

City of Othello
Regular Council Meeting
May 9, 2016

CALL TO ORDER:

Mayor Shawn Logan called the meeting to order at 6:30 p.m. and led an invocation and the Pledge of Allegiance.

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

Also Present: 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

Jenn Stevenson, 414 Hamlet Street, Director of The Old Hotel Art Gallery asked the City Council to create a local historic register that would be a list of historic property buildings in Othello. They believe the criteria to be listed on this register is that the buildings be at least 40 years old and have significance to the community. This historic list could create tourism and will help non-profit organizations obtain grant funding for improvements to their buildings. The Old Hotel Art Gallery is in favor of new community branding, which could increase tourism and give more understanding about our community. She stated that once the branding is complete, better signs within the community to these historical buildings could be erected. Mrs. Stevenson stated that the Old Hotel building is already on the State historical register. Community Development Director Travis Goddard stated that he did some research; however, we still need to find out what the federal and state regulations are to create this register. He noted that this historic register could be included in an update of the comprehensive plan. Mayor Logan stated this will be work in progress.

Eric Morgan, 331 E Pine Street, President of the Museum and board member of The Old Hotel Art Gallery mentioned that a map of these historical buildings would be useful to our citizens and visitors to Othello.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

- A. Approval of City Council Minutes of April 25, 2016
- B. Approval of Payroll and Related Expenses
- C. 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. 46633 to No. 46695 in the amount of \$595,649.02.

Payroll and Related Expenses Check No. 29845 to No. 29886 in the amount of \$376,820.58.

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

PUBLIC HEARING TO REVIEW THE PLANNING COMMISSION RECOMMENDATION ON MARIJUANA PROCESSING, PRODUCING AND RETAIL

Mayor Logan opened the public hearing at 6:47 p.m. Community Development Director Travis Goddard reviewed the process that the Planning Commission followed to review marijuana processing, producing and retail in Othello. He reviewed facts about I-502, which was passed in 2012 in Washington State; sales and revenues from the sales of marijuana in Washington; reviewed the sales tax revenue distribution and facts about producer/processor licensed facilities in Washington State. He advised that Adams County has three retail licenses allotted by the State within the county and we have three pending retail licenses at the state level and one pending

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processor/producer license application, which is adjacent to the city limits. Mr. Goddard reported on the physical impairment and safety concerns from the use of marijuana. He then reviewed counter arguments and medical benefits relevant to the use of marijuana. He gave more facts regarding resources used for marijuana enforcement and marijuana use by our youth. Mr. Goddard advised that the Planning Commission recommended a ban on the retail sales, production and processing of marijuana or products containing marijuana.

Mayor Logan asked for public input from those in favor of allowing producing, processing and retail. There were none. Mayor Logan asked for public input from those opposed to allowing producing, processing and retail.

Ken Johnson, 1020 Cobblestone, spoke against the sale, producing and processing marijuana and asked Council to prohibit marijuana sales in our community.

Celia Valdez, 312 N Desdemona, Prevention Specialist with Adams County, reviewed how their department and PAID use grant funds to reduce the use of marijuana by our youth and community members and spoke against the sale, producing and processing marijuana.

Dave Rehaume, 1336 E Cedar, spoke about the negative behaviors from the use of marijuana. He also spoke against the sale, producing and processing marijuana.

Mayor Logan asked for public comments from those neutral to issue.

Police Chief Schenck advised that his job is to enforce the laws that the Council enacts. He spoke on the negative side effects of the use of marijuana. He reported that they have seen an increase of young people using marijuana and there is a need to continue educating our youth of the risks.

Councilmember Lallas asked Chief Schenck about the traceability of marijuana products. Chief Schenck explained that cannabis stores have state marked packaging; however, they can't verify whether the marijuana in the packages were purchased at a licensed store because they could be refilling the package.

Mayor Logan closed the public testimony at 7:35 p.m.

City Attorney Kelly Konkright explained that the Council received a recommendation from the Planning Commission to ban marijuana retail, production and processing. He reported it is within the Council's authority to either ban or allow those land uses within the city limits. He recommended that the Council focus on the concerns, health, safety and welfare of the community. If the Council wants to support the Planning Commission recommendation, we will amend a section of OMC 17.56.170 to ban all marijuana related land uses. If the Council wants to allow the retail, production, and processing of marijuana, there will need to be more discussion about that. Mr. Konkright advised that the current moratorium expires June 14th. He advised that the State Attorney General has issued opinions that cities have the authority to prevent the sales and production of marijuana through zoning.

The City Council deliberated on the issue and came to a consensus. Mayor Logan closed the public hearing at 7:45 p.m.

Council carried a motion to direct staff to prepare an ordinance to ban the sale, processing, and producing of marijuana in Othello. M/S Snyder/Dorow.

OTHELLO MEN'S SOFTBALL LEAGUE FACILITY USE AGREEMENT AND RESOLUTION

Parks and Recreation Coordinator Amy Hurlbut explained the details of the Othello Men's Softball League 2016 schedule. The terms and conditions have all been agreed upon. The facility use and administration cost is \$1,235.00 for this year.

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Council carried a motion to approve the Resolution. M/S Bain/Garza. This shall be known as Resolution No. 2016-05.

Council carried a motion approving and authorizing the Mayor to sign the Facility Use Agreement with the Othello Men's Softball League for use of the Lions Park Athletic Complex. M/S Lallas/Dorow.

City Attorney Konkright suggested that the facility use agreement be amended to include an attorney's fees provision in section 12 and list the addresses of where any notices should be addressed to in section 10.

Councilmember Lallas and Dorow withdrew their previous motion.

Council carried a motion to approve the facility use agreement with the Othello Men's Softball League, with the amendments as recommended by the City Attorney. M/S Lallas/Dorow.

AGREEMENT FOR TRAFFIC ENGINEERING PROFESSIONAL SERVICES

Community Development Director Travis Goddard explained that the City completed a Request for Qualification (RFQ) and received responses from two qualified firms: JUB Engineers and Morrison Maierle.

Mr. Goddard explained that we have two pending projects: the first is a task order for a traffic study of the Broadway Avenue and Main Street intersection. The other project is for intersection studies under the QUADCO grant (14th Avenue at Highway 26, and Highway 24 and Bench Road). The City's expense will be approximately \$9,000 with expectation that we will be reimbursed from the Port District and Adams County for a portion of the total cost.

City Attorney Kelly Konkright advised that he had reviewed the master agreement and he suggested several changes to it; however, he has not received confirmation back from Morrison Maierle.

Council carried a motion to approve the on call contract for the task order with Morrison Maierle, after the City Attorney has finalized the document. M/S Dorow/MCCourtie.

Council carried a motion to approve the task order for the QUADCO grant project. M/S Garza/Lallas.

STREET LIGHTING CONVERSION

Finance Officer Spencer Williams reported that the City was awarded \$105,300 grant from the Washington State Transportation Improvement Board (TIB) to pay for streetlight conversion to LED lights. This project involves a contract between the City and Avista to perform the conversion. He advised that we pay Avista about \$100,000 each year for electricity for our street lights and Avista anticipates the City will see approximately 30% reduction in annual costs. It was noted we have not yet talked to Big Bend Electric about conversion of their streetlights.

Council carried a motion to authorize the City to sign the grant agreement with TIB for the Street light conversion project. M/S Lallas/Everett.

Attorney Konkright recommended that we change the "Governing Law" section relevant to litigation relating to this agreement will be brought in the District Court in the State of Washington, not Idaho.

Mr. Williams advised that the estimated cost to change out all of the Avista streetlights is \$900 more than the grant. He has been advised that the TIB grant amount might be changed to cover the additional cost or the City may be charged the \$900.

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Council carried a motion to authorize the City to sign the contract with Avista for the Streetlight conversion project, with the change in the governing law provision. M/S Dorow/McCourtie.

ORDINANCE TO AMEND OMC 4.24 TITLED “GARAGE SALES”

City Clerk Debbie Kudrna advised we recently had a request from The Old Hotel Art Gallery to hold a yard sale in their parking lot, which is allowed by code, and they wanted to invite others to sell their items. Staff created an amendment to the current garage sale code that allows individuals to sell their used household items at a yard sale hosted by a nonprofit or civic organization, contingent upon their profits from sales or a portion of their profits from sales are donated to the nonprofit organization or civic organization hosting the yard sale.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTION 4.24.030 OF CHAPTER 4.24 TITLED “GARAGE SALES”. M/S Lallas/Garza.

This shall be known as Ordinance No. 1472.

UNFINISHED BUSINESS

Mayor Logan reported on the results of the TBD Proposition #1, noting that it had passed. Finance Officer Williams advised that the tax increase will take effect in October and we will receive the first revenues in December.

Public Works Director Terry Clement explained that he received quotes to paint logos on the Lions Park water towers. “Lions Park” could be repainted at no charge on one water tower. It could cost \$28,400 - \$29,800 + tax to paint the city logo on one water tower. Staff suggested that we repaint “Lions Park” on the 3 mg reservoir and wait until we go through the branding project to make a decision about painting the city logo. Council’s consensus was to repaint “Lions Park” on the 3 mg reservoir in red letters.

Councilmember Snyder mentioned there is one house one N 4th Avenue that has so many vehicles, boats and a trailer parked on the property and on the street that at times you can only drive one car through this area at a time and it is hazardous. Chief Schenck advised that Code Enforcement is already working on it.

Councilmember McCourtie stated that the entry way into the City Hall building needs to be updated or repainted.

Mayor Logan reminded all that you can still pay for bricks for the skate park. Councilmember Garza asked if we could get power outlet by the flagpole in front of City Hall. Mayor Logan asked that we get an estimate for this and consider it in the 2017 budget.

NEW BUSINESS

There was none.

EXECUTIVE SESSION

Mayor Logan announced that Council was adjourning at 8:24 p.m. to go into an executive session pursuant to RCW 42.30.110(g) to review the performance of a public employee. The executive session is expected to last 20 minutes. No action will be taken during the executive session. Also in attendance were City Attorney Kelly Konkright and staff: Debbie Kudrna; Spencer Williams; Police Chief Schenck and Travis Goddard. Mayor Logan announced at 8:45 p.m. that the executive session would be extended an additional 10 minutes.

Mayor Logan reconvened at 8:52 p.m.

ADJOURNMENT

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:52 p.m.

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By: _____
SHAWN LOGAN, Mayor

ATTEST:

By: _____
DEBBIE KUDRNA, City Clerk