

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, Charles Garcia, Kenneth Johnson, Mark Snyder, and Marc Spohr.

Also Present: City Administrator Ehman Sheldon; Department Heads: Finance Officer Mike Bailey, Police Chief Steven Dunnagan, City Clerk Debbie Kudrna; and City Attorney James Whitaker.

Absent Was: Councilmember Ken Caylor.

APPROVAL OF AGENDA

Councilmember Spohr requested that the agenda item 3.3: 2011 Accounts Payables be moved for separate discussion as agenda item 4.6.

Council carried a motion to approve the agenda as amended. M/S Dorow/Dever.

CONSENT AGENDA:

- A. Approval of City Council Minutes of January 10, 2011
- B. Approval of Accounts Payable Checks for 2010
- C. ~~Approval of Accounts Payable Checks for 2011~~

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.

2010 Accounts Payable Check No. 39302 to No. 39320 in the amount of \$163,503.13.

Council carried a motion to approve the Consent Agenda as amended. M/S Garcia/Johnson.

EMPLOYEE RECOGNITION – HOMERO MONTEMAYOR 20 YEARS

Mayor Tim Wilson presented a plaque to employee Homero Montemayor for appreciation of his 20 years of dedicated service to the City of Othello.

BIAS 2011 SERVICE AGREEMENT

Finance Officer Mike Bailey presented the 2011 software service agreement with BIAS Software. There is \$7700.04 budgeted in the 2011 budget for this service.

Council carried a motion to approve the BIAS 2011 software service agreement. M/S Snyder/Dever.

WELL #6 UPDATE – POTENTIAL FUNDING REQUEST

City Engineer Larry Julius advised that they have been working on the rehabilitation of Well #6, which has various aquifers that produce high levels of fluoride. The City obtained a grant to rehabilitate the well in an effort to reduce the amount of fluoride, while maintaining production of water. When the metal tubing was removed, it came out smoothly, exposing the bottom 200' of the well hole to the rest of the well. Loose gravel and rock fell into the hole and it partially collapsed off a portion of the high fluoride producing zone. They now believe that the highest of the fluoride zones are within the bottom 200'. Kevin Lyndsey of GSI Water Solutions explained the hydrology of the well prior to any work. The bottom 997'-1210' down was a sequence of steel liner with steel screen. Tests were performed in 2007-2008 to profile where the fluoride was coming from. They determined high fluoride was flowing in at 910' down in an excess of 5 mg/L. There has been a lot of discussion on options from this point, including working with the Department of Ecology to meet their requirements. After the liner was removed and due to the well collapsing the well is now 1005' deep. They can now see evidence of water moving up through the collapsed area and are concerned that it may be determined by the Department of Ecology (DOE) that there is a co-mingling of water. They have conducted water samples and found that Well #6's high value of fluoride is 5.96 mg/L and the low value of fluoride is 4.32/L. They also discovered water leaving the well bore at 894' feet down. With the latest tests, they believe the bulk of the high fluoride was from the bottom of the well, which has collapsed inward. He presented two options: pump the well now and test the water, which he believes the water production will be reduced because of the area that collapsed. He recommended a long-term pumping test (3 days) to determine what the pumping rate of the well is and to test for fluoride. Another option would be to plug the well at 990' and test the water and move forward

with a well producing less fluoride and less water producing. If DOE determines that there is co-mingling of water, they will require that the well be plugged. He believes that the well will now produce 1000-1200 gallons per minute. Mr. Julius advised that the contract includes one complete day of testing. There are no additional grant funds for change orders to the original contract, which would be needed to conduct a 3 day test. Due to the fact that DOE may require plugging the bottom of the hole, Mr. Julius stated that it might not warrant the three days of testing. There was a discussion about whether the motor could be changed to accommodate lower water production. Mr. Julius advised that Public Works would like to see Well #9 drilled to accommodate the community summer water needs.

Council's consensus was to plug the bottom of the well and run the 24-hour water tests. Mr. Lyndsey recommended plugging at 970'-980' down.

ORDINANCE AMENDING O.M.C. CHAPTER 17.70 ENTITLED "ACCESSORY USES, BUILDINGS, OR STRUCTURES"

City Planner Darryl Piercy reviewed options for the new accessory uses: 1) Adopt the ordinance as presented by the Planning Commission. 2) Include a height restriction to existing primary dwellings. 3) Include a maximum size restriction of 1200 square feet. Mr. Piercy advised that our current code includes a limitation of no more than 45% of the total area that can be covered by structures on a lot. He also stated that the intent of the Planning Commission was to limit the height of an accessory building to the size of the existing structure.

Council carried a motion to remove the original motion off the table, as shown below, made on January 10, 2011. M/S Snyder/Garcia.

"Councilmember Spohr made a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE TO INCLUDE CHAPTER 17.70 ENTITLED "ACCESSORY USES, BUILDING, OR STRUCTURES", with the change to E.3.a.: "The detached accessory structure does not exceed the size and height of the primary dwelling unit". Seconded by Councilmember Dever."

Councilmember Snyder made a motion to amend the original motion to read: "The detached accessory structure will not exceed the size of the primary dwelling unit and 20' feet in height and no more than forty percent (40%) of the lot may be covered by buildings". Councilmember Snyder withdrew his motion. Councilmember Dever withdrew his second on the original motion. There was not a second to the original motion produced by Councilmember Spohr and the original motion failed.

City Attorney Whitaker recommended that the Council give staff direction to rewrite the ordinance for consideration. Mr. Piercy recommended that the ordinance be changed to: the height limitation is 20' or the height of the primary dwelling, whichever is the greater. And change the current code to: no more than forty percent (40%) of the lot may be covered by buildings. This will be brought back for Council's consideration.

ORDINANCE GRANTING A FRANCHISE TO CASCADE NATURAL GAS

City Administrator Ehman Sheldon presented the ordinance for a nonexclusive franchise to Cascade Natural Gas. It includes a 10-year term, new insurance requirements, and allows Cascade Natural Gas to work within our right-of-way.

Council carried a motion to adopt AN ORDINANCE OF THE CITY OF OTHELLO, WASHINGTON, GRANTING CASCADE NATURAL GAS INC., A WASHINGTON CORPORATION, THE RIGHT, PRIVILEGE, AUTHORITY AND FRANCHISE TO SET, ERECT, CONSTRUCT, SUPPORT, ATTACH, CONNECT AND STRETCH FACILITIES BETWEEN, MAINTAIN, REPAIR, REPLACE, ENLARGE AND OPERATE FACILITIES IN, UPON, UNDER, ALONG AND ACROSS THE FRANCHISE AREA FOR THE PURPOSES OF TRANSMISSION, DISTRIBUTION AND SALE OF NATURAL GAS. M/S Dorow/Johnson. This shall be known as Ordinance No. 1337.

APPROVAL OF ACCOUNTS PAYABLE CHECKS FOR 2011

Councilmember Spohr asked for approval of the accounts payable, excluding not paying voucher #39332, which is a payment to the Unemployment Security Division of Washington State, in the amount of \$8700 for unemployment benefits. A portion of the amount is for unemployment for two past employees, who originally quit as city employees, under unique circumstances. The employees were originally denied unemployment benefits and he believes that we have a case to contest the

determination now that they are receiving unemployment benefits. The invoice to the State is not due until February 28th and he believes that we have time to contest the benefits.

Council carried a motion to pay the accounts payable for 2011, excluding voucher # 39332. M/S Spohr/Snyder.

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.

2011 Accounts Payable Check No. 39321 to No. 39361 in the amount of \$95,470.71.

NEW BUSINESS

Mr. Sean Bates, 1156 E. Juniper Street, spoke about the City of Othello policy and procedure for the hotel and motel utility tax and Fund 114, which are funds to pay for advertising for festivals. He noted that the policy provides that requests will be limited to 30% of annual available funds or a percentage based on the availability of new funding equitably distributed over the number of applications, whichever is less. He said that the Sandhill Crane Festival was originally approved \$9,069 and Council approved an additional \$5,000. He believes this is \$1200 over the 30% mark. He read RCW 67.28.1816 relating to lodging tax funding. He asked if whether the City Administrator and the secretary are being paid out of the tourism funds. He reviewed the RCW requirement for jurisdictions to submit an annual economic impact report to the Department of Trade and Economic relevant to expenditures of the lodging tax funds. He asked where the figures of the \$1.8 million dollars of revenues from the Sandhill Crane festival are and where the figures for the other events are. Mr. Sheldon advised that Mr. Bates has had discussions with Mr. Roger Krug and Mr. Bates has been provided the information where those numbers came from. Mr. Bates reiterated that he wants to see how the figures were derived and where the money comes from. Mayor Wilson advised that Mr. Bates should request the information from Adams County, noting Mr. Krug is a County employee. Mr. Sheldon advised that our policy and procedure says that we won't debate or answer at a meeting when a question is posed and we will look into it and will respond.

Mayor Wilson made the following announcements:

- Union negotiation's mediations hearing, this Thursday, January 27th at 9:00 a.m. Councilmembers Dorow, Caylor and Dever are on the committee.
- We have received about 15 dog survey responses. The last day to respond is February 10th. The survey will be included in the utility bills that go out next Monday.
- The Adams County Volunteer Firefighters annual banquet is this Saturday, January 29th at the Othello Senior Center. Social hour is 6-7 p.m.; dinner at 7:00 p.m. and presentations shortly after.

EXECUTIVE SESSION

Mayor Wilson announced that Council will adjourn into an executive session with the City Attorney for approximately 20 minutes to discuss potential litigation at 8:40 p.m. The Mayor reconvened the City Council meeting at 8:50 p.m.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:50 p.m.

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk