

City of Othello
Regular Council Meeting
March 26, 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, Charles Garcia, Kenneth Johnson, and Mark Snyder.

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

Absent Was: Genna Dorow

Council carried a motion to excuse Genna Dorow. M/S Johnson/Caylor.

CITIZEN INPUT

Mike Crosier addressed the Council. He indicated that he received a letter from the City Attorney responding to a request for certain documents. Ms. Kennison directed him to the dispatch department and he received public disclosure request forms. In October they asked what the source of funding and what was the line item for the Main Street project. They received an answer from the City that the source of funding was bonding and city funds. They wanted to specifically know what city funds the funding came from and they haven't received an answer. He also asked questions about an alley paving and received an answer from the City. He is concerned how anyone could analyze the need of a transportation district.

Sean Bates, 1156 E. Juniper Street, thanked the Council for placing the archived minutes on the City website and asked if Council packets could be available on the website. He mentioned that page 2 of February, 2002 minutes is missing from the scanned documents on the website.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

- A. Approval of City Council Minutes of March 12, 2012
- B. Approval of Accounts Payable Checks

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. 40910 to No. 40963 in the amount of \$220,018.85.

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

PUBLIC HEARING TO CONSIDER ESTABLISHMENT OF TRANSPORTATION BENEFIT DISTRICT

Mayor Wilson opened the public hearing at 7:11p.m. City Administrator Ehman Sheldon reported that staff has pursued grants and loans in the amount of \$1.2 m for projects in last ten (10) years. The State legislation (RCW 36) has established authority for cities to establish a Transportation Benefit District (TBD). At the February workshop the Council received an introduction to a TBD and they asked staff to proceed with advertising to hold a public hearing to receive public input. Mr. Sheldon explained what a TBD is; how a TBD is created; functions of a TBD; the City Council will be the governing board of the TBD; revenue options including voter approval and revenue options not subject to voter approval; estimated revenue calculations for 2012 and 2013; estimated vehicles impacted by the TBD, according to the records provided by the Department of Transportation; vehicles subject and not subject to fees; benefits of establishing a TBD, and the street improvement map. Mr. Sheldon explained that the State legislature may increase the annual vehicle fee, not subject to voter approval to \$40 in the future. Mayor Wilson asked for public comments. Comments in opposition were heard from the following: Jerry Limon, 907 E. Larch; Mike Crosier, 625 N 11th Avenue; Bob Russell, 850 E. Larch; Shawn Logan, 1005 E. Hamlet St. spoke on behalf of the Othello Chamber of Commerce; Sean Bates, 1156 E. Juniper St.; Eleanor Brodahl, 600 N 13th Avenue. Mayor asked for staff comments. City Administrator Ehman Sheldon stated that Adams County is not interested in a Transportation Benefit District. He said that

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statistical data is being generated to support and staff is researching the facts relevant to the half-cent sales tax. Mayor Wilson stated that for the last three years, we have not raised the general fund operating funds and maintained the same level of service for our community. Last February, he placed a spending freeze on the city because funding dropped off. He reported that costs to improve streets have increased considerable. He thanked everyone for attending the Council meeting. Mayor Wilson asked for Council comments. Councilmember Garcia stated that this is a necessity and will benefit everybody; however, the economy is terrible and somehow we have to find the additional revenue. Councilmember Johnson agreed with Councilmember Garcia. He has researched past records and found that the half cent sales tax was approved without public input. Councilmember Dever noted that there are other facets to street repairs, including water and fire suppression improvements. Mayor Wilson asked that the street committee review all of the public comments and their comments will be reviewed by the full Council. Mayor Wilson closed the public hearing at 8:06 p.m.

NAZARENE CHURCH REQUEST FOR CITY TO PARTICIPATE IN ROAD IMPROVEMENTS

Larry Angel, Columbia Northwest Engineering, spoke on behalf of the Nazarene Church. He reported that the Othello Church of the Nazarene is requesting City participation in the costs for over sizing street improvements on Scooteny Street, associated with the development requirements of the Othello Nazarene Church plat. He acknowledged that developers are responsible for their fair and proportionate share of improvements associated with their development and that municipalities are responsible for public improvements required that serve a greater area than the project being developed. He noted that arterial streets serve a larger portion of the community. In the past, the City has participated in the costs for over sizing arterial streets. The Hearing Examiner approved the preliminary plat, including approval of a deferral of a portion of the Scooteny Street improvements. He noted that Council has been provided estimated costs of over sizing streets in the future Ashwood Notch development. Phase 1 and 2 of Ashwood Notch will be provided access from Scooteny Street adjacent to the Church property. The engineer's estimated cost for City participation for the section adjacent to the church property is \$50,590. Mr. Angel stated that they would like to build segments of Scooteny Street as the area develops. About 275'-300' of Scooteny Street would be required to provide access to the Church and provide access to Phase 1 and 2 of the Ashwood Notch development. The Church and the Ashwood Notch developer are working together to cost share other improvements. He noted the project includes only the first segment of Scooteny Street for approximately half of estimated \$50,000 cost being paid by the City and the developers responsible for the remainder. Mr. Angel acknowledged that if the City is not able to participate or has limited funds, the developers are willing to work out a cost share or reimbursement agreement, to allow the City to defer it's cost share to the developers.

City Planner Darryl Piercy noted that the provisions of Othello Municipal Code 16.33.110 are relevant to the City's participation in the cost of arterial construction. He reported that the Hearing Examiner has required full development of Scooteny Street. His decision included a deferral of a portion of the street improvement, but it does not represent dismissal of the obligation to fully construct Scooteny Street. Mr. Piercy explained that if the Council were to agree to participate in the street improvements, they would be subject to the full cost overtime of the street improvements because the decision under the platting process requires the Church to provide full street improvements for the full length of the lot along Scooteny. He explained that the additional width between a standard street and an arterial is 16 feet, which will provide parking and additional width for the anticipated traffic on an arterial. It is clear in the City code that the City's participation is not mandatory. Scooteny Street will continue beyond this development into Ashwood Notch to 14th Avenue. Future development of Scooteny Street east of this site will result in a similar participation request to the City. The cost estimate for the City's participation in the remainder of Scooteny Street is \$51,760. He advised that the Church's request was not considered during the budget process, so the Council will have to identify funding for this project, if they were to approve this request. The current estimate is \$50,590 and he suggested that a percentage of the project be figured and set a cap on the City's participation, such as the engineer's estimate of \$50,590.

Public Works Director Terry Clements advised that Scooteny Street has been considered as an arterial street and the amount is not included in the public works budget and this will have to be a budget amendment. They believe that each abutting property owner is responsible to the center line of the street.

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

Attorney Kennison said that the ordinance that allows the City to participate in the costs for over sizing specifically reserved a broad discretion of the Council's obligation. She recommended that if the Council wishes to proceed forward with the request, they need to make the terms of what they are obligating the City to be clear. The City's participation is not mandatory and is at the discretion of the Council.

Mr. Piercy noted that he is aware of one situation where the City did participate in the additional width cost of Scooteny Street between 7th and 10th Avenue. Councilmember Johnson stated that the City has participated in upsizing streets and pipes in the past.

Council carried a motion to participate with the Church of the Nazarene in cost sharing, at this time, with half participation of the engineer's estimate. M/S Johnson/Caylor. Councilmember Dever cast an opposing vote.

CONSIDERATION OF SCOOTENY STREET OVERLAY PROJECT

Public Works Director Terry Clements reported that the City received an Expanded Preservation Project (EPP) grant from the State Transportation Improvement Board (TIB) to grind and overlay the street and replace non-compliant ADA concrete sidewalk ramps in and along Scooteny Street from 1st Avenue to Shady Lane Place. With the task order, Gray & Osborne, Inc. will provide design engineering services; prepare plans and specifications for construction bids and have an inspector on site during construction. The consultant agreement task order is \$41,992.00, which is included in the estimated cost of \$209,962.00.

City Engineer Larry Julius advised that the engineering portion is included in the grant and the Transportation Improvement Board pays 95% of the total dollars and the City's matching is 5%.

Council carried a motion to award the consultant agreement for the Scooteny Street Overlay project to Gray & Osborne, Inc. and authorized the Mayor to execute Task Order No. 3-12. M/S Garcia/Caylor.

SR 24 INDUSTRIAL AREA ALLEY RIGHT-OF-WAY LOCATIONS TASK ORDER

Public Works Director Terry Clements reported that the Adams County Noxious Weed Board continues to fine the City for not spraying weed in the alleys between SR 24 and Roosevelt Avenue, from Moon to Park Street. Gray & Osborne, Inc. will set stakes within the rights-of-way to enable the City to verify where to spray.

Council carried a motion to award the SR 24 industrial area alley right-of-way location project to Gray & Osborne, Inc. and authorized the Mayor to execute Task Order No. 5-12. M/S Johnson/Dever.

**CONSIDERATION OF ENGINEERING SERVICES FOR 7TH AVENUE & SCOOTENY STREET
INTERSECTION STUDY**

Public Works Director Terry Clements reported that the Council has requested a review of the Scooteny Street and 7th Avenue intersection and recommendations be made for revising the flow of traffic. The cost for the engineering study is \$4,365.

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Council carried a motion to award the Scooteny Street and 7th Avenue intersection study to Gray & Osborne, Inc. and authorized the Mayor to execute Task Order No. 4-12. M/S Dever/Garcia.

APPOINTMENT OF INDEPENDENT SALARY COMMISSION

Mayor Wilson was advised that other communities have utilized an Independent Salary Commission to review the salaries of elected officials. Mr. Sheldon advised the committee will determine their meeting schedule; however they are required to meet once per year.

Council carried a motion to approve the five individuals, as proposed by Mayor Wilson to the Independent Salary Commission, with the proposed terms of service: Timo Montemayor – 3 year term; Larry McCourtie – 3 year term; Leonard Lyon – 4 year term; Bob Luhn – 4 year terms, and Socrates Hernandez – 2 year term. M/S Johnson/Snyder.

CONSIDERATION OF CENTENNIAL TIME CAPSULE AT CITY HALL

Othello Centennial Committee Chairperson Ken Caylor advised that the Centennial Committee would like to dedicate a plaque and install a time capsule in the main entrance foyer in the City Hall building. This location would be secure from vandalism and weather. The Centennial Committee will pay all costs associated with the plaque and the time capsule and install it, if necessary. There would be no costs to the City and it would remain intact for many years.

Council carried a motion to approve the location for the Othello centennial plaque and time capsule at City Hall. M/S Dever/Garcia.

NEW BUSINESS

Councilmember Garcia said that we've been trying hard to keep players off the ball fields until April 1st and Public Works is working on the fields. Players are starting to use the fields after hours and there are some construction hazards on the field.

Councilmember Johnson commended the Sandhill Crane Festival committee for the nice job. Mayor Wilson also thanked all of the volunteers for their work to get the festival done.

Mayor Wilson made the following announcements:

- He asked that the Council leave their laptops here for IT updates.

Council received the following correspondence:

- Letter dated March 9, 2012 from The Othello Citizens for Better Government.
- Sean Bates prepared notes of February 27, 2012.
- Sean Bates prepared notes of March 26, 2012.
- Mike Crosier's prepared notes of March 26, 2012.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:58 p.m.

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk