

City of Othello  
Regular Council Meeting  
February 27, 2012

**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, Charles Garcia, Kenneth Johnson, and Mark Snyder.

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

**CITIZEN INPUT**

Dave Sperl, Crestline Road, stated that he appreciates what the Mayor, Council, and staff do for the City. He mentioned that on Hwy 26 going east and west there are two signs that say "Entering Othello" and he asked if something else could be added to the sign, i.e. population or elevation. He has also observed that most of the traffic going out of Wal\*Mart turn west to come into the city. The lane going into Wal\*Mart is very tight and asked if the lane could be restriped to have one lane going in and one going out, in order to give more room for the traffic turning into the store.

Sean Bates, 1156 E. Juniper Street, advised that after review of the Council minutes on the City website, he noticed that both contracts for Mike Bailey and Ehman Sheldon are to be reviewed. On behalf of The Othello Citizens for Better Government, he asked that before any new contracts are signed or renewed for either, a citizen review board have the opportunity to review the contracts and make recommendations as to whether things are in the City's best benefit or not. They propose that the review board be made up of captains of industry, familiar with contracted services that own businesses in Othello and employ at least 20 people, live within the city limits, and a contracting house that furnishes contract employees. The board should be appointed from a wide cross section of citizens. They ask that the Mayor appoint a chairperson from the community who will select the panel members and the panel will review and comment to Council on these contracts before implementing them. They ask that the board decide if the present City Administrator or Finance Officer fit the future needs of the City and if not, what would be the selection criteria for either. After review of last years' performance, they would like the board to decide whether an increase is warranty, as well as any other contract changes and ask that performance standards be constructed, which value added performance or non-performance can be objectively measured. They also request that the terms of the contracts be posted for a minimum of four weeks on the City's website prior to ratification so that written comments can be forwarded to the Council to assure absolute transparency of Government.

Pastor Timm Taff, 1346 E. Fir Street, representing the Ministerial Association, advised that they support the city officials with what they do and they are holding them up in prayers in their houses of worship.

**APPROVAL OF AGENDA**

Council carried a motion to approve the agenda. M/S Dever/Johnson.

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of February 13, 2012.
- B. Approval of Accounts Payable Checks
- C. Resolution to Release Retainage to MRM Construction

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. 40799 to No. 40845 in the amount of \$309,902.09.

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

**PUBLIC HEARING ON CONSIDERING EXTENSION OF THE MORATORIUM ON MEDICAL MARIJUANA COLLECTIVE GARDENS**

Mayor Wilson opened the public hearing at 7:09 p.m. City Attorney Katherine Kenison presented an ordinance authorizing an extension of another six month period on the moratorium for medical marijuana gardens. She explained that Governor Gregoire signed a law that legalized medical marijuana gardens, however the Federal government has not taken action to approve the medicinal use of marijuana and it remains illegal under Federal law. There remains a conflict between State and Federal law relevant to the legality of medical marijuana. Initiative 502, which would authorize the medical and recreational use of marijuana in Washington, is pending. She updated the Council about the legal issues with legalizing marijuana and the liability issues for State and local employees when licensing marijuana gardens. She asked that the Council continue the public hearing and consider adopting the ordinance to extend the six month moratorium for medical marijuana gardens. Mayor Wilson asked for public comments. There was none. Mayor Wilson asked for Council comments. Councilmember Caylor stated that there is another bill before legislation pending and we need this moratorium to continue the effort. He also advised that Governor Gregoire is working with others to change the federal laws. Mayor Wilson closed the public hearing at 7:17 p.m.

**ORDINANCE TO EXTEND A MORATORIUM ON MEDICAL MARIJUANA COLLECTIVE GARDENS**

Council carried a motion to adopt AN ORDINANCE OF THE CITY OF OTHELLO EXTENDING A 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 SIX (6) MONTHS OF THE DATE OF ADOPTION. M/S Snyder/Dever. This shall be known as Ordinance No. 1358.

**CONSIDERATION OF TASK ORDER FOR ARCHITECTURAL SERVICES**

City Administrator Ehman Sheldon noted that the Council has approved \$10,000 in the budget for the Beautification Committee to cover the costs of the architectural services for Main Street. The Beautification Committee approved \$8,000 towards the architectural services. The scope of work will include landscaping, decorative lighting, signage, pedestrian amenities, and two options: one with trees and one without trees.

Council carried a motion to approve the task order with Gray & Osborne, Inc. for the Main Street Beautification study, with the Beautification Committee providing \$8,000. M/S Johnson/Garcia.

**CONTRACT FOR CINTAS LAUNDRY SERVICE**

Public Works Supervisor Terry Clements advised that the current contract for cleaning Public Works uniforms and mats has expired. Staff performed a cost comparison and found a savings with changing the services to Cintas. He presented a 36 month contract with Cintas with a 3-year guarantee on the fee.

Council carried a motion to accept the service contract with Cintas. M/S Garcia/Dorow.

**RESOLUTION DECLARING THE EXISTENCE OF AN EMERGENCY**

City Administrator Ehman Sheldon advised that the boiler unit at City Hall/Police Department failed on Thursday, February 16<sup>th</sup>. The Mayor directed that a new boiler be purchased and installed in order to keep the departments operational.

Council carried a motion to approve A RESOLUTION DECLARING THE EXISTENCE OF AN EMERGENCY AND DISPENSING WITH THE STATUTORY COMPETITIVE BIDDING REQUIREMENTS. M/S Caylor/Snyder. This shall be known as Resolution No. 2012-06.

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**ORDINANCE TO AMEND THE BUDGET – CITY HALL BOILER**

Finance Officer Mike Bailey offered two options for funding: transfer \$30,000 from the Utility Tax Fund to the General Fund, leaving an ending fund balance of \$369,256 in the Utility Tax Fund, or absorb the cost in the General Fund by reducing the 2012 ending fund balance to \$1,057,152. He recommended the first funding option.

Council carried a motion to adopt AN ORDINANCE AMENDING THE 2012 BUDGET FOR THE CITY OF OTHELLO AND AMENDING ORDINANCE 1352, using funding option #1. M/S Snyder/Johnson. This shall be known as Ordinance No. 1359.

**RESOLUTION TO SURPLUS PARK EQUIPMENT**

Public Works Supervisor Terry Clements advised that new push mowers and a new trim mower were purchased in 2011. He asked to surplus the old push mowers and trim mower.

Council carried a motion to approve A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON DECLARING SURPLUS. M/S Dever/Garcia. This shall be known as Resolution No. 2012-07.

**NEW BUSINESS**

Councilmember Caylor advised he attended a GWMA meeting and they have proposals for additional funding going to the State and GWMA has asked for letters of support for funding from the State Legislature. He asked that the City send a letter of support for these efforts.

Council carried a motion to have a letter of support written for GWMA for the Mayor to sign. Johnson/Caylor.

Mayor Wilson made the following announcements:

- He asked to create a Council water/sewer committee to review budget proposals, review plans for projects and make recommendations to Council. He asked Councilmember Ken Caylor and Genna Dorow to be on the committee. This would allow Genna to keep her sewer/water certificates current for the City. Councilmember Dever will also be on the committee.
- He asked for a volunteer to serve on the Local Emergency Planning Committee (LEPC). Councilmember Johnson will serve on this committee.

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 7:35 p.m.

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

ATTEST:

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