

# CLARKSTON CITY COUNCIL MINUTES

May 27, 2014

## COUNCIL:

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

## STAFF:

Chief Hastings  Clerk Storey  City Attorney Grow  PWD Martin

Motion by Beadles/Nash to excuse Councilmember Blackmon.

## AGENDA CHANGES:

Councilmember Beadles asked to add authorization of a letter of appreciation under New Business.

APPROVAL OF MINUTES: MOTION BY BEADLES/MANCHESTER to approve the minutes of the May 12, 2014, Regular Meeting. Motion carried, 5-1, Kolstad abstained.

## COMMUNICATIONS:

### A. From the Public:

Connie Hawkins, 950 Vineland Drive, said the moratorium on marijuana has been in effect for a year and a half. She is interested in seeing if medical marijuana can help her. She said waiting another six months is a hardship and a lot of pain for a lot of people. She thinks it is unreasonable to take another six months to decide on the issues and take action.

Councilmember Beadles explained that medical and recreational marijuana are two different issues. He suggested she speak with her doctor. City Attorney Grow commented that there are many medical marijuana cards in the city, so there must be doctors issuing them. Mayor Warren added that the city is looking at regulations for recreational marijuana, not medical marijuana.

Councilmember Kolstad said there are many conditions that you can't get a medical marijuana card for. It might require visiting a doctor from out of the area and there is

Lawrence Casciato, no address given, said within three houses of his front door someone is growing and selling marijuana and others are using it. He said it is all over the valley and wonders why there is a moratorium since its use is so prevalent.

Jill Eckberg, 1126 5<sup>th</sup> Street, congratulated the council on their progress on the automated garbage process. Eckberg said she thinks the TBD and \$20 fee is a way to nickel and dime to fix potholes. She suggested a fuel tax or property tax increase. She said there has been a little progress with the vehicles in her neighborhood that she has complained about previously. She commented there are still cars in her neighborhood that are licensed in Idaho. There is also a pickup filled with junk, a boat that hasn't been licensed since 2008. She addressed weed problems, suggested an informative insert be put in the utility bills each month.

Marvin Jackson, 1148 5<sup>th</sup> Street, Port Commissioner, said he provided a letter to each of the councilmembers. He said he has been concerned for several years about the condition of the city. He previously owned a weed spraying business and spent many years spraying weeds. He asked who is minding the city? He suggested someone on the council could be overseeing things. He said many cities are better cared for than Clarkston. He said he has never seen any of the council at a Port meeting. He commented that the Port is bringing in new jobs.

Lawrence Casciato said he has lived here for fifteen years. He commented that this is a safe town but you don't see people walking around in the evenings. He said there should be concerts in the park or other activities to bring people out. He asked who to talk to about getting events started. Councilmember Nash suggested he talk to Community Development committee.

### B. From the Mayor:

### C. From Staff:

## COMMITTEE REPORTS:

**Finance:** Councilmember Provost reported the bills were reviewed and approved for payment. Total expenditures for May 12, 2014, of \$251,782.80. MOTION BY PROVOST/BEADLES to approve the bills. Motion carried.

Provost said the committee also reviewed the annual financial report for 2013. He said it was a very clean report and there were no discrepancies noted.

**Public Safety:** No meeting.

**Public Works:** No meeting

**Admin Committee:** Councilmember Manchester said committee met on May 27. There was nothing to report.

**Community Development:** No meeting.

**PUBLIC HEARING:**

**Public Hearing on the Extension of a Moratorium on Recreational Marijuana Related Businesses**

Mayor Warren opened the public hearing at 7:25 p.m.

PWD Martin stated that the Planning Commission met on May 19. They voted to recommend an extension of the moratorium while they continue to review a couple of issues, but expect to make a recommendation to the council soon. He feels the process could be completed within three months.

Councilmember Kolstad said that he will not be voting because of his relationship with an applicant. He asked whether a moratorium that has expired can be extended. City Attorney Grow said he spoke with MRSC today. There might be some question if an application had been received between the expiration of one and the extension. But there is no reason the moratorium cannot be extended while the zoning issues are resolved.

Sherry Grant, 508 Sycamore, said she is very familiar with addiction because of her work experience. She thanked the council for taking a careful approach. She said the more it is out there, the more normal it seems. Kids will do what they see adults do. She said legalizing it will not stop the black market. She urged the council to look what is happening in other areas and do some research before making a decision.

Connie Hawkins, 950 Vineland Drive, Apt 39, commented that alcohol has probably destroyed more lives than any other drug and is now more readily available since it was privatized. She said she doesn't see what the big difference is with marijuana. She said alcohol was responsible for 89,000 deaths last year. She has not seen any statistics on marijuana. She said kids will obtain it regardless. Councilmember Provost asked Mrs. Hawkins if she was for or against marijuana. She said she is for it.

Marvin Jackson, 1148 5<sup>th</sup>, said he takes several elderly people out for coffee most days. One of them is in constant pain. He obtained a prescription for marijuana and said he is able to sleep now. Jackson said there are many uses for medical marijuana. It would be regulated and labeled and better than buying on the black market where you don't know what you are getting.

David Domolecny, 1430 Chestnut, said he is opposed to marijuana. He said I-502 does not address medical marijuana, so medical users have certain resources to obtain it, including the black market. He commented that there seems to be no tracking for those who purchase to keep people from purchasing multiple times a day.

Matt Plemmons, 1316 12<sup>th</sup> Street, said he attended the Planning Commission meeting last week. He said they seemed to be set against an area on Highland Ave that is a location he was interested in. He has since researched other locations that would be outside the buffer zone and in the area that appears to be an area that the Planning commission is considering allowing.

Jill Eckberg confirmed that the taxes collected will not come to the city. She said she doesn't think the moratorium should drag on forever. Eckberg said parents should be policing their own children and the kids shouldn't be used as an excuse. She believes there would be opportunities in tourism.

Kelly Jackson, a retail applicant, disputed that the city won't get any funding. He believes there is money for law enforcement. He has heard that cities that ban marijuana won't get any tax revenue. He said the day that the growers, processors and retail stores open, 80 new jobs will be created. Jackson said the regulations require security, traceability, sales, and management for retail stores and that doesn't address the growing and processing.

Melissa Welter, representing EPIC, thanked the council. She said extending the moratorium does not appear to be popular. Welter asked Chief Hastings if a search warrant is needed to take a blood test for a marijuana DUI. Hastings said it would be. He estimates it will take about one and a half hours to process a DUI. She again expressed concern about the edibles and children obtaining them. She suggested that at least edibles be banned.

Mayor Warren asked Chief Hastings about the tax revenue. Hastings said the city will get the normal sales tax that comes from any retail sale. None of the excise tax will come directly to the city.

Councilmember Kolstad commented that the majority of Clarkston voters voted in favor of I-502. He asked who on the council is looking out for those voters. He commented that it appears fear and morality are being used to make a decision and doesn't feel that has any place in the discussion. He thinks the council is failing in its responsibilities to the voters.

Councilmember Beadles said the city needs to be cautious. He said the city needs to get it right to minimize the consequences.

Councilmember Nash said most people has talked to seem to be in favor of medical marijuana and he

Councilmember Provost said that it seems wrong that the council should represent those who voted in favor and not those who did not.

Rob Sinner, 1333 Maple, said he didn't vote for our president, but it doesn't make him any less the president. He said the cannabis law has already been adopted, so it is wrong of the council to try to legislate morality. He commented any number of new jobs in Clarkston would be a good thing.

The public hearing was closed at 8:03 p.m.

**UNFINISHED BUSINESS:**

**A. Ordinance No. 1522, Authorizing Acquisition & Financing of Fire Engine – 2<sup>nd</sup> Reading**

Ordinance No. 1522 was read by title. MOTION BY BEADLES/BAUMBERGER to approve Ordinance No. 1522. Motion carried.

Break at 8:05 to change the recording disk.

**B. Ordinance No. 1523, Authorizing Acquisition & Financing of Refuse Truck – 2<sup>nd</sup> Reading**

Ordinance No. 1523 was read by title. Clerk Storey said the total amount was increased to \$240,000 to cover some additional totes. MOTION BY BAUMBERGER/PROVOST to approve Ordinance No. 1523. Motion carried.

**C. Ordinance No. 1524, Extending Moratorium on Recreational Marijuana Related Businesses – 2<sup>nd</sup> Reading**

Ordinance No. 1524 was read by title. MOTION BY PROVOST/BEADLES to approve Ordinance No. 1524. Motion carried, 4-1-1; Baumberger opposed, Kolstad abstained.

**D. Ordinance No. 1525, Establishing a Transportation Benefit District – 2<sup>nd</sup> Reading**

Ordinance No. 1525 was read by title. MOTION BY BAUMBERGER/BEADLES to approve Ordinance No. 1525. Motion carried, 5-1, Kolstad opposed.

**E. Ordinance No. 1526, Pocketinet Franchise – 2<sup>nd</sup> Reading**

Ordinance No. 1526 was read by title. MOTION BY BEADLES/NASH to approve Ordinance No. 1526. Motion carried.

**F. Letter of Appreciation**

MOTION BY BEADLES/KOLSTAD requesting the mayor to send a letter of appreciation to Kris Rathbun for the murals at Beachview Park.

**NEW BUSINES.**

**COUNCIL COMMENTS:**

Baumberger said Public Works Committee will be reviewing the steps to move forward with the TBD. Provost said he will not be here for the next council meeting.

**MEDIA QUESTIONS:**

**EXECUTIVE SESSION: - Negotiations**

Council adjourned to executive session at 8:15 p.m. to discuss negotiations. Anticipated length of session is 5 minutes and there will be no decisions as a result. Council returned to open session at 8:21 p.m.

**ADJOURNMENT:**

PWD Martin commented that staff does address complaints as they come to us, but we can't fix something that we don't know about. .

Meeting adjourned at 8:23 p.m.

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Vickie Storey, City Clerk

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Kathleen A. Warren, Mayor

Total Fund Expenditures, 5/27/14	CK #56514, 56539-78, 4/2014 excise	\$121,612.66
Payroll, 5/15/14	Ck #56515-38	\$251,782.80