

City of Othello
Regular City Council Meeting
May 27, 2014

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, Kenneth Johnson, John Lallas, and Mark Snyder.

Also Present: City Administrator Wade Farris; Department Heads: Interim Police Chief David Rehaume; City Clerk Debbie Kudrna, Finance Officer Spencer Williams and City Attorney Anna Franz.

RESOLUTION RELEVANT TO CITIZEN INPUT DURING COUNCIL MEETINGS.

Mayor Logan read the resolution into the record.

Council carried a motion to approve A RESOLUTION ADOPTING A PROCESS FOR CITIZEN COMMENTS AT CITY COUNCIL MEETINGS. M/S Dorow/Lallas. This shall be known as Resolution No. 2014-16.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

- A. Approval of City Council Minutes of May 12, 2014
- 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. 43991 to No. 43992 in the amount of \$245,185.63.
Accounts Payable Check No. 43993 to No. 44037 in the amount of \$102,833.59.

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

POLICE SERGEANT'S RECOGNITION AND OATH OF OFFICE

Interim Police Chief announced the promotion to Sergeant for Police Officer Josh Silva and administered the Oath of Office.

PROCLAMATION HONORING DAN (DEWITT) DEVER

Mayor Logan read into the record a Proclamation in recognition of Councilmember Dan (Dewitt) Dever.

REQUEST TO INSTALL SIGN AT LIONS PARK FOR THE LIONS CLUB

Parks and Recreation Coordinator Molly Klippert reported that the Othello Lions Club was very instrumental in the development of Lions Park in 1967. The Othello Lions Club has requested that the City accept a donation of a sign to identify Lions Park and the "Hump" Prieur Athletic Complex. They asked that the sign be installed in the southwest corner of Lions Park. Their estimated cost is \$1200.

Council carried a motion to approve A RESOLUTION OF THE CITY OF OTHELLO, WASHINGTON ACCEPTING THE DONATION OF A PARK SIGN FROM THE OTHELLO LIONS CLUB TO BE PLACED IN LIONS PARK. M/S Dorow/Lallas. This shall be known as Resolution #2014-17.

GRANT APPLICATION FOR FARMERS MARKET PROMOTION PROGRAM

Administrative Secretary Jennifer Durepo Huang announced that the USDA has grants available as part of the Farmers Market Promotion Program. This program is designed for grant funding for projects that establish, expand and promote direct producer-to-consumer marketing. The minimum award per grant is \$15,000 and the maximum is \$100,000, and matching funds are not required. The grant was announced May 8, 2014 and is due June 20, 2014.

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Ms. Huang explained that the city owns the vacant lot at the corner of Pine St. and 9th Ave. across from Lions Park, which would be an ideal location to construct a permanent farmers market. The plan would be to build a structure along the east and south sides of the property to provide shelter and shade to the vendors and shoppers. The majority of the remaining property would be grass with trees, a stage and picnic tables; essentially it would be an extension of the park. Beyond a farmers market, the facility could be used for many community events. It could be an opportunity to create a community meeting place and a multi-use facility for a fraction of the cost to build and maintain a community center. Councilmember Lallas asked that a stage be included in the plans. Council's consensus was for staff to proceed with the grant application.

NEW PUBLIC RECORDS POLICY

City Attorney Anna Franz presented an updated Public Records Policy, which will supersede the current policy. She advised that the new policy will better align our process with the State RCW's and the State model rules. The policy has been reviewed by the State Attorney General's office.

Council carried a motion to adopt the new Public Records Policy. M/S Dorow/Lallas.

2014 OTHELLO TRAFFIC CORRIDOR STUDY TASK ORDER #9-14

City Engineer Larry Julius advised that staff has requested Gray & Osborne complete a traffic analysis in and along the following corridors that will be impacted by proposed residential, commercial, and industrial growth throughout the community:

- 14th Avenue from Main Street to State Route 26
- Cunningham Road (Main Street) from 14th Avenue to State Route 17
- Broadway Avenue from Lee Road to Bench Road
- 1st Avenue from Main Street to State Route 26

The work will include obtaining traffic counts, vehicle types, vehicle turning movements at 19 separate intersections in and along the four routes and level of service. They will submit a report on their recommendation(s) on how to revise the current flow of traffic with respect to vehicle and pedestrian safety, due to the impact that the projected growth will have on these corridors. The amount of Task Order No. 9-14 is \$38,000.00. Mayor Logan noted the reason for this study is to prepare for future growth and to help with future grant applications. It was suggested that this type of a study should be updated possible every 2 - 4 years. Finance Officer Spencer advised that this is not a budgeted item and he would like to discuss funding with the Council Street Committee.

Council carried a motion to approve Task Order No. 9-14 for the 2014 Othello Traffic Study to be completed by Gray & Osborne, in the amount of \$38,000.00. M/S Dorow/Snyder. Councilmember Dorow asked that staff request funding for this project in future budgets.

ANNOUNCEMENT OF CITY COUNCIL VACANCY

Mayor Logan announced that due to the recent passing of Councilmember Dan Dever, applications for his Council position are being accepted up to June 16th at 5 p.m. Mayor Logan outlined the interview process for candidates in open session Council meeting on June 9th and June 23rd. A decision will be made by the Council at the meeting on June 23rd.

AMENDMENT TO RESOLUTION AND FACILITY USE AND INDEMNIFICATION AGREEMENT FOR CHANGE THE STORY PRESENTATION

Parks and Recreation Coordinator Molly Klippert explained that the City Council had approved the use of the City owned gravel lot on 9th Avenue and Pine Street by the Othello Christian Church for the Compassion International Change the Story presentation. The Othello Christian Church has now asked to use Lions Park for a worship service on Sunday, June 1, 2014. Set up for the worship service will begin at 8:00 a.m. on June 1st; followed by the worship service from 10:00 a.m. to 11:30 a.m., with a picnic in the park at 11:30 a.m. The Church has also requested to bring in a stage to the southwest area of Lions Park on Saturday, May 31st. The Othello Christian Church has paid the \$200 Special Event Fee for use of City property for the gravel lot and they will not incur an additional fee for use of Lions Park.

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Council carried a motion to adopt A RESOLUTION AMENDING RESOLUTION 2014-03 AUTHORIZING USE OF CITY PROPERTY FOR THE COMPASSION EXPERIENCE CHANGE THE STORY PRESENTATION SCHEDULED FOR MAY 30, 2014 THROUGH JUNE 3, 2014. M/S Johnson/Snyder. This shall be known as Resolution No. 2014-18.

RESOLUTION FOR USE OF CITY PROPERTY FOR COLUMBIA BASIN HEALTH FAIR

Parks and Recreation Coordinator Molly Klippert explained that Columbia Basin Health Association is preparing for the 2014 CBHA Health Fair and have requested use of Kiwanis Park for Saturday, August 2nd from 2:00 p.m. to 6:00 p.m. The event is to inform the public about the various health resources available and raise awareness for health practices. Their request includes use of all Kiwanis park shelters. Due to the estimated attendance of 150-500 people, CBHA will incur the \$200 special event fee.

Council carried a motion to adopt A RESOLUTION AUTHORIZING USE OF CITY PROPERTY FOR THE COLUMBIA BASIN HEALTH ASSOCIATION HEALTH FAIR, SCHEDULED FOR SATURDAY, AUGUST 2, 2014. M/S Lallas/Dorow. This shall be known as Resolution No. 2014-19.

PROTHMAN CONSULTING CONTRACT

City Administrator Wade Farris reported that we are replacing our current Planning and Building contractor with a fulltime employee. To insure we get the right person with the right skill set, he suggested we hire an expert consultant. The Prothman Agency employs a highly qualified consultant, Mr. Bob Jean, to point us in the right direction. The contract will cost approximately \$1500 to \$1700. Mr. Jean will assist to set up the change in the Planning and Building department.

Council carried a motion to approve the contract hiring Mr. Bob Jean as a consultant for filling the City of Othello's Planning and Building position. M/S Bain/Dorow.

SUMMARY OF MUNICIPAL CODE RESTRICTIONS REGARDING FIREWORKS

Parks and Recreation Coordinator Molly Klippert advised that Council had requested more information regarding code restrictions to safely allow fireworks within City limits. She provided a document compiled by the Washington State Patrol of numerous counties and cities in the State of Washington who permit the public sale and/or use of fireworks, a number of which are on the eastern side of the state. Several of the eastern Washington cities that permit public sales and/or use of fireworks were listed in the document, including a brief list of restrictions in each city's code. She also provided RCW 70.77 titled State Fireworks Law and fireworks codes from other communities.

Below is a brief list of fireworks restrictions and/or commonly addressed items:

- Definition of legal fireworks:
 - Reference to State Fireworks Law RCW 70.77/State Fire Marshal as to which types of fireworks are deemed dangerous.
- Dates and times allowed for sales, use, and discharge of legal fireworks:

Date	Sales Period	Discharge Period
June 28th	12 p.m. (noon) to 11 p.m.	12 p.m. (noon) to 11 p.m.
June 29th to July 3rd	9 a.m. to 11 p.m.	9 a.m. to 11 p.m.
July 4th	9 a.m. to 11 p.m.	9 a.m. to 12 a.m. (midnight)
July 5th	9 a.m. to 9 p.m.	9 a.m. to 11 p.m.
December 27th to 30th	12 p.m. (noon) to 11 p.m.	No Discharge
December 31st	12 p.m. (noon) to 11 p.m.	6 p.m. to 12 a.m. (midnight)
January 1st	No Sales	12 a.m. (midnight) to 1 a.m.

- Restricted areas for sales, purchase, discharge, use or possession of fireworks:
 - Cities prohibit fireworks within public right-of-way of busy streets and/or historical/monument areas regardless of permitted dates and times for sale and discharge.
- Minimum age requirement:

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- Unlawful to sell or give fireworks to anyone under 16 years of age.
- Unlawful for parent to allow a child to possess, use, or transport fireworks without immediate supervision.
- Unlawful for anyone under age 16 to possess, use, or discharge fireworks without immediate adult supervision.

Ms. Klippert explained that the City budgeted \$5,000 for the public fireworks display for the 4th of July. That contract is ready to be reviewed by the Council. Mayor Logan stated that the minimum age to sell to anyone under the age of sixteen years unless that person is under the immediate supervision of a responsible adult eighteen years old or older is very important. Interim Police Chief Rehaume advised that if the ban is lifted, the Police Department is ready to enforce the ordinance. Councilmember Lallas noted that no infractions have been issued recently and his concern is that we are prepared to deal with enforcement issues if the ban is lifted.

ORDINANCE TO REPEAL AND REPLACE CHAPTER 5.16 TITLED “FIREWORKS”

Mayor Logan explained that if the City adds restrictions above and beyond what the RCW specifies, we are not able to enact those restrictions until a year after the ordinance is passed. Staff presented four options as follows:

1. Pass the proposed ordinance as presented on May 12, 2014 with no further restrictions.
2. Adopt the proposed ordinance with the caveat that the City develop and add restrictions to be implemented the following year.
3. Pass an ordinance that includes additional restrictions that cannot be implemented until next year.
4. Leave Ordinance No. 879, banning fireworks in place.

Councilmember Lallas made a motion to take no action. There was no second, therefore, the motion died.

Councilmember Dorow made a motion to adopt AN ORDINANCE REPEALING AND REPLACING CHAPTER 5.16 “FIREWORKS”, with the following restrictions to be implemented in 2015: all of the State law restrictions of the legal fireworks, including the definitions; dates and times; restricted areas of sales; purchase, discharge and possession of fireworks, and the minimum age requirement. M/S Dorow/Bain. Councilmember Lallas cast an opposing vote. This shall be known as Ordinance No. 1398.

Mayor Logan asked if a committee should be appointed to study with a recommendation of the restrictions to add to the ordinance to be effective in 2015. Councilmember Dorow agreed.

ORDINANCE TO AMEND CHAPTER 4.04 “BUSINESS LICENSES” FOR TEMPORARY FIREWORKS STAND

City Administrator Wade Farris explained that in order to allow fireworks stands on Main Street, to include a permit fee, this ordinance should be considered. Councilmember Johnson asked if the City was able to impose an additional tax on the fireworks sales besides the Washington State sales tax. City Attorney Franz explained only the general sales tax will apply.

Council carried a motion to adopt AN ORDINANCE AMENDING CHAPTER 4.04 “BUSINESS LICENSES” BY ALLOWING TEMPORARY FIREWORKS STANDS ON MAIN STREET. M/S Dorow/Johnson. Councilmember Lallas cast an opposing vote. This shall be known as Ordinance No. 1399.

Councilmember Johnson mentioned that we still need to take action on the fireworks permit for Western Display Fireworks. We have only budgeted \$5,000 and he asked if the Council would consider increasing the funding up to \$10,000.

Council carried a motion to increase the fireworks contract to \$10,000 for fireworks for 2014 for Western Display Fireworks. M/S Johnson/Snyder. Finance Officer Spencer reported that the cost can be funded from the general fund, to be offset by the projected revenues of sales. In order to be funded from the tourism funding, we would have to justify that it would increase tourism into the community. LTAC committee member Penny Morris said that a great fireworks display will

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keep people in town and she is not sure it creates tourism. Councilmember Snyder noted that we have a contract with Western Display Fireworks Company and if we increase the funding to \$10,000 we will get more than the extra \$5,000 worth of fireworks from the company.

ORDINANCE AMENDING TITLE 12 “WATER AND SEWER”

Finance Officer Spencer Williams explained that Council had reviewed an ordinance that will amend the Othello Municipal Code (OMC) Chapter 12 titled ‘Water and Sewer’. These changes are based on a review by Code Publishing Inc, our Attorney and city staff. They will update the OMC to ensure it is consistent across chapters, and up to date with current laws and practices.

Council carried a motion to adopt AN ORDINANCE AMENDING TITLE 12 “WATER AND SEWER”. M/S Dorow/Lallas. This shall be known as Ordinance No. 1400.

NEW BUSINESS

Mayor Logan made the following announcements:

- The workshop has been cancelled and training will begin at 5:30 p.m. for the Open Publics Act, Public Records, and Robert’s Rules of Order.
- The Lions Club Auction is scheduled for June 10th at 6:30 p.m. at the Othello Senior Center.

ADJOURNMENT

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:12 p.m.

By: _____
SHAWN LOGAN, Mayor

ATTEST:

By: _____
DEBBIE KUDRNA, City Clerk