

City of Othello  
Regular Council Meeting  
April 27, 2015

**CALL TO ORDER:**

Mayor Shawn Logan called the meeting to order at 7:00 p.m. and Councilmember Bain led an invocation and 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**

There was none.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

- A. Approval of City Council minutes of April 13, 2015
- 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. 45220 to No. 45261 in the amount of \$138,333.89.

Accounts Payable Check No. 5150 to No. 5151 in the amount of \$110.75.

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

**NEW PET RESCUE CONTRACT**

Jaime Kruger, Pet Rescue Manager and Heather Miller, Code Enforcement Officer presented a new Adams County Pet Rescue contract. The City will still require services provided by Adams County Pet Rescue for sheltering and receiving animals picked up inside city limits. Mayor Logan noted there is a 72 hour wait until an animal is signed over to Pet Rescue. Ms. Miller advised that when we have a vicious dog, the animal is usually taken to the Veterinary Clinic to be disposed of.

Council carried a motion to accept the revised contract with Adams County Pet Rescue. M/S Dorow/Garza.

**UPDATE OF CODE COMPLIANCE PROJECT**

City Attorney Kelly Konkright advised that he reviewed the existing code enforcement provisions in the OMC to see if there were changes that should be made. He noted there are various codes that indicate that it was developed over time and they don't all work well together. There are different time frames; different violations and various procedures. He noted that voluntary compliance agreements are not utilized for all code violations. This makes it difficult for staff to decide what code procedure to follow. He recommended, with the exception of junk vehicles which is a specific process to follow, to consider a uniform code enforcement mechanism to be used. This would allow staff to have very clear procedures to use and would allow staff to work with citizens to come into voluntary compliance with the codes. This would also provide for a unified abatement process. The current code provides a process to abate property, which is very cumbersome and puts the Council into a quasi-judicial function instead of a legislative function. He reviewed some of the modifications to the codes that have worked with other communities, including the voluntary compliance procedure, an appeal provision and an abatement process. He provided copies of the Spokane Valley codes.

Mr. Konkright explained that our current code includes a notice and stop work order process for most types of nuisances. Attorney Konkright advised he needs time to make sure all of the codes are uniform and work together and noted he would strive to bring a proposal to Council in two weeks. City Administrator Wade Farris noted that the buildings that are currently in existence that comply with the building and fire and safety codes would be allowed to stay; however, once the Council decides to make the changes to the code, then a date would be set for all property owners not in compliance to come into compliance with our codes. A discussion was held regarding relocating citizens during the time needed for property owners to bring their property into compliance. Mr. Farris noted that we had talked about hiring a temporary code enforcement officer to help us get a handle on the issue and then we can proceed with our current staff. Councilmember Garza recommended that we incorporate the relocation process along with the code changes. Attorney Konkright noted there are provisions in the landlord-tenant act that may assist with the relocation process.

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

Mayor Logan noted there was justification for the change order of Concrete Drive in the packets. Councilmember Snyder asked if all of the employees are being paid prevailing wages. Staff noted that they did not know. Councilmember Lallas advised that he reviewed the original contract notes provided by Gray & Osborne and said that it included "attempts have to be made to accurately locate the existing utilities; however, the exact location, size, type or depth is unknown. It shall be the responsibility of the contractor to locate existing utilities at no additional cost to the contracting agency". Councilmember Lallas stated that he was advised that the line was not pot holed and he feels that once the irrigation water line location was identified, the council committee should have been contacted and advised that there was an issue and what the cost would have been to do this work, noting someone else could have moved the irrigation water line. He also stated that the original bid documents includes \$5,000 for minor changes to the project. Mayor Logan noted this scenario is one of the reasons that we looked for a new engineering firm.

Public Works Director Terry Clements advised that he approved to take out the irrigation water line because it was encroaching in the area for the city water line and because of time constraints. The contractor estimated that it would be approximately \$15,000 and staff worked hard to get the costs decreased. Councilmember Everett stated that the \$5,000 for minor changes should be credited to this \$14,600 change order. Mr. Clements advised there are three other items outstanding that he is objecting to, including \$2700 for minor changes. Mr. Farris asked that staff understand at what level of expense and what procedure the Council would allow staff to make a decision on these public works projects. Attorney Konkright noted that when a change order is brought to staff and they approve it, then there is a legal obligation to pay it.

Council carried a motion to approve the Concrete Drive Change Order No. 1, in the amount of \$14,600.00 (not including State sales tax), and authorized the Mayor to sign the change order. M/S Dorow/Bain.

Mr. Clements advised that he made the decision to meet all of the deadlines and issues at hand. He is reviewing a change order that the contractor is filing regarding hitting a fiber line and he believes it is the contractor's responsibility because of this error. There was further discussion.

Mayor Logan asked that Council consider what level the staff can approve changes in the field prior to coming to a committee or full council.

**UPDATE OF SKATEBOARD PARK PROJECT**

***Skatepark Project Timeline Update***

Parks and Recreation Coordinator Molly Kisler reviewed the updated estimated project timeline from Vince Onel, with Spohn Ranch Skateparks, for the Dan Dever Memorial Skatepark.

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Mrs. Kisler advised that the Council Parks and Recreation Committee has requested staff work with Spohn Ranch Skateparks and the to-be-determined construction firm to try to have the skatepark finished by Saturday, July 4th. Staff will inform the design/construction parties and the City engineers of the goal date and will work to complete its responsibilities expeditiously.

**Dan Dever Memorial Skatepark Brick Fundraiser Project**

Parks and Recreation Coordinator Molly Kisler announced that the brick fundraising program to support the Dan Dever Memorial Skatepark is now underway. Staff has begun advertising the program to encourage citizens and community members to participate in the project by purchasing an engraved brick. These are available in three (3) sizes at various prices. Clip art and artwork are available for an additional fee. She reported that we have now received \$7500 from the Tony Hawk foundation.

**CONSIDERATION OF PARK USE REQUESTS FOR SPECIAL EVENTS – 2 RESOLUTIONS**

**Greater Othello Chamber of Commerce 4<sup>th</sup> of July Event**

Parks and Recreation Coordinator Molly Kisler advised that the Greater Othello Chamber of Commerce is preparing for their annual 4<sup>th</sup> of July event in Lions Park. Preliminary plans include a fun run, Rotary breakfast, parade, children's games/activities, various entertainment acts, and a fireworks show. Assorted food, merchandise, and game vendors will be in the park throughout the festivities.

The Greater Othello Chamber of Commerce will begin park setup on Friday, July 3, 2015. The City will not be responsible for any overnight security or supervision of vendor equipment. Two Public Works employees will be staffed in Lions Park on July 4<sup>th</sup> to assist with cone/barricade placement, electrical outlet dispersion, trash pickup, and bathroom upkeep. Event clean-up is scheduled for Sunday, July 5<sup>th</sup>. Their fee will be \$400 for use of the park. Payment of the special event fee will allow Public Works to provide portable toilets, additional garbage containers, as well as cover the landfill fees for waste disposal.

**All Cities Classic Car Club Spud Run and Car Show**

Parks and Recreation Coordinator Molly Kisler advised that The Othello Chapter of the All Cities Classic Car Club has been preparing for their annual "Spud Run" and car show, scheduled for July 17<sup>th</sup> and July 18<sup>th</sup>, 2015. The "Spud Run", or parade of cars, is scheduled for Friday, July 17<sup>th</sup> on Main Street. The club is requesting to close off Main Street from 4<sup>th</sup> Avenue to 7<sup>th</sup> Avenue for the slow drags. The cars permitted in the slow drags will only be those of the participants registered for the car show on Saturday. The classic car show will be held on Saturday, July 18<sup>th</sup> from 6:00 a.m. to 6:00 p.m. in Kiwanis Park. The Car Club will incur the \$200 special event fee for use of the park. Payment of the special event fee will allow Public Works to provide portable toilets, additional garbage containers, as well as cover the landfill fees for waste disposal.

Mayor Logan suggested we get larger garbage containers for the 4<sup>th</sup> of July event. Mrs. Kisler noted that it might be wise to set a time limit for vendor sales in the park after the fireworks.

Council carried a motion to approve the Resolution authorizing the use of Lions Park by the Greater Othello Chamber of Commerce for the 4<sup>th</sup> of July. M/S Dorow/Everett. This shall be known as Resolution No. 2015-13.

Council carried a motion to approve the Resolution authorizing use of City property for the Othello Chapter of the All Cities Classic Car Club's annual "Spud Run" and car show. M/S Bain/Lallas. This shall be known as Resolution No. 2015-14.

**RE-APPOINT LARRY MCCOURTIE TO THE INDEPENDENT SALARY COMMISSION**

Council carried a motion to approve the re-appointment of Larry McCourtie to the Independent Salary Commission. M/S Dorow/Lallas.

