

City of Othello
Regular Council Meeting
January 11, 2010

CALL TO ORDER:

Mayor Tim Wilson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present: Mayor Tim Wilson; Councilmembers: Dan Dever, Genna Dorow, Kenneth Johnson, John Reneau, Mark Snyder, Marc Spohr.

Also Present: City Administrator Ehman Sheldon; Department Heads: Finance Officer Mike Bailey, Police Chief Steven Dunnagan, City Clerk Debbie Kudrna, City Planner Darryl Piercy, Municipal Services Coordinator Jay Van Ness; and City Attorney James Whitaker.

Absent Was: Councilmember Ken Caylor.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda. M/S Dever/Johnson.

CONSENT AGENDA:

- A. Approval of City Council Minutes of December 14, 2009
- B. Approval of City Council Workshop Minutes of January 4, 2010
- C. Approval of Accounts Payable Checks for 2009
- D. Approval of Accounts Payable Checks for 2010
- E. Approval of Payroll and Related Expenses for December 2009
- F. Resolution to Accept Donations to Shop with a Cop Program

Accounts Payable was audited and certified by the Auditing Officer, as required by RCW 42.24.080; and those expense reimbursement claims certified and as required by RCW 42.24.090, have been recorded on a listing that has been reviewed by the Council audit committee and is available to the Council.

Expense Claims for December 16, 09 Check No. 37647 to No. 37647 in the amount of \$96.10.
Expense Claims for December 28, 09 Check No. 37648 to No. 37691 in the amount of \$120,293.82.
Expense Claims for January 11, 10 Check No. 37744 to No. 37771 in the amount of \$96.10.
Expense Claims for December 30, 09 Check No. 37772 to No. 37786 in the amount of \$144,891.36.
Payroll Check No. 26299 to No. 26357 in the amount of \$ 242,748.97.

Council carried a motion to approve the Consent Agenda as corrected. M/S Johnson/Snyder.

ELECTION OF MAYOR PRO-TEM

Mayor Wilson called for a nomination of Mayor Pro-Tem.

A motion was made by Councilmember Reneau to nominate Ken Johnson as Mayor Pro Tem. Seconded by Councilmember Snyder. No other nominations were received. Motion passed.

PUBLIC HEARING ON THE RENEWAL OF THE NORTHLAND CABLE FRANCHISE

Mayor Tim Wilson advised that a Council committee was appointed and they are working through the franchise contract. A public hearing was scheduled to hear from the public any concerns or requests relative to the services of Northland Cable. Mayor Wilson opened the public hearing at 7:04 p.m. He asked for a staff presentation. City Administrator Ehman Sheldon advised that this is first of two public hearings, as required by the franchise. A two year's advance notification from the expiration date from Northland Cable is required. He advised staff recommends that Council receive comments from the public and that we cannot dictate specific channels. The main purpose of the public hearing is to receive comments how the cable service is working in our community. Mayor Wilson asked for public comments. There were no public comments. Mayor Wilson asked for Council comments. Councilmember Spohr stated that he is concerned that our citizens have to travel to Moses Lake to do business with Northland Cable and would like to request an alternative for our citizens to do their business with Northland Cable in Othello. Mr. Sheldon advised that he will send a note to Northland Cable concerning this. Mayor Wilson closed the public hearing at 7:08 p.m.

ROLES OF THE CITY COUNCIL AND MAYOR

City Attorney Jim Whitaker provided written materials to the Council relative to the roles of the City Council and Mayor. The information gives them basic perimeters of their role as elected officials. He also provided information from WCIA. He inserted material relative to elected official's responsibilities and cautioned them to not willfully neglect to perform their duties. He cautioned them about disclosing executive sessions' discussions and advised this is a misdemeanor and they could be charged a fee. The other consideration is disclosing City confidences and cautioned them to not take city affairs and matters into their own hands. Disclosing information from executive sessions upsets litigation; disrupts purchase of property and sale of property. He reiterated that elected officials took an oath that they will follow the rules and manage the City's confidences. He briefly reviewed the Open Public Meetings Act. He recommended that the Council only make fair comments to the audience and they must have evidence for a basis of their opinions. He advised that they are not covered by any insurance policy for intentional acts beyond the scope of their duties. He reviewed the land use permit appeal process and when they are dealing with land use issues, they are dealing with someone's vested property rights. In Washington State, citizens are entitled to an open and fair hearing process. He discussed electronic communications and preservation of the electronic records act. Email communications are considered public records and must be retained, kept, retrieved, sorted and available. He explained that any communications for city business via email are public records. He advised the Council to meet with Mr. Sheldon and he will have IT set up an email account to save all emails. He explained that the elected official's personal computers can be seized to determine if there are public records stored on them. Mr. Whitaker encouraged the Council not to text or twitter during council meetings and stated that if notes are passed during a Council debate it can be made public. The City has to have the capability to store and retrieve all electronic public records. He encouraged the Councilmembers not to take undercover actions and go through all the proper processes.

BIAS SOFTWARE SERVICE AGREEMENT

Finance Officer Mike Bailey presented the 2010 software service agreement with BIAS. From the time of our initial installation, we have found BIAS to be very responsive to our request. He advised that the money for the agreement is included within the IT budget. This agreement covers all software issues with the BIAS software. Councilmember Johnson noted that BIAS is charging tax at Spokane's rate of 8.7%. Mr. Whitaker advised that this is correct because it is a service provided.

Council carried a motion to approve the BIAS software service agreement. M/S Johnson/Dever.

INTERLOCAL AGREEMENT WITH OTHELLO HOUSING AUTHORITY – GENIE LIFT

Municipal Services Coordinator Jay Van Ness reported that the City occasionally needs to rent a boom lift for public works projects. The Othello Housing Authority will allow the city to rent their Genie boom lift for a cost of \$30 per hour or \$170 per day.

Council carried a motion to accept the Interlocal Agreement with the Othello Housing Authority for use of the boom lift. M/S Dorow/Dever.

AUTHORIZE THE GRANT AGREEMENT WITH THE STATE DIVISION OF ARCHIVES AND RECORDS MANAGEMENT

City Clerk Debbie Kudrna explained that the City was awarded a \$9,472 grant from the Washington State Archives Local Records Grant Program. This grant funding will be used for document preparation, scanning and microfilming of old minutes, ordinances, and resolutions.

City Attorney Whitaker explained the scanning program that Moses Lake has, and that Spokane Valley has implemented a new scanning and indexing program.

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Council carried a motion to approve the grant agreement and the Service Level Agreement with the State of Washington Division of Archives and Records Management. M/S Dever/Dorow.

AMENDMENT TO THE JANITORIAL SERVICES CONTRACT

City Clerk Debbie Kudrna reported that the City first entered into a contract for janitorial services with Blanca Gonzalez, d.b.a. Everclean Company in November 2001. They provide excellent janitorial service for City Hall and the Police Department building. They post a janitorial insurance bond and liability insurance. During the budget process, it was presented to the budget committee and Council to increase the monthly contract from \$1800 to \$1890 per month. This amount was appropriated in the 2010 budget. She explained that carpet cleaning is not included within the janitorial scope of work. Our janitors have purchased carpet cleaning equipment and perform this for us.

Council carried a motion to approve the 3rd amendment to the contract for janitorial services with Blanca Gonzalez, Everclean Company. M/S Snyder/Reneau.

AMENDMENT TO CONTRACT FOR LEGAL SERVICES

City Administrator Ehman Sheldon requested approval of an amendment to the contract for legal services. The current rate is \$1,980 per month for the first 11 hours and \$140 per hour rate thereafter. The proposal is \$2,250 for the first 11 hours and \$160 per hour thereafter. There has not been an increase to this contract rate for 4 years.

Council carried a motion to amend the contract for legal services with LeMargie, Kenison, Wyman and Whitaker. M/S Snyder/Dever.

ORDINANCE AMENDING OMC CHAPTER 8.20 ENTITLED “FIREARMS”

Police Chief Steve Dunnagan presented a request to amend the existing city ordinance relevant to discharging firearms. The current ordinance does not allow for discharge of blank rounds for theatrical or military funerals. It would be practical to allow discharging of blank ammunition for military funerals. The ordinance needs to be revised to exempt theatrical and ceremonial discharges of blank cartridges. He recommended that the penalty for violation of this chapter be set as a C-4 civil penalty of no less than \$410.

Council carried a motion adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 8.20 ENTITLED “FIREARMS”, providing for a C-4 penalty, as recommended by the Police Chief. M/S Reneau/Johnson. This shall be known as Ordinance No. 1315.

Mr. Sheldon advised that OMC Chapter 1 has the civil penalty fees.

RESOLUTION ADOPTING AMERICANS WITH DISABILITY ACT POLICY

City Administrator Ehman Sheldon asked the Council to adopt a resolution to comply with the Federal Americans with Disability Act. There is a Washington State citizen that is traveling to communities to see if this ADA policy has been adopted and posted. This policy will also meet requirements of CDBG grants.

Council carried a motion to approve A RESOLUTION ADOPTING A POLICY AND NOTICE REGARDING THE AMERICANS WITH DISABILITIES ACT. M/S Johnson/Dever. This shall be known as Resolution No. 2010-02.

UNFINISHED BUSINESS

Councilmember Spohr reported that the auto pay system for utility billing seems to be working great. He complimented staff for implementing the Xpress Bill Pay System.

Councilmember Johnson advised that tomorrow is the ACDC yearly stakeholders meeting in Ritzville at noon and encouraged everyone to attend.

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Councilmember Dever stated that he has found interesting historical statistics from 1909.

NEW BUSINESS

Mayor Wilson presented ceremonial scarves and beads to new Councilmembers Reneau and Dorow from our Sister City, Wulensi Africa. The fireman's annual banquet is January 30th. He attended the AWC workshop for newly elected officials and encouraged all Councilmembers to attend the informative meeting. He advised that the Mayor's luncheon is this Wednesday at noon at the Senior Center.

EXECUTIVE SESSION – PROPERTY ACQUISITION

Mayor Wilson advised that the Council would adjourn into an executive session at 7:56 p.m. to discuss a possible real estate acquisition where public knowledge of the proposed purchase could increase the price. The executive session will last approximately 20 minutes. No action will be taken after the executive session. Mayor Wilson reconvened the Council meeting at 8:15 p.m.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:15 p.m.

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk