

**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, Kenneth Caylor, Dan Dever, Charles Garcia, Kenneth Johnson, and Mark Snyder.

Also Present: City Administrator Ehman Sheldon; Department Heads: Public Works Director Terry Clements, Police Chief Steven Dunnagan, City Clerk Debbie Kudrna; Finance Officer Spencer Williams, and City Attorney Katherine Kenison.

Absent Was: Councilmember Genna Dorow.

Council carried a motion to approve the absence of Councilmember Dorow. M/S Garcia/Bain.

**CITIZEN INPUT**

Sean Bates, 1156 E. Juniper Street, said there's a hum on the earphone that Mr. Crosier is using and it is bleeding into the other microphones. Mr. Bates asked the Council to consider reinstating a program to recognize various citizens. He asked the Council to recognize Mr. Walter Bentley for his contributions to the City of Othello Council and School District and for his example of implementing solar vehicles for municipal transportation. Secondly, he has not received any response from the City relative to his question at the last meeting as to where the more than \$660,000, which was miss-spent on things other than the street program over the course of the last half-decade, and is theft and illegal conversion of public funds. After more than seven days time, as prescribed by law, and his subsequent letter in last week's Othello Outlook, which reiterated his question, he assumes that Council agrees that to spend dollars contrary to law is theft and illegal conversion of public funds. Third, based upon this assumption, he asked if the Council is ready tonight to vote no confidence in the City Administrator. He asked Council to go on record as to who among them holds fraud of competence as beneath the standard for employment at the City of Othello and is willing to discipline employees who have acted beyond the scope of their authority and who do not meet the minimum standard of their employment.

Mr. Crosier, 625 N 11<sup>th</sup> Avenue advised that his driveway is all busted up because a water line was put in defectively. It was backfilled and then not compacted properly. He asked why Councilmember Caylor can use his position to get Public Works defective designs and construction and his neighborhood not? This driveway is an eyesore, since it was brought to their attention many years ago. He and his neighbors had shown 35 slides and survey measurements that show the upper part of the drive defects of everyone's drive were caused by sloppy construction in the street. He advised that he was offered \$4500 to settle this claim and told he must go through the City's insurance carrier. They have asked the City several times in writing what the basis of this calculation and they have continued to refuse to answer those letters. He said that it requires an engineer solution and the city engineer needs to develop a bridge section of the driveway to resolve the soil underneath it. He asked why do those who have business interest's solutions and where the Indians live do not. He asked if this is another example of discriminatory policies of the Administrator and why is there a disparity of treatment, as there was in distribution of street lights. All of the other blocks have security street lights mid-block except where the Indians live. He said that he expects an answer in writing in 10 days or we will get greetings from other place for your further disparities of treatment.

Marc Spohr, 429 N 9<sup>th</sup> Avenue asked that the Council be conservative where they are not using the tax dollars for the best value. When he was on Council, he recommended going to a two-year audit and it's his understanding that at the last audit, it was brought up as a suggestion; that there have been no major findings in the last several years and he strongly endorses going to a two year audit.

Chuck Koepke, 1245 E Cedar Street reported that the entrance into Wal\*Mart has trees on the city right-of-way and it is hard to see in both directions. He also said that the Othello sign in front of Auto Zone is a site obstruction.

**APPROVAL OF AGENDA**

Council carried a motion to approve the agenda. M/S Garcia/Bain.

**CONSENT AGENDA:**

- A. Approval of Accounts Payable Checks for 2012
- B. Approval of Accounts Payable Checks for 2013
- C. Set Public Hearing on Vacation of City Right-of-Way for February 28, 2012

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 Check for 2012 No. 42107 to No. 42118 in the amount of \$46,498.92.  
Accounts Payable Check for 2013 No. 42119 to No. 42164 in the amount of \$316,343.36.

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

**CONSIDERATION OF CHANGE ORDER OF COUNCIL SOUND SYSTEM**

IT Manager Stan Anderton reported that there was an error in the calculations to arrive at the total contract amount for the sound system. He needs to include the costs for six additional microphones for the Council and Mayor. He presented a change order in the amount of \$1,777.08; the total amount budgeted for this project was \$22,950. The contract will still be \$2,000 below the budgeted amount.

Council carried a motion to approve the change order to the System Solutions contract for the council chambers sound system in the amount of \$1,777.08. M/S Dever/Caylor.

Mr. Anderton advised that the construction of the sound system will begin the week of February 4<sup>th</sup> and the deadline is February 13<sup>th</sup>. Mayor Wilson advised Mr. Anderton to set up a meeting with Mr. Crosier to test the hearing devices. Mr. Anderton explained that staff worked on the existing system today for approximately 30 minutes and found one of the connections on the mixer causing a hum. The new system will take care of the issue.

**CONSIDERATION OF 2 YEAR AUDIT**

Mayor Wilson reported that over the past thirteen months, several citizens had concerns of how the city was handling its finances and contacted the State Auditors and filed nine allegations, which is their right as a citizen, and they also met with the State Auditors. The State Auditors have completed the annual audit, including looking at the nine issues. The Auditors mentioned the City's cooperation in the interview exit last Thursday. The Auditors reported there were no findings, dishonesty or miss-use of any funds. They did not find anything to speak of that the City has to address. The Mayor thanked the Council, the city employees and the citizens that were involved. He explained that audits are training for the City and recommended that the Council retain the annual audit. Councilmembers Johnson and Caylor supported the annual audits.

Council carried a motion to continue the annual State audits. M/S Dever/Johnson.

**RESOLUTION TO SET PARK FEES**

Parks and Recreation Coordinator Molly Klippert advised that the Council Parks and Recreation Committee met with local community groups to discuss the proposed park usage fees. They have agreed upon the proposed fees for the Lions Park ball fields, park shelters and the swim team use of the swimming pool. She reviewed the proposed fees for the park shelters, noting the fees were arrived using what amenities each one has and not by the number of participants. These fees were reviewed by the Parks and Recreation Committee and compared with the Association of Washington Cities 2012 shelter reservation fee survey. Mayor asked for citizen input. There was none. Ms. Klippert reviewed the proposed ball field rental rates for tournaments, league play, ball practices, and other applicable rates. These rates were arrived by surveys conducted by WCIA and other community's rates. She explained the application fees; ball field lights; mounds, and fencing. They met with the Little League representatives and reviewed these proposed rates. Mayor Wilson asked for citizen comments. Bert Parris, 940 S. Billington Road, asked if the proposal included youth soccer in Kiwanis Park. Mayor Wilson said no. Ms. Klippert explained that the fee for practices in Lions Park is for those that reserve a field. Ms. Klippert

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explained that the leagues and teams will have to submit schedules. Ms. Klippert reviewed the swim team pool rental fee of \$3,000 for 2013 and 2014, which was reviewed with the Barracudas swim team. Mayor Wilson asked for comments. Kevin McDonald, 1138 E. Elm, requested that when discussions are held for fees for youth soccer, older soccer and adult league soccer, that they be invited to discuss it with the City. He also asked that when outside leagues come to Othello that the local soccer leagues are not kicked off the fields and want to assure the local community leagues are supported first. Mr. Sheldon said that the soccer field fees will be discussed with them. Councilmember Garcia advised that the citizens will be part of the fee process and in regards to outside leagues using the fields, it's all about scheduling. Mr. Mike Crosier asked what the basis for the rates is, and noted that the tennis court fees have been taken off the resolution. Mayor Wilson advised that Ms. Klippert had addressed this. Mr. Crosier asked for an explanation of how the fees were calculated. Timm Taff, 1346 E. Fir Street, stated that he supports the fee for the Barracuda Swim Team. He noted that there were concerns from parents regarding DOC inmates working around the pool while the swim team was using it and asked that DOC not be allowed in the area when the swim team is using the pool.

Ms. Klippert advised that the park shelters can be reserved up to the same day and they are amending the rules regarding refunding the park shelter fees if a proper notice is given. Councilmember Johnson explained that our citizens can call in to see if a park shelter is available and our citizens are free to use the shelters without reserving them.

Council carried a motion to approve A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON TO AMEND RECREATION FACILITY RENTAL FEES. M/S Garcia/Snyder. This shall be known as Resolution No. 2013-02.

**CONSIDERATION OF PROHIBITING FLYERS/THROW AWAY NEWSPAPERS**

City Attorney Kenison provided information on the City's regulatory authority of paper advertisements, unsolicited materials, etc. that is deposited on public and private property. She advised that the Courts have limited a City's ability to regulate these distributions because of the Constitutional free speech rights. She explained that the 9<sup>th</sup> Circuit Federal Court of Appeals struck down a Seattle Ordinance, which attempted to reduce the distribution of flyers, etc. on the grounds that they create litter, added to landfills, and annoyed citizens. Ultimately, the City has no ability to regulate the distribution of materials without facing significant liability. Several jurisdictions have attempted how the papers, etc. are delivered and the Courts have struck those ordinances down. Home owners can install signage on their own property restricting distribution. Attorney Kenison recommended that the City talk with the distributors and publishers in an attempt to arrive at a mutual resolution.

**MONTHLY INVESTMENT REPORT**

Finance Officer Spencer Williams gave a report on the status and performance of the City's investments and cash positions in the Local Government Investment Pool and the financial portfolio with the Bank of America and the City's checking account. He noted that the City is very restricted in how we can invest and have to have very secure investments.

**PETTY CASH AND CHANGE FUNDS POLICY**

Finance Officer Spencer Williams reported that the City has multiple petty cash and change funds for the various departments to be more efficient and cost effective for the City to operate. The proposed policy will help to protect these funds and ensure they are used for their intended purposes.

Council carried a motion to adopt the petty cash and change funds policy. M/S Garcia/Caylor.

**RESOLUTION TO RE-ESTABLISH PETTY CASH FUND**

Finance Officer Spencer Williams explained that the Police Department currently has a \$50 change fund. Because they are now responsible for issuing dog licenses, there is a need to increase their change fund to \$100.

Council carried a motion to approve A RESOLUTION TO RE-ESTABLISH PETTY CASH/CHANGE FUNDS. M/S Dever/Johnson. This shall be known as Resolution No. 2013-03.

**EXECUTIVE SESSION – POTENTIAL LITIGATION**

Mayor Wilson announced at 7:59 p.m. that Council will now adjourn into an executive session pursuant to RCW 42.30.110(1)(i) "To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency." The executive session is expected to last 15 minutes. No action will be taken during the executive session; however the meeting will reconvene for potential action by the Council. He asked the Police Chief and City Administrator to attend the Executive Session.

Mayor Wilson reconvened the Council meeting at 8:15 p.m.

**MARIJUANA MORATORIUM ORDINANCE**

Council carried a motion to adopt AN ORDINANCE OF THE CITY OF OTHELLO ADOPTING A TWELVE MONTH MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS, DEFINING "MEDICAL MARIJUANA COLLECTIVE GARDENS"; PROVIDING FOR A PUBLIC HEARING; ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN TWELVE MONTHS OF THE DATE OF ADOPTION. M/S Snyder/Bain. This shall be known as Ordinance No. 1378.

**NEW BUSINESS**

Mayor Wilson made the following announcements:

- State Legislative Conference is mid-February. Councilmembers Johnson and Caylor will attend.  
Contact them if you have a legislative issue to be addressed.
- Bid opening is Thursday, January 31<sup>st</sup> at 2:00 p.m. for the Scooteney Street work.

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:17 p.m.

By: \_\_\_\_\_  
TIM WILSON, Mayor

ATTEST:

By: \_\_\_\_\_  
DEBBIE L. KUDRNA, City Clerk