KETTLE FALLS CITY COUNCIL MEETING
MARCH 15, 2011

CALL TO ORDER

Mayor Dorothy Slagle called the meeting to order at 7:00 p.m.

ROLL CALL

Ray Smith, Les Callas, Dorothy Slagle, Jesse Garrett and Debbie Gaskin.

Council Member Jesse Garrett moved to excuse Council Member Krist Matthews. Council Member Les Callas seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Les Callas - yes, Council Member Jesse Garrett - yes and Debbie Gaskin - yes.

STAFF/GUESTS

Staff - Joel Gassaway, John Ridlington, Pat Monasmith. Scott Sterland and Raena Hallam.

Guests - Doll Linton, Lech Razemski, Lois Louie, Vernita Thompson, Cassie Douse, Stefanie Cole, Travis Hurst, Vicki Hudson, Dave Hudson, Marty Martin and Greg Goodnight.

ANNOUNCEMENTS AND MAIL RECEIVED

As there were no Announcements or Mail Received, City Council moved on to Public Comment.

PUBLIC COMMENT

MEDICAL MARIJUANA DISPENSARY - DOLL LINTON

Mayor: First on the agenda is the medical marijuana dispensary, Doll? Doll Linton?

Doll Linton: (unclear)

Mayor: Um, now one thing I want to huh say at first, those of you that have never been here before (unclear) when you stand to speak, give your name and address clearly and then you tell us what your concern is, if someone else has already said the thing your wanting to say then simply let us know that, don't repeat it, or otherwise we will be here until 4 in the morning. So, Doll the floor is yours.

Doll Linton: Those of you who don't know me, my name is Doll Linton, um give you a little speech here quick like. My name is Doll Linton, I'm a member of MADD, Mothers Against Drunk Drivers, SESAC, it's Stevens County Substance Abuse Coalition. I have been asked to talk to you tonight about a new medical marijuana store in town. There is a list of ways to get marijuana on the internet for $200 bucks, $200 bucks, you can get a card or go to Green Wellness in Spokane you can call them at 1-888-8859949 and for $175 dollars you can get a marijuana card. The only thing that bothers me with that is if I go to Spokane and uh get this medical marijuana card I can buy medical marijuana, the marijuana stuff, but I don't use that, so I am going to sell it to you maybe. And uh, get some money out of it, and ok so she becomes a drug dealer, ok now we have another problem, Um, I don't know, Um, I don't really live in town but I was asked to be the speaker for this, so for $175 dollars you can get a card. Here's a list of the people, people that uh figure that this should have been at least publicized, over sixty people that here feel it should have been publicized before they were given a license. I have the petition here with me at this time. I also have a handout, of who we were, how I was notified of this. I was notified of this by Chief of Police in Kettle and um, I don't know what else to say, so I guess at this time I would like to go ahead and open this up for discussion.

Pat Monasmith, City Attorney, City Attorney: (unclear) very fortunate to have the Prosecutor with us here (unclear)

Doll Linton: I have one more thing to say though, I have a son that got into marijuana first and got into some other stuff spent his time in the big hooscow down in Colorado, got his crap straightened out now, therefore he's working as a mechanic and doing good. However, his son, while he was under my care, and I kicked his butt until he got a, graduated from high school down here in Kettle Falls and then uh I did all I could for him, he's still in to it, so I took him down and gave him back to his mom. So that kid's going to have a hard row to go, just got notification the other day he went over to Everett, Washington I believe it was and got caught with illegal drugs and illegal drug paraphernalia (unclear)

Mayor: Thank you Doll.

Doll Linton: You're welcome.

Mayor: Uh, Um, I'm sorry.

Lech Razemski, Prosecuting Attorney, Prosecuting Attorney: My name is

Lech Razemski, would you like me to spell first name is L E C H, last name is R A Z E M S K I and I am actually the drug prosecutor, I'm cross deputized in Ferry and Stevens County, I handle all the felony drug cases that come through the two counties and I'm also the juvenile prosecutor here in Stevens County. Um, several years ago by imitative the people in Washington (unclear) passed the medical marijuana Act. And what that act allowed is for qualifying patients with certain condition to have limited use of marijuana. And the way the statute is written currently, there is two ways in which it is legal for these people to possess the one is that if you are a designated patient you can have in your possession up to 15 plants in 24 ounces of usable product. The second way is you can be a provider for a patient and then you are allowed up to 15 plants and 24 ounces of usable product. Um, currently under the law, dispensaries are not permissable they are illegal, Um, the view that I am taking and that the Prosecutors office is that every sale by a dispensary is a delivery of a controlled substance which is a class C felony. Um, currently the law doesn't allow it. Spokane has tried to litigate drug dispensaries, got protested and they have kind of given up. And now there is between, I think anywhere between 20 (unclear) of them all around Spokane and so, but my position is if the reports come across my desk about this dispensaries, selling drugs and it's prosecutable we will file charges and we will prosecute.

Mayor: Anyone else:

Cassie Douse: I'm Cassie Douse, you need my address?

Raena Hallam, Clerk: Please

(the girls turned their back to the recorder, and spoke directly to the audience; it is very difficult to hear them on the tape)

Cassie Douse: Mail or Physical

Raena Hallam: Either One

Cassie Douse: P.O. Box 181??

Stefanie Cole: And I'm Stefanie Cole (unclear) Old Kettle Road

Cassie Douse: So, were from, were here to discuss the youth in Kettle Falls, We really wanted to talk about the youth and were informed about the dispensary and I did some research and um, the Washington State Dept. of Health um, had adequate proof of the problems dispensary cause. Um, robberies, increased crime and um, then of course reselling of to the black market. Um, there were 124 pages on

this. Um, the information was over whelming, um, police forces in California, where it is kind of a big thing at this time, was talking about (unclear) We just wanted to bring that forward that there is proof that it causes more crime (unclear) definitely concern for the youth,

Vicki Hudson: Don't they have to be a certain age to go into a dispensary; I mean you're at a liquor store you have to be like 21. Cassie Douse: yeah, in order to um, even the people (unclear as well, but it doesn't you have to account factor up how many (unclear) Um, how many people are going to the (Unclear) Dispensaries are giving the opportunity to sell to the black market more. Even though that it might be legal in a state that it is becoming an issue cause then they go to the black market and (unclear)

Mayor: Thank you gals, anyone else have something to say?

Travis Hurst: I would like to comment. My name is Travis Hurst and I live (unclear) Evergreen Drive. I guess my biggest concern is I work in local law enforcement, and I have encountered a lot of individuals, I will tell you that I have seen a lot of these authorization cards for medical marijuana. They kind of call it prescriptions, I wouldn't call it that, cause they are not being prescribed, they have been counseled by a medical doctor or someone claiming to be a medical doctor they would have some benefit from their particular medical condition to uh, have the use of this substance, okay, so I've seen a lot of these cards in my line of work and most of these individuals that I've encountered, a huge percent (unclear) more than, way more than, have probably less of a need for this stuff than any of us in here. Okay, these people want these authorization cards to get dope. Okay, use, to sell it, facilitate their illegal actions throughout the county, I think that the City and the citizens of the town don't realize maybe what really comes with all of this. Okay, I mean we got these people that, there are some people that have maybe a legitimate medical need for this substance, cause nothing else works. There are screening processes for that, uh the current situation that I'm in is that huh, my department doesn't allow it. I mean I work in the adult parole and probation. We get these authorization cards in the garbage, all it is some doctor somewhere, who knows if they're an actual doctor or not, signs something whether its valid or who knows, okay, we have specific protocol that requires us to give them the paperwork to give to a medical doctor, the medical doctor fills it out with the qualifying reasons as to why this person needs medical marijuana, okay, these are specific guidelines, I mean (unclear) recommending marijuana use otherwise, they need to give specific medical research supporting that. Well, know how many we have

approved? Zero, that's not saying there's not an individual out there who is medically authorized because there terminally ill or something, but we haven't had one. If anyone ever does get authorized to have medical marijuana we are immediately not allow them to drive their vehicle. Wan to know why, cause we have no way to enforce whether that person is under the influence of marijuana at the time they are operating a motor vehicle. It is very difficult to enforce, (unclear,

Mayor: Much like the prescription pain killers and that sort of thing.

