

City of Othello  
Regular Council Meeting  
April 13, 2015

**CALL TO ORDER:**

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

**Present:** Mayor Shawn Logan; Councilmembers: Eugene Bain, Genna Dorow, Corey Everett, Angel Garza, Kenneth Johnson, John Lallas, and Mark Snyder.

**Also Present:** City Administrator Wade Farris; Department Heads: Public Works Director Terry Clements, Police Chief Phil Schenck, Community Development Director Travis Goddard, City Clerk Debbie Kudrna, Finance Officer Spencer Williams and City Attorney Kelly Konkright.

**CITIZEN INPUT**

Erika Rattray, 201 Lake Drive, Othello, asked for a change in the cabaret license ordinance. She advised the amount of \$50 for a music event is expensive. Mr. Farris advised that we can provide a simple change to the ordinance which will allow, at no charge, venues hosting a small band, without a dance floor. Chief Schenck noted this change would still allow some control of businesses that provide music, that have a dance floor. Councilmember Lallas asked if the Liquor Control Board has regulations about serving alcohol and having live entertainment inside and outside a building. Ms. Rattray said yes and she will have to have the state license and the city business license.

**APPROVAL OF AGENDA**

Council carried a motion to approve the agenda, as presented. M/S Dorow/Bain.

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of March 23, 2015
- B. Approval of City Council Workshop Minutes of April 6, 2015
- C. Approval of Payroll and Related Expenses
- D. Approval of Accounts Payable Checks
- E. Resolution to Schedule Public Hearing for Garza Vacation for May 26, 2014
- F. Reappoint Dan Leary to The Othello Housing Authority

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. 45138 to No. 45219 in the amount of \$729,764.67.

Payroll and Related Expenses Check No. 29250 to No. 29284 in the amount of \$304,400.49.

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

**RESOLUTION TO AWARD THE BID FOR THE OFFICIAL NEWSPAPER**

City Clerk Debbie Kudrna reported that Council had called for bids for the official newspaper. We received one bid from The Othello Outlook in the amount of \$8.15 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/Lallas. This shall be known as Resolution No. 2015-12.

**CHANGE ORDER #1 FOR CONCRETE DRIVE PROJECT**

Larry Julius from Gray & Osborne, Inc advised that when the Contractor installed the new 12-inch water main on Concrete Drive, it was discovered that an existing 12-inch concrete irrigation pipe, owned by the owners of the farm land and used to serve water into the farm property, was located within 2 feet of the new water main and encroaching in the water main trench. We could not move our new water main because it would have encroached into the irrigation district right-of-way. Because of the proximity of the irrigation pipe to the 12-inch water main, the 605 feet of the irrigation pipe was removed and replaced with 12-inch PVC irrigation pipe after the water main

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was constructed. Mr. Julius advised that the change order was negotiated down to \$14,600 (not including sales tax). This included the new irrigation pipe; hauling the old pipe off and backfilling to bring the property back to the original condition. Councilmember Dorow asked if we purchased the right-of-way for the city's pipe. Mr. Julius advised we received an easement. He advised the project estimate was \$158,000 and the low bid was approximately \$109,000. The amount of the change order was negotiated with the contractor from \$26,000 down to \$14,600. Mr. Julius noted that Public Works employee Dan Quick did a good job with taking notes during the project. Councilmember Lallas asked for a breakdown of the change order work. Mr. Julius noted that the justification of the change order is included on the change order. Councilmember Lallas asked for more clarification of the change order and Mr. Julius noted this can be obtained from staff.

Council carried a motion to table the change order discussion until more information is obtained from staff. M/S Johnson/Dorow.

**DECREASE CHANGE ORDER #1 – WELL #9 TRANSMISSION LINE PROJECT**

Larry Julius from Gray & Osborne, Inc. reported that Change Order No. 1 is the result of deleting a portion of the 6-inch force main, fittings, and appurtenances that connects Well #9 to the city's water distribution system. It also includes field changes to the 16-inch water transmission main and the 6-inch force main due to changing the method of crossing SR 17 from jacking and boring to horizontal directional drilling, in accordance with the WSDOT permit. It also includes adding 4-inch and 2-inch conduits to the 12-inch casing pipe for future crossings of SR 17. It also added an additional fire hydrant at the northeast intersection of Cunningham Road and SR 17 and adding additional 16-inch water main fittings and 6-inch force main fittings.

Mr. Julius reported that Change Order No. 1 increases Schedule A by \$46,932.55 (not including State sales tax) and decreases Schedule B (6-Inch Force Main) by \$75,572.35 (not including State sales tax). In summary, Change Order No. 1 is a deductive change order in the amount of \$28,639.80 (not including State Sales Tax).

Council carried a motion to approve deductive Change Order No. 1 in the amount of \$28,639.80 (not including State sales tax) and authorize the Mayor to sign it. M/S Lallas/Dorow.

**ASSET TRACKING POLICY**

Finance Officer Spencer Williams presented a policy to be used to track and periodically inventory small and attractive items. These include small electronic equipment, public works power equipment, etc. The minimum cost of equipment is for those with a value over \$100. Council asked that the inventory be done twice a year.

Council carried a motion to accept this policy, establishing a process to track small and attractive assets, to be accomplished twice a year. M/S Dorow/Bain.

**ANNEXATION AGREEMENT WITH COLUMBIA BASIN HEALTH ASSOCIATION**

Community Development Director Travis Goddard reported that CBHA petitioned for annexation of approximately 20-acres of property into the boundaries of the City of Othello. The property is currently owned by CBHA and located east of 14th Street, south of Wahitis Elementary School. The petitioner is requesting the property be zoned Commercial 1 (C-1) upon annexation.

A public hearing to consider the request was held on October 27, 2014. During that hearing, concerns were raised about the impacts from commercial zoning immediately adjacent to Wahitis Elementary. The applicant agreed to enter into an annexation agreement regarding use of the site for residential purposes should CBHA not develop the site as their clinic campus. We had a discussion this year and it was continued to discuss access to 14<sup>th</sup> Avenue and the alignment of Columbia Street. The agreement commits CBHA to rezone the property residential if the property is sold instead of being developed as a clinic.

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Staff has raised concerns about the alignment of Columbia Street. The annexation petitioner desires to postpone development discussions until such time as development applications are submitted. Mr. Goddard advised that staff recommends approval of the annexation.

Mayor Logan asked for public testimony. There was none.

**ORDINANCE TO APPROVE ANNEXATION – COLUMBIA BASIN HEALTH ASSOCIATION**

Council carried a motion to adopt the Ordinance to annex the property contained in the petition request from Columbia Basin Health Association. M/S Snyder/Dorow. This shall be known as Ordinance No. 1429.

Mr. Goddard reviewed the annexation agreement. Council carried a motion to approve the annexation agreement with Columbia Basin Health Association. M/S Lallas/Johnson.

**ORDINANCE TO AMEND OMC 9.40 REGARDING IMPOUNDING VEHICLES**

Police Chief Schenck advised that he recommends updating OMC 9.40 in order to implement the requirements of RCW 46.55, as it relates to impounding vehicles under certain circumstances. He reported that RCW 46.55 allows police departments to hold vehicles after impound. The proposed ordinance sets minimum impound times consistent with RCW for vehicles.

Chief Schenck advised that when a driver is arrested for driving while intoxicated, their vehicle will be impounded for a minimum of 12 hours. When a driver is arrested for driving while their license is suspended, the vehicle will be impounded for 30 days. If a driver is arrested while their license is suspended 1<sup>st</sup> or 2<sup>nd</sup> degree, the vehicle will be impounded for 60 days. When the driver has had 2 or more convictions, the vehicle will be impounded for 90 days. The proposed ordinance allows for individuals to request one-time early release of their vehicle. It also allows an appeal of the validity of the tow. Early release and redemption of vehicles allows a one-time \$100 fee payable to the crime prevention fund. The new ordinance will provide our police officers a valuable tool to help get vehicles driven by suspended drivers off of the public roadways.

Councilmember Bain asked if we have property to store these vehicles. Chief Schenck advised the towing business will have that responsibility. City Attorney Konkright recommended a modification to the ordinance: to move the repealing language to Section 1 and the new ordinance language be moved to Section 2.

Council carried a motion to approve the ordinance with the modification, as recommended by the City Attorney. M/S Dorow/Snyder. This shall be known as Ordinance No. 1430.

**UNFINISHED BUSINESS**

There was none.

**NEW BUSINESS**

Councilmember Bain asked for an update of the skateboard update at the next meeting.

Mayor Logan made the following announcements:

- There is a fire department meeting on Tuesday, 6:00 p.m. at the City fire station.
- There is a planning commission meeting on Thursday at 6:00 p.m.
- There will be ribbon cutting ceremony on Friday at 9:00 a.m. at O'Reilly's.
- The last Friday lunch is scheduled for April 24<sup>th</sup> at the Othello Senior Center.
- He advised that the Mayor from McFarland California visited Othello; noting he was an Othello High School graduate. He gave our City a signed poster from the movie, McFarland USA. There was some discussion about becoming a sister city with McFarland, California. Staff performed research about the sister city program. He noted that the sister city program is for countries, states, cities and counties to link up with other countries in an effort to bring share citizen diplomacy, cultural exchange and noted that we have a sister city relationship with Wulensi Ghana, Africa. He noted that it may not be in the City's best

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interest to enter into a sister city relationship with McFarland, CA. Mayor Logan suggested that Council entertain adopting a Proclamation pledging their support of McFarland, CA, which can be continued during this current elected board. He noted that staff suggested that when a sister city is developed, Council should appropriate funding for the program. Council's consensus was to support a Proclamation and not the sister city relationship.

**EXECUTIVE SESSION**

Mayor Logan announced that Council was going into an Executive Session at 8:02 p.m. to discuss Real Estate. He announced that the Executive Session was expected to last 20 minutes. Also present in the executive session were City Attorney Kelly Konkright, City Administrator Wade Farris and Community Development Director Travis Goddard. At 8:22 p.m. Mr. Farris announced that they were extending the executive session for an additional 8 minutes. Mayor Logan reconvened the council meeting at 8:35 p.m.

**ADJOURNMENT**

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:35 p.m.

By: \_\_\_\_\_  
SHAWN LOGAN, Mayor

ATTEST:

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