

CLARKSTON CITY COUNCIL MINUTES
December 14, 2015

COUNCIL:

Beadles
 Provost
 Blackmon

Nash
 Kolstad

Campbell

STAFF:

Chief Hastings Chief Cooper Clerk Storey City Attorney Grow PWD Martin

Belinda Campbell and Monika Beauchamp were administered the oath of office and seated at the council table.

AGENDA CHANGES: Councilmember Provost added an addendum to Unfinished Business to correct the effective date on the court contract.

APPROVAL OF MINUTES:

MOTION BY BEADLES/PROVOST to approve the minutes of the November 23, 2015, Regular Meeting. Motion carried.

COMMUNICATIONS:

A. From the Public:

Tom Martin, 421 11th Street, asked how Mr. Richardson can be appointed city attorney without conflict of interest as he is opposed to cannabis. He asked why a few of the council is pushing a dead horse in fighting cannabis. Martin commented on the amount of tax revenue he believes Pullman and Whitman County will receive and said some of that money should be coming to the city. He said both businesses have a license and those fees have not been refunded. He said the closing of the marijuana shops has hurt him because he cannot obtain the tincture that he uses.

Steve Porter, 928 9th Street, said he is a 502 license holder and producer and looks forward to changes with the new council.

Kelly Jackson, 1045 Liberty, said he received a letter from the City denying him a medical marijuana license. He said if he doesn't respond to it he hasn't done his obligations. He said everything in the letter is bogus and a new letter that is more accurate should be written. Jackson said his store opened in May and the City sent in an undercover police officer. Jackson accused the officer of vandalizing his building by putting out a cigar on the building and believes that is an ethics violation under the City's ethics code. Jackson said he has it all on film and it won't look good for the officer or the city. He said it is something that everyone should just want to have go away. He accused city attorney Richardson of sending the officer and stated that everyone involved will lose their jobs as a result.

James Evans, 1115 Highland, said there is a simple way for the ban to go away. He accused the council of tyranny and taking away the vote of the people. Evans commented on the dangers of alcohol and tobacco. He said a person has to present identification to just enter a marijuana store, but anyone can pick up a case of beer.

B. From the Mayor:

C. From Staff:

PWD Martin said he reported at the last meeting that the Sycamore Street project was completed, but neglected to ask for official acceptance of the project. MOTION BY BEADLES/BLACKMON to accept.

COMMITTEE REPORTS:

Finance: Councilmember Provost reported that committee has reviewed the bills. MOTION BY PROVOST/NASH to approve the November 30, 2015 invoices for \$1,159.63 and the December 14, 2015 invoices for \$715,472.18. Motion carried.

Public Safety: Councilmember Beadles reported on the December 1 meeting. Chief Hastings reported that an animal control officer has been hired, who is also a reserve officer and can provide backup if needed. Officers will be providing traffic control for the Christmas parade on the 5th.

Chief Cooper discussed the regional SCBA grant application. He is also working on a grant for thermal cameras. Cooper explained how firefighters work with displaced residents after a fire.

Dick Jones applied to continue serving on the Public Safety Committee.

Public Works: No meeting.

Admin Committee: Councilmember Nash reported that committee discussed the attorney contract with Mayor Warren and Mayor-elect Lawrence.

Community Development: Councilmember Nash said committee met on December 1. Clerk Storey explained the process to repeal the \$20 vehicle license fee. Department of Licensing needs about four months lead time to discontinue the billing. An ordinance to start the process is on the agenda.

Tricia York is a new citizen member on the committee. There was discussion on the responsibilities of the committee and ideas for future discussion.

UNFINISHED BUSINESS:

A. Ordinance No. 1549, 2/10 Percent Sales Tax for TBD, 2nd Reading for Action

Ordinance No. 1549 was read by title. MOTION BY NASH/PROVOST to adopt Ordinance No. 1549. Motion carried.

B. Ordinance No. 1550, 2106 Budget, 2nd Reading for Action

Ordinance No. 1550 was read by title. MOTION BY BEADLES/PROVOST to adopt Ordinance No. 1550. Motion carried.

C. Ordinance No. 1551, Amend CMC 2.44, 2nd Reading for Action

Ordinance No. 1551 was read by title. MOTION BY PROVOST/BEADLES to adopt Ordinance No. 1551. Motion carried.

