

City of Othello  
Regular Council Meeting  
March 12, 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, Police Chief Steven Dunnagan, City Clerk Debbie Kudrna; and City Attorney Katherine Kenison.

**CITIZEN INPUT**

Mike Crosier, 625 N 11<sup>th</sup> Avenue, said in October, 2011, he asked for information concerning the ½ cent sales tax. He wanted to know how much money was going into that fund every year and how much we used for Main Street from that fund. He understands that 60% of the funds are going into the street fund. It appears that the transportation district is to fortify the street fund because of money that was intended to go into it have been siphoned off for other purposes. Mr. Crosier would still like to know the information that he had previously asked for. He said that he had also asked whether the alley project was within the boundaries of the construction. He was told it was; however, in review of the construction plans, he believes it was not. He was also told that the State specifications were utilized for that; however he believes there are areas that do not meet handicap standards. He was told he could look at the construction plans, however they were not at Public Works. He asked how much it cost to reconstruct the north half of Olympia Street and whether this is a full width right-of-way or is it just a half street and did the City construct the other half on private property. He said that they asked for a lot of information; however, they get told that all the City can provide is public documents; however, he believes the City policy says documents and information. And so, they don't always get their information and he believes others have received information from the staff and he wonders why that is.

Bob Cox, 1208 E. Elm, thanked the elected officials for their hard work and dedication serving our community.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of February 27, 2012
- B. Approval of City Council Workshop Minutes of March 5, 2012
- C. Approval of Payroll and Related Expenses
- D. Approval of Accounts Payable Checks
- E. 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 Checks No. 40846 to No. 40909 in the amount of \$159,448.27.  
Payroll Check No. 27655 to No. 27690 in the amount of \$258,043.57.

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

**PUBLIC HEARING TO CONSIDER OTHELLO NAZARENE CHURCH SITE PLAN**

Mayor Wilson opened the public hearing at 7:08 p.m. City Planner Darryl Piercy explained that the Othello Church of the Nazarene is seeking approval to locate a new Church facility at the Northeast corner of 10<sup>th</sup> Avenue and Scootney Street. The site is located in an R-2 zone and Churches are allowed in R-2 zones following a public hearing and approval by the City Council. Mr. Piercy noted that the site has received preliminary plat approval by the Hearing Examiner,

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subject to a number of conditions. The purpose of the hearing is to determine if a Church is an appropriate use in an R-2 zone and whether the proposed use will have any significant impacts on the residential environment. He stated that there is a school facility just north of the site, and it appears to be an appropriation location. Through the SEPA review and the public hearing for the plat, the issue of compatibility was addressed and it was determined that no significant impacts would occur. The Church will be a full-time facility. Staff recommends moving forward with the project. Mayor Wilson asked for public comments. Mr. Larry Angel, Columbia NW Engineering asked for Council's approval. Mayor Wilson asked for Council comments. There was none. Mayor Wilson closed the public hearing at 7:14 p.m.

Mayor Wilson read a statement into the record: I attend the Nazarene Church, but have no financial interest in the Church, nor am I a member of any governing body of the Church. I have no pre-judgment on the matter before the Council tonight and I'm able to exercise my duties as Mayor on this matter without bias, prejudice, improper influence or favoritism, partiality, and proprietary conflict of interest or prejudice. Councilmember Johnson stated that he also attends the Nazarene Church, and has no financial interest in the Church, and is not a member of the governing board of the Nazarene Church. He has no pre-judgment on the matter before the Council tonight and is able to exercise his duties as Councilmember on this matter without bias, prejudice, improper influence or favoritism. Councilmember Snyder stated that he is also a member of the Nazarene Church and has no financial interest in the Church, is not a member of any governing body of the Church. He has no pre-judgment on the matter before the Council tonight and is able to exercise his duties as Councilmember on this matter without bias, prejudice, improper influence or favoritism, partiality, and proprietary conflict of interest or prejudice.

Council carried a motion to approve the request submitted by the Othello Nazarene Church. M/S Bain/Garcia.

**UPDATE OF WELL #6**

City Engineer Larry Julius advised that they have been working with the contractor and Public Works to determine what was the cause of the vibration at Well #6. The original well was drilled to 1200 feet; however, the hole collapsed and a concrete grout seal was poured at the bottom of the well and it's now 1009 feet. He showed a portion of the video of the well hole. They found that the hole is not all basalt; there are some rock cavities and they seem to be larger this year than last year. There are also calcium deposits and iron bacteria growing within the hole. This is common in municipal wells. They also noticed at the bottom of the hole, where the contractor had put concrete grout seal to separate the well hole, it appears that the seal is leaking. There is also more gravel debris on top of the seal, which would be coming up from below or coming down from the rock cavities. They continue to work with the contractor and have asked them what caused the damage to the bowl impellers. The next step is to get feedback from the contractor and to assure that it won't happen again. Their goal is still have the well on line later this year. There was further discussion about the well.

**ASHWOOD NOTCH MINOR PLAT REVISIONS**

City Planner Darryl Piercy explained that Columbia NW Engineering has submitted a request on behalf of Olsen Homes for minor revisions to the Ashwood Notch Major Plat. Staff has reviewed the proposal and they have no objections to the proposals. He reviewed the revisions submitted by Columbia NW Engineering. He advised that within their request, they ask that the 15'wide alley along the northern boundary of the plat be eliminated. Mr. Piercy noted that the City will not eliminate the alley; it will become an easement to accommodate utility facilities. All of the other requests submitted are supported by staff. Larry Angel from Columbia NW Engineering advised that they agree with the utility easement stipulation.

Council carried a motion to approve the request submitted by Columbia NE Engineering, on behalf of Olsen, to modify the Ashwood Notch Plan, as submitted, with #7 remaining as City right-of-way easement. M/S Johnson/Dever.

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**AWARD OF WEED SPRAYING CONTRACT**

City Administrator Ehman Sheldon presented the annual contract for spraying services. This bid was let as a public works roster process. Two bids were received and Outback Weed Spraying was low bid at \$28,200 plus tax, plus the option for the lagoons at \$13,500. Council had appropriated \$40,000 for spraying. There was a question whether the Department of Ecology would allow spraying the lagoons. He noted that with the \$13,500 for spraying the lagoons, take us \$1700 over the \$40,000 budgeted.

Council carried a motion to award the weed spraying contract to Outback Spraying with the spraying of the lagoons as an option, pending a response from DOE on the use of spray at the lagoons. M/S Dorow/Garcia.

**ANNUAL LOAN DISPLAY AGREEMENT FOR THE T-33A AIRCRAFT IN PIONEER PARK**

City Clerk Debbie Kudrna reported that upon review of the annual loan agreement with the U S Department of Air Force for the T-33 airplane in Pioneer Park, staff found a clause: "no decorations of any type for any purpose (special events, seasonal displays, ceremonies, etc.) are authorized to be displayed on any of the property". She mentioned that lights have been strung on the airplane and a Santa Claus in the seat during past holidays. The Air Force will not remove this clause from the agreement; however we could write a letter requesting permission to display lights and a Santa Claus or advise the volunteers who decorate the park to not put any decorations on the airplane.

Council carried a motion to approve the annual loan agreement with the Department of Air Force and directed that a letter from the Mayor be sent, asking permission to decorate the airplane and to ask if our community could retain the airplane. M/S Dever/Caylor.

**CLEAN UP DAYS PROCLAMATION**

Mayor Wilson read the Proclamation into the record.

**ORDINANCE TITLED "INDEPENDENT SALARY COMMISSION"**

Mayor Tim Wilson explained that he learned that other communities use an independent salary commission to review the salaries of elected officials. The purpose is to have the committee be independently established to look at the salaries of the elected officials. City Attorney Katherine Kennison stated that the statutory delegation to an independent commission was to take the Council out of the process of determining their salary or per diem. When they adopt the ordinance and confirm the Mayor's appointment of the five commissioners, the Council will not have an active role in overseeing their review of the salary. After the end of their review, the Council will be asked to adopt the exact recommendation of the salary commission, which would take effective immediately. If the commission recommends a salary decrease, it would not take effect until the end of the elected official's terms.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE TITLE 2 TO ADD A NEW CHAPTER 2.42 TITLED "INDEPENDENT SALARY COMMISSION". M/S Johnson/ Snyder. This shall be known as Ordinance No. 1360.

Mayor Wilson asked that Council approve the appointment of the following citizens to be on the independent salary commission: Timo Montemayor; Larry McCourtie; Leonard Lyon; Bob Luhn, and Socrates Hernandez. City Attorney Kennison advised that the appointment needs to include their terms. Mayor Wilson asked that this be discussed at the next Council meeting.

**NEW BUSINESS**

Councilmember Snyder said that he attended the Law & Justice meeting and got to tour the jail. He noted that we still do not have an adult probation officer. There was some money appropriated; however the County Commissioners did not approve an adult probation officer. Chief Dunnagan will be discussing the issue with the Prosecuting Attorney.

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Councilmember Caylor noted the Sandhill Crane Festival is March 23<sup>rd</sup> through the 25<sup>th</sup>.

**Mayor Wilson made the following announcements:**

- The regional Mayors' luncheon is Wednesday, March 14<sup>th</sup> at noon at the Othello Senior Center.
- The last Parks and Recreation Coordinator interview is Wednesday, March 14<sup>th</sup> at 10:00 a.m.

**EXECUTIVE SESSION – POTENTIAL LITIGATION**

Mayor Wilson announced that the Council was going to adjourn into an Executive Session at 8:07 p.m. pursuant to RCW 42.30.110(1) (l) to discuss with legal counsel potential litigation. City Administrator Ehman Sheldon was also in attendance. He stated that the Executive Session would last approximately 30 minutes. No action will be taken during the Executive Session. At 8:39 p.m., Mr. Sheldon announced that they were extending the executive session for an additional 10 minutes.

Mayor Wilson reconvened the meeting at 8:50 p.m.

Councilmember Garcia asked how do they ask to be excused from a meeting. Mayor Wilson stated that they should notify the staff or Mayor ahead of time and the Council will be asked to excuse them. The City Attorney advised that the Statute says that after three unexcused absences and an elected official could lose their office. She said some communities have adopted a formal policy of what constitutes an excused absence and also adopted telephonic participation ordinance. It was Council's consensus to continue with the current practice.

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:54 p.m.

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

ATTEST:

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