

City of Othello
Regular Council Meeting
July 9, 2012

CALL TO ORDER:

Mayor Pro Tem Kenneth Johnson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present: Councilmembers: Eugene Bain, Ken Taylor, Dan Dever, Genna Dorow, Charles Garcia, Kenneth Johnson, and Mark Snyder.

Also Present: City Administrator Ehman Sheldon; Department Heads: Public Works Director Terry Clements, Assistant Police Chief David Inks, Parks & Recreation Coordinator Molly Klippert, City Clerk Debbie Kudrna; and City Attorney Katherine Kenison.

Absent Was: Mayor Tim Wilson.

Council carried a motion to excuse Mayor Wilson. M/S Garcia/Dorow.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda. M/S Taylor/Snyder.

CONSENT AGENDA:

- A. Approval of City Council Minutes of June 25, 2012.
- 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 Checks No. 41377 to No. 41377 in the amount of \$110,863.36.

Payroll Checks No. 27808 to No. 27879 in the amount of \$285,322.86.

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

MARIJUANA GARDENS MORATORIUM

City Attorney Katherine Kenison reported that there hasn't been much movement at the Federal or State level on legalizing the recreational use of marijuana. She advised that we have four options to consider. One is to do nothing, which she recommended not considering. Currently, we have a six month moratorium in effect and the Council could extend it an additional six months on the same terms. Another option is that the Council could adopt an ordinance to set up interim zoning regulations for marijuana gardens. She suggested that if that was the direction that Council wanted to pursue, they could forward the issue to the Planning Commission for zoning discussion. She noted that under the current State regulation, we have to allow collective marijuana gardens. Another option for the Council, which is a simpler approach, is to insert language into our zoning ordinances that only land uses that are legal under State and Federal law will be allowed in any zone. She noted that marijuana, in any form, is still prohibited and illegal under Federal law. The Attorney noted that no jurisdiction has been challenged for their medical marijuana regulations. She explained that cities have the ability to restrict where they are allowed and some communities have adopted zoning regulations and from a risk management standpoint, this is the safest. She suggested that the issue be referred to the Planning Commission to review what the Council has already studied on the issue and they could hold public hearings to get public input and make a recommendation to the Council.

Council's consensus was to forward the medical marijuana gardens issue to the Planning Commission.

CITY WIDE WALKING PATH IMPROVEMENTS

Public Works Director Terry Clements reported that staff would like to apply for a grant from the State Department of Transportation pedestrian bicycle safety program. The funds would be used

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to improve approximately 9200 feet of asphalt walking paths and update ADA ramps near city parks and some of the schools. He advised that funding preference will be given to those applicants that provide matching funds. If the Council approves the matching funds, the City's funding portion would be \$24,000.

Council carried a motion to approve providing matching funds in the amount of \$24,000 for the City-wide walking path improvements project in the 2013 budget. M/S Garcia/Dorow.

CITY COMPUTERS, CELL PHONES, EMAIL AND INTERNET POLICY

City Clerk Debbie Kudrna presented an updated policy for use of city computers, cell phones, email, and internet policy. She advised that the purpose of the new policy is to preserve and enhance the integrity of the city equipment. She reported that staff met with the Council legislative committee and the policy has been reviewed by the IT manager.

Council carried a motion to approve the new city computer, cell phones, email, internet and other communication resources policy. M/S Dorow/Caylor.

RESOLUTION TO AUTHORIZE USE OF PIONEER PARK – PRESBYTERIAN CHURCH

Parks & Recreation Coordinator Molly Klippert reported that staff met with representatives from the Othello First Presbyterian Church to review their plans to hold an outdoor worship service at Pioneer Park on July 29th. They will use the gazebo and the park and there will not be any extraordinary costs to the City for this event.

Council carried a motion to approve A RESOLUTION AUTHORIZING USE OF CITY PROPERTY FOR THE OTHELLO FIRST PRESBYTERIAN CHURCH OUTDOOR WORSHIP SERVICE SCHEDULED FOR JULY 29, 2012. M/S Garcia/Dever. This shall be known as Resolution No. 2012-18.

RESOLUTION DECLARING THE EXISTENCE OF AN EMERGENCY AND DISPENSING WITH THE STATUTORY BIDDING REQUIREMENT

City Attorney Katherine Kenison reviewed the resolution declaring an emergency for the work to be accomplished on Well #6. She explained that this project is a warranty issue with the original contractor, but to get the well back online in a timely manner, we do not have the time to go through the formal bid process. She advised that because of the issues with the current contractor, we will need to hire a different company to finish the project. Without Well #6 online, water rationing is a possibility. Mr. Sheldon advised that there is equipment moving onto the well site. He explained that the impellers are not yet fixed; however, as is, the well is pumping 1900 g.p.m. There is the urgency of getting the well producing again and it could take 7-10 days to get it back online. Due to the recent high temperatures, we have had several wells temporarily go off-line. We will have to discuss completion of the well project at a later time and it could take 30 or more days to get the bottom of the well sealed again. Attorney Kenison stated that the Surety Company and the original contractor are aware of the status of the project and they have had the opportunity to intervene. She stated that the original contractor has made no attempt to correct the issues.

Council carried a motion to approve A RESOLUTION DECLARING THE EXISTENCE OF AN EMERGENCY AND DISPENSING WITH THE STATUTORY COMPETITIVE BIDDING REQUIREMENTS. M/S Dever/Dorow. This shall be known as Resolution No. 2012-19.

ORDINANCE TO AMEND O.M.C. CHAPTER 4.24 TITLED “GARAGE SALES”

City Clerk Debbie Kudrna presented a revision to the Othello Municipal Code regarding garage sales. The proposed revision includes a sentence “all garage sale permits shall be non-transferable and non-refundable”.

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Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 4.24 TITLED "GARAGE SALES". M/S Bain/Snyder. This shall be known as Ordinance No. 1363.

NEW BUSINESS

Mayor Pro Tem Johnson thanked the Chamber of Commerce and Public Works Department for their job for the 4th of July event.

Mayor Pro Tem Johnson made the following announcements:

- There is a potluck luncheon to honor Doyle Palmer on Tuesday, July 10th from noon to 1:30 p.m.
- A lighting representative will be in the Council Chambers on Wednesday, July 11th from noon to 3:00 p.m. to demonstrate prospective lighting for the Main Street Beautification project.
- The Police Department will conduct a test of the emergency siren on Wednesday, August 1st at noon.
- There is an ACDC meeting this Thursday in Ritzville.

ADJOURNMENT

With no further items to discuss, Mayor Pro Tem Johnson adjourned the Council meeting at 7: 32 p.m.

By: _____
KENNETH JOHNSON, Mayor Pro Tem

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk