

**CITY OF CLARKSTON
CITY COUNCIL AGENDA
829 5th Street
MONDAY, November 10, 2014**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL:**
- 4. AGENDA CHANGES:**
- 5. APPROVAL OF MINUTES:
October 27, 2014, Regular Meeting**

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

- 7. COMMITTEE REPORTS:**
 - A. Finance – Audit Report on Current Bills**
 - B. Public Safety – No meeting**
 - C. Public Works – November 5**
 - D. Administrative/Intergovernmental – November 10**
 - E. Community Development – November 4**

- 8. PUBLIC HEARING:
Public Hearing on Revenue Sources for the 2015 Budget**

- 9. UNFINISHED BUSINESS:**

- 10. NEW BUSINESS:**
 - A. Final Acceptance of WWTP Upgrade Project (PW)**
 - B. Authorize Volunteer Intern WWTP (PW)**
 - C. Ordinance No. 1532, Prohibiting Recreational Marijuana Businesses – 1st Reading**

- 11. COUNCIL COMMENTS**
- 12. MEDIA QUESTIONS**
- 13. EXECUTIVE SESSION - Litigation**
- 14. 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
October 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 checked="" type="checkbox"/> Blackmon
<input checked="" type="checkbox"/> Manchester	

STAFF:

Chief Hastings Chief Cooper Clerk Storey City Attorney Richardson PWD Martin

AGENDA CHANGES: Add litigation discussion to Executive Session.

APPROVAL OF MINUTES: MOTION BY NASH/BEADLES to approve the minutes of the October 13, 2014, Regular Meeting. Motion carried.

COMMUNICATIONS:

A. From the Public:

David Domolecny, 1340 Chestnut, stated that he voted against I-502. He has spoken several times to council meetings. He said that Asotin County voted against I-502. He said most who spoke in favor were medical marijuana users. He agrees that marijuana retail business would be bad for local business. He encouraged the council to ban marijuana.

Alice White, 742 13th Street, said she and her husband left California to move to Oregon and minister to a hippie culture and she has seen the effects of marijuana use. She has worked with prisoners and seen the effects of alcohol, marijuana and other drugs on people's lives. She is concerned with the impacts on jobs. She commented that there is nothing good that has ever come from marijuana.

Nick Hasselstrom, stated again that he is opposed to recreational marijuana. He is not opposed to medical marijuana for those who need it.

Sherry Greenup, 508 Sycamore, urged council to do the right thing for the community and adopt a ban. She said two judges have now upheld bans in the state. The law does not say that cities have to allow recreational marijuana business. It will not be an easy battle, but it is the right thing to do for the community. She said kids will normalize it if they see it everywhere and it is legal. She said she believes that Councilmember Kolstad does have a conflict in this issue and should refrain from voting.

Kelly Jackson, 1045 Liberty, said he has asked for a longer time slot on the agenda, but was told he would have to go through Public Safety Committee first. He said he called Councilmember Beadles but his call was not returned. He said he believes that Beadles is pushing his own agenda. He said if council wants to ban marijuana in the name of public safety, that they should also ban alcohol. He said the voters passed I-502 because they wanted marijuana to be safer. He said banning marijuana is a violation of the council's oath of office and read that oath out loud. He threatened to start a recall of councilmembers who vote to ban and to sue the city.

David Costello, 2513, said he is a California hippie and lived that lifestyle for many years. He said if council votes tonight to approve this, it is the wrong vote.

Ron Hilty, 1409 Elm, said he has seen what marijuana does and it is not good. He is not in favor of having marijuana sold in Clarkston. He said those who need medical marijuana can obtain it. He is concerned that kids will get it and he is totally opposed to marijuana.

Rick Laws, an attorney at 901 6th Street, said he understands there are a lot of strong opinions on this subject and they are just that. Opinions don't have to be based on facts. He spent all day in court working on the criminal docket. He said the criminal problems are fueled by alcohol and methamphetamine, not marijuana. He asked council to move marijuana out of the shadows and move it into the open and regulate it. He said he doesn't want the council to be misinformed. He guaranteed that the city would be sued if they ban marijuana.

Zach Stevens, 1466 16th Ave, Clarkston, said he works with a number of volunteers at the Clarkston Teen Center. He said he works with several kids who started on marijuana and have moved on to harder drugs. He believes that marijuana should not be a part of this community. He feels it would be easier for kids to get if it is sold in retail stores.

Rose Bunch, 1845 Solar Hills Drive, stated that this is a cash business. How will sales be tracked and how will the police officers determine if someone is driving under the influence. She thinks burglary will be more common.

Brian Stevens, 1466 16th Ave, said he also works at Clarkston Teen Center. He said young people are affected. He said we tried to drive alcohol and tobacco out of the shadows and look at the cost now. He said the young people are affected every day in their lives. Smoking increases apathy, causes a disconnect with relationships, makes them think they are invincible.

Isabel Landkammer, 934 Riverview, said as a mother new to the Clarkston area, said she believes marijuana laws are important. She said with or without laws, the kids will get marijuana if they want it. She said much of the problem is with the parents and education is important.

Marty Lukenbill, 401 4th Ave, Lewiston, said he works on 6th Street in Clarkston. He said he has smoked marijuana many times. He asked if the state passes a law, can the city just change it. He said he wouldn't recommend that kids smoke pot like he has, but he believes that alcohol is much more dangerous. He said he thinks the city has a duty to follow the laws of the state. He said he doesn't think marijuana deserves the amount of money it will take to fight it.

Stephanie Stevens, 1466 16th Ave, said she is against recreational marijuana. She works at the Teen Center and believes it is a gateway to other drugs. She is opposed to kids growing up and seeing marijuana more visible and accessible.

Matt Plemmons, 2049 Jacobs Court, said a lot of these arguments have been heard over the past year. The law has been passed and the voters of Clarkston approved I-502. He said if the majority of city voters approved it, the council has a duty to uphold their wishes.

Dan Lejameyer, 2575 26th St, Clarkston, works at the school district. He said since I-502, marijuana seems to be much more visible among the kids. It worries him that it will be that more available if there is a retail store on Main Street. He asked the council to keep the kids in mind as they make their decision.

Alice White, 742 13th Street, said she read the legal decision in the Fife case and there is nothing in the law that requires cities to allow marijuana businesses and it would not be breaking the law to ban it. Councilmember Baumberger questioned allowing White to speak a second time. Mayor Warren said she did not use her entire three minutes the first time.

Rob Sinner, 1333 Maple, said that his resource said the stores that are open so far have generated over \$6 million for the state. He believes that the City will be sued. He said marijuana will not be affordable for many people to purchase in a retail store. He said marijuana will be tracked from seed to store and there are many security measures in place. He said marijuana is rampant in Clarkston now.

B. From Mayor

C. From Staff:

COMMITTEE REPORTS:

Finance: Councilmember Provost reported the bills were reviewed and approved for payment. Total expenditures for October 27, 2014 of \$164,630.07. MOTION BY PROVOST/BLACKMON to approve the bills. Motion carried.

Public Safety: Councilmember Beadles reported on the October 21 meeting. He said Sherry Greenup presented an argument for banning marijuana which is on the agenda. He said the evacuation of aging and long term care citizens in case of an emergency will be discussed in the future. Butch Aiken presented a request for funding for emergency management. Committee recommends approval of the Christmas parade. Chief Cooper reported that an agreement with Clearwater Paper is being reviewed. Councilmember Baumberger asked for a clarification. He questioned the marijuana ban as an agenda item and said it was not on his agenda. Mayor Warren said there was a revised agenda sent out that he should

have received. It was emailed out shortly after the original was sent.

Public Works: Met October 15 to discuss stormwater funding and talked about the Transportation benefit District.

Admin Committee: Councilmember Manchester said committee met earlier today. Marshall Doak discussed a proposed grant through CDBG for Walla Walla Community College. Marshall Doak, SEWEDA, said there is a new entrepreneur program at WWCC. There is an opportunity to expand the program with a grant from CDBG. He said the applicant has to be a municipal corporation. He said it is a \$40,000 grant to be paid out over four quarters. The City would be asked to cash flow the grant and then be reimbursed by the grant. SEWEDA would be the grant administrator and do most of the paperwork. The risk would be if SEWEDA did not do the paperwork properly or the college did not use the funds as intended. The workload for the lead agency would be minimal. Councilmember Provost asked if there is a timeline for moving forward. He said if the city is interested, he would work with staff to move the proposal forward. Councilmember Beadles asked what services would be provided with the grant. Doak said it would help with tuition and staffing and marketing the program.

Manchester said PWD Martin discussed a sidewalk situation with Walgreens. Martin said Walgreens is planning sidewalk work on the 4th and 5th Street sides, but did not plan improvements on the Bridge Street side which has several defects. Walgreens has a quote to replace curb, sidewalk and gutter at \$42,000. They have asked if the city would share in the cost at \$10,000. He said the project would include an ADA ramp at 4th and Bridge. There is \$25,000 in the budget for sidewalk work. He asked council authorization to allocate \$10,000 to this project. MOTION BY MANCHESTER/PROVOST to authorize the expenditure. Kolstad asked how it was missed in the project. Martin said it wasn't missed, that if there had been no sidewalk it would have been required. He said most developers would have planned to improve a sidewalk as part of their project.

Clerk Storey presented the Electronic Resource Policy and the 2015 contract with Kevin Wesley which are on the agenda.

Community Development: No meeting.

UNFINISHED BUSINESS:

NEW BUSINESS:

A. Resolution No. 2014-15, Adopting Regional Stormwater Budget

PWD Martin said the stormwater budget for 2015 has been proposed. The capital fund is growing and it appears that there won't be a need for a rate increase for at least a couple of years. MOTION BY NASH/BEADLES to approve Resolution No. 2014-15, the 2015 stormwater budget. Motion carried.

B. Authorization to Apply for DOE Grant for Stormwater Improvements

PWD Martin explained that part of the budget just adopted provides funds to make capital improvements to the stormwater system. There is an opportunity to apply for a grant of approximately \$500,000 with a match of about \$74,000. This would fund projects from the plans recently completed. The match would come from the stormwater capital reserve. MOTION BY NASH/BLACKMON to authorize the grant application. Motion carried.

C. Resolution No. 2014-16, Electronic Resource Use Policy

Resolution No. 2014-16 was read by title. MOTION BY BEADLES/MANCHESTER to adopt Resolution No. 2014-16. Beadles commented that he thinks this policy is necessary and is well written. Motion carried.

D. 2015 Contract for Services, The Wesley Group

MOTION BY MANCHESTER/BEADLES to approve the 2015 contract with the Wesley Group. Motion carried.

E. Proclamation – National American Indian Heritage Month

Clerk Storey read the proclamation. MOTION BY BEADLES/KOLSTAD to authorize the proclamation. Motion carried.

F. Request for Annual Christmas Parade

MOTION BY BEADLES/NASH to authorize the request for the annual Christmas parade. Motion carried.

G. Discussion of Marijuana Ban

Councilmember Beadles said he finds it appalling that Mr. Jackson chose to attack members of the council on the marijuana issue. He said Mr. Jackson has mentioned medical marijuana many times, but I-502 does not address medical marijuana. Beadles said if a retail store is allowed in Clarkston he believes more crime will follow. He said his research shows that marijuana is an addictive drug. Beadles said he received a phone call from a downtown business owner who is opposed to retail marijuana. Beadles said he believes a ban is in the best interest of the community's youth. MOTION BY PROVOST/BLACKMON to ban marijuana. Mayor Warren said the motion should direct that an ordinance be written and presented. Provost amended the motion to include that direction be given to prepare an ordinance to ban marijuana businesses and Blackmon seconded the amendment. Motion carried, 5-2; Provost, Beadles, Manchester, Blackmon and Nash in favor, Baumberger and Kolstad opposed.

COUNCIL COMMENTS:

Councilmember Blackmon said he believes a ban is best for the community. Kids will get marijuana, just like they obtain alcohol now. Someone will purchase it for them. He feels there is nothing beneficial to community.

Councilmember Nash said this law was poorly prepared by the people who wrote the initiative. He is not opposed to medical marijuana.

Councilmember Kolstad said he sees a lack of understanding about where the legalization of marijuana is going in the state. He said that 330 letters were sent to medical dispensaries recently telling them they had to get a license or face enforcement, but medical dispensaries are not legal. He commented that someone with a medical card can possess up to one and half pounds and do whatever they want with it. He believes many sell it and there is no way to track or regulate it. He thinks the choice is whether to have a regulated market or a black market operation.

MEDIA QUESTIONS:

EXECUTIVE SESSION: Council went into executive session at 8:20 to discuss a personnel issue and potential litigation. Expected duration is 20 minutes. No decisions will be made as a result. Council returned to open session at 8:34.

ADJOURNMENT:

Meeting adjourned at 8:35 p.m.

Vickie Storey, City Clerk

Kathleen A. Warren, Mayor

Total Fund Expenditures, 10/27/14	Ck #57639-83, Sept2014excise	\$28,433.57
Payroll, 10/15/14	Ck #57615-38	\$133,253.85

November 4, 2014

Community Development Committee

Attendance: George Nash, Brian Kolstad, Terry Beadles, Michelle Peters, and Jock Pring.

Michelle presented the budgeted request of \$85,000.00 for Visit Lewis Clark Valley. This is funded through the hotel-motel tax. Tax revenues have increased for the 2014 year. The Rivers and Ridges committee will request \$3500.00.

We discussed the River Fest, which is in conjunction with the Rivers and Ridges event. An increase of passengers on the river cruise ships was noted.

Michelle will be conducting classes for those employees dealing with the public, in the tourist industry.

Jock discussed to appearance problem that panhandling does to his business and the tourist who travel through our community.

**PUBLIC HEARING
2015 BUDGET – REVENUE SOURCES
CURRENT EXPENSE FUND**

REVENUE SOURCE	2014 ESTIMATED REVENUE	2015 ESTIMATED REVENUE
Property Taxes	450,000	464,000
Sales Tax	1,590,000	1,595,000
Business Taxes	777,000	776,000
Excise, Gambling Taxes	74,500	70,000
Licenses & Permits	144,700	132,600
Grants	266,800	58,000
State Entitlements	165,400	156,600
Intergovernmental	68,000	70,000
Charges for Goods & Services	16,400	10,650
Fines	80,100	107,000
Miscellaneous (includes interest)	23,600	21,200
Total Actual Revenues	3,656,500	3,461,050

Revenue projections for the General Fund include:

- An increase to Property Taxes resulting from new construction. A 1% property tax increase is included. Property taxes have been split 50/50 with the Street Fund.
- Sales Tax is running a 1.7% increase over 2013. I have projected a small increase for 2015.
- Business taxes include utility or B & O taxes on gas, electricity and phones. Avista revenue is up about \$20,000 from 2013 .
- Gambling Taxes are projected about even with 2013. There is no indication that revenue will increase from that source.
- Licenses & Permits, which includes business licenses and building permits, are planned down. Building permits for 2014 have been higher than anticipated due to a strong commercial construction year, but it is hard to predict if 2015 will continue to be as active.
- Grant revenue is planned for the Narcotics Assistance program and the Domestic Violence program, as in 2014. The SAFER grant will be complete at the end of this year.
- State Entitlements are anticipated to be about the same as this year. Criminal justice funds depend on the city's crime rate and are determined on the state's fiscal year. So we don't know until July if we will qualify for continued funding. The state continues to raid the liquor tax fund.
- Intergovernmental revenue is not anticipated to change significantly.
- Court revenues have taken a significant drop this year, partly due to fewer citations being written. This is a direct result of staffing shortages in the police department and having less time to work traffic due to other types of calls.
- Interest earnings are insignificant. A half percent is a good rate of return these days. The State Investment Pool has been at around .10% for over a year. I have diversified in an effort to increase our interest earnings, but there are no high return investments available.

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: Nov. 5, 2014
Re: WWTP Project Acceptance

I've received official notice from Keller Associates indicating final acceptance of our long time plant upgrade. (attached) I would request official Council approval of project acceptance at the November 10th Council meeting so the final paperwork can be set in motion. We've had a great project with a good contractor and Engineering firm that was always watching out for our best interests.

We also have an opportunity to acquire a volunteer intern for up to 60 hours of service around our plant. He is studying Environmental Sciences at WWCC and our expense would only be for workers comp at 7 cents per hour. Great bargain for some help.

Thanks



MEMORANDUM

TO: JIM MARTIN, PUBLIC WORKS DIRECTOR
FROM: LARRY RUPP, PE
DATE: NOVEMBER 4, 2014
SUBJECT: CITY OF CLARKSTON - WWTP FINAL COMPLETION

Per the contract date final completion for the Clarkston Wastewater Treatment Plant occurred October 31, 2014. Currently the plant is operating successfully. The equipment is performing per the project requirements and the plant is producing effluent which meets the discharge permit limits.

The Contractor has three warranty items:

1. Aeration Basin #3 flow meter replacement
2. RAS flow meter alarm connection to SCADA
3. Delivery and replacement of fouled diffusers in Digester Cell #1

Also, the Contractor is working with the insurance adjuster on previous diffuser replacements in Digester Cell #2 as the new piping was damaged after installation.

The warranty period for the project ends on June 30th, 2015. If the City would like Keller Associates to perform a warranty walk through, we would recommend this occur one month prior to the warranty ending.

Last of all, we would like to thank you for the opportunity to work with the City on this successful project. All parties involved in the project provided a positive working relationship that contributed to an outstanding project that everyone can be proud of. We look forward to the opportunity to working with the City on future projects.

Sincerely,

Keller Associates, Inc.

A handwritten signature in blue ink that reads "Larry Rupp".

Larry Rupp, PE
Project Manager

CC: File

ORDINANCE NO. 1532

AN ORDINANCE PROHIBITING PRODUCTION, PROCESSING AND/OR RETAIL SALES OF RECREATIONAL MARIJUANA WITHIN THE CITY LIMITS OF THE CITY OF CLARKSTON; AND IMPLEMENTED PURSUANT TO ORDINANCE NO. 1532 AND REPEALING ORDINANCE NO. 1529 WHICH ESTABLISHED ZONING REGULATIONS FOR RECREATIONAL MARIJUANA BUSINESSES.

WHEREAS, the City Council finds and determines that the production, processing and retailing of marijuana as defined by Initiative 502 and regulations promulgated thereunder should be prohibited,; and

WHEREAS, the City Council finds and determines that recreational marijuana production, processing and sale threatens the well being of our youth and serves no benefit to the public; and

WHEREAS, the City Council finds and determines that the prohibition of recreational marijuana production, processing and retail sales within the City of Clarkston is the only effective means to protect the residents, recreational facilities, families and children within the City of Clarkston; and

WHEREAS, the City Council finds and determines that the production, processing and retailing of recreational marijuana is subject to the authority and general police power of the city; and

WHEREAS Article 11, Section 11 of the State Constitution grants to cities the power to adopt land use controls, to provide for the regulation of land uses within cities, and to provide that such uses shall be consistent with applicable law (See *Canibus Action Coal v. City of Kent*, 322 P.3rd 1246; 2014 Wash App. Lexis 750 (Div. 1. Wash Ct. App. Mar. 31. 2014); and

WHEREAS, the City Council finds and determines that this ordinance is not intended to regulate the individual use of marijuana as authorized by Initiative 502 ; and

WHEREAS, the City Council has received and considered the recommendation of the Planning Commission, the record herein, and all public comments at council meetings; and

WHEREAS 1-502 includes an excise tax of 25% on production and sale, none of which goes to local government for enforcement, public safety, and related additional costs; The City of Clarkston declares that no recreational marijuana production or processing facilities nor any place for retail sale should be allowed within the City of Clarkston's city limits, nor should any business license be issued for the production, processing or retail sale of recreational marijuana within the City Limits, and

WHEREAS, the City Council finds and determines that approval of such ordinance is in the best interests of residents of the City of Clarkston and will promote the general health, safety and welfare; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON,
WASHINGTON:

Section 1. Ordinance No. 1529, adopting zoning for licensed recreational marijuana production, processing and retailing, and passed by the city council on October 13, 2014 is hereby repealed.

Section 2. The City Council hereby adopts as its findings of fact the provisions set forth above and the opinion of the Attorney General issued on the 16 day of January, 2014 opining that the cities have the authority to ban the production, processing and sale of recreational marijuana within the city of Clarkston;

Section 3. The City of Clarkston does hereby declare that no recreational marijuana production, processing or place of retail sale shall be permitted within this City limits in any zone, and no entity or person shall be issued a business license for any recreational marijuana business. This ordinance shall supercede and pre-empt any prior enactment or ordinance to the contrary.

PASSED BY THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, AND
APPROVED BY THE MAYOR at a regularly scheduled meeting on this 24th day of November,
2014.

KATHLEEN A. WARREN, Mayor

Attest:

Vickie Storey, City Clerk

Approved as to Form

James W. Grow, Jr.
Clarkston City Attorney