

City of Othello
Regular Council Meeting
June 9, 2014

Mayor Shawn Logan called the meeting to order at 7:00 p.m. and Councilmember Bain led a pray and Mayor Logan 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: Public Works Director Terry Clements; City Clerk Debbie Kudrna, Interim Police Chief David Rehaume, Finance Officer Spencer Williams, Planner Darryl Piercy, and City Attorney Katherine Kenison.

CITIZEN INPUT

Katrina and Don Simmons, 420 N 4th Avenue. They recently had a sewer line issue at 138 S 10th Avenue. They asked the City to pay their costs, which is approximately \$23,000. Their initial estimated repair costs was \$4,000. They used several contractors to trace the sewer line on their property and their backhoe broke their private sewer line. The sewer line coupling was broke and the pipe had deteriorated. They dug to the city sewer line and the city water line. They have a \$23,000 bill and the City's insurance carrier has denied the claim. They have reviewed the city's project notes. Mr. Simmons stated that they were told that the City has paid for similar sewer repair projects. Attorney Kenison suggested that it's a potential claim and so it's not appropriate for the Council to make a decision tonight. She would like to review the reports.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda, with the addition of an Executive Session. M/S Bain/Dorow.

CONSENT AGENDA:

- A. Approval of City Council Minutes of May 27, 2014
- B. Approval of Accounts Payable Checks
- C. Approval of Payroll and Related Expenses

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. 44038 to No. 44078 in the amount of \$546,346.01.

Payroll and Related Expenses Check No. 28806 to No. 28841 in the amount of \$270,559.42.

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

COUNCIL CANDIDATE INTERVIEWS

Council candidate Larry McCourtie was interviewed for the vacant council position. He provided an opening statement and answered the following questions:

1. Describe your contributions to the City of Othello and/or what have you accomplished for the City?
2. What personal skill or attribute would you bring to the Council that would help it govern the City?
3. What is your vision for Othello for the next five, ten, or twenty years?
4. What do you see as the biggest challenge facing Othello and its citizens today?
5. If you could change one thing about the City, what would that be?
6. The City and Council are looking forward into the future, and we want to begin long range strategic planning. We want to develop relationships with others to advance that cause. What are your ideas to help the city accomplish this goal?

AMENDMENT TO EXISTING PHASING AGREEMENT – ASHWOOD NOTCH

Building Official/Planner Darryl Piercy advised that Columbia NW Engineering has submitted a request on behalf of Olsen Homes for revisions to the Ashwood Notch Major Plat phasing plan. The revisions are a result of discussions to facilitate potential improvements to the intersection of Scooteney and 14th. By delaying the

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development of Lots 8 and 20 from phase 3 to phase 4, the City will have additional time to design the improvements needed at this intersection. Specifically the request includes the following elements:

- Move Lots 8 and Lot 20 from the Ashwood Notch Phase 3 to Ashwood Notch Phase 4 final plat to allow the city to complete its development planning and design work for the Scootney Ave and 14th Avenue intersection.
- Adjacent to Lots 8 and 20 the Owner/Developer will provide a temporary street and utility easement across Ashwood Notch Phase 4. This will allow the platting of the land after the City determines the design plan for the intersection.
- Scootney Street subdivision improvements will terminate at the west boundaries of Lots 8 and 20 to be constructed. A temporary street will be constructed by Olsen Homes at minimal standards as approved by the City connecting Scootney Street to 14th Avenue. It is anticipated that this temporary street segment will be reconstructed at a future date when City sponsored improvements to the intersection of Scootney Street and 14th Avenue are designed and constructed. Olsen Homes agrees to post a performance bond or approved surety for completion of Scootney Street to City residential street standards for that portion of Scootney Street remaining to be constructed.
- The owner/developer agrees to construct a temporary asphalt pedestrian travelway as approved by the City connecting to existing asphalt pedestrian travel ways on the west side of 14th Avenue at the intersection of Scootney Street and 14th Avenue so as to provide pedestrian walkways through the area adjacent to the future Lots 8 and 20.

The request has been reviewed by staff and is brought forward with no staff objections to the proposal.

Council carried a motion to approve the request submitted by Columbia NW Engineering on behalf of Olsen Homes to modify the Ashwood Notch Plat phasing plan as submitted. M/S Snyder/Johnson.

REQUEST FOR CITY PARTICIPATION – SCOOTNEY STREET

Planner Darryl Piercy explained that Olsen Homes, developer of Ashwood Notch Major Plat, is requesting City participation for arterial street improvements on Scootney Street associated with the development requirements of their plat. Mr. Piercy reviewed some points to consider when reviewing this request:

- The additional width between a standard residential street cross section and an arterial is 14 feet.
- The City's participation is not mandatory and is at the discretion of the City Council.
- Scootney Street has been a designated arterial for many years. The designation has not changed as a result of recent development in the area.
- An estimate for the City's participation for the portion of Scootney Street associated with Phase III development is \$70,000.00.
- The City has previously participated in development of the additional width for Scootney Street improvements associated with the Sagestone development from 7th Ave to 10th Ave. and the Nazarene Church development from 10th to 11th.

Finance Officer Spencer Williams indicated there is funding in the street fund.

Council carried a motion to approve the request submitted by Olsen Homes for participation in street improvements to Scootney Street associated with the development of Ashwood Notch Phase III. M/S Dorow/Lallas.

MARIJUANA ZONING MORATORIUM

City Attorney Kenison advised that Council adopted Ordinance 1388 in December, 2013 to establish a six month interim zoning moratorium ordinance on the establishment, location, operation, licensing, maintenance or continuation of marijuana producers, processors, and retailers as regulated by Washington State. The zoning moratorium expires this month.

Council held a discussion on the options: they can consider a 2-step process and adopt another moratorium ordinance and hold a public hearing within 60 days of adoption of the ordinance; do nothing and allow the

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businesses pursuant to zoning; or ban. Attorney Kenison recommended not to enact a ban and adopt another moratorium and develop a work plan.

CONSIDERATION TO SET PUBLIC HEARING ON THE MARIJUANA ZONING MORATORIUM

Council carried a motion to set a public hearing on the marijuana zoning moratorium for Monday, July 23, 2014. M/S Dorow/Lallas.

SELECTION FOR SKATEPARK DESIGN FIRM

Parks and Recreation Coordinator Molly Klippert advised that the City published a Request for Qualifications for skate park design firms on February 27, 2014. The City received seven submissions from various design firms across the country. The Parks and Recreation Committee, the Skate park Interest Group, and City staff reviewed the submissions and elected to shortlist three design firms in order to request more project-specific information. The three shortlisted firms were:

- Grindline Skateparks (Seattle, WA)
- Spohn Ranch Skateparks (Los Angeles, CA)
- Bernardo-Wills Architects/American Ramp Company (Spokane, WA/Joplin, MI)

Responses to the request for more information were received by Friday, May 9, 2014. Upon review of the shortlisted firms' submissions, the Council Parks and Recreation Committee and Skate Park Interest Group recommend the selection of Spohn Ranch Skateparks to design the future City skate park. With a budget of roughly \$250,000 (including anticipated grants/donations), Spohn Ranch Skateparks has indicated their ability to provide the City of Othello with a concrete skate park with the City's desired design elements, within the City's budget. In addition, Spohn Ranch was able to capture the park layout, including street-style elements such as ledges, banks, stairs, and rails that will accommodate a variety of users and skill levels, and allow minimal "wasted" space. Upon approval, a contract will be brought to the City Council for approval, including an anticipated project timeline from ground-breaking to completion.

Council carried a motion to approve to enter into contract negotiations for design services for the future City of Othello skate park with Spohn Ranch Skateparks. M/S Bain/Dorow.

REVISED RESOLUTION FOR CBHA HEALTH FAIR

Parks and Recreation Coordinator Molly Klippert advised that the City Council had approved the request for use of Kiwanis Park by Columbia Basin Health Association for the 2014 CBHA Health Fair. The event, which aims to provide information on a variety of health related topics to the citizens of Othello and their families, was scheduled for Saturday, August 2nd, 2014. City staff has now received a request from CBHA to change the event date to Saturday, August 9th, 2014. Columbia Basin Health Association has requested the date change in order to have the Health Fair coincide with National Health Center Week, which occurs August 10th through 16th, 2014. Columbia Basin Health Association will incur the \$200 Special Event fee for use of Kiwanis Park, due to the estimated attendance of 150-500 people.

Council carried a motion to approve A RESOLUTION AMENDING RESOLUTION 2014-19 AUTHORIZING USE OF CITY PROPERTY FOR THE COLUMBIA BASIN HEALTH ASSOCIATION HEALTH FAIR, SCHEDULED FOR SATURDAY, AUGUST 9TH, 2014. M/S Johnson/Lallas. This shall be known as Resolution No. 2014-19.

REVIEW/APPROVAL OF RECOMMENDED RESTRICTIONS TO FIREWORKS CODE

Parks and Recreation Coordinator Molly Klippert advised that staff met with members of the Council to discuss restrictions for the impending fireworks code. They have made the following recommendations for code restrictions, to be implemented and become enforceable in one year:

- Fireworks Prohibited
 - No person may sell, use, or possess any of the fireworks indicated on the attached page. Persons must also comply with the following rules:

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- Combination Items - Firework devices containing a combination of two or more of the effects described in WAC 212-17-198.
- Any firework devices which do not satisfy all the chemical content and construction requirements of WAC 212-17-050.
- Any fireworks larger, in terms of size or amount of pyrotechnic composition, than specified in this section.
- Dates and times allowed for sales, use, and discharge of legal fireworks
 - Fireworks may be sold in the City of Othello during the period commencing at 12:00 noon on the twenty-eighth day of June of each year and ending at 12:00 noon on the sixth day of July of each year.
 - Fireworks may only be discharged during the following periods:
July 2nd through July 3rd between 6:00 p.m. and 11:00 pm.
July 4th between 6:00 p.m. and 12:00 midnight.
December 31st between 6:00 p.m. and 1:00 a.m. January 1st.
- Off-Limit Areas
 - The sale, purchase, discharge, use or possession of fireworks will be strictly prohibited in all City of Othello parks.
- Minimum age requirement
 - It shall be unlawful for any person or corporation to sell or give fireworks to anyone under 18 years of age.
 - It shall be unlawful for a parent, guardian or other person responsible for a child under age 16 years to allow that child to possess, use, discharge or transport any fireworks unless that child is under the immediate supervision of an adult (18 years old or older).
 - It shall be unlawful for any person under the age of 16 years to possess, use, discharge or transport fireworks unless that person is under the immediate supervision of an adult (18 years old or older).

This shall be discussed again at the next Council meeting.

EXTENSION OF GASOLINE AND DIESEL FUEL CONTRACT WITH LAWRENCE OIL, CO., INC.

City Clerk Debbie Kudrna explained that in 2011, the Othello City Council awarded a contract for gasoline and diesel fuel for all City departments to Lawrence Oil Co., Inc. The term of the original contract was July 1, 2011 through July 1, 2014. The contract provided that the current terms could be extended for one additional year upon mutual agreement of the parties. Lawrence Oil Co., Inc. has requested a one year extension of the agreement, with all other terms and conditions remain unchanged. Attorney Kenison advised that since the original RFP advertisement did not provide that the contract was for 3 years with a one year renewal clause, we could not implement the one year extension.

Council carried a motion to extend the current agreement for 2 months and advertise for Request for Proposals for gasoline and diesel fuel. M/S Dorow/Bain.

FIREWORKS STAND PERMITS APPLICATION UPDATE

City Administrator reported that after Council passed the ordinance allowing fireworks sales by non-profit organizations within the city limits, staff worked on the permit process. In our research, we found two important issues. First, in order to obtain a sales permit, the applicant must first secure a state issued permit. Applications for this permit must be made by May 1st of each year. The second issue is the amount we can charge for a permit. The RCW says we can only charge a maximum of \$100 per season vs the \$500 council wanted to charge. However, permits for fireworks displays are \$500.

ORDINANCE AMENDING OMC TITLE 4 “BUSINESS LICENSING AND REGULATIONS”

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City Clerk Debbie Kudrna advised that staff has reviewed the business license section of the municipal code and used the Code Publishing review of our code. The only changes are to bring our business license code up to State standards.

Council carried a motion to adopt AN ORDINANCE OF THE CITY OF OTHELLO AMENDING TITLE 4 TITLED "BUSINESS LICENSES AND REGULATIONS". M/S Dorow/Snyder. This shall be known as Ordinance No. 1401.

ORDINANCE REPEALING OMC 2.44.010 AND 2.44.020

The City Clerk stated that in 2012 an Independent Salary Committee was appointed to independently establish the salaries of the elected officers. Their salary recommendations were implemented in June 2012. The Othello Municipal code still provides for the salaries before the increases. The first ordinance will repeal the current section of the municipal code that lists the salaries before the increases and the second ordinance provides the language for the new salary process.

Council to carry a motion to adopt AN ORDINANCE OF THE CITY OF OTHELLO REPEALING SECTIONS 2.44.010 TITLED "MAYOR" AND 2.44.020 TITLED "COUNCIL MEMBERS". M/S Johnson/Dorow. This shall be known as Ordinance No. 1402.

ORDINANCE AMENDING OMC SECTIONS 2.42 AND NEW SECTION 2.42.070 AND 2.42.080

Council to carry a motion to adopt AN ORDINANCE OF THE CITY OF OTHELLO AMENDING CHAPTER 2.42 TO ADD NEW SECTIONS 2.42.070 TITLED "EFFECTIVE DATE-SALARIES" AND 2.42.080 TITLED "REFERENDUM". M/S Johnson/Dorow. This shall be known as Ordinance No. 1403.

NEW BUSINESS

Mayor Logan made the following announcements:

- The Lions Club auction/dinner is Tuesday night.
- On Wednesday morning the City Administrator and Mayor will have a discussion with Prothman Co. regarding the Police Chief applicants.

EXECUTIVE SESSION

Mayor Logan adjourned the Council meeting at 8:28 p.m. to go into an Executive Session to discuss potential litigations. Also in attendance was City Administrator Wade Farris, City Attorney Kenison, Public Works Director Terry Clements and Public Works employee Doug Jordan. At 8:45 p.m. Mr. Farris advised that they would be in Executive Session for an additional 5 minutes. Mayor Logan reconvened the meeting at 8:48 p.m.

ADJOURNMENT

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:49 p.m.

By: _____
SHAWN LOGAN, Mayor

ATTEST:

By: _____
DEBBIE KUDRNA, City Clerk