**PROCLAMATION AFFIRMING OUR RECOGNITION OF MCFARLAND CALIFORNIA**  
Mayor Logan read the Proclamation into the record.

**PROCLAMATION SUPPORTING NATIONAL PRAYER DAY**  
Mayor Logan read the Proclamation into the record.

**ORDINANCE TO AMEND OMC 11.24 TITLED “CLOSURE OF CITY PARKS”**

Parks and Recreation Coordinator Molly Kisler proposed an ordinance which repealed the existing OMC Chapter 11.24 entitled “Closure of City Parks” and replacing it with Chapter 11.24 entitled “City Parks”. She noted that the proposed changes were created with input from Public Works, the City Administrator’s Office, and the Council Parks and Recreation Committee. She reviewed the proposed changes, which includes the following:

- Expands upon previous codes relevant to hours for use of City parks.
- Establishes prohibited acts in City parks as well as rules for use of the parks.
- Requires groups exclusively using parks facilities to have approval and permit or contract for use of parks/facilities.
- Establishes priority for park usage for programs of City Parks and Recreation Department.
- Allows City Council to set fees for parks/facilities use permits/reservations.
- Allows City Council to waive fees or charges for parks/facilities use permits/reservations when in the best interest of the City of Othello and its residents.
- Establishes penalties for violations of the proposed chapter.

Mrs. Kisler advised the changes will set a policy to prevent use of the parks by non-permitted groups and will allow the City to be fair to all organized groups. Councilmember Johnson asked if we should include in section 11.24.020 E eliminating the use of marijuana in the park. Attorney Konkright agreed. Councilmember Everett noted that the new language should help with negotiations with the soccer groups that utilize the parks.

Council carried a motion to approve the Ordinance Repealing Existing Othello Municipal Code Chapter 11.24 Entitled “Closure of City Parks” and Adopting Chapter 11.24 Entitled “City Parks”, to include the change to 11.24.020 E “to consume, possess, or bring or cause to be brought wine, beer, illegal drugs and marijuana, and alcoholic beverages in or into any park”, as recommended by the Attorney. M/S Snyder/Dorow. This shall be known as Ordinance No. 1431.

**ORDINANCE TO AMEND OMC CHAPTER 4.28 TITLED “CABARETS AND ADULT ENTERTAINMENT”**

City Administrator Wade Farris advised that from a request from a citizen and direction from Council, staff researched making a change to OMC 4.28, Cabaret and Adult entertainment ordinance. Staff has completed the research and proposed making a minor change to the ordinance that allows music in dining establishments without requiring the owner to obtain a cabaret license. Attorney Konkright reviewed the changes to the ordinance and streamlining the application process.

Council carried a motion to approve the proposed change to OMC 4.28. M/S Bain/Johnson. This shall be known as Ordinance No. 1432.

**UNFINISHED BUSINESS**

Mayor Logan advised that he has sent an email to Varela requesting them to prepare a scope of work and timeline to start the ADA compliance project. He also asked Varela to seek out any grant funding that could be used to further study or any construction of the ADA issues. Councilmember Garza noted there is some progress in the open area west of Wal\*Mart.

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**NEW BUSINESS**

Councilmember Snyder updated the Council of the recent fire meeting. He explained that the Fire Chief stated that the City has 2 old fire trucks and it is going to be difficult to refurbish the City's ladder truck. The cost to refurbish the fire truck would be comparable to purchasing a new truck. The second fire truck will eventually need to be replaced. He noted that the City's fire station does not have generator to be used in emergencies. Mr. Farris noted a generator could cost approximately \$38,000. Councilmember Johnson stated that the committee also discussed the future needs of the fire department. He noted it is getting more difficult to recruit volunteers. Mr. Farris noted that we need to maintain the Survey & Rating schedule. They also discussed full-time manning the fire department.

Councilmember Lallas noted that we need to start looking at the North Broadway Avenue corridor right-of-way, including the railroad tracks, and look at sidewalks, turnouts, and water.

Mayor Logan made the following announcements:

- There is a call for volunteers at the animal shelter for this Saturday and Sunday.
- Tuesday night is the Othello Lions Club celebration at 6:30 p.m. at the Iron Works Café.
- The Banners and Bloom benefit auction is Friday at 6:30 p.m. at the Othello Senior Center.
- On Saturday, representatives from the McFarland movie will be at a special showing at the Reichert Showhouse at 10:30 a.m. A community event is planned for 6:00 p.m. on Saturday at the Othello High School.
- Candidate filing week is May 11 – May 15<sup>th</sup>.
- In June is the AWC annual conference in Wenatchee. Those interested to go should contact Jennifer at City Hall.

**ADJOURNMENT**

With no further items to discuss, Mayor Logan adjourned the Council meeting at 9:00 p.m.

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

ATTEST:

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