

City of Othello  
City Council Special Meeting  
June 30, 2015

**CALL TO ORDER:**

Mayor Shawn Logan called the Special Council meeting to order at 9:03 a.m. and led an invocation and the Pledge of Allegiance.

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

Also Present: City Administrator Wade Farris; Department Heads: Public Works Director Terry Clements, Police Chief Phil Schenck, and City Clerk Debbie Kudrna.

Absent was: Councilmembers Mark Snyder and John Lallas.

Council carried a motion to approve the absence of Councilmembers Mark Snyder and John Lallas. M/S Dorow/Garza.

Mayor Logan advised that we have City Attorney Roger Reed on the telephone to answer any questions.

**CITIZEN INPUT**

Marc Spohr advised that he has reviewed the emergency ordinance and encouraged the Council to adopt it.

**APPROVAL OF AGENDA**

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

**WATER SUPPLY STATUS**

Public Works Director Terry Clements advised the following:

- Our levels at the water towers are 75.9' and 74.8'.
- Well #9 is on emergency pumping since Saturday and is pumping water into the city. It produced 1.3 million gallons of water since Saturday. We're gaining roughly 1' an hour in the water towers.
- Simplot and McCains are still using city water.
- Well #9 is pumping with the use of a generator and they are working on getting the permanent electrical completed. They expect that will take approximately one week to get the electrical complete.
- They expect Well #6 to be running after July 4<sup>th</sup>.

Mr. Clements advised that if we had a major fire in town; depending on the fire, the water towers will decrease quickly. They can't keep Well #9 running 24/7 at this time; however, we lose about 10' of water overnight in the water towers when they stop Well #9.

**ORDINANCE AMENDING OMC CHAPTER 5.16 TITLED "FIREWORKS"**

Mayor Logan read the proposed ordinance by title. City Attorney Roger Reed advised that we have an emergency condition with the status of our fire flow and the extreme weather conditions. He prepared the emergency ordinance to ban the discharge of fireworks from June 30, 2015 through July 5, 2015. The purpose of the ordinance is to provide the necessary authority to the Council to do so. Mr. Reed advised that we are authorized to do this. The State RCW 70.77 sets up the regulation of the sale and licensing of fireworks in the State of Washington. There is a provision in that RCW 70.77.250, which provides that the State Fire Marshall to enforce the State fireworks law. He and City Attorney Kelly Konkright have concluded that the City of Othello is authorized to prohibit the discharge of fireworks, noting that they are not regulating the wholesale and retail sale of fireworks. Mr. Reed noted the ordinance is consistent with State law and will add a chapter to the Othello Municipal Code and will give authority to prohibit the discharge of fireworks upon the finding of the Council – based upon the weather and the compromised fire flow situation. It was noted that the ordinance does not address the sale of fireworks and public display of fireworks. Mr. Reed noted that he disagrees that with the Director of Fire Protection who has announced that cities do not have an authority to prohibit the discharge of fireworks.

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Adams County Fire Chief Gary Lebacken advised that their crews are busy and may be short-staffed during the 4<sup>th</sup> of July. In a fire, the city apparatus has a combined ability to flow 5500 gpm. The Fire District wants to protect our citizens and industry and with the ban, it will help, as long as it's enforced. He noted that the Governor has banned fires in State property. Chief Lebacken advised that he has not been in contact with the County Commissioners yet. Mr. Farris noted that the County has encouraged everyone to use extreme caution with fireworks.

Police Chief Schenck stated that the Police Department will give warnings to those lighting fireworks. The civil infraction is for those citizens that are reckless with fireworks. Our communication plan to our citizens includes having this reported in the local newspaper; posted on the City's two Facebook pages, and they will have volunteers pass out door hangers in the community. Chief Schenck noted they need volunteers to distribute the door hangers. He also advised they have no one on vacation in the Police Department and will bring in additional staff tomorrow morning.

Mayor Logan advised that we have legal authority based upon our emergency situations today and when needed. Given the 100 degree temperatures and the need for 5500 gpm water need for fire suppression, he recommended the Council to act.

Council carried a motion to approve the Ordinance No. 1438. M/S Dorow/Bain. This shall be known as Ordinance 1438.

**ADJOURNMENT**

With no further items to discuss, Mayor Logan adjourned the Special Council meeting at 9:38 a.m.

By: \_\_\_\_\_  
SHAWN LOGAN, Mayor

ATTEST:

By: \_\_\_\_\_  
DEBBIE L. KUDRNA, City Clerk