

City of Othello
Regular Council Meeting
April 9, 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, Receptionist/Clerk Rebecca Perez Ozuna; Department Heads: Public Works Director Terry Clements, Police Chief Steven Dunnagan, City Clerk Debbie Kudrna; and City Attorney Katherine Kenison.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

- A. Approval of City Council Minutes of March 26, 2012.
- B. Approval of City Council Workshop Minutes of April 2, 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. 40964 to No. 41025 in the amount of \$124,443.03.

Payroll and Related Expenses Check No. 27691 to No. 27728 in the amount of \$258,183.30.

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

EMPLOYEE RECOGNITION – EHMAN SHELDON 10 YEARS

Mayor Wilson presented a plaque to City Administrator Ehman Sheldon for his 10 years of dedicated service to the City of Othello.

HANDBILL ORDINANCE

City Administrator Ehman Sheldon advised that the proposed ordinance would decrease littering on our streets and prohibit depositing any written material or handbills on any property in the city. He asked Council to give staff input. He noted that the Council would need to set the monetary charge for violation of the code. Mayor Wilson asked if there is a way to allow schools or churches to post advertisements. City Attorney Katherine Kenison advised that distribution of handbills is a way to get news out to the community with little cost. There are constitutional issues regarding freedom of speech that have to be considered and Council needs to consider how the City can justify the verbiage in a handbill ordinance, such as reducing litter and not allow them to be attached to city property. She noted that everyone would have to be treated equally, whether they were advertising for profit or were a church or school group. The City Attorney advised the ordinance could prohibit distribution upon private or vacant property, although we have to allow citizens to stand in a public way and distribute handbills. Councilmember Johnson explained that his concern is commercial advertising thrown and accumulated upon private property. Attorney Kennison advised that those commercial advertisers need to have a business license, noting there is a limit on what the City can impose on private property.

Council's consensus was to send out a letter to those distributing handbills in residential areas and find out if there is way to work with the carriers. Mr. Sheldon offered to contact the papers to see if they will voluntarily help with the litter issue and review it in 30-60 days.

RESOLUTION TO SET BUILDING PERMIT FEES

City Administrator Ehman Sheldon presented the new resolution to set building permit fees.

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Council carried a motion to approve a **RESOLUTION ESTABLISHING BUILDING PERMIT FEES AND ADOPTING A VALUATION TABLE FOR THE CITY OF OTHELLO.** M/S Caylor/Dever. This shall be known as Resolution No. 2012-08.

AWARD OF WEED SPRAYING CONTRACT – AMENDMENT

Public Works Director Terry Clements explained that the Council had previously awarded the weed spraying contract to Outback Spraying. Due to the fact that several changes had to be made to the scope of the project, they went back out for new quotes. The changes include having to remove the lagoon weed spraying and the performance bond requirement from the bid specs and initiating a 50% retainage, instead of the performance bond. A bid was received from Basin Tree Service in the amount of \$22,200 and Outback Spraying bid was \$28,200. He asked the Council to award the contract to Outback Spraying because last year the contract was awarded to Basin Tree and they were put on notice of several areas that they had not sprayed. Mr. Sheldon noted that Council should indicate that there were poor performance issues with Basin Tree last year, which allows the Council to award the bid to the next responsive bidder.

Council carried a motion to award the contract to Outback Spraying because of poor performance provided by last year's contractor, Basin Tree Service. M/S Garcia/Dorow.

ACCEPTANCE OF PW SHOP ROOF BID

Public Works Director Terry Clements reported that bids were received for the re-roof project on the public works shop. It was determined that a TOP style roof would best suit the needs of the building. It was found that there is no asbestos in the roof. Until the roof is removed, it is unknown how much plywood decking would need to be replaced. Bids were received as follows:

J. R. Swigart Co., Inc.	\$37,800 + tax and plywood decking at \$1.50 sq. ft.
Royal Roofing & Siding, Inc.	\$49,900 + tax and plywood decking at \$1.50 sq. ft. and \$3.75 a lineal foot for dimensional lumber.
M. G. Wagner Co., Inc.	\$58,156 + tax and plywood decking at \$2.15 sq ft.

Council carried a motion to award the public works shop re-roof project to J. R. Swigart Co. Inc. M/S Dorow/Caylor.

PROPOSED CHANGES TO COUNCIL RULES OF PROCEDURE AND CONDUCT

City Administrator Ehman Sheldon reviewed proposed changes to the current Council rules of procedure and conduct. He noted that with if the Council approves the change to section 3.5, there would have to be a change in the current municipal code.

Council carried a motion to approve the changes to the Council rules of procedure and conduct, as presented. M/S Snyder/Dever.

RESOLUTION TO APPOINT OFFICIAL NEWSPAPER

City Clerk Debbie Kudrna reported that bids were received for the designation as the official newspaper as following:

Columbia Basin Herald	\$6.00 per single column inch
The Othello Outlook	\$5.60 per single column inch

Council carried a motion to approve **A RESOLUTION DESIGNATING THE OTHELLO OUTLOOK AS THE CITY'S OFFICIAL NEWSPAPER.** M/S Dorow/Johnson. This shall be known as Resolution No. 2012-09.

NEW BUSINESS

Mayor Wilson made the following announcements:

- We will have a public hearing on April 23rd to discuss the Transportation Benefit District with the public for a second time.

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- The Council laptops are all updated and email addresses have been updated. Your email domain has been changed to othellowa.gov.
- The Beautification Committee has changed their scope of work. See the letter from Lynette Caruthers.
- The Mayor's luncheon is this Wednesday at the Senior Center.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 7:41.

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk