

City of Othello
Regular Council Meeting
June 22, 2015

CALL TO ORDER:

Mayor Shawn Logan called the meeting to order at 7:00 p.m. and Councilmember Bain led the Pledge of Allegiance.

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

Also Present: Department Heads: Police Chief Phil Schenck, Community Development Director Travis Goddard, City Clerk Debbie Kudrna, Finance Officer Spencer Williams and City Attorney Kelly Konkright.

Absent Was: Councilmembers Ken Johnson and Mark Snyder.

Council carried a motion to approve the absence of Councilmember Ken Johnson. M/S Garza/Bain.

Council carried a motion to approve the absence of Councilmember Mark Snyder. M/S Dorow/Lallas.

APPROVAL OF AGENDA

Councilmember Dorow asked that the city engineers give a report on the projects they are working on. Council carried a motion to approve the agenda with the amendment. M/S Dorow/Bain.

CONSENT AGENDA:

- A. Approval of City Council Minutes of June 8, 2015
- B. Approval of Accounts Payable Checks
- C. Amendment 2015-001 to Varela & Associates, Inc. Agreement
- D. Amendment 2015-002 to Varela & Associates, Inc. Agreement
- E. Amendment 2015-003 to Varela & Associates, Inc. Agreement
- F. Introduction to Rename E. Cunningham Road to Main Street
- G. Resolution to Submit Application for Recreation and Conservation Grants

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. 45409 to No. 45468 in the amount of \$416,295.47.
Accounts Payable Check No. 5155 to 5164 in the amount of \$1,943.14.

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

CITIZEN INPUT

There was none.

PUBLIC HEARING ON THE CITY'S 6 YEAR TRANSPORTATION IMPROVEMENT PLAN FOR 2016-2021

Mayor Logan opened the public hearing at 7:04 p.m. Public Works employee Dan Quick advised that they have added two items to the 6 year transportation plan: the 14th Avenue/Hwy 26 intersection and the 7th Avenue Hwy 26 overpass project. The other projects have been on the plan for several years. Mr. Quick reviewed the other projects on the plan. Mayor Logan asked for citizen input. There were no comments. Mayor Logan closed the public hearing at 7:13 p.m.

Councilmember Snyder arrived at 7:14 p.m.

RESOLUTION TO ADOPT THE CITY'S 6 YEAR TRANSPORTATION IMPROVEMENT PLAN FOR 2016-2021

Council carried a motion to approve the Resolution to adopt the City's 6 year Transportation Improvement Plan for 2016-2021. M/S Lallas/Bain. This shall be known as Resolution No. 2015-18.

HAMPTON 14TH AVENUE ANNEXATION REQUEST

Community Development Director Travis Goddard advised that the City received a request from the R.A. "Bud" Hampton Trust for annexation of approximately 16.4 acres located east of 14th Avenue and south of the property owned by the Columbia Basin Health Association (CBHA), which was recently annexed to the City. The petition includes a request for C-1 zoning and dedication of a half-width right-of-way for Columbia Street. He advised that the Hampton's have offered to donate the right-of-way for 14th Avenue. Mr. Goddard advised this is a direct petition annexation and noted that as part of the process, the Council will hold two public hearings on the zoning request. The public hearings will be held July 27th and on September 14, 2015. He explained that the property will have interim C-1 zoning until the Council reaches their final decision.

Stephen Burnham, Attorney for the Hampton family, explained that the Hampton family decided to only proceed with annexation of the approximate 16 acres and not include their other section of property northeast of the proposed annexation site, when discussions were brought up about financing the development of Scooteny Street.

Council carried a motion for city staff to proceed with the Hampton 14th Avenue Annexation request, as outlined by Mr. Goddard. M/S Dorow/Lallas.

RESTROOM IN LIONS PARK

Finance Officer Spencer Williams advised that when we were building the 2015 budget, Council discussed a new bathroom facility for Lions Park. At that time, we didn't have the ability to make this purchase. Mr. Williams explained that we were using utility tax dollars to help the street fund with the 14th Avenue project. Rescheduling the 14th Avenue project to next year, frees up some of those dollars this year. We can then use next year's utility tax revenues to help the street fund with the 14th Avenue project. He noted that we also received a onetime/unexpected REET payment from the State. He advised that a bathroom like the new one in Kiwanis Park was approximately \$149,000. Mr. Williams proposed two scenarios to fund a new bathroom.

Council carried a motion to authorize staff to purchase a new bathroom facility for Lions Park and to use \$100,000 from the Utility Tax Fund and the remaining balance from the REET fund. M/S Lallas/Snyder.

ORDINANCE ON A MORATORIUM PROHIBITING MARIJUANA PRODUCTION, PROCESSING, RETAIL SALES AND MARIJUANA GARDENS

City Attorney Kelly Konkright explained that the Council held a public hearing on May 26th on another marijuana moratorium. At that time, Council decided to extend the moratorium for an additional six months. Council directed staff to research and propose zoning to regulate marijuana sales and production within the city limits.

Council carried a motion to adopt a 6 month marijuana moratorium. M/S Dorow/Garza. This shall be known as Ordinance No. 1436.

ENGINEER'S REPORT

City Engineer Jesse Cowger reviewed the following assignments that Varela & Associates are working on:

- Well #9 - building a permanent pumping station. They are working on getting a temporary pump installed to assist with the water issue. Testing has been performed with one water test outstanding. Dan Quick gave a report on the well production and estimated costs to get Well #9 temporarily online.

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- The city has received several grants from the Dept. of Health. We will use grant funding for the water supply study; water supply sites and alternate water sources.
- Other grant funding will be used for a water system feasibility consolidation study.

City Engineer Kurt Holland reviewed several other projects they are working on:

- The skate board park project has gone out to bid with bid opening July 8th.
- The Farmer's Market design scope has been sent to the City for review.
- Traffic studies will be conducted.
- 1st Avenue reconstruction documents are being finalized.
- Lee Road scope of work for planning and evaluation.
- Columbia and 1st Avenue intersection analysis.
- They are formulating a road rating report project, which could tie into TIB funding.
- Working on ADA evaluations and recommendations to be included in the comprehensive plan.
- Ashwood Notch construction assistance.
- 14th Avenue has been delayed and meetings will be held on the design.
- South sewer extension project using PWTF money.
- There is an IAC funding meeting in October; we'll need to prioritize the City's projects.
- The 16" water transmission main project and the 6" forced sewer main project are in close out.
- 7th Avenue/SR 26 traffic analysis.

Dan Quick gave an update of the repair to Well #6.

ORDINANCE ADOPTING CHAPTER 12.40 PROVIDING FOR WATER USAGE RESTRICTIONS AND IMPOSING MONETARY AND OTHER PENALTIES

City Attorney Kelly Konkright advised that in light of the recent state of emergency for our water supply, he found that Othello did not have any current enforcement mechanisms to force water users to reduce their water usage. He presented the proposed ordinance and reviewed several sections within the ordinance. It allows the City Administrator to declare a state of emergency in regards to the City's water supply. It includes three water use rationing programs and those restrictions depend on the level of emergency declared by the Administrator. The three stages for conservation and rationing are: temperate stage; intermediate stage, and a grievous stage. He reviewed the process for each water use stage and the penalties for citizens and large water users.

Mayor Logan thanked those citizens that responded to the water restrictions and explained that the recent water restriction was imposed so we wouldn't have to boil water and we were still able to supply water to our industries. He noted we have heard from staff how we are going to re-establish our water supply and the fact that we are undertaking a water supply study to address this issue. Councilmember Lallas advised that we need to explain to our citizens why we restricted our water. He advised that we were in a water emergency and did not have a sufficient reserve for emergencies. The City asked the industries to reduce their water needs; provided notice, and most citizens have voluntarily reduced their water use. Councilmember Dorow advised that staff is researching an automated calling system to be used in emergencies. Councilmember Bain recommended that we send letters to everyone that uses city water to explain the newest water rotation plan and have it printed in English and Spanish. Dan Quick advised that we have never experienced this type of water situation and they do not expect this to occur again. Mayor Logan advised we have operated on a voluntary restriction; however we will need to declare a water shortage emergency and implement the temperate water restriction stage guidelines. Attorney Konkright explained that if the City Administrator declared a state of emergency, we could ask the public to follow the temperate stage guidelines and then the enforcement measures could be implemented.

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Council carried a motion to adopt the water restrictions ordinance. M/S Lallas/Dorow. This shall be known as Ordinance No. 1437.

Speaking as a private citizen, Gary Lebacken stated that he understands the water issue; however, we currently do not have a good system to notify the citizens. He suggested that a letter or a door hanger signed by an appropriate city representative be issued.

Council's consensus was to send a letter to our water users explaining a voluntary request for water conservation measures; have it printed in Spanish and English and include the modified water schedule.

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

It was verified that we will have a quorum at the July workshop.

Mayor Logan made the following announcements:

- We now have a vacancy on the Planning Commission. Mike Bailey has resigned. His term will expire December, 2018. If someone is interested, we have an application at City Hall for them to fill out.
- We plan to activate the siren that is located on a pole behind the Police Department to start the 4th of July parade. We're actually testing the siren; however, it will be in conjunction with the start of the parade. Staff is working on using the siren for emergency notifications.
- The 4th of July celebration has been scheduled for Saturday, July 4th. We hope everyone will have a fun and safe holiday.
- The Mayor will be attending the AWC Annual Conference in Wenatchee this week from Tuesday, June 23rd through Friday, June 26th. The Mayor Pro Tem is also on vacation. If an emergency meeting is scheduled by the Council with 24 hours notification; their first action will be to appoint a chairperson for the meeting.
- The ACDC Annual Banquet will be held in Ritzville on June 26th.
- The Othello Hospital Auxiliary 14th annual Golf Tournament/Auction/Fund Raiser will be held on Saturday, June 27th.
- The Adams County Pet Rescue has obtained their Certificate of Occupancy.

EXECUTIVE SESSION

Mayor Logan announced that Council will now adjourn at 8:44 p.m. to go into an executive session pursuant to RCW 42.30.110 (1) (i) to discuss with legal counsel representing the agency matters relating to potential litigation. Also in attendance in the executive session were Finance Officer Spencer Williams and City Attorney Kelly Konkright. The executive session is expected to last 5 minutes. Mayor Logan reconvened the Council meeting at 8:49 p.m.

Finance Officer Williams advised that Othello were part of a class action lawsuit with AT&T. We have been offered a proposal to remove ourselves from the lawsuit for approximately \$2982.08.

Council carried a motion to settle the lawsuit with AT&T in the amount of \$2,982.08. M/S Lallas/Snyder.

Councilmember Snyder advised he is concerned of the \$1.2 million estimate from Varela for completion of Well #9. Attorney Konkright advised that Council should have this as an agenda item at an upcoming meeting. Mayor Logan advised that the water/sewer committee should research this issue and discuss it at the upcoming workshop.

ADJOURNMENT

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With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:55 p.m.

**By: _____
SHAWN LOGAN, Mayor**

ATTEST:

**By: _____
DEBBIE KUDRNA, City Clerk**