

**City of Othello  
Regular Council Meeting  
September 23, 2013**

**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:

Kenneth Johnson

Ken Caylor

Genna Dorow

Dan Dever

Staff:

Finance Officer Spencer Williams

Police Chief Steve Dunnagan

Interim City Clerk Nacelle Heuslein

City Attorney Katherine Kenison

Parks & Recreation Coordinator Molly

Klippert

Absent:

Eugene Bain

Charles Garcia

Mark Snyder

**ROLL CALL**

**MOTION:** **Council carried a motion to excuse Councilmember Eugene Bain.**  
***M/S Dever/Caylor***

**MOTION:** **Council carried a motion to excuse Councilmember Charles Garcia.**  
***M/S Dorow/Johnson***

**MOTION:** **Council carried a motion to excuse Councilmember Mark Snyder.**  
***M/S Dorow/Johnson***

**2. APPROVAL OF AGENDA**

**MOTION:** **Council carried a motion to accept the agenda as presented.** ***M/S Caylor/Dever***

**3. CONSENT AGENDA**

**3.1** Approval of City Council Minutes of September 9<sup>th</sup>, 2013

**3.2** 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 reviewed by the Council audit committee and is available to the Council. Approval of Accounts Payables check numbers 43098 through 43149 in the amount of \$165,293.56.

**3.3** 2012 Infrastructure Improvements Release of Scootney Street Retainage

On July 8th, 2013 Council accepted the 2012 Infrastructure Improvements – Rebid project, with the work being performed by Pegram Construction. At that time the 60 day waiting period began and a Notice of Completion was sent to the Department of Revenue, Labor and Industries and Employment Security. The City has received the release from all three State Departments and at this time, the City can release the retainage to Pegram

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Construction in the amount of \$4,368.46. Motion to release approved as part of the Consent Agenda.

**MOTION: Council carried a motion to approve the Consent Agenda as presented. *M/S Johnson/Caylor***

**4. CURRENT BUSINESS**

**4.1 Council Consideration of Hiring a Lobbyist Bring back to the Table M/S Dever/Garcia**

At the Council's regular meeting of September 9th, 2013 a motion was made by Councilmember Dever to table the Lobbyist item for further investigation/discussion/adoption of a contract until the September 23, 2013 regular Council meeting. The Council needs to "bring the motion back to the table for further discussion on the Lobbyist." Staff recommends this item be brought back to the table and then moved to a time certain of October 7, 2013.

**MOTION: Council carried a motion to bring back to the table the discussion on the City hiring a lobbyist. *M/S Caylor/Johnson***

**MOTION: Council carried a motion to a time certain of October 7, 2013 to continue review of the City hiring a lobbyist. *M/S Dever/Dorow***

**4.2 Cabaret & Adult Entertainment Ordinance**

The Mayor requested a review of the Adult Entertainment Ordinance by City Attorney Katherine Kenison. Upon that review, it was determined an updated ordinance was created by Jim Whitaker and had never been adopted by the Council. The Clerk's office did a word for word review of the City's Municipal Code and the ordinance provided by Ms. Kenison. A draft ordinance with several changes to the OMC was presented. The Mayor had asked Ms. Kenison to review those changes with the Council this evening. The Council will determine whether it needs further changes or can be placed on the October 14th, 2013 Council agenda for adoption. Staff recommends this item be placed on the Council's Regular meeting of October 14th, 2013 for adoption.

**MOTION: Council carried a motion to move to bring back this Ordinance for adoption at the Regular Council meeting of October 14, 2013. *M/S Dorow/Caylor***

**4.3 Excess Concession Items Donation to Othello Food Bank**

Molly Klippert, Park & Recreation Coordinator stated following the Othello Community Pool's closure on August 17th, 2013, the pool concession stand was left with various food items that could not be returned for credit to vendors, as these items were not in their original packaging or did not total the original purchased item amount. Parks and Recreation is currently working with the Othello School District regarding the purchase of a portion of the excess concession items, which will be brought to council for approval at a later date. The aforementioned donation items are not able to be sold to the Othello School District, as these are items not previously purchased and distributed by the district.

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A spreadsheet outlined the various items and cost at which the items were purchased by the City. Due to the fact the remaining concession food cannot be resold or sold to the Othello School District, it is requested the council surplus the items in one motion and then approve the donation of the attached list of excess food items to the Othello Food Bank.

Items available for donation to the Othello Food Bank total roughly \$275.00.

**MOTION: Council carried a motion to surplus the excess items from the pool concession stand. *M/S Dorow/Caylor***

**MOTION: Council carried a motion to approve the donation of the surplused Othello Community Pool concession items to the Othello Food Bank. *M/S Johnson/Dever***

#### **4.4 Investment Report**

Finance Office Spencer Williams provided his review of the City's cash position and performance of its investments, for the twelve month period ending August 31, 2013.

The City has invested cash reserves in the Local Government Investment Pool (LGIP) which is owned and operated by the State of Washington; and a portfolio with U.S. Trust, a subsidiary of Bank of America Wealth Management. We also carry a cash balance in our checking account at U.S. Bank.

Investment	LGIP	\$3,336,717.20
Investment	B of A	\$4,728,975.29
Cash Balance	Checking	\$2,186,657.41
<b>Total Position</b>		<b>\$10,252,349.90</b>

No action was necessary. Council thanked him for his prudent work on the investment portfolio.

#### **4.5 Report from Terry Clements, Public Works Superintendent re: 9/15/13 Storm Damage and Repairs and Maintenance to City Pool.**

**Storm Damage of 9/15/13** – Terry Clements, Public Works Superintendent, stated the parks suffered a lot of damage due to this storm. Kiwanis Park lost 10 trees and many of those that were still standing need to be cleaned up of broken limbs. Lions Park lost a couple of trees, with one very large tree falling and taking out part of the southeast corner of the tennis court fence. Pioneer had one tree fall and also had many limbs broken from the other trees. The City crew was called in at about 8:00 pm on Sunday evening and worked through the night clear into Monday afternoon. They helped with moving downed trees out of the roads, coned off streets due to downed power lines, per the request of the police department and Avista, as well as trying to keep wells running to continue getting water to the citizens of the city. We maintained approximately 74 feet of water in the towers, due to having some wells on different power companies and different grids that did not lose power.

**Pool Repairs** – The repair crew from Myrtha Pools arrived to make the following repairs to the pool, at no cