

City of Othello
Regular City Council Meeting
June 23, 2014

CALL TO ORDER:

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

Present: Mayor Shawn Logan; Councilmembers: Corey Everett, Kenneth Johnson, John Lallas, Genna Dorow and Mark Snyder.

Also Present: City Administrator Wade Farris; Department Heads: Public Works Director Terry Clements, Interim Police Chief David Rehaume; Receptionist/Clerk Rebecca Perez-Ozuna, Finance Officer Spencer Williams, and City Attorney Katherine Kenison.

Council carried a motion to excuse the absence of Councilmember Eugene Bain.

CITIZEN INPUT

Katrina & Don Simmons, 420 N. 4th Ave, mentioned that they had received a letter from City Attorney, Katherine Kenison, indicating that they were to receive their response to their sewer situation. City Attorney, Katherine Kenison, commented that if they had any other evidence they wish to present to council they could leave it for the staff and council to review but that she has provided a response based upon the City's review and that she has no further response. Mrs. Simmons asked if we had an engineer look at anything, and our attorney commented that we had our staff and engineer look at all the documents. Mrs. Simmons mentioned that they will take next step.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

- A. Approval of City Council Minutes of June 9, 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. 44079 to No. 44134 in the amount of \$241,487.03

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

COUNCIL CANDIDATE INTERVIEWS

Council candidates Kenneth Caylor, Michael Crosier, and Angel Garza were interviewed for the vacant council position. They 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?

EXECUTIVE SESSION – TO EVALUATE QUALIFICATION FOR THE COUNCIL CANDIDATES

Mayor Shawn Logan announced that council will now adjourn at 7:51pm to go into an executive session pursuant to RCW 42.30.110(g) to review the qualifications of an applicant for public employment. The executive session is expected to last 20 minutes. No action will be taken during the executive session. Also present in the executive session were City Administrator Wade Farris and City Attorney Kenison. Mayor Logan reconvened the meeting at 8:18 p.m.

SELECTION OF NEW COUNCILMEMBER – OATH OF OFFICE

Council carried a motion to APPOINT ANGEL GARZA TO FILL THE VACANCY FOR THE OTHELLO CITY COUNCIL. M/S Everett/Lallas. Councilmember Genna Dorow cast an opposing vote. Mayor Shawn Logan administered the Oath of Office to the newly elected Councilmember Angel Garza.

MARIJUANA ZONING MORATORIUM ORDINANCE

City Attorney Katherine Kenison commented that since she reported at the last council meeting, there has not been any change with the City of Kent case and the City of Wenatchee case that are currently under litigation. She also mentioned that it was council's preference given the three (3) choices to continue on with the moratorium so that it can continue to study the issues and hopefully to have some additional directions from the courts before the end of the next six months. The Attorney said the moratorium presented will extend the current moratorium for another six months with the same work plan given to the planning director. Mayor Logan stated and asked if there has been any Washington State Liquor Control Board approved licenses for the City of Othello. Receptionist/Clerk, Rebecca Perez-Ozuna, commented that there have been none approved.

Council made a motion to EXTEND THE MORATORIUM ON THE MARIJUANA ZONING ORDINANCE. M/S Johnson/Dorow. This shall be known as Ordinance No. 1404.

PUBLIC HEARING ON THE MARIJUANA ZONING MORATORIUM

Mayor Shawn Logan opened the public hearing at 8:21 pm. City Attorney, Katherine Kenison, commented that because the council has chosen to adopt a moratorium in the form of an emergency ordinance the state requirement is that there be public hearing conducted within sixty (60) of adopting the ordinance so it was scheduled in the convenience of doing both on the same night.

Mayor asked for public comments and none were given and he closed public comments at 8:22 pm. Mayor asked for council comments. Councilmember Ken Johnson asked how is this going to effect the medical marijuana situation. City Attorney, Kension, mentioned that the city is still operating with the moratorium on the medical marijuana collective gardens issue and is hoping the City of Kent case will have a supreme decision before the expiration of the current twelve (12) month moratorium and if not the state legislature has promised it will address that specific topic in its next session. Mayor Logan commented that he had the privilege of having lunch with the woman who crafted the legislation, Allison Holcomb, and mentioned that she commented she was surprised it had passed and also encouraged we establish zoning because she feels that it is here to stay. Mayor Logan stated that he also heard what other cities are doing and there is a city in particular that is not allowing marijuana because it is an unfunded mandate and until issues are resolved, they will not allow sales or growth in their city. Another city has the position is that they consider the selling and possession of marijuana is still a federal crime and since the State Attorney General cannot grant them immunity so they do not want the legal risk.

Mayor Logan reminded the council that this is our community and we have our own local standards and our own local representation on the council and they have the opportunity to do what they want. Mayor Logan suggested that in the next six (6) months that they begin to make some progress and some decisions many of which need to be resolved at the state level, legislative level and even the Supreme Court level. Councilmember John Lallas asked how specific the city can get on the zoning and if we can narrow it down to a specific location within the city that we would allow the sale of medical or recreational marijuana. Attorney Kenison commented that that is one of the unanswered questions because the Attorney General Office opinion was that not only do cities have the authority to ban it completely but cities have the regulatory authority at a local level to establish their own zoning regulations. So if that is going to be the prevailing case law, then the city would have complete authority to zone however they wanted and that would include restricting to specific locations and imposing additional restrictions. She also mentioned that some other jurisdictions that she works with have restricted the zoning to the industrial zones only. Public hearing closed at 8:31 pm

LGIP RESOLUTION

Finance Officer Spenser Williams mentioned that the LGIP (Local Government Investment Pool) is one of the two (2) investment portfolios that the city has and they are an organization that provides investment services for local government all over the state. He stated that LGIP has recently been contacting all of the organizations that they provide this service to and have been updating their relationship that they have service with. Spencer mentioned that we recently received a resolution that reviews the services that they provide the city and identifies the person within our organization who has the authority to manage the investments and per our code that would be him. He also mentioned that he has added Deputy Finance Officer, Donna Dietmeyer, because it is always good to have a backup.

Council made a motion to ADOPT THE LGIP RESOLUTION. M/S Dorow/Garza. This shall be known as Resolution No. 2014-21

CONSOLIDATED DISPOSAL SERVICES, INC. CONTRACT

Councilmember Corey Everett recused himself from any discussion or vote on the matter, due to fact he works for Consolidated Disposal. Finance Officer Spencer Williams mentioned that this contract is for garbage services and expires on July 15. He also commented that this is a new contract with new rates that CDSI is proposing to the City (which is a 3.45% increase), is very similar to the previous contract and does not include the recycling option. The contract presented is for a three (3) year term and has the option to add the recycling service at a later date. Spencer mentioned the rates for garbage between the City and the citizens have not been raised since 2006 and the solid waste fund has a surplus.

City Administrator mentioned regarding the recycling, that the City had conducted a survey and the results showed that more people were against it. Mayor Logan asked that if the increase mentioned (2.0%) would have a corresponding increase with the citizens. Mr. Williams stated that it would not. Mayor Logan also asked if the City is able to absorb the rate increase within our budget. Mr. Williams commented that for this year the city is able to due to the budget was built with a 2% rate increase.

Council made a motion to AUTHORIZE THE MAYOR TO SIGN CONTRACT WITH CONSOLIDATED DISPOSAL SERVICES, INC. FOR THE NEXT THREE YEAR WITH THE OPTION OF THREE MORE. Motion M/S Dorow/Johnson.

DISPATCH AGREEMENT – ADAMS COUNTY FIRE DISTRICT AND ADAMS COUNTY PUBLIC HOSPITAL DISTRICT #3

Interim Police Chief Dave Rehaume presented the agreements between Othello Police Department and ACFD 5 and Adams County Public Hospital District which are for fire tone out responses and also emergency medical services tone out responses. Interim Chief Rehaume mentioned that in 2013 the Othello dispatch dispatched 371 fire calls and in the same time frame they dispatched 573 EMS calls. The current contract expired in January 2014 and they have been working to finalized. Interim Chief Rehaume stated the dollar amount have been increased 2% to match the dispatcher's salary increase.

Council made a motion to AUTHORIZE THE MAYOR TO SIGN THE NEW EMS CONTRACT FOR 2014 & 2015. M/S Dorow/Garza

Council made a motion to AUTHORIZE THE MAYOR TO THE ADAMS COUNTY FIRE DISTRICT CONTRACT FOR DISPATCH SERVICES FOR 2014/2015. M/S Johnson/Dorow.

OTHELLO SENIOR CENTER REQUEST USE OF CITY PROPERTY FOR FARMER'S MARKET

Park and Recreation Coordinator Molly Klippert mentioned that representatives of the Othello Senior Center have requested to renew the contract between the City of Othello and Othello Senior Center in order to conduct the Othello Farmer's Market throughout the summer of 2014. She commented with the approval of this agreement, the Farmer's Market will continue to use a portion of Pioneer Park facilities every Saturday from 7:00 am to 1:00 pm, July 5th through October 25th, 2014. Molly also mentioned that due to the attendance the Othello Senior Center is anticipating they will incur a \$200 special event fee.

Council made a motion to approve **FACILITY USE AGREEMENT BETWEEN CITY OF OTHELLO AND THE OTHELLO SENIOR CENTER FOR THE 2014 FARMER'S MARKET**. Motion M/S Garza/Dorow.

INTERLOCAL AGREEMENT WITH THE OTHELLO SCHOOL DISTRICT

Park and Recreation Coordinator Molly Klippert commented that last year, at the recommendation of the staff and the Council Parks and Recreation Committee, the City Council approved an interlocal agreement between the City of Othello and the Othello School District for joint use of recreational facilities. Ms. Klippert mentioned that last year's contract dates were from April 23, 2014 through April 22, 2014 and given the recent expiration of the contract, staff and the Othello School District recommends renewing the contract for one calendar year. Molly mentioned that with this agreement there are various activities that fall under this agreement for example: the tennis team is able to use the tennis courts for practice and games and the Summer Food Program is able to use one of the shelters in Lions Park. Also in exchange are the City's use of the Othello School Districts recreational facilities. Mayor Shawn Logan clarified that there will be no exchange of monies of the City to OSD and vice versa.

Council made a motion to approve **THE RENEWAL OF THE "AGREEMENT FOR JOINT USE OF FACILITIES BETWEEN THE CITY AND THE OTHELLO SCHOOL DISTRICT NO. 147"**. Motion M/S Johnson/Lallas.

RADIO CAMPESINA REQUEST USE OF CITY PROPERTY FOR FESTIVAL DE LA FAMILIA

Park and Recreation Coordinator Molly Klippert mentioned Staff recently received a request from Daniel Hernandez, on behalf of KRCW 96.3 FM Radio Campesina and CCF/Farm Workers Educational Radio, to host a one day event in the City of Othello known as the Festival de la Familia. Though this year will mark the first time this event has visited Othello, it will also mark the 15th anniversary of the Festival de la Familia, which has been hosted in the Tri-Cities in previous years. Radio Campesina has requested to use Lions Park for the Festival de la Familia event on Sunday, August 17, 2014 from 12:00 PM to 7:00 PM for this event.

The Festival de la Familia event will be free to the public, and will be a family friendly festival that will include informational booths, vendors, and giveaways for radio listeners from supporting sponsors. The event will also feature live music from local bands, in addition to performances by La Mar-K de Tierra Caliente and Projecto X.

Ms. Klippert mentioned Radio Campesina expects to have an estimated amount of 1500 people in the park and due to that they will incur the \$400 special event fee. Representatives of Radio Campesina will setup for the event from 7:00 PM to 10:00 PM on Saturday, August 16, 2014, and from 7:00 AM to 12:00 PM on Sunday, August 17, 2014. When the Festival de la Familia concludes, event cleanup will take place from 7:00 PM to 10:00 PM on the night of the event.

Daniel Hernandez, Representative of Radio Campesina, corrected the statement in saying this is not the 15th anniversary of this festival, it is actually 15 years that Radio Campesina has been in the area and the surrounding communities. Mr. Hernandez mentioned since Othello and the surrounding communities are the strongest point of where most of the listeners are, they would like to provide a family oriented festival. Councilmember Ken Johnson asked who would be responsible for clean of the park after the event. Mr. Hernandez stated they will volunteer and staff who will help clean it back to the way it was before.

Council made a motion to approve **THE RESOLUTION TO AUTHORIZE USE OF CITY PROPERTY FOR THE FESTIVAL DE LA FAMILIA EVENT SCHEDULED FOR SUNDAY, AUGUST 17, 2014** Motion M/S Johnson/Garza. This resolution will be known as #2014-22

ORDINANCE AMENDING CHAPTER 5.16: FIREWORKS"

Parks and Recreation Coordinator Molly Klippert advised that staff on the June 9th regular City Council meeting, the Council reviewed recommendations regarding restrictions to be added to the recently adopted fireworks code allowing the sale and discharge of fireworks within City limits. The City Council was then given the opportunity to make changes and/or provide additional recommendations for

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restrictions for acceptance into the code. Staff received recommendations from Mayor Logan and Council Member Everett. Their recommendations for restrictions are as follows:

- **Fireworks Prohibited**
 - Any fireworks devices which do not satisfy all the chemical content and construction requirements of WAC 212-17-050, as well as any fireworks devices not meeting the definition of those "consumer fireworks" listed in WAC 212-17-035.
- **Dates and times allowed for sales, use, and discharge of fireworks**
 - Fireworks may be sold in the City of Othello during the following periods:

July 1st through July 3rd.....	between 9:00 a.m. and 10:00 p.m.
July 4 th	between 9:00 a.m. and 11:00 p.m.
December 28 th through 30 th	between 12:00 p.m. and 10:00 p.m.
December 31 st	between 12:00 p.m. and 11:00 p.m.
 - Fireworks may be discharged in the City of Othello during the following periods:

July 1st through July 3rd.....	between 9:00 a.m. and 10:00 pm.
July 4th	between 9:00 a.m. and 12:00 midnight
December 31st	between 6:00 p.m. and 1:00 a.m. on 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 16 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).

Councilmember Johnson stated the State WAC Code allows fireworks to go on sale on the 28th and Ms. Klippert stated that it was a change from the previous recommendation and it mirrored State WAC by the state giving those four days in both dates to sell. Councilmember Dorow commented that the City is allowing for discharging between 6:00 pm till 1:00 am on December 31st and asked is there a reason why the City is allowing discharging from 9:00am on July 1st through July 4th? Molly answered that these times allowed are mainly mirroring the times allowed in the WAC Codes and those are the times it reflects.

Council carried a motion to APPROVE AMENDMENT TO OTHELLO MUNICIPAL CODE 5.16 TITLED "FIREWORKS" TO INCLUDE THE ABOVE MENTIONED RESTRICTIONS. M/S Everett/Snyder. During voting, the council had a split decision, in which the Mayor pulled for votes which also concluded in a tie and to break the tie Mayor Logan voted "Aye" and the motion passed.

UNFINISHED BUSINESS

NEW BUSINESS

Quorum will be established for July 7, 2014 workshop meeting.

Mayo Logan appointed a committee to review non-conforming uses in code enforcement. Committee members will be John Lallas, Angel Garza and Genna Dorow. Members of the committee will present a report in August.

Mayors Announcement:

1. Mayor requested council to review committee list to see what committee they would like be appointed

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2. 4th of July is coming up and in previous years the City Council has been part of the parade in collecting can food for the Food Bank. Mayor Shawn Logan requested that whoever is interested to please raise their hand.
3. Police Chief Interviews will be held July 10th with a potential of 4 candidates. There will be a reception in the council chambers on July 9th 6:30 pm to 8:30 pm to meet the candidates.
4. At the Othello Museum there will be an exhibit at 2 p.m. this Saturday June 28th honoring the firefighters of the City of Othello and the County.

ADJOURNMENT

With no further items to discuss, Mayor Logan adjourned the Council meeting at 9:18 p.m.

By: _____
SHAWN LOGAN, Mayor

ATTEST:

By: _____
REBECCA PEREZ-OZUNA, Receptionist/Clerk