

City of Othello
Regular Council Meeting
January 14, 2013

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: Eugene Bain, Dan Dever, Charles Garcia, and Mark Snyder, Ken Caylor, Ken Johnson, and Genna Dorow

Also Present: City Administrator Ehman Sheldon; Department Heads: Public Works Director Terry Clements, Police Chief Steven Dunnagan; Finance Officer Spencer Williams, Planner Darryl Piercy, Receptionist Rebecca Perez-Ozuna and City Attorney Katherine Kenison.

CITIZEN INPUT

Charles Koepke, 1245 E. Cedar St., stated that he had a concern about how to get rid of the newspapers that are being thrown on people's yards. He stated that he was told that it is considered freedom of speech and he had contacted the newspaper about the problem and they said that the newspaper has no recollection of the problem. He presented various publications that are free and available to the community that are not thrown into yards and asked why the newspaper could not be placed in the same location as the other publications. Mr. Koepke suggested that the Council come up with an idea to get rid of the newspaper litter in town. Mayor Wilson mentioned that this issue has been brought up before and will be reviewed at the next council meeting.

Michael Crosier, 625 S. 11th Ave., (*complained that the hearing devices did not work and he has been asking that they be fixed for 2 years. Two different devices were given to him to try out and Mr. Crosier continued to respond to the Mayors questions.*) commented that in November 2011 he had requested to see the Main Street Project records, which was part of a letter that was read in a council meeting in December, 2011. He said that they requested again any and all data regarding the Main Street Project on four separate occasions in writing to be disclosed under the public disclosure request. Mr. Crosier commented that a set of plans were given to him that did not reflect the design for the Honey Gate Alley, and the construction plans that they viewed make no reference to the changes within the boundaries of construction on the project layout sheet. Mr. Crosier stated that he questioned the consultant in regards to this information and was told that the information had been provided to the City. He stated that per that the city withheld information that was due to them per law or received substandard work product, due to a lack of due diligence on behalf of the street committee and the people who received that project.

Mr. Crosier stated that the City accepted an incomplete project and because of this, the City has not complied with the original public disclosure for about a year which was asked for an additional five times and are liable for up to a third of the city's budget, which was established in the *Zinks Vs. City of Mesa* case, which is about seven million dollars. Mr. Crosier asked the Council what they are going to do to comply with the law or are they going to be taken to court. Mayor Wilson stated that a letter will be sent, as they do not respond to the issues until staff research is done.

Sean Bates, 1156 E. Juniper St., stated that it was to his understanding that the Washington State Auditor's Office will be conducting an exit interview following the audit of the City of Othello and asked that they be allowed to attend. Mr. Bates congratulated the City on including all the funds from the ½ optional sales taxes specifically to street construction for this year and asked "What happened to the \$660,000 + generated by this tax over the past half decade that was directed elsewhere in previous budgets above the amounts of \$460,000 per year?" Mr. Bates stated that he has been asking this question since October 2011 and has still not received an answer and has also not received a simple flow chart per his previous request indicating where those dollars came from and where they went or what the street dollars were spent for. He went on to state that the Council has seen the flow charts created by Mr. Croiser showing that the money has been handled in a circular way that is not allowed by law and that this design was only adding to the fixed and variable costs of government and stated since there is no legislature to approve this that the misused funds should be replaced by the general funds. Mr. Bates suggested that the

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Council strongly consider a vote of no confidence in City Administrator Ehman Sheldon for his apparent 6 years of continued contempt of the City Council and the laws and ordinances of the city. Mayor Wilson commented that a letter will be sent, as they do not respond to the issues here.

Chasity Krebs, 1645 Fern St., spoke on behalf of the Othello Youth Baseball/Softball Association and raised concerns on the increased park use fees and the consideration of the City taking control of the concession stand within the parks. They have ran the concession stand for over a decade during the summer months to help lower the costs for the their organization and also help outside entities and are able to make a profit because the concession stands is ran by volunteers. She urged the Council to reconsider this decision, as the City will not make any profit from this because they will have to pay employees to run the concession stand. Ms. Krebs also mentioned that there was an issue with the insurance and liability and assured that their organization is required by law to carry insurance up to one million dollars liability and that all the volunteers are covered under that insurance. Ms. Krebs stated that the repercussions of taking away the concession stand would cause the organization to raise their fees and impose fees back on the kids. She also mentioned that the amount the organization makes from the concession stand is around \$3,000 to \$5,000 and without those funds they would have to look for them somewhere else. She was also concerned with the raising of the price to use the park which she mentioned she heard was going from \$100 per season to \$1,000 per season.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda with the elimination of the Consideration of Petty Cash/Change Fund Resolution. M/S Dever/Garcia

CONSENT AGENDA:

- A. Approval of City Council Minutes of December 10, 2012
- B. Approval of City Council Workshop Minutes of January 7, 2013
- C. Approval of December 2012 Accounts Payable Checks
- D. Approval of January Accounts Payable Checks for 2012
- E. Approval of January Accounts Payable Checks for 2013
- F. Approval of Payroll and Related Expenses
- G. Resolution to Accept Donations
- H. Acceptance of Ashwood Notch – Phase 1

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.

Accounts Payable - 2012 Check No. 41971 to No. 42025 in the amount of \$172,515.26

Accounts Payable - 2012 Check No. 42026 to No. 42080 in the amount of \$162,189.44

Accounts Payable - 2013Check No. 42081 to No. 42106 in the amount of \$132,701.66

Payroll and Related Expenses Check No. 28122 to No. 28156 in the amount of \$279,693.39

Council carried a motion to approve the Consent Agenda, as presented. M/S Garcia/Dorow.

ELECTION OF MAYOR PRO-TEM

Mayor Tim Wilson called for nominations for Mayor Pro-Tem. Mayor Wilson did mention that the person nominated would have to attend meetings at 1:00 PM at city hall with Ehman to go over agenda if the Mayor is not available. Councilmember Ken Caylor nominated Ken Johnson. Mayor Wilson closed the time to nominate. Councilmember Johnson was elected Mayor Pro-tem for one year.

CONSIDERATION OF PARK FEE RESOLUTION

Molly Klippert, Park & Recreation Coordinator, presented new rates for park shelter reservations and park facilities use fees which included the city pool, softball/baseball fields, tennis courts, and soccer fields. Ms. Klippert stated that the reason they wanted to amend the park fees rates to create extra revenue. Ms. Klippert recommended a fee increase that is comparable to the surrounding areas, which was discussed and recommended by the Park & Recreation Committee. Ms. Klippert also presented the Council with a chart showing previous prices and the recommended prices for park shelter reservations rates, park facility use rates and addition rates which include application fee, lights, mounds and fencing.

Tim Taff, 1346 E. Fit St, citizen of Othello and Barracuda Swim Team Coach, commented on the price increase that the city is recommending for the swim team to pay, which would be about 1000% increase and suggested that maybe the pay increase be done in stages instead of one big jump. He also commented on the exclusivity of the pool, and mentioned that if anyone would like to swim with them at 7:00 AM is more than welcome too. Sean Bates, 1156 E. Juniper St., commented on the tennis courts fees going from \$0 to \$5000 per season and was wondering if the Othello School District was aware of this and if they had their chance to weigh in on the fees before any decisions are made. Michael Crosier, 625 S. 11th Ave., asked what the bases of the costs were and if they were actually costs base fees or arbitrary fees. He mentioned that he would like to see bases of calculations for all these fees.

Councilmember's Garcia and Dorow mention that the swim team fee was actually \$140.00 for 2 hours versus \$140.00 per hour as shown on the document, which would cover the costs for guards. Councilmember Garcia said that the committee had also discussed the option of increasing the fees in stages and the fees were verified by other cities. He also said that the \$1000 fees were all inclusive; to include set fields, mounds, fences, lined fields. He also commented that the concessions would not make money due to staff costs. Councilmember Dorow mentioned that the only way the City would make money from concession stands would be to operate both concession stands and buy supplies in bulk. Councilmember Ken Caylor, questioned if these fees had been discussed with the Little League, Othello School District and other organizations that these will impact and requested that they be considered before any decision is made. Councilmember Dorow stated that the school uses the tennis court and that these fees would sustain the park and recreation program itself. Mayor Wilson mentioned that he is not against the raise but would just like to see the increase in stages and mentioned that the revenues are diminishing which is why this is being considered. Mayor Wilson requested staff to set up a meeting with the youth little league, swimming team and school district.

CONSIDERATION OF BID FOR COUNCIL CHAMBERS SOUND SYSTEM

Stan Anderton, IT Manager, presented two bids for the sound system of the Council Chambers and mentioned that the council had budgeted \$22,950.00 for the new sound system. The bids received as follows:

EVCO Sound/Electronics	\$23,687.00
System Solutions	\$19,160.59

Mr. Anderton recommended the contract be awarded to System Solutions and assured the Council that the system would be in place by 30 days.

Council carried a motion to accept the bid from System Solutions in the amount of \$19,160.59. M/S Dorow/Dever.

Mayor Wilson asked Michael Crosier if he would like to come in to test the new system once in place to make sure he is able to hear.

CONSIDERATION OF CITY PASSWORD POLICY

Stan Anderton, IT Manager, explained that we are lacking a password policy to meet the industry standards. Mr. Anderton requested that the council approve the policy and implement it

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immediately. City Administrator, Ehman Sheldon said that the policy was also recommended by the insurance carrier.

Council carried a motion to approve the Password Policy as presented. M/S Dorow/Johnson

2013 POOL EMPLOYEE PAY

Molly Klippert, Park & Recreation Coordinator, presented the council the new pay scale of \$.10 increase to all returning pool employees. This pay rate included concessions, guards and managers. Ms. Klippert did mention that the people that returned last year and received the pay raise will not receive the pay increase this year. Ms. Klippert explained that the hourly rates are still above minimum wage.

Council carried a motion to approve the changes to the 2013 pool employee pay. M/S Dever/Johnson

LEGAL UPDATE – CHIEF DUNNAGAN

Police Chief Dunnagan gave a presentation on I-502 updating the council on the different types of marijuana and what the legal amounts were allowed by the State per I-502. Chief Dunnagan also passed around samples of marijuana in solid form and an instrument that is used to smoke it.

NEW BUSINESS

Mayor made the following announcements:

- Fire Department Council dinner is Saturday, January 26th at 6:00 pm at the Eagles Lodge #3396 (125 E. Larch St.)
- Legislature Conference is February 13th and 14th. Ken Caylor and Ken Johnson are attending; if anyone else would like to go please let the City Administrator know as soon as possible.
- The Exit Audit Meeting is January 24th at 10:00 AM and would appreciate as many council members to attend if possible.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:25 pm.

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
REBECCA PEREZ-OZUNA, Receptionist