

City of Othello  
Regular Council Meeting  
February 23, 2015

**CALL TO ORDER:**

Mayor Shawn Logan called the meeting to order at 7:00 p.m. and led an Invocation and the Pledge of Allegiance.

**Present:** Mayor Shawn Logan; Councilmembers: Eugene Bain, Genna Dorow, Corey Everett, Angel Garza, Kenneth Johnson, John Lallas, and Mark Snyder.

**Also Present:** City Administrator Wade Farris; Department Heads: Public Works Director Terry Clements, Police Chief Phil Schenck, Community Development Director Travis Goddard, City Clerk Debbie Kudrna, Finance Officer Spencer Williams and City Attorney Kelly Konkright.

**CITIZEN INPUT**

There was none.

**APPROVAL OF AGENDA**

Council carried a motion to approve the agenda. M/S Garza/Lallas.

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of February 9, 2015
- B. Approval of Accounts Payable Checks
- C. Call for Bids for Official Newspaper

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. 5145 to No. 5146 in the amount of \$2590.00.

Accounts Payable Check No. 44988 to No. 45038 in the amount of \$155,466.65.

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

**PUBLIC HEARING ON ALLEY VACATION AND ORDINANCE- ROLANDO GARZA**

Mayor Shawn Logan opened the public hearing at 7:02 p.m. Community Development Director Travis Goddard reviewed the property location and the alley that is being discussed. He noted that a building has been built upon the alley right-of-way. Public notice has been completed in accordance to RCW and Othello Municipal Code. He noted that the Council had asked staff to discuss whether compensation should be received for the property to be vacated. Mr. Goddard reviewed the provision of RCW 35.79.030, which addresses the ability of the City to receive compensation and reported that the City is authorized to collect the full appraised value of the land to be vacated under two circumstances:

1. If the easement was purchased for public benefit
2. If the public right-of-way was dedicated more than twenty-five years or more ago.

Mr. Goddard reported the vacated lots will become zoned I-1 and advised that the property in question was dedicated in 1910 as part of the Othello Realty Company First Addition. He noted that there was no appraisal completed for the requested vacation. Mr. Goddard advised that if the alley vacation is approved, it appears that the structures on the site of the property cross multiple property lines. OMC 17.56.170 states that buildings constructed over such lot lines are considered to eliminate lot lines.

Mr. Goddard recommended approval of the variance upon the a condition to require correction of platting issues prior to a change in use, issuance of a building permit, occupancy of a structure, or the purchase, sale, or transfer of the property.

Mayor Logan asked if the large building was permitted. Mr. Goddard advised that he believes it was and was unsure if an occupancy permit was issued. If an occupancy permit hasn't been issued yet,

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that would be worked out with Mr. Garza. Councilmember Lallas had questions about platting the property and advised he would like to see more properties get properly platted. Mr. Goddard reviewed the language in the proposed ordinance relating to platting. City Attorney Konkright noted that the RCW's gives the option for compensation for a vacated right-of-way. The City would have to conduct an appraisal and the appraised value may off-set the appraisal cost.

Mayor asked for comments from the applicant. There was none. Mayor asked for other comments. There was none. Mayor Logan closed the public hearing at 7:16 p.m.

Council carried a motion to adopt the Ordinance vacating an alley right-of-way without compensation. M/S Lallas/Snyder. This shall be known as Ordinance No. 1427.

**ANYTIME FITNESS AGREEMENT**

Police Chief Schenck presented an agreement with Anytime Fitness Othello for corporate rate membership services. This would allow a discounted rate for City employees and qualified members. He noted there is no annual fee; however there are monthly fees.

Council carried a motion to approve the agreement with Anytime Fitness Othello. M/S Dorow/Lallas.

**FACILITY USE AGREEMENT WITH OTHELLO YOUTH BASEBALL/SOFTBALL LEAGUE**

Parks and Recreation Coordinator Molly Klippert advised that the Othello Youth Baseball/Softball League (OYBSL) has requested an agreement for use of the Lions Park Athletic Complex softball fields and operation of the concession stand. She advised that the City will continue to provide field maintenance during Public Works business hours, pitchers mounds and additional outfield fencing as requested by the OYBSL. Changes to the proposed agreement include:

- Three-year contract term between the parties.
- OYBSL yearly field use payment of: \$750 for year one; \$1500 for year two, and \$2500 for year three of the Agreement.
- Addition of on-deck circle and batter's box chalking to the City field maintenance responsibilities.
- Inclusion of City field maintenance crew during 2015 State softball tournament.
- Requirement of OYBSL to report yearly league statistics/information to City, such as participant numbers, cost of registration, special honors earned, etc.

Staff and the Council Parks and Recreation Committee presented the proposed agreement to OYBSL. Pete Guzman, Vice President of the OYBSL, confirmed their Board of Directors' approval of the terms of the agreement and their desire to enter into the proposed facility use agreement.

Councilmember Bain stated that he has concerns of the increased costs to the OYBSL. Councilmember Dorow explained that the past fees were the same for 30 years and now we are trying to implement fees to recover some of the City costs and noted that they get "exclusive right to the fields" during their schedule. Councilmember Lallas noted that the City is going to look at running the leagues as part of our recreation department in the next three years. Councilmember Everett noted that the league will run the concession stand and their revenues will more than cover the proposed fees. He noted that they also paid for having the tournament last year at the ball field and the new agreement includes the fee for the tournament. There was further discussion about the proposed agreement fees. City Attorney Konkright noted if Council approves the agreement, he would like to amend section 10 and add a new provision for attorney fees.

Council carried a motion to approve the Resolution authorizing the Mayor to sign a Facility Use Agreement with the Othello Youth/Baseball Softball League for the Use of the Lions Park Athletic Complex, with changes to the agreement as mentioned by the City Attorney. M/S Lallas/Dorow. This shall be known as Resolution #2015-07. Councilmember Johnson and Bain cast opposing votes.

**UNFINISHED BUSINESS**

Mayor Logan reminded that a Planning Session is scheduled next Monday night to begin at 5:30 p.m. He noted that Travis Goddard has arranged a short course on planning scheduled for March 11<sup>th</sup> to begin at 6:30 p.m. for approximately 3 hours.

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Mayor Logan advised that the Council approved an emergency to perform water transmission work from Well #9 and gave the authority to the City Administrator to select the contractor to complete the project. Public Works Director Terry Clements presented a bid tabulation. Public Works had requested bids from five contractors and we received three bids back. The bids received were as follows:

<u>COMPANY</u>	<u>SCHEDULE A</u>	<u>SCHEDULE B</u>
Pegram Construction	\$479,248.85	\$164,107.88
POW Contracting, Inc.	\$566,219.29	\$263,030.33
Apollo Inc.	\$715,071.73	\$256,152.87

Mr. Clement advised the quotes include the transmission line and the forced main to cross Hwy. 17 for future development. He explained that when they jack and bore under Hwy. 17, they would lay the water main and the sewer line. They do not yet have approval from WSDOT whether they will allow the jacking and boring. Councilmember Johnson asked if we could add the sewer work to this project. Attorney Konkright noted that would be outside of the initial scope of the authorized emergency and he would have to research this further to see if it can be included in the declaration of the emergency for the water infrastructure project. Mayor Logan advised that he will have the Attorney research this issue further and they may need a Special Council meeting to consider this.

**NEW BUSINESS**

Councilmember Lallas asked that staff research who the various soccer associations are that utilize the City soccer fields and consider annual agreements. Mr. Farris advised that he has asked Varela to start working on the new Farmers Market project.

Mayor Logan advised that Jazz Night is Tuesday night, 6:00 at the old Nazarene Church facility. This Friday is the annual Chamber of Commerce banquet. Mr. Wade advised that Lions Club is hosting "ham bingo" on March 12<sup>th</sup> at the Othello Senior Center.

**EXECUTIVE SESSION**

Mayor Logan announced that the Council will now adjourn at 8:05 to go 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 30 minutes. No action will be taken during the executive session. Also included in the Executive Session were City Administrator Mr. Wade Farris, Public Works staff Terry Clements and Doug Jordan and City Attorney Kelly Konkright. Mayor Logan announced that the executive session was extended an additional 15 minutes. Councilmember Garza recused himself from this particular discussion.

Mayor Logan reconvened the Council meeting at 8:48 p.m.

**ADJOURNMENT**

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:49 p.m.

By: \_\_\_\_\_  
SHAWN LOGAN, Mayor

ATTEST:

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