

**CALL TO ORDER:**

Mayor Pro Tem Ken Johnson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

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

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 Anna Franz.

Absent Was: Mayor Tim Wilson.

Council carried a motion to excuse Mayor Tim Wilson. M/S Snyder/Bain.

**CITIZEN INPUT**

Sean Bates, 1156 E. Juniper Street, advised that vehicles were vandalized in our community this weekend and his vehicle back window was shot out. He asked the police officer that responded why his home is up for sale. The officer advised that he was moving out in the county. Mr. Bates asked the Council to keep in mind that those here to serve and protect us share his concern for public and property safety.

Michael Crosier, 625 N. 11<sup>th</sup> Avenue stated that the City had asked him to review the new sound system. He advised that there still is some feedback and asked that there be additional backup microphones. He asked that someone direct Larry (Larry Julius, City Engineer) to review the subsidence problem in his neighborhood and determine what the fix is.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of January 14, 2013
- B. Approval of City Council Minutes of January 28, 2013
- C. Approval of City Council Workshop Minutes of February 4, 2013
- D. Approval of Payroll and Related Expenses
- E. Approval of Accounts Payable Checks
- F. Set Public Hearing on the 12 Month Marijuana Garden Moratorium for February 25, 2013
- G. BIAS 2013 Software Agreement

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 No. 42165 to No. 42229 in the amount of \$105,718.01.

Payroll and Related Expenses Check No. 28162 to No. 28194 in the amount of \$248,717.78.

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

**CONSIDERATION OF GWMA REQUEST**

Executive Director Paul Stoker advised that the next critical step in the groundwater replacement project is securing State funding to the DOE in the amount of \$32M to be used for the completion of the East Low Canal widening project. The completion of the East Low Canal widening project is essential to the implementation of the Odessa Sub-Area groundwater conversion project. He advised that local representatives will be in Olympia to discuss support of the application for funding. He asked the Council to support the Department of Ecology's (DOE) capital budget request for \$32M for the expansion of the East Low Canal expansion project.

Council carried a motion to send a letter of support of the \$32M capital budget request by DOE. M/S Dorow/Caylor.

Mayor Pro Tem Johnson acknowledged Boy Scout Troop 803 members in attendance.

**CONSIDERATION OF BERK'S REFRIGERATION CONTRACT**

Public Works Director Terry Clements explained that Berk's Refrigeration has traditionally performed the maintenance of the traffic telemetry, and city-wide electrical service needs. The fees are \$80 per hour. Mr. Clements asked Council to consider at 3-year service agreement with Berk's Refrigeration.

Council carried a motion to renew the agreement with Berk's Refrigeration for 2013-2015. M/S Dever/Dorow.

**ORDINANCE TO AMEND THE 2013 BUDGET**

Finance Officer Spencer Williams advised that the water line improvement project was not included in the 2013 budget. This was discussed during the budget preparation. The project estimate is \$170,000. The finance committee and staff have discussed this and recommend using REET funds for funding.

Council carried a motion to adopt AN ORDINANCE AMENDING THE 2013 BUDGET FOR THE CITY OF OTHELLO AND AMENDING ORDINANCE 1375. M/S Dorow/Garcia. This shall be known as Ordinance No. 1379.

**2012 INFRASTRUCTURE IMPROVEMENTS REBID**

Public Works Superintendent Terry Clements advised that the infrastructure improvements, which is a portion of the Scooteny Street project. The project was rebid at the Council's direction.

City Engineer Larry Julius advised that reported that bids were received for the 2012 infrastructure improvements project as follows:

Pegram Construction, Inc.	\$121,941.44
Belsaas & Smith Construction, Inc.	\$146,811.26
City Engineer's estimate	\$150,780.00

He advised that the low bidder has the capability to perform the work. He explained that both projects combined are approximately 16.5% less than the bids that were received in 2012 and it was prudent to separate the bid projects (pipe and paving).

Council carried a motion to award the construction bid to Pegram Construction, Inc. in the amount of \$121,941.44 and authorize the Mayor to sign the contract. M/S Caylor/Dever.

**2012 STREET IMPROVEMENTS REBID**

Public Works Superintendent Terry Clements reported that this is the street portion of the Scooteny Street project.

City Engineer Larry Julius reported that bids were received for the 2012 street improvements project as follows:

Central Washington Asphalt, Inc.	\$ 595,567.44
Granite Construction, Inc.	\$ 620,703.87
A & B Asphalt, Inc.	\$1,161,054.32
City Engineer's estimate	\$ 604,843.00

Mr. Julius reported that the low bidder has the capability to perform the work.

Council carried a motion to award the construction bid to Central Washington Asphalt, Inc. in the amount of \$595,567.44 and authorize the Mayor to sign the contract. M/S Garcia/Snyder.

**DEPARTMENT OF REVENUE ASSESSMENT**

Finance Officer Spencer Williams explained that we were contacted in late 2012 by the Department of Revenue (DOR) regarding a refund of brokered natural gas tax in the amount of \$137,917. This has been discussed with the Finance Committee and staff has contacted several agencies about the legality of the issue. Unfortunately, the City has to repay the amount that the City received and the Finance Committee recommends that we repay this amount as a deduction to our monthly utility tax allotment from the State over a 11-month period. The reduction would be approximately \$12,550 per month for the 11 month payment plan. Mr. Williams explained that the reason for the tax repayment is that a local business used estimates to pay the brokered natural gas tax and they ended up paying more than they should have paid. City Administrator Ehman Sheldon explained that staff will work on a new contract with DOR.

Council carried a motion to agree to the payment repayment proposal for 11 months to the Department of Revenue. M/S Dorow/Bain.

**CONSIDERATION OF COORDINATING WITH ADAMS COUNTY FOR GRASS DISPOSAL**

Councilmember Caylor explained that SWAC has discussed the proposal for grass disposal and the original intent was to eliminate the issues of grass clippings in our garbage mainstream. There is grant funding available that could be used for the purchase of containers. He stated that it may require Public Works manpower and a location would need to be selected. He explained that the City's tonnage charges will be reduced if grass clippings were taken out of the garbage stream. Councilmember Caylor asked the Council whether to support the project. Mayor Pro Tem Johnson stated that he supports recycling; however he isn't sure if the community is ready for this. Councilmember Dorow stated that the County has hired more employees and the trailers will be hauled timely. Councilmember Dever mentioned that it may be wise to start a recycling educational process for our citizens.

**ORDINANCE TO AMEND O. M. C. 2.40 EMPLOYEE RECOGNITION PROGRAM**

City Administrator Ehman Sheldon explained that the last two employee recognition plaques cost more than the \$75 allowance in the Othello Municipal Code. He asked Council to consider increasing the maximum value for recognition awards from \$75 to \$100.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 2.40 ENTITLED "PERSONNEL REGULATIONS". M/S Dorow/Garcia. This shall be known as Ordinance No. 1380.

**NEW BUSINESS**

Mayor Pro Tem Johnson made the following announcements:

- The park committee will meet Tuesday at noon at Public Works.
- The park committee will meet on Thursday at 8:00 a.m. at Public Works. It was noted that this meeting will be rescheduled.
- Councilmembers Ken Caylor and Ken Johnson will be attending the AWC Legislative Action conference.

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 7:46 p.m.

By: \_\_\_\_\_  
KEN JOHNSON, Mayor Pro Tem

ATTEST:

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