council was elected to represent the people. He said the people who are against marijuana are uneducated and incorrect. He said he has not heard the supposed dangers of marijuana backed up by a reputable report. Martin said he objects to the city spending \$10,000 promoting winery tourism when alcohol is also a problem.
- Carina Kaman, 411 9<sup>th</sup> St, said she doesn't use pot, but has many friends who do and sees how it helps them. She said no one is making people smoke pot or even go inside the business. She doesn't understand why people who choose to use it shouldn't be allowed to. She said the city is forcing people who want to purchase pot go to Pullman and then bring it back illegally through Idaho.
- Nathan Betts, 2315 Rolling Hills Court, said he cares about the city and would never have voted for any of the council except Brain Kolstad. He said he is here to talk about freedom. He said what the council is doing is wrong and he hopes it troubles them when they try to sleep at night. He said he is the manager of Canna4Life and the council is keeping him from working a job that he is good at.
- Melissa Andrews, said the veterans served so people would have a vote. She said the council can overturn the ban. She asked why the council is against marijuana. She said the council is not opposed to raising prices on garbage, putting in roundabouts on Fleshman Way. But why won't they allow the sale of marijuana that would bring in revenue. She asked the council to explain why they are against

something that would bring in revenue.

Vaughn Wasem, said he saw a couple of councilmembers smirk when people were making their statements. He said he thinks some of the councilmembers have a personal agenda and they are standing in the way of business.

Thomas Martin, 421 11<sup>th</sup> Street, apologized to the city council for his outburst at the last meeting when he said the city hall doors were not handicap accessible. He said the doors meet the standard of accessible but he doesn't feel they are friendly to the handicapped. He then said the buttons for the crosswalks on 6<sup>th</sup> Street are not accessible to persons in wheelchairs. He said he gave information to PWD Martin and understands it would take permission from the state to make changes. He feels changes would be inexpensive and require mostly labor. Martin commented that he appreciates the information Mr. Martin provided. He said he would like to work with him to contact the state and see if changes can be made.

**B. From Mayor:** Mayor Warren said she will be out of town at the AWC conference the rest of the week.

**C. From Staff:** Chief Cooper shared information with the council on legal and illegal fireworks. He mentioned that the weather is predicted to be very hot and dry next week which raises the fire danger. Fireworks can only be discharged on July 3<sup>rd</sup> and 4<sup>th</sup> and on New Year's Eve. Information has been placed on the City's website.

Cooper added that we are close to reaching agreement for mutual aid with the neighboring communities.

#### **COMMITTEE REPORTS:**

**Finance:** Councilmember Provost reported the bills were reviewed and approved for payment. Total expenditures for June 22, 2015 of \$691,664.33. MOTION BY PROVOST/BLACKMON to approve the bills. Motion carried.

**Public Safety:** Committee met June 16, 2015. Councilmember Beadles said committee met with officials from City of Asotin to discuss a proposal to operate a combined municipal court. It is still in a discussion stage.

Chief Hastings said that the Victim Witness Coordinator has given notice and he has found a replacement. Chief Hastings asked for permission to surplus unclaimed bicycles. Committee heard the 2014-15 year ending report for the School Resource Officer.

Chief Cooper discussed the 2016 ambulance budget. Cooper updated the committee on mediation with the fire union.

**Public Works:** No meeting.

**Admin Committee:** Councilmember Nash said committee met June 22. Personnel issues were discussed.

**Community Development:** No meeting.

#### **UNFINISHED BUSINESS:**

**A. Interview Council Applicants and Make Appointment to Fill Vacancy**

MOTION BY BEADLES to ask each applicant to make a brief presentation about their background and their goals and then make an appointment.

MOTION BY KOLSTAD/NASH to table making an appointment since both applicants are running for election for this position and it would be unfair to appoint one at this time. He said Seattle has a policy of not appointing anyone to an office they are running for. Nash said he doesn't actually want to table an appointment but he doesn't want to bias the election by appointing one of those running for election. Mayor Warren commented that if council doesn't appoint within 90 days, the county commissioners would make an appointment. Councilmember Beadles said the application period was advertised and made public and council should follow through.

Councilmember Provost moved to call the vote. It was seconded by Blackmon. Motion carried 4-1, Kolstad opposed.

Alice White said she would remove her name from consideration if it would help. She feels the council seat needs to be filled and the citizens can decide who they want in the election.

Motion to table failed, 1-4; Beadles, Provost, Blackmon and Nash opposed.

Motion to move forward with interviews was seconded by Blackmon. Motion carried; 4-1, Kolstad opposed.

Monika Beauchamp, 610 Sunrise Drive, said her background was included in her application. She moved out of the valley after high school and went to college. She has a BS in anthropology and one in French. She was involved in the community when she lived in Spokane. She worked with Eastern WA. Voters to help get people to vote and served on the steering committee of the Smart Justice Committee, working to find better solutions to jail for certain offenders; also with Washington Community Action Network. She said she feels would be a good representative for Clarkston and feels more young people need to be involved and would like to help make that happen. She said there wasn't a lot to do here when she was growing up and would like to see more interesting activities for the youth. She would like to see the city begin a curbside recycling program. She said she has good experience with Robert's Rules of Order. Nash asked how much time she would have to participate. Beauchamp said she works part time at FedEx, Thursday, Friday and Saturday, and has a good amount of free time. She offered that she is pregnant but doesn't feel that would constrain her in any way.

Alice White, 742 13<sup>th</sup> Street, said she has lived in the valley since 1973 and her children attended school here. She has served on the Valley Christian Aid Network board for many years. She serves on the RSVP board working with volunteers. She is a chaplain at the county jail. She has a BS in business administration and has worked in that field for 15 years. White said she has experience in a lot of different areas. She said she would love to serve on this council and bring the benefit of her experience to the council. She would like to work together to solve issues. Nash asked how much time she has to contribute. She said her work time is flexible and she can make her schedule work with the needs of the council.

MOTION BY BEADLES/PROVOST to appoint Alice White to the vacant position. Kolstad said he doesn't see how council can choose one of these applicants since both are running for the office. Motion carried; 4-0-1, Kolstad abstained. Councilmember Blackmon said it would have been good to have applicants who are not on the ballot, but since there were not, a choice needed to be made. The voters will have the opportunity to make their choice in November.

The oath of office was administered to White and she was seated with the council.

**B. Ordinance No. 1541, Adopting Standards for Public Defender Services – 2<sup>nd</sup> Reading for Action.**

Ordinance No. 1541 was read by title. MOTION BY BEADLES/PROVOST to adopt Ordinance No. 1541. Beadles said he doesn't like that the city attorney can't have input on who the city appoints as public defender, but that is what the law requires. Motion carried.

**NEW BUSINESS:**

**A. Resolution No. 2015-07, Surplus Bicycles**

Resolution No. 2015-07 was read by title. MOTION BY BEADLES/PROVOST to approve Resolution No. 2015-07. Beadles commented that the bikes are unclaimed property and they go to the Boys and Girls Club and are given to children who need them.

Tom Martin asked if there was handicapped equipment in the list of items. Chief Hastings said there were a couple of wheelchairs that would probably go to St. Vincent DePaul for distribution. Motion carried.

**B. Local Agency Agreement Supplement, 13<sup>th</sup> Street Project**

PWD Martin suggested that Item B and C could be rolled together. He explained that the project experienced some large cost overruns. He said that Asotin County administered the project and they use a different process than we are used to for change orders. He said the county tallies bid items on the spreadsheet, but they don't necessarily process a change order for those quantity changes. Martin explained

that one large item was when driveways were replaced it was discovered that the slope was too great to meet ADA requirements and sidewalks had to be extended an additional 30 feet for each one. Martin said the bottom line is that we would need to have an additional \$10,000 in matching funds. A supplement to the Federal funding will provide the balance of the funding. City match is 13.5%. MOTION BY BEADLES/NASH to authorize the mayor to sign the supplement agreement. Motion carried.

**C. Change Order Approval, 13<sup>th</sup> Street**

**D. Resolution No. 2015-08, Interfund Loan to Street Fund for 13<sup>th</sup> Street Project**

Resolution No. 2015-08 was read by title. MOTION BY BLACKMON/BEADLES to approve Resolution No. 2015-08. Motion carried, 5-1; Kolstad opposed.

**E. Ordinance No. 1542, Budget Amendment – 1<sup>st</sup> Reading**

Ordinance No. 1542 was read by title.

**F. Support Services Agreement, Victim Witness Advocate**

Councilmember Beadles explained that the city receives a grant to provide an advocate for domestic violence victims. The contractor has given notice and Chief Hastings has found a replacement. MOTION BY BEADLES/PROVOST to approve the agreement with Dawn Bereth. Motion carried.

**COUNCIL COMMENTS:**

Councilmember Beadles said people said it keeps be stated that “the people voted for it”, but he said that this is a republic and the people vote for representatives to make laws. He used Congress as an example. The City has the right to make the decision on whether to allow marijuana. He said he sends emails and letters to Congress, but they don’t always do what he wants either. He said the council is doing the best they can.

**MEDIA QUESTIONS:**

John Michael of the Daily Fly, asked Beadles if the council could decide to lift the ban even though there is legal action going on. Mayor Warren said there are two actions pending, the lawsuit against the city and the charges for operating a business without a license.

City Attorney Grow said he would advise council not to discuss the legal issues.

He asked Beadles to explain his earlier comment that he felt harassed and something sinister was going on. Beadles did not comment.

**EXECUTIVE SESSION: Negotiations**

Council went into Executive Session at 8:24 p.m. to discuss union negotiations. Session was extended an additional 5 minutes. Council returned to open session at 8:48.

**ADJOURNMENT:**

Meeting adjourned at 8:49 p.m.

\_\_\_\_\_  
Vickie Storey, City Clerk

\_\_\_\_\_  
Kathleen A. Warren, Mayor

|                                  |   |              |
|----------------------------------|---|--------------|
| Total Fund Expenditures, 6/22/15 | Ck # 59355, 61, 62, May 2015<br>Excise, 59384-59439 | \$543,787.21 |
| Total Fund Expenditures          |   |              |
| Payroll, 6/15/15                 | Ck # 59363-83                                       | \$132,302.35 |

ORDINANCE NO. 1542

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, AMENDING ORDINANCE NO. 1536 WHICH ADOPTED THE 2015 BUDGET, AND AUTHORIZING THE NECESSARY ADJUSTMENTS.

WHEREAS, the City Council has determined that the 2015 budget should be amended to take into account variations in actual revenues and expenditures from those projected at the time of adoption of the 2015 budget, now therefore,

THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Budget Amended. Section 2 of Ordinance No. 1536 passed by the City Council on December 22, 2014, shall be increased and amended as follows:

|                           | EXPENDITURES   | OTHER FINANCING USES |
|---------------------------|----------------|----------------------|
| CURRENT EXPENSE (001)     | 5,281          |                      |
| CURRENT EXP RESERVE (004) |                | 205,000              |
| STREET FUND (103)         | 221,000        |                      |
| STREET RESERVE (105)      | 0              | 30,000               |
|                           |                |                      |
|                           |                |                      |
| <b>TOTALS</b>             | <b>226,281</b> | <b>235,000</b>       |

Section 2. Duties of City Treasurer. The City Treasurer of the City of Clarkston, Washington, is authorized to make the necessary changes to the 2015 budget on or before December 31, 2015, as set forth in attached Exhibit A.

Section 3. 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 portion of this ordinance.

Section 4. Effective Date. 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 the 13th day of July, 2015.

Authenticated:

\_\_\_\_\_  
Kathleen A. Warren, Mayor

\_\_\_\_\_  
Vickie Storey, City Clerk

**BUDGET AMENDMENT No 2 - 2015  
ORDINANCE NO. 1542**

| Account Description       | Adopted Bdgt | Amendment   | Amended Bdgt | Explanation                   |
|---------------------------|--------------|-------------|--------------|-------------------------------|
| <b>GENERAL FUND</b>       |              |             |              |                               |
| 001 000 001 367 11 20 00  | \$ -         | \$ -        | \$ 1,500     | Walmart Contribution          |
| 001 000 001 395 20 00 00  | \$ -         | \$ 3,781    | \$ 3,781     | Patrol Car                    |
| <b>TTL REVENUES</b>       | \$ -         | \$ 5,281    | \$ 5,281     |                               |
| 001 000 060 521 10 35 00  | \$ 3,250     | \$ 1,500    | \$ 4,750     | Walmart Contribution          |
| 001 000 060 521 10 48 20  | \$ 12,500    | \$ 3,781    | \$ 16,281    | Insurance Repair, Explorer    |
| <b>TTL EXPENDITURES</b>   | \$ 15,750    | \$ 5,281    | \$ 21,031    |                               |
| <b>CE RESERVE</b>         |              |             |              |                               |
| 004 999 041 581 10 00 00  | \$ -         | \$ 205,000  | \$ 205,000   | Loan to Street Fund           |
| <b>STREET FUND</b>        |              |             |              |                               |
| 103 000 130 333 20 21 00  | \$ 674,700   | \$ 191,000  | \$ 865,700   | Funding increase for 13th St  |
| 103 000 130 397 42 00 50  | \$ -         | \$ 30,000   | \$ 30,000    | cover 13th St                 |
| 103 999 130 381 10 00 00  | \$ -         | \$ 205,000  | \$ 205,000   | 13th ST                       |
| <b>TTL REVENUE</b>        | \$ 674,700   | \$ 426,000  | \$ 1,100,700 |                               |
| 103 000 132 595 10 41 13  | \$ 25,000    | \$ 9,000    | \$ 34,000    | Increase based on Fed Funding |
| 103 000 132 595 30 63 00  | \$ 790,000   | \$ 212,000  | \$ 1,002,000 | Project Increase, 13th St     |
| <b>TTL REVENUES</b>       | \$ 815,000   | \$ 221,000  | \$ 1,036,000 |                               |
| <b>STREET RESERVE</b>     |              |             |              |                               |
| 105 000 133 597 42 00 50  | \$ -         | \$ 30,000   | \$ 30,000    | Fund 13th St                  |
| 105 000 133 508 80 00 00  | \$ 75,886    | \$ (30,000) | \$ 45,886    | Adjust End Bal                |
| <b>TTL EXPENDITURES</b>   | \$ 75,886    | \$ -        | \$ 75,886    |                               |
| <b>TOTAL EXPENDITURES</b> | \$ -         | \$ 226,281  | \$ 226,281   |                               |
| Other financing           | \$ -         | \$ 226,281  | \$ 226,281   |                               |

# Memo

**To:** Council

**From:** Vickie Storey

**Date:** 7/9/2015

**Re:** Software update

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## Message

In 2010 we updated the software that we use to do the financial accounting and the payroll. In 2012 we added a cash management element.

The time has come to update the Utility Billing and Business License software to be completely compatible with the existing software. To that end, Gerri and I went to Spokane to view a demo of the two programs and evaluate whether we are ready to make the change.

Since our systems do not “talk” to each other now, there is a lot of manual entry that is done each day.

In addition, we have many requests for on-line payment capability. The new software update, as proposed, would make all our major systems compatible and current. It would also allow us to have on-line bill presentment and on-line payment capability. With on-line bill presentment (paperless billing), we would be able to reduce the number of bills we print and mail out each month. The cost for on-line bill presentment is \$.40 per month for each account that is generated on-line. That eliminates the cost of printing, the paper statement, the envelope, the time spent stuffing the envelope and the postage. Estimated cost of printing a mailing a statement is about \$1.25 for each statement. The on-line billing information can be updated regularly so the customer can have access to current account activity.

There are two options for the credit card fees. We can continue to absorb the fees, as we do now. This runs between \$300 and \$350 per month. Most is charged to utilities since that is the bulk of the payments. The other option is to charge a “convenience fee” as most government agencies do, to cover the cost of processing fees. Anticipated fee for the customer would be \$2.95 for a payment of up to \$250. The convenience fee model would cover the cost of all the credit card processing fees. This is a decision that will need to be made before we got too far into the set-up process, but not right now. Customers will always have the option to pay by check or through their bank’s on-line bill payment option without incurring this extra convenience fee.

I am asking that the council authorize the mayor to sign the agreement with Vision Municipal Services for the purchase and installation of the new software and conversion of our existing system into the new platform. Total purchase price is \$15,400. Of that, \$11,900 is directly related to utilities and would be split between Sewer, Sanitation and Stormwater. The remaining \$4,500 would be charged to Current Expense and be funded by the Vehicle and Equipment replacement fund. A budget amendment will be required to cover the cost.



Vision Municipal Solutions, LLC  
PO Box 28429  
Spokane, WA 99228  
Phone (509) 315-8845 Fax (888) 223-6007  
Website: www.visionms.net Email: info@visionms.net

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**Vision Software and Professional Services for:  
The City of Clarkston**

| <b><u>Software:</u></b>                          | <b><u>Cost</u></b>  | <b><u>Software Assurance</u></b> |
|--|---------------------|----------------------------------|
| Vision Utility Billing                           | \$8,000.00          | \$1,200.00                       |
| Vision Business Licenses                         | \$4,000.00          | \$600.00                         |
| Vision EBPP Module                               | \$2,500.00          | \$375.00                         |
| Vision Reporting Services                        | <u>Included</u>     | <u>Included</u>                  |
| Total Software                                   | <b>\$14,500.00</b>  | <b>\$2,175.00</b>                |
| <b>Preferred Customer Discount</b>               | <b>- \$1,000.00</b> |                                  |
| <b>Total Amount</b>                              | <b>\$13,500.00</b>  |                                  |
| <br>   |                     |                                  |
| <b><u>Professional Services:</u></b>             |                     |                                  |
| Conversion of ASP Business Licenses              | \$500.00            |                                  |
| Installation Services (Not subject to sales tax) | <u>\$1,400.00</u>   |                                  |
| Total Professional Services                      | <b>\$1,900.00</b>   |                                  |
| <b>GRAND TOTAL</b>                               | <b>\$15,400.00</b>  |                                  |

**Contract Notes:**

1. Travel expenses will be billed after scheduled Software is installed.
2. Sales and use tax applies to all quoted Software and professional services. Sales and use tax does not apply to installation services.
3. Microsoft SQL Server 2008 R2 Standard Edition or higher is required for Software. If the Licensee owns Microsoft SQL Server, this can be set up for Software. If Licensee needs to purchase Microsoft SQL Server, the approximate cost is \$800 for the initial license and \$200 for each additional user.
4. Sale of Software is subject to the below described Software License Agreement.



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## Software License Agreement between The City of Clarkston and Vision Municipal Solutions, LLC

This Software License Agreement ("Agreement") is made by and between **Vision Municipal Solutions, LLC** ("Developer") and **The City of Clarkston** ("Licensee").

Developer has developed and licenses to users its Software programs marketed and sold under the name "Vision Financials" and/or "Vision Reporting Services" (collectively, "Software").

Licensee desires to utilize a copy of the Software.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, Developer and Licensee agree as follows:

**1. License:**

Developer hereby grants to Licensee a perpetual, non-exclusive, non-transferable, and irrevocable license to use the Software at The City of Clarkston, on the terms, and subject to the conditions, set forth herein.

**2. Restrictions:**

Licensee shall not modify Software source code, duplicate, copy, or reproduce Software, or transfer or convey Software, or any right in Software, to any third party without the express, prior written consent of Developer. Notwithstanding the foregoing, Licensee may make copies of Software for backup or archival purposes.

**3. License Fee:**

For and in consideration for the grant of the herein license and the use of Software, Licensee agrees to pay Developer the sum of \$13,500.00 plus any and all applicable sales or use tax.

**4. Warranty:**

A. Developer hereby represents and warrants to Licensee that Developer is the sole owner of the Software or otherwise has the right to grant to Licensee the rights to use Software.

B. For a period of one year (365 days) following the installation of Software to Licensee, Developer warrants that Software shall perform in all material respects according to Developer's specifications. In the event of any breach or alleged breach of this warranty, Licensee's sole and exclusive remedy shall be that Developer shall correct Software so that it operates according to the warranty. This warranty shall not apply if (i) Software is in anyway modified by Licensee, (ii) if Software is used improperly, including, without limitation, improper data entry, (iii) Software is not used with appropriate computer equipment, or (iv) if Software is used on operating systems or environments not approved by Developer.



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Website: [www.visionms.net](http://www.visionms.net) Email: [info@visionms.net](mailto:info@visionms.net)

**5. Annual Software Assurance Program Schedules:**

The Software Assurance Program includes telephone support, email support, and on-line programs provided by Developer and product updates and enhancements to include any standard reports added to the system. Licensee will be required to have a high speed internet connection for Software updates and allow Developer the right to remote access for program updates and maintenance work when required. As part of the Software Assurance Program, Developer shall provide to Licensee any new, corrected, or enhanced versions of Software as created by Developer. Such enhancements shall include, but shall not be limited to, all modifications to Software that increase the performance, efficiency, or ease of use of the Software, or add additional capabilities or functionality to the Software. "Enhancements" do not include any customizations to Software requested by Licensee, which shall be quoted on a per-job basis at Developer's then hourly rate (currently, \$125.00 per hour, but such rate is subject to change).

In the year of Software installation, the Software Assurance amount listed on page 1, will be pro-rated for the remainder of that year. After the year of Software installation, Developer shall bill Licensee on an annual basis, payable in advance, for the Software Assurance Program, at Developer's then current rates.

**6. Payment and acceptance:**

Payment for Software, hardware, and installation services shall be made by Licensee after all items contracted for have been delivered and Licensee has deemed all Software, hardware, and installation services delivered and accepted.

**7. Time Payment Schedule:**

Developer will bill Licensee in January of each year pursuant to such schedule, including then applicable sales and use tax. Licensee may at any time prepay without penalty or premium all amounts due under the payment plan.

If Licensee elects to terminate its agreement for software and services with Developer, all remaining amounts under the payment plan for Software, if any, are immediately due and payable, along with then applicable sales or use tax. The Software Assurance Program shall then immediately terminate and Developer shall not bill Licensee for any future years, nor shall Developer refund Licensee any amounts.

**8. Limitation of Liability:**

Developer shall not be responsible for, and shall not pay, any amount of incidental, consequential, or other indirect damages, whether based on lost revenue or otherwise. In no event shall Developer's liability hereunder exceed the amount of license fees paid by Licensee regardless of whether Licensee's claim is based on contract, strict liability, or product liability.



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Spokane, WA 99228

Phone (509) 315-8845 Fax (888)223-6007

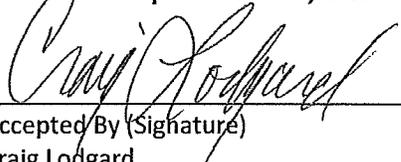
Website: [www.visionms.net](http://www.visionms.net) Email: [info@visionms.net](mailto:info@visionms.net)

**9. Installation Travel Expenses billed to the customer:**

Licensee shall reimburse Developer for any and all travel expenses associated with the installation of Software at Licensee's site. If Developer uses Developer's vehicles (or Developer's employees use personal vehicles) Licensee shall reimburse Developer for mileage at then applicable IRS rates. If Developer (or employees of Developer) use a rental car, Licensee shall reimburse Developer for the actual rental car rate and actual gas charged. Licensee shall reimburse Developer for any and all per diem charges at the then current state published rate. Licensee shall reimburse Developer if Developer's employees are required to stay overnight.

**Acceptance of Agreement:**

**Vision Municipal Solutions, LLC.**

  
\_\_\_\_\_  
Accepted By (Signature)  
Craig Lodgard  
\_\_\_\_\_  
Printed Name  
Managing Member  
\_\_\_\_\_  
Title:  
6/25/2015  
\_\_\_\_\_  
Date

**City of Clarkston**

\_\_\_\_\_  
Accepted By (Signature)  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Title  
\_\_\_\_\_  
Date