D. Ordinance No. 1552, Sewer Rates, 2nd Reading for Action

Ordinance No. 1552 was read by title. MOTION BY NASH/BEAUCHAMP to adopt Ordinance No. 1552. Motion carried.

E. Ordinance No. 1553, Sanitation Rates, 2nd Reading for Action

Ordinance No. 1553 was read by title. MOTION BY PROVOST/BEADLES to adopt Ordinance No. 1553. Motion carried.

F. Addendum to District Court Contract

Clerk Storey explained that council had previously approved a new contract with Asotin County for district court services and agreed that the new rate would be effective January 1, 2015. However, the agreement presented and signed did not include an effective date. Storey brought that to the attention of the county commissioners and this addendum adds the effective date. MOTION BY PROVOST/NASH to approve the addendum to the district court contract. Motion carried.

NEW BUSINESS:

A. Reappoint Dick Jones to Public Safety Committee

MOTION BY BEADLES/ PROVOST to appoint Dick Jones to Public Safety Committee for 2016. Councilmember Beauchamp asked if Jones was the only applicant. He is the only applicant, however there is not a limit to the number of citizen representatives who could serve. Motion carried.

B. Ordinance No. 1554, Repealing Ordinance No. TBD 002, \$20 Vehicle License Tab Fee, 1st Reading

Ordinance No. 1554 was read by title.

C. Ordinance No. 1555. Budget Amendment, 1st Reading

Ordinance No. 1555 was read by title.

D. Contract for Professional Services, The Wesley Group

MOTION BY PROVOST/BEADLES to approve the contract with The Wesley Group. Provost commented that the fee is not increasing. Motion carried.

E. Mayor's Appointment & Contract for Professional Services, City Attorney

Mayor Warren reported that based on experience and knowledge of City operations, she is appointing Todd Richardson as City attorney to replace Jim Grow who has submitted his resignation effective December 31. MOTION BY BEADLES/BLACKMON to confirm the appointment of Todd Richardson. Beadles commented that Richardson works well with the court system and has served the city well in his association with Grow.

Councilmember Beauchamp said as far as she knows there were three applicants, Elizabeth Hallock, Rick Laws and Todd Richardson. She said she feels that appointing Richardson is just perpetuating the things that are going on. She said Hallock has quite a bit of experience. Warren said her main reasons for eliminating Hallock are that she lives on the opposite side of the state and is not available immediately. Beauchamp asked why Laws was not chosen. Warren replied primarily because of the lawsuit against the city and that he does not have the level of experience that Richardson does. Beauchamp commented that she doesn't have any experience as a council person, but here she is. She said just because you haven't done something before doesn't mean that is a requirement to be in that job. Beauchamp said she doesn't think Richardson should be the city attorney and if he gets approved that by the first of the year he is not going to be kept as attorney. She said a decision should be tabled. Councilmember Blackmon said that regardless of what his personal views are, his job is to not to interpret his opinion on things, but to represent the city on legal matters. Beauchamp said the mayor just said Rick Laws wasn't considered because he has a lawsuit against the city. Beauchamp said she feels Richardson is being chosen because he is anti-cannabis. Mayor Warren said that did not enter into her decision. Warren said it is because Laws is engaged in a lawsuit against the city and it doesn't matter what the lawsuit is about, she doesn't think an attorney who is suing the city should be its attorney. Beauchamp said if the ban gets overturned it will change the situation with the lawsuit and it may no longer be a conflict at that point. Beauchamp said she thinks it should be tabled for the next meeting. Councilmember Beadles called for the question. Councilmember Kolstad seconded Beauchamp's motion to table. Provost and Blackmon seconded the motion to call the question. Clerk Storey advised that the motion should be to postpone, not to table. Beauchamp moved to postpone the appointment of Richardson, second by Kolstad. Kolstad added that the Clarkston voters have spoken and don't want the same old thinking. He said it has nothing to do with Richardson's competence, it has to do with direction the new council would like to take. He said Richardson is a competent attorney and would serve the city well. He said the new council should determine who their legal counsel will be. He doesn't believe there are any legal ramifications to not having an attorney appointed by the first of the year. City Attorney Grow asked who would prosecute the criminal cases until a new attorney is hired. Kolstad asked what would happen if the city attorney were to die suddenly? Beadles asked if we could just vote and not drag the discussion out. Beadles also referred to a statement Kolstad made to the Tribune that indicated the attorney should cut some slack for his friends and said he finds that kind of comment inappropriate for a councilor. Beauchamp said she feels like this is trying to be done before a new majority of the council comes on and overturns the ban. Mayor Warren said the choice of an attorney won't change what action the council might take in regard to the ban. Beauchamp asked what would happen if there was no attorney for a while. Grow said there are a number of issues in criminal proceedings that cannot be postponed. She asked if an attorney has to be appointed at a council meeting. Councilmember Provost commented that there is a sitting council now and Mayor Warren added that you go with the council in office at the time. Motion to postpone until the

next meeting failed 3-4; Kolstad, Beauchamp, Campbell in favor; Provost, Beadles, Blackmon, Nash opposed.

Beauchamp asked if there is an escape clause built in to the contract. Grow replied there is a termination for cause provision with 60 days' notice. Councilmember Campbell asked if the proposed fee is negotiable. Mayor Warren said fees were discussed during her conversation with Richardson and there was some adjustment at that time. Campbell asked if the 40 hours include the marijuana ban work. Richardson said it would however much of the work on those cases is being done by Ken Harper. Richardson said his fees are not negotiable. Campbell asked mayor-elect Lawrence to speak on her opinions on the appointment since she was included in the discussions.

Lawrence said her main objective in having an attorney in place is because she reviewed the number of citations processed every year and believes the city has to have an attorney in place January 1. She said the contract is for a year and there really was no alternative since the other two applicants have conflicts. She also commented that the contract has been totally rewritten and she believes it will make his office more accountable and his work more transparent. Campbell said she feels that Lawrence will be more involved. Lawrence said that is how she plans to operate. Kolstad asked if the contract was negotiated in Admin Committee. Richardson said he met with the Mayor and Mayor-elect to discuss terms of the contract and then met with the Admin committee to present the contract.

Kolstad said there seems to be a tone deafness in the current council and certain people who don't understand why some would object to having Richardson as the city attorney. It's not that he is not a competent attorney, but that he is one of the reasons we are in this situation of litigation. He said there is a lack of transparency and the people have spoken and they don't want Richardson as their attorney. He doesn't believe the city wouldn't survive without an attorney in place. Lawrence asked him if he knows how many citations are issued each year. Kolstad said it doesn't matter to him because if something were to happen to the attorney things would get handled in some way.

MOTION BY BEADLES/BLACKMON to call the question. Motion carried 4-3; Kolstad, Campbell, Beauchamp opposed.

Motion to confirm the mayor's appointment of Richardson carried, 4-3; Kolstad, Beauchamp, Campbell opposed.

F. Resolution No. 2015-14, Wages for Non-represented Employees

Resolution No. 2015-14 was read by title. MOTION BY BEADLES/KOLSTAD to approve Resolution No. 2015-14. Motion carried; 6-0-1; Provost abstained due to possible conflict.

COUNCIL COMMENTS:

Councilmember Nash thanked Mayor Warren and Mayor-elect Lawrence for working together for a smooth transition.

Councilmember Beadles complemented Mayor Warren for working with the incoming mayor.

Councilmember Beauchamp asked Beadles to be more respectful to people in the audience and not refer to cannabis as dope.

Councilmember Kolstad thanked the outgoing councilmembers and mayor for their service. He said even though there are disagreements, he believes they have the best interests of Clarkston at heart.

EXECUTIVE SESSION:

Council went into executive session at 7:59 p.m. to discuss litigation with legal counsel present for ten minutes. The session was extended at 8:10 for an additional five minutes. Council returned to open session at 8:15 p.m.

ADJOURNMENT:

Meeting adjourned at 8:16 p.m.

Vickie Storey, City Clerk

Kathleen A. Warren, Mayor

Total Fund Expenditures, 11/30/15	20151101-3,07	\$1,159.63
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Total Fund Expenditures, 12/14/15	60461-63, 60508-93,20151201	\$435,109.12
Payroll, 11/30/15	60464-60507	\$280,363.06