Travis Hurst: very difficult, that requires usually blood testing (unclear) expert, State Patrol are the only ones that are trained in that. Not always easy to get a hold of those individuals. I'm not saying that all of these people are going to be doing this. I'm just saying that many people from the greater tri-county area are going to be headed this way. Is this what we want to be on the map for? I doubt it. I personally don't. Okay, the other thing is I'm don't know if you're aware or not a while ago a dispensary got robbed at gun point. You're putting dope and money in one place. What do bad guys like? They like dope and money. I'm not saying that there's, like I said, there's a legitimate need for some people, I'm not an expert, I'm not a doctor, but it's not something I want in my town.

Mayor: thank you

Pat Monasmith, City Attorney: Correct me, remind me, did I read something in the paper the other day about uh, (unclear) state was going to rule on the legality of dispensaries themselves?

Lech Razemski, Prosecuting Attorney: I don't know, but there is currently legislation (unclear) for (unclear), they're trying to change the medical marijuana statute and trying to allow these dispensaries, but the way the law is written right now (unclear) Stevens County it is not legal.

Pat: And illegal under Federal law in any state, regardless.

Mayor: Unless the federal government is running (unclear)

Lech Razemski, Prosecuting Attorney: No under federal law marijuana (unclear

Mayor: Under research, extended (unclear) but it is a medical marijuana program.

Cassie Douse: I have a question then, um, so it's illegal for the government they can't do these (unclear) then how are the dispensaries getting it? Are they growing all of it, or are they buying it from black market?

Mayor: Right now I believe that it is, originally, like you say its 24 ounces and 15 plants. I think originally the folks were able to ask someone to grow it for them, 3 plants worth, I think is where they started from, but that's how they do it, their designated growers.

Lech Razemski, Prosecuting Attorney: What we're seeing is that you have people that have these authorizations in the community are severely over their plant limitations with 30 or 40 plants. And their taking their excess product and then donating it to the dispensaries and in exchange they are getting back, or they are getting some other kind pay. (unclear)

Cassie Douse: Are they regulated, the dispensaries, cause I read that anyone who is growing for someone else um, can only grow for one person at a time and they can't grow for themselves. Um, and at any (unclear)

Lech Razemski, Prosecuting Attorney, Prosecuting Attorney: Oh, yeah,(unclear) all the time, nobody is following the regulations. People can, currently there is no registry requirements for authorizations, so when I go out (unclear) pay my $200 bucks, get my prescription, my authorization, I can then photo copy it , hand it out to everyone here and all of a sudden everybody in this room can grow at least 15 plants. There is no control over (unclear) are not required to register anywhere in the county (unclear) there is no way to track how many times I've copied my authorization and just handed it out to other people.

Doll Linton: (unclear) I call it an enormous bust right down here by the railroad tracks a couple weeks ago. And um, they found that guy with marijuana, and uh, a couple other drugs, and um, it's not the first one we've had and probably not be the last one we had. I forgot to give you my address if you want it. (unclear) - Everyone laughing) Gold Hill Road

Doll Linton: I have another question too, um, how hard will it be to withdraw that you, that they have been given.
Mayor: Um, Probably very difficult, which is why we followed the advice of Municipal Research, are you familiar with them Doll?

Doll Linton: yeah

Mayor: Municipal Research told us to issue the license that it was before the legislature that these dispensaries are being dealt with and rules and regulations are being drawn up. And (unclear)
Doll Linton: And also, in my research I was doing they had seven of these medical marijuana deals in Spokane. And I think there, it was four that had really been looked over, looked at again really hassled by the law enforcement.

Vernita Thompson?: (Unclear)

Mayor: Well, it's unfortunate, I suppose on the same line as if someone working in a liquor store and selling bottles out the back door, to kids, people under 21 and that's against the law too, (unclear). The woman that is going to be running this business has reassured everyone that she intends to do so following as closely the laws as they are today. People are not allowed to smoke there, they're not allowed to eat there, they're not allowed smoke in their vehicles, they are told that it is medicine that they take it home and use it. Now, whether or not people follow that or what they do on their own, um, they (unclear)

Pat Monasmith, City Attorney: One person at a time?
Mayor: One person at a time.

Vernita Thompson: I have a question, don't you

Mayor: name and

Vernita Thompson: Does she have any kind of license to prove that she's (unclear) can't anyone else go on the internet.

Mayor: Actually, I'm not sure how she came to be in the position she is in today. I understand she worked as an accountant at one of these dispensaries in Spokane. And her and her accountant and her attorney are working closely with the State to set up the tax base, because the state has every intention of making money off this.

Vernita Thompson: (unclear) Is the City going to get any money or are they going to have a lot of problems.

Mayor: We are hoping more money than problems. But, any business that comes to town, the City does get a small percentage of the tax base.

Unclear

Mayor: Well at this point, I would have to say the state, they are the ones telling us to go ahead and issue the license.

Vernita Thompson: And where they get the (unclear)

Mayor: Uh, (unclear) these are the kind of issues that they are dealing with.

Vernita Thompson: (unclear) fence line if you can do it legally, because we sure aren't making it farming.

Everyone laughing

Vernita Thompson: We're in the position where we got to take what people offer at the Farmers market or livestock auctions, we can't pass our stuff on, but they sure (unclear) all the things it takes to run our farm, plus taxes from the Library which we do not use, plus the school taxes, are kids are through school, I don't, mind paying taxes, but enough is enough. We have to cinch our belt in if we can't make it, why can't everyone else. So I'm against this marijuana thing totally.

Mayor: Thank you, anybody else have something to say to add to the mix?

Travis Hurst: I would like to say one more thing about the authorization paperwork. The authorization paperwork says basically nothing more than that the doctors have spoken with the patient about the possible benefits of the use of medical marijuana. Just like a called in prescription, it's an authorization, and I will tell you this, none of the doctors that I have experienced that have been doing these cards, are willing to go one record in anyway saying that, saying that they recommend this person to use medical marijuana. I don't get it, you're giving the authorization card, but you won't go through the process because there are agencies that require, okay if there is a legitimate need tell us what it is, and they won't tell you what it is and they won't send the paperwork in. I don't know if its fear of going on record, (unclear) I'm recommending drug use for this person that doesn't (unclear) I don't know, none of the doctors will, they'll give you the authorization card, but (unclear) they won't say

Mayor: But until it is

Pat Monasmith, City Attorney: You're saying authorization but not a prescription.

Travis Hurst: A Prescription is (unclear) legal form of THC, rather expensive, but it is out there (unclear) marijuana.

Mayor: (unclear) anybody else?

Vicki Hudson: Isn't that a HEPA violation, when the doctor won't, that's like me coming in saying I want to talk to you about, he can't give you that information,

Travis Hurst: You're not going to have a HEPA violation, but people, you know not forced, but encouraged to sign a release of information (unclear) you can't just go to a doctor and ask about some ones medical situation.

Lech Razemski, Prosecuting Attorney, Prosecuting Attorney: In these kind of situations if you're claiming that you have this authorization which permits you to do it, (unclear) Therefore, if you are going to claim that we get to talk to you about that, and I'll stand behind Travis on that. Doctors, that are issuing these are not responding to subpoenas, not coming to court, you know (unclear)

Mayor: I imagine the legal situation being at least at this state in time it probably does keep them from stepping up, or fear (unclear)

Mayor: Okay, Anybody else?

Vernita Thompson: I just have one more question. Does decisions like this to let this lady have this license, does it have to be brought before the Council or can you totally make the decision on your own?

Mayor: Actually, I felt that the way business licenses pretty much work that if you want one, then you can get one, the City sets itself up for law suits by denying them. Um, whether or not that is actually the case, I don't know.

Pat Monasmith, City Attorney: If you start a business, you get a Unified business number from the State, dept. of Revenue, Employment Security, L&I all that stuff, that's where the real business licenses is. We just keep business licenses to know who's in town; we don't get impact revenue from it other than the City's share of Real estate taxes (unclear).

Vernita Thompson: What if somebody comes in to the City, like I came in the other day just jokingly and said, I think I want to open a brothel here in town, would you issue me a license to open a brothel?

Pat Monasmith, City Attorney: Not allowed in our zoning.

Mayor: If in fact the State of Washington had issued the brothel a business license and Municipal Research had directed us to issue a business license, we would be saying hello brothel.

Everyone laughing

Cassie Douse: Do we know yet when it's going to be open, do we have a date or?

Mayor: It is open now.
Cassie Douse: So are there options to get it out of here.

Mayor: I think really going to the state, going to Senator Morton who is working closely with the legislature right now on these issues, getting your information, concerns to them right now while their working on it, would be a good thing.

Cassie Douse: Can we know who the lady is, or is there a law against that.

Mayor: I don't know that there is any law about that, Pat, business owner,

Pat Monasmith, City Attorney: Need to review the Public Disclosure act (unclear)

Mayor, yeah um, anybody else have any say on this subject. The only personal thing I have, and I will add this simply, so that people know there are people out there that do benefit from the medical use of marijuana (unclear). However, my stepmother said it was okay to share her story if it seemed to have a spot in the evening and I think really do. The disease I can't pronounce, has something with the action in the stomach and the muscles hardening and so you don't get any of the working of the stomach, extremely painful to eat, she went through a lot of years of being in very bad pain. She was living in Yuma Arizona at the time and even though marijuana was illegal there, even all those years ago, um, that state had recognized that some cases where it would be beneficial and she was given medical marijuana to use during that period of time. And, And I can't even begin to tell you the difference it made in her disease. Now 15 years later, I am happy to report that she no longer uses marijuana and once that crisis was over, never used marijuana again. She is not a heroine addict, cocaine addict, she did not smoke cigarettes and she takes alcohol in moderation. So I just wanted to put that out there as food for thought also. Well, okay is that issue pretty well, everybody have their say?

Lois Louie: My name is Lois Louie and I'm at 335 W. (unclear). Why didn't she come to the meeting tonight?

Mayor: Um, to be quite honest she had heard about it and called and asked me, and I said I wasn't really thinking that maybe tonight would be the best night. I didn't want something to be polarizing, I didn't want us to aim at someone with anger, I wanted us to all visit about, and see how were feeling and see what we can learn from each other. Anybody else? Well, okay then, we will move on to Greg Goodnight, with the Kettle Falls School District.

KETTLE FALLS SCHOOL DISTRICT - GREG GOODNIGHT, SUPERINTENDENT

Kettle Falls Superintendent Greg Goodnight, presented a slide show to City Council regarding the accomplishments of the Kettle Falls School District and upcoming school levy election.

Mr. Goodnight stated state both the Kettle Falls High School and Kettle Falls Elementary School received awards from the State for scoring within the top 5% of schools in the State. The Kettle Falls School District also received a grant called *Gear Up*. The purpose of the grant is to take a group of 9th graders and connect them to school after high school. The success of this grant has been phenomenal, the freshman are our now the Kettle Falls Senior class and 90% of this class has been accepted or applied to school after high school.

Mr. Goodnight also explained the upcoming levy election is to renew the current levy which will be ending. The new levy includes approximately $200,000 increase for roof replacement on school buildings.

City Council thanked Mr. Goodnight for coming and commended him for the accomplishments of the Kettle Falls School District.

LAKE ROOSEVELT WALLEYE CLUB

Marty Martin representing the Lake Roosevelt Walleye Club requested Hotel/Motel money for the upcoming Govenors Cup this summer. After discussion, Clerk/Treasurer Raena Hallam stated she would meet with the Kettle Falls Chamber of Commerce to discuss the use of Hotel/Motel funds. Raena stated the issue would be placed on the next City Council agenda for final approval.

CONSENT AGENDA

APPROVAL OF THE FEBRUARY, 2011 VOUCHERS AND PAYROLL AND JANUARY 18, 2011 AND FEBRUARY 1, 2011

Council Member Jesse Garrett moved to approve the Consent Agenda. Council Member Ray Smith seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Les Callas - yes, Council Member Jesse Garrett - yes and Debbie Gaskin - yes.

COMMITTEE REPORTS

As there were no Committee Reports, City Council moved on to Staff Reports

STAFF REPORTS

FIRE DEPARTMENT

Fire Chief John Ridlington reported the fire department has been quiet. The department has helped the Town of Marcus and helped a local resident replace batteries in a carbon monoxide detector.

WATER RIGHT APPLICATION

City Superintendent Joel Gassaway stated the next Stevens County Conservancy Board meeting is next Monday. The City has submitted all of the required paperwork and Joel feels they are ready to make a formal adoption of our application.

Upon approval the application is forward to the WA State Department of Ecology and they have 30 days to approve or disapprove. Joel stated the DOE has been kept informed through the process and he doesn't anticipate any problems.

AVISTA NEGOTIATIONS

City Superintendent stated there isn't much news regarding the Avista issue. Joel stated at this point he is waiting for Avista to make a return offer regarding the rates in the MOU.

SWIMMING POOL HEATER BIDS

City Superintendent Joel Gassaway stated he is in the process of obtaining bids to replace the swimming pool heater.

SNOWING PLOWING

Council Member Jesse Garrett thanked Joel and the Public Works Department for the excellent job they did through the winter taking care of the City Streets.

POLICE DEPARTMENT

Police Chief Scott Sterland stated he has met with the majority of business owners in the City.

Chief Sterland reported the Police Department has been extremely busy with some major cases and assisting the Stevens County sheriff's office. Recent cases include drugs and child pornography and dogs killing cats. Scott stated the owner of the dog lives in the County.

Chief Sterland stated along with these serious cases, he has been updating the web site, meet the rest of the business owners and recruiting reserve officers. Chief Sterland stated the Stevens County Sheriff's is planning to hold a reserve officer training in the near future.

TRAIN DERAILMENT

Police Chief Scott Sterland thanked the Public Works Department and Fire Department for their assistance with the recent train derailment.

LAW ENFORCEMENT BANQUET

Police Chief Scott Sterland stated he is in the very preliminary discussions with the Kettle Falls Chamber about holding a Law Enforcement Banquet. Scott explained the banquet is a great fund raiser for the Chamber and Police Department.

NEW BUSINESS

As there was no New Business, City Council moved on to Old Business.

OLD BUSINESS

WASTEWATER TREATMENT FACILITY

Mayor Dorothy Slagle stated the Engineers had submitted the plans to the DOE and the project has been advertised for bid. City Superintendent Joel Gassaway stated there will be a pre-bid meeting on March 24, 2011, 10:00 a.m. at the Fire Hall.

PUBLIC COMMENT

YOUTH IN THE COMMUNITY

Cassie Douse and Stephanie Cole talked with City Council about creating youth activities in the City. Miss Douse stated the youth these days go through a lot and the problem isn't just drugs and alcohol but also bullying. The discussion included possible ideas such as a Brothers & Sisters program, reinstating School programs for drugs and alcohol, Teen nights in one of the local buildings.

City Attorney Pat Monasmith advised both young women to give thought to starting out with just one idea and doing it well rather than several things and having them unsuccessful. Mayor Dorothy Slagle invited Miss Douse and Miss Cole to meet with Police Chief Scott Sterland to discuss ideas and offer his assistance.

ADJOURNMENT

Mayor Dorothy Slagle adjourned the meeting at 8:37 p.m.

Approved:

Dorothy Slagle
Mayor Dorothy Slagle

Attest: Raena L Hallam
Raena Hallam, Clerk/Treasurer