

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, Ken Caylor, Dan Dever, Genna Dorow, Kenneth Johnson, and Mark Snyder.

Also Present: City Administrator Ehman Sheldon; Department Heads: Finance Officer Mike Bailey, Police Chief Steven Dunnagan, Building and Planning Secretary Trisha Tolley, and City Attorney Katherine Kenison.

Absent Was: Councilmember Charles Garcia. Council carried a motion to excuse this absence. M/S Dever/Johnson.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda. M/S Snyder/Caylor.

CONSENT AGENDA:

- A. Approval of City Council Minutes of January 23, 2012.
- B. Approval of City Council Workshop Minutes of February 6, 2012.
- C. Approval of Accounts Payable Checks
- D. Approval of Payroll and Related Expenses

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. 40724 to No. 40798 in the amount of \$214,648.90.
Payroll Check No. 27616 to No. 27654 in the amount of \$257,768.21.

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

PUBLIC HEARING TO CONSIDER REZONE REQUEST FROM DARREN & NICOLE AMORUSO AND JUDY MEEK

Mayor Wilson opened the public hearing at 7:05 p.m. City Planner Darryl Piercy reported that Darren and Nicole Amoruso and Judie Meek have submitted a request to rezone property from C-2 to S-1. Mr. Piercy explained that the annexation petition provided that the property was to be zoned C-2 to benefit the Port District needs. At the time, the property owned by Mrs. Meek's was included in the Port District annexation. The City received a building permit application to construct a single family residence on the north parcel, which was going to be purchased by the Darren and Nicole Amoruso. It was determined by the Building Department that the zoning was not appropriate for the development of a single family residence, which lead to their request of a rezone. Mr. Piercy noted that Suburban zoning is primarily used for those areas that are greater than one acre and tend to be on the transition area of the city boundaries and the county. This issue was discussed by the Planning Commission and they recommend support of the rezone request submitted by the Amoruso's and Meek.

Mayor Wilson asked for public comments. With no public comments, Mayor Wilson closed the public comments. Mayor Wilson asked if any Councilmembers had any comments at this time. There was none. Mayor Wilson closed the public hearing at 7:10 p.m.

ORDINANCE TO REZONE PROPERTY

Mr. Piercy, City Planner asked for approval of the Ordinance for the rezone request submitted by Darren and Nicole Amoruso and Judie Meek.

Council carried a motion to adopt AN ORDINANCE MODIFYING THE CITY OF OTHELLO ZONING MAP. M/S Caylor/Snyder. This shall be known as Ordinance No. 1355.

WATER AGREEMENT WITH DARREN & NICOLE AMORUSO

City Administrator Ehman Sheldon reported that for the City to provide water to the property being purchased by Darren and Nicole Amoruso, they would have to connect to the City's existing water main located at SR 26 and 14th Avenue, which is approximately 1000 ft. from the property. He stated that there is city water service to the Meek residence. He said that the City code does allow for construction of temporary water service to any building. The proposed water agreement sets forth the conditions for the Amoruso's to tap into the 1" line that currently serves the Meek residence. This would service both homes, registered by one meter located at the corner of SR 26 and 14th Avenue. The meter would account for all water usage and the water would be billed as it currently is. A condition in the agreement is that the Amoruso's must connect to the city water and pay all fees for the connection at a time that the Port District extends the water line to the South end of their property. If the Amoruso's fail to connect directly to the City's water system for any reason by 2014, they would have to separate from the temporary water service and an option would be to connect to the city water system at the intersection.

Council carried a motion to approve the Water Agreement with Darren & Nicole Amoruso. M/S Johnson/Bain.

PUBLIC HEARING AND CONTRACT RENEWAL WITH NORTHLAND CABLE/CONSIDERATION OF ORDINANCE

Mayor Wilson opened the public hearing at 7:16 p.m. City Administrator Ehman Sheldon reviewed some of the elements of the contract to the council and noted that it is an extension of the previous 20 year contract for Northland Cable. The term of the new contract is set for 10 years, because the technology world is changing so rapidly, with a 5 year extension available. The contract identifies the insurance requirements that will be posted by Northland Cable. He said that the majority of the service agreement is for the use of our street rights-of-way. Mr. Sheldon explained that we currently charge a franchise fee of 5%; although we have the ability to charge up to 6% through our utility tax code. We're able to charge the 6% utility tax by crediting the 5% franchise fee.

Mayor Wilson asked for public comments. Mr. Mike Crosier said that the 10 year term is too long and 5 years was more adequate. He feels their advertisement is false they don't deliver on what they say they will. He suggested that the City take another look at this agreement, especially since there aren't other proposals. Mr. Crosier said that in the 1980's the City made a Franchise Agreement with them dependant on the fact that they would provide a hub, which never happened. He suggested that other alternatives be looked at, such as wireless.

Ehman Sheldon stated that the public hearing notice was published in the paper, as required. He stated that the cities of Soap Lake, Ephrata, Moses Lake and Royal City have all adopted the same contract with a 10-year term. This is a non-exclusive contract, which means if another cable company came in we would provide it to the Council to be discussed. Mayor Wilson asked for Council comments. There were none. Mayor Wilson closed the public hearing at 7:26p.m.

Council carried a motion to adopt AN ORDINANCE GRANTING A FRANCHISE TO NORTHLAND CABLE TELEVISION, INC. TO OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF OTHELLO AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE. M/S Johnson/Snyder. This shall be known as Ordinance No. 1356.

CONSIDERATION OF AN ORDINANCE RELATING TO THE UTILITY OCCUPATION TAX

Ehman Sheldon explained that the ordinance establishes the utility tax process for all cable television services. The franchise fee of 5% plus the utility tax of 6% would equal an 11% tax. The ordinance allows a credit of the franchise fee, and the utility tax of 6% would be due.

Council carried a motion to adopt AN ORDINANCE RELATING TO THE UTILITY OCCUPATION TAX OF THE CITY OF OTHELLO; ADDING A NEW SECTION 3.02.065 TO THE OTHELLO CITY CODE; AND ESTABLISHING AN EFFECTIVE DATE. M/S Dever/Caylor. This shall be known as Ordinance No. 1357.

APPROVAL OF 4-YEAR BANKING SERVICES AGREEMENT

Finance Officer Mike Bailey explained that bank interviews with Sterling Savings Bank, Columbia Bank and US Bank were held on September 23, 2011. On January 26th, 2012 a banking RFP meeting was held with the City Council Finance committee. It was evident that all three banks were capable of meeting the cities banking needs. The committee's final recommendation was to recommend an agreement with US Bank.

Council carried a motion to authorize the Mayor to sign a 4-year banking services agreement with U.S. Bank. M/S Snyder/Dever.

NEW BUSINESS

Ken Caylor brought in a magazine from Coulee Corridor, the Okanogan Trails and Grant County. He mentioned that the Coulee Corridor is back on track; they have new officers and plan to get back to the way it was before.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 7:34 p.m.

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
TRISHA TOLLEY, Building & Planning Secretary