

City of Othello
Regular Council Meeting
April 13, 2009

CALL TO ORDER:

Mayor McKay called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present: Mayor Shannon McKay, Councilmembers: Eleanor Brodahl, Ken Caylor, Dan Dever, Kenneth Johnson, Mark Snyder, Marc Spohr, and Tim Wilson.

Also Present: City Administrator Ehman Sheldon; Department Heads: Mike Bailey, Police Chief Steven Dunnagan, and Debbie Kudrna; and City Attorney James Whitaker.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

- A. Approval of City Council Minutes of March 23, 2009
- B. Approval of City Council Workshop Minutes of April 6, 2009
- C. Approval of Payroll and Related Expenses
- D. Approval of Accounts Payable Checks
- E. Microflex – Tax & License Auditing Company Contract
- F. 2010 Census Partner Proclamation

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.

Expense Claim Check No. 36505 and 36595 in the amount of \$ 225,054.30
Payroll Check No. 25153 to No. 25255 in the amount of \$261,852.52.

Council carried a motion to approve the Consent Agenda as presented. M/S Wilson/Snyder.

BARRACUDA SWIM TEAM USE AGREEMENT

Mayor McKay advised that the Barracuda Swim team reported they would like to host one Saturday half-day swim meet; two evening swim meets; and one all day Saturday swim meet. Councilmember Wilson stated that the \$40 daily training fee seems fair and was in favor of reducing the proposed swim meet fees. Mayor McKay advised that with pool concession sales and other business revenues, the reduced swim meet fees might be well spent.

Council carried a motion to approve the swimming pool use agreement, as presented. M/S Snyder/Caylor. Councilmembers Wilson and Dever cast opposing votes.

BIAS AGREEMENTS

Finance Officer Mike Bailey explained that the software maintenance fee will be pro-rated from the installation time to the end of the year. He presented the software maintenance agreement and the software agreement with BIAS Software. The funding has been budgeted in 2009.

Council carried a motion to approve the 2009 software maintenance agreement with BIAS Software. M/S Dever/Brodahl.

Council carried a motion to approve the software license agreement with BIAS Software. M/S Wilson/Snyder.

PUBLIC WORKS TRUST FUND APPLICATIONS

City Administrator Ehman Sheldon reported that the City can apply for a Public Works Trust Fund loan for pre-construction of the SR 24 industrial area improvements. Staff recommends approval of the 5% match and the 2% interest rate for five years, for a match amount of \$30,000.

Councilmember Wilson asked why they wouldn't consider a 15% match at 0.5%. Mr. Sheldon explained that we are requesting the Council approve the 5% match \$30,000 for the \$600,000

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Public Works Trust Fund loan, which can be for five years or extended out to 30 years. He explained that the benefit to the City is appropriating \$30,000 for the match verses appropriating \$90,000 for a match. Finance Officer Mike Bailey explained that his recommendation was based on the \$600,000 for a five years scenario; if it were 20-30 years, the 5% match would not be his recommendation. Mr. Sheldon explained that if the Council approves the \$30,000 at 5% and if we receive the money for construction funding, we could then request \$90,000 at 0.5%.

Council carried a motion to approve the matching fund amount of \$30,000 for the Public Works Trust Fund application for preconstruction funding. M/S Taylor/Wilson.

CONSIDERATION OF BID FOR 2009 NEIGHBORHOOD STREET OVERLAYS AND SPORTS COURTS

Consulting Engineer Taylor Dunning of Gray & Osborne advised that two bids were received for the 2009 street overlays and sport courts project as follows:

Central Washington Asphalt: \$525,382
Granite Northwest: \$648,812

He reported that the engineer's estimate is \$542,671 and recommended award of the contract to Central Washington Asphalt. Mr. Dunning explained that the tennis courts will have an asphalt surface covered with an acrylic finish. City crews will remove the tennis courts fence and the matting and the contractor will install the sub-grade, pre-level, asphalt, acrylic finish and installation of the new fence. The grindings from the streets will be used as sub-grade. The new basketball court will have a similar textured finish applied; we could also have the finish applied to the existing court. Councilmember Spohr stated that the Council budgeted \$400,000 for the overlay project, \$100,000 for the tennis courts, and \$50,000 for the basketball court projects.

Council carried a motion to award the 2009 overlays and sport court project to Central Washington Asphalt in the amount of \$524,382. M/S Johnson/Snyder.

ASHWOOD NOTCH REVISED PHASING PLAN

City Planner Darryl Piercy presented the modification to the development agreement for the Ashwood Notch Major Plat. It modifies the phasing plan when it was originally adopted. The applicant has indicated that the changes in the economy have made the existing plan no longer feasible and the modified plan provides for a 4-phase development rather than the approved 3-phase plan. It also includes modification for utility infrastructure installation. He recommended approval of the modified plan with the provision that the applicant be required to work with staff to assure there is a logical pattern for utility and road development. Councilmember Spohr stated that when phase 2 is developed, there maybe a gap of improvements on 14th Avenue and concerns to the increased demand on it. Mr. Piercy explained that the developer has asked that a full improvement to 14th Avenue (adjacent to this plat) be made when the final plat approval for phase 3 is approved. Those improvements would have to be completed or the developer would have to bond the portion of the improvements not yet completed. Councilmember Spohr mentioned that if phase 3 is not completed, improvements to 14th Avenue would be delayed. It was noted that when the 2nd phase is completed, citizens will begin driving east to 14th Avenue. Councilmember Taylor recommended that we proceed with the proposal. Councilmember Johnson stated he would like assurance on the improvements to 14th Avenue. Mr. Piercy explained that the Council could impose the road improvements within phase 2 or some other mechanism to address concerns of 14th Avenue. The details of the final plat associated with each phase will be presented to the Planning Commission and then to the Council for final approval.

Council carried a motion to modify the development agreement dated September 25, 2007 with Cornerstone Real Group LLC, modifying the phasing plan to allow for 4 phases. The applicant shall be required to coordinate with City staff to ensure all conditions of approval are met and that the build out of utilities and other improvements are conducted in a logical manner consistent with City codes. M/S Johnson/Caylor.

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RESOLUTION TO APPOINT OFFICIAL NEWSPAPER

City Clerk Debbie Kudrna reported that bids were received for the official newspaper for legal publications as follows:

Newspaper	Bid per single column inch	Cost per additional line (if applicable)	Circulation count (cannot be used to determine low bid)
Columbia Basin Herald	\$3.75 per column inch	\$0.47	381
Othello Independent	\$2.00 per column inch	0	6364
The Othello Outlook	\$3.15	n/a	1100

She advised that the circulation count cannot be used for award of the bid. Staff recommended that Council approve the Resolution to appoint the Othello Independent as the official newspaper for one year, effective May 1, 2009.

Eric LaFontain, Publisher of the Othello Outlook, advised that as part of the RCW definition of a legal newspaper, they must hold a periodical permit. The City Attorney explained that the process that we're following is selecting an official newspaper, which meets the definition from the State Statute for cities and the requirement to hold a periodical mailing permit does apply. Mr. LaFontain stated that there are only two newspapers that submitted bids that hold a periodical permit: The Columbia Basin Herald and The Othello Outlook. Mayor McKay asked if the Othello Independent holds a periodic permit. Mr. Brent Giles explained that their papers were sent into Judge Miller and they assumed that they met all of the State requirements. The City Attorney suggested that City staff obtain proof from all of the newspaper bidders that they meet the requirements, specifically, the periodical class mailing permit.

Mayor McKay asked that the action be taken off the agenda and in the meantime, all three papers need to supply the City Clerk documentation that they have the periodical mailing permit. This will be reconsidered at the next regular meeting.

UNFINISHED BUSINESS

Councilmember Spohr noted that they have not moved the fence on the west side of the pool. The original proposal seems to create a blind spot on the west side of the pool building. He asked that this section of the project be delayed to determine if it creates an issue.

Councilmember Caylor thanked the Council, Mayor, and Mr. Sheldon for the letter of support regarding the Coulee Corridor magazine cover.

NEW BUSINESS

Mayor McKay made the following announcements:

- The Fire Department annual meeting is Tuesday, April 14th at 7:00 p.m.
- The High School facility open house is April 30th at 7p.m. – 8:30 p.m.
- The second Natural Gas Summit is scheduled for May 13th and letters have been sent out inviting elected officials and natural gas suppliers.

ADJOURNMENT

With no further items to discuss, Mayor McKay adjourned the Council meeting at 7:50 p.m.

By: _____

SHANNON MCKAY, Mayor

ATTEST:

By: _____

DEBBIE L. KUDRNA, City Clerk