

City of Othello  
Regular Council Meeting  
May 13, 2013

**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; Department Heads: Public Works Director Terry Clements, Police Chief Steven Dunnagan, Finance Officer Spencer Williams, Planner Darryl Piercy, Receptionist Rebecca Perez-Ozuna and City Attorney Anna Franz.

Council made a motion to excuse the absence of Councilmember Dan Dever M/S Caylor/Dorow. Councilmember Dan Dever arrived at 7:02 p.m.

**CITIZEN INPUT**

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of April 22, 2013
- B. Approval of City Council Workshop Minutes of May 6, 2013
- C. Approval of Accounts Payroll and Related Expenses
- D. 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. 42514 to No. 42604 in the amount of \$ 198,364.75

Payroll and Related Expenses Check No. 28266 to No. 28299 in the amount of \$ 304,835.84

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

**PUBLIC HEARING ON REQUEST TO VACATE CITY RIGHT-OF-WAY**

Mayor Tim Wilson opened public hearing at 7:04 p.m. City Planner, Darryl Piercy, commented to council that a written request from Keith and Kathy Graham to vacate the city right-of-way that lies adjacent to their property. Mr. Piercy mentioned that the request to vacate city right-of-way was to consolidate all the property into one single piece of land with direct access to the railroad which would make it easier to market and sell. Mayor Wilson asked for public testimony, questions or objections to be heard. No public comments were made. Mayor Wilson asked for council comments, and asked City Attorney, Anna Franz, if vacating the land would be considered gifting in which the response was no. Councilmembers had various questions regarding what amount of property is being requested to vacate, future railroad crossings and right-of-ways, date of original plat.

Mr. Piercy also showed and commented to Council the possibilities for future crossings of the railroad that there are more feasible to the north from the property requested. Mayor Tim Wilson closed the public hearing at 7:16 p.m.

Council carried a motion to table the REQUEST TO VACATE CITY RIGHT-OF-WAY. M/S Garcia/Caylor

**2012 STREET IMPROVEMENT PROGRESS ESTIMATE #1**

City Engineer, Larry Julius, commented to Council that the contractor (Central Washington Asphalt) for the project has completed 75% of the job and is under budget. Mr. Julius also stated

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that the contractors have a list of the work that needs to be done and should be completed by next week or so. Mr. Julius recommended to council that the City Council approve Progress Estimate No. 1 in the amount of \$422,996.66, and place \$22,172.52 in the retainage account, for a total of \$445,169.18

Council carried a motion to APPROVE PROGRESS ESTIMATE NO. 1 IN THE AMOUNT OF \$422,996.66, AND PLACE \$22,172.52 IN THE RETAINAGE ACCOUNT, FOR THE TOTAL OF \$445,169.18. M/S Caylor/Dorow

**2012 INFRASTRUCTURE IMPROVEMENT REBID PROGRESS ESTIMATE #1**

City Engineer, Larry Julius, explained that this is the project from last fall on Scootney Street in various areas. Mr. Julius explained that the contractor is just about done with a little bit of punch list items to get done which should be completed within the next week or so. So, the contractor is presently on track and under budget. Mr. Julius recommended to Council that they approve Progress Estimate No. 1 in the amount of \$84,811.89, and place \$4,129.11 in a retainage account, for the total of \$88,941.00

Council made a motion to APPROVE PROGRESS ESTIMATE NO. 1 IN THE AMOUNT OF \$84,811.89, AND PLACE \$4,129.11 IN A RETAINAGE ACCOUNT FOR THE TOTAL OF \$88,941.00. M/S Dever/Caylor

**STATE OF WASHINGTON CONTRACT AMENDMENT K7570 (DEPARTMENT OF CORRECTIONS)**

Police Chief Dunnagan, explained the issue presented to them is an update to the State Contract to provide service to Connell Coyote Ridge. He commented that this contract has been in place for many years and has never had to be used and that the only change in this contract is that the K9 service has been removed as the City no longer has those services. Chief Dunnagan explained that there is no cost to have this contract in place unless the City is called. He also stated that this contract is good until June 2015. Chief Dunnagan recommended the Council to accept this amendment as written and authorize him to sign the contract.

Council made a motion the ACCEPT THIS AMENDMENT AS WRITTEN AND AUTHORIZES POLICE CHIEF DUNNAGAN TO SIGN IT. M/S Snyder/Johnson

**RESOLUTION TO ACCEPT DONATIONS**

Finance Officer, Spencer Williams, commented to Council that the City of Othello has received a \$100 charitable contribution from Paul Snyder for the City of Othello's Police Department Shop With a Cop Program and recommended that Council accept the donation.

Council made a motion to ACCEPT THE DONATION. M/S Dorow/Bain

**MCCAINS USE OF KIWANIS PARK**

Park and Recreation Coordinator, Molly Klippert, explained to Council that the City has received a request from McCain for the use of Kiwanis Park for their Annual Employee Appreciation Picnic which is scheduled for July 27<sup>th</sup>, 2013. She also commented that the expected amount of people is close to 600 people throughout the day and are requesting the use of large shelter. Ms. Klippert also explained that some of the activities include various mobile vendors and games for the attendees. Molly commented that even though they had requested use of the park prior to the new fees, they will still incur the cost of \$400 special event fee for the use of the park and will include porta-potties, additional garbage containers, as well as covers landfill costs. Ms. Klippert recommends City Council approve this resolution to authorize for use of Kiwanis Park on July 27<sup>th</sup> for the McCains Foods USA Employee Appreciation Picnic.

Councilmember Ken Johnson asked if their request had been received prior to establishing the new fees and Ms. Klippert answered yes but was advised by City Attorney that the City is not

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allowed to waive the fees. Councilmember Johnson also asked if McCain was aware of this change and Ms. Klippert advised council that she did notify them by email as soon as she was informed and asked for them to have a representative present.

Council made a motion AUTHORIZING USE OF CITY PARK PROPERTY FOR THE MCCAIN FOODS USA, INC EMPLOYEE APPRCIATION EVENT. M/S Garcia/Dorow

**EXECUTIVE SESSION – POTENTIAL LITIGATION**

Council adjourned into an executive session at 7:27 p.m. pursuant to RCW 42.30.110(1)(i) "To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency." The executive session is expected to last 20 minutes. No action will be taken during the executive session. The City Attorney, City Administrator and Finance Officer were asked to remain. Executive session concluded at 8:10 p.m.

**EXECUTIVE SESSION – PROPERTY PURCHASE**

Council adjourned into an executive session at 7:27 p.m. pursuant to RCW 42.30.110(1)(b) to consider the selection of a site or the acquisition of real estate by lease or purchase. The executive session is expected to last 20 minutes. No action will be taken during the executive session. The City Attorney, City Administrator and Finance Officer were asked to remain. Executive session concluded at 8:10 p.m.

**UNFINISHED BUSINESS**

Councilmember Charles Garcia requested a look into the G & O Scholarship that was never used and see if possibly next year offer two scholarships since there are monies available.

**NEW BUSINESS**

Mayors Announcements:

- 1.) The deadline to file for the election is Friday (17<sup>th</sup>). Candidates may file online by 4 o'clock or in person in Ritzville between 8:30 and 4:30, Monday through Friday.
- 2.) The Water & Sewer Committee is meeting tomorrow at 9 a.m. in the Water Room of the Public Works building.
- 3.) The Chamber of Commerce is having their monthly meeting on Wednesday at noon at the Othello Senior Center.
- 4.) The Negotiating Committee is meeting at 9 a.m. on Wednesday (15<sup>th</sup>) in room 3 at City Hall

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:14 p.m.

By: \_\_\_\_\_  
TIM WILSON, Mayor

ATTEST:

By: \_\_\_\_\_  
REBECCA PEREZ-OZUNA, Receptionist