

City of Othello  
Regular Council Meeting  
July 12, 2010

**CALL TO ORDER:**

Mayor Tim Wilson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**Present:** Mayor Tim Wilson; Councilmembers: Ken Caylor, Dan Dever, Genna Dorow, Charles Garcia, Kenneth Johnson, Mark Snyder, and Marc Spohr.

**Also Present:** City Administrator Ehman Sheldon; Department Heads: Finance Officer Mike Bailey, Police Chief Steven Dunnagan, City Clerk Debbie Kudrna, City Planner Darryl Piercy; and City Attorney James Whitaker.

**CITIZEN INPUT**

Ed Swan, 725 Elm Street, commented on his concern of the crime rate and gang issues in the community. He asked for a response to his written communication that was sent to the Councilmembers a few months ago. Mayor Wilson advised that there was one community forum relevant to the gang issue and there will be another forum. The City Attorney advised that the Council is not required to respond to Mr. Swan's written communication; however, the City is required to respond to public records requests.

**APPROVAL OF AGENDA**

Council carried a motion to approve the agenda. M/S Dever/Johnson.

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of June 28, 2010
- B. Approval of Special City Council Meeting Minutes of July 6, 2010
- C. Approval of accounts payable checks
- D. Approval of Payroll for June 2010

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.

Expense Claim Check No. 38463 to No. 38531 in the amount of \$177,022.58.

Payroll Check No. 26585 to No. 26704 in the amount of \$ 2,364,871.79.

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

**PET RESCUE CONTRACT EXTENSION**

City Planner/Building Official Darryl Piercy explained that Pet Rescue has asked for a temporary modification to the number of animals that they can house at the City animal shelter. They are seeking for approval to allow up to 40 animals to be temporarily housed at the City animal shelter. They have been diligently looking for a location to relocate their facility.

Council carried a motion to approve the request from Pet Rescue to modify the existing contract to allow up to 40 animals to be temporarily housed in the City animal shelter to the end of January 2011. M/S Snyder/Dever.

**RESIDENTIAL VEHICLE PARKING**

City Planner/Building Official Darryl Piercy advised that in October 2009 the Council discussed potential modifications to the residential parking regulations. It was determined that we had adequate regulations and we needed to provide a more consistent enforcement approach to the existing regulations. He advised that the enforcement action has been successful. The one area that there is resistance is the issue of parking off of paved or improved surfaces. They continue to work with those property owners and overall it has been a successful effort and the regulations in place have been adequate. Mr. Piercy explained the enforcement procedures.

**MIGRANT COUNCIL REQUEST FOR DEFERMENT OF CERTAIN PLAT REQUIREMENTS**

City Planner/Building Official Darryl Piercy explained that the Washington State Migrant Council has requested to extend the initial time for paving their parking lots at the Child Development Center to May

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2011. Initially when the plat was approved, paving their parking lots was deferred. Migrant Council recently applied for a building permit, staff reviewed the file and found that the parking lot paving was an outstanding issue. All of the other deferrals have been taken care of with the exception of the paving. During the original deferral, there was not an appropriate mechanism for the City to perform the work and there was not a performance bond posted that could be used to perform the work. Mr. Piercy recommended that if the Council approves the deferment that they subject to posting a performance bond for the cost of the work at 150%.

Mr. Tadeo Saenz-Thompson, CEO for the Washington State Migrant Council (WSMC), advised that it is a matter of budgeting for them to complete the paving project next year. Peggy Glossen, procurement clerk for the WSMC, advised that they currently have budgetary costs for the paving and they will go out for competitive bids on the project. They can have a performance bond in place by December 2010. They will pave the east and west parking lots and the project does not include the access road. They have asphalted their portion of Olympia Street, including sidewalks and aprons. Mr. Piercy explained that he will review the plat improvements to insure what areas were to be paved.

Council carried a motion to approve the request from the Washington State Migrant Council to extend their paving project to May 2011, subject to providing a bond in the amount of 150% of the estimated project cost. M/S Caylor/Garcia.

**ROBERT'S RULES OF ORDER – CALL FOR THE QUESTION**

City Attorney Jim Whitaker explained that the Council has not exactly followed the Robert's Rules of Order, relevant to calling for the question, noting that Robert's Rules were written for a large body of people. There are parts of the rules that are not followed and parts that don't apply because of State law. Calling for the question ends the debate on the floor and it seems appropriate to allow further discussion by the Council. By Robert's Rules of Order, when someone calls for the question, it requires a second and that becomes a motion and has to be a majority vote to pass. Mr. Whitaker noted that the Council has adopted the Roberts Rules of Order. There was no action taken.

**INFORMATIONAL: ACCESSORY STRUCTURES**

City Planner Darryl Piercy advised that there currently is a large garage being built as an accessory to a single family residence, which has evoked discussion in the community. Staff has reviewed how other cities handle accessory structures and whether there are size limitations to support the residential zones. He provided a sample ordinance that would provide restrictions on the size, character, and use of accessory structures. Council's consensus was to discuss this further at the workshop.

**COYOTE RIDGE WORK CREW AGREEMENT**

City Administrator Ehman Sheldon advised the Coyote Ridge Correction Center has a work crew available and presented an agreement. The conditions and rate of \$1.45 per hour is consistent with the past agreement. There is one change of the number of work days, which will be Monday-Friday. He advised that we currently have hired three seasonal employees that were budgeted, in lieu of the Coyote Ridge contract costs. It would cost approximately \$7200 for six weeks to keep the seasonal employees on. He asked that Council approve utilizing the three seasonal employees for the balance of this year, through September 1<sup>st</sup> and approve the Coyote Ridge contract. There was a discussion about the impact for the city crew to supervise the work crew and whether to not allow them to use the City's heavy equipment.

Council carried a motion to authorize the Mayor or his delegate to sign the agreement with Coyote Ridge. M/S Snyder/Johnson. Councilmember Dorow cast an opposing vote.

**AN ORDINANCE AMENDING OMC CHAPTER 8.29 ENTITLED “JUNKED VEHICLES”**

City Planner/Building Official Darryl Piercy explained that the proposed ordinance amends the junk vehicles section. It provides for a more efficient form of enforcement of junk vehicles and junk vehicle parts; establishes a process for identifying a nuisance; clarifies the employees that are authorized to take appropriate enforcement action; and provides for a streamline approach to the enforcement of the city codes. He explained that it still references state statutes and provides for a different process for application of the state statute and creates enforcement action.

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Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTIONS 8.29.010, .30 to .40 OF CHAPTER 8.29 ENTITLED "JUNKED VEHICLES". M/S Snyder/Spohr. This shall be known as Ordinance No. 1321.

**DISCUSSION OF AN ORDINANCE CREATING OMC CHAPTER 8.64 ENTITLED PARENTAL RESPONSIBILITY**

City Attorney Jim Whitaker explained that the state has rules for parents to be responsible for children, which relates mostly to the health and welfare of the children and does not include making the parents monetarily responsible when their children commit criminal acts. The proposed ordinance references RCW 4.24.190, which is the parental monetary responsibility law. This ordinance would provide a way for the victim to be paid for the damages made by minor children up to the statute amount. Mr. Whitaker voiced his concern of adopting an ordinance relevant to the gang issues, which has not been upheld in the courts. He explained that the draft ordinance provided by Councilmember Johnson provides that if a juvenile is convicted in juvenile court, the parents can be issued a notice of infraction. The parents can go to court to argue their responsibility. Mr. Whitaker explained that we currently have a contract with Adams County to prosecute as the City is not set up to prosecute crimes.

Council directed the city attorney to draft another ordinance for the Council to consider. Police Chief Dunnagan reported that he has contacted those cities that have adopted gang ordinances who have municipal courts and found that they are not enforcing their ordinances because their legal counsel have advised against it. He stated that this is a county wide criminal justice issue and there are a lot of agencies working on it.

**DISCUSSION OF AN ORDINANCE CREATING OMC CHAPTER 8.60 ENTITLED CURFEW HOURS FOR JUVENILES**

City Attorney Jim Whitaker presented an ordinance that gives the officers an opportunity to talk to young adults if they are out after hours. Police Chief Dunnagan agreed that the ordinance is a good tool to talk to the juveniles if they are out at night and he is also researching a day time curfew ordinance.

Council carried a motion to adopt AN ORDINANCE CREATING OTHELLO MUNICIPAL CODE CHAPTER 8.60 ENTITLED "CURFEW HOURS FOR JUVENILES". M/S Johnson/Dorow. This shall be known as Ordinance No. 1322.

**NEW BUSINESS**

Mayor Wilson made the following announcements:

- The Mayor's luncheon is this Wednesday at the Senior Center.
- The State Audit is tentatively scheduled to begin the first week of August.
- The Main Street project starts this week.
- The City has submitted a grant requesting \$380,000 for beautification efforts on Main Street.

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:39 p.m.

By: \_\_\_\_\_  
TIM WILSON, Mayor

ATTEST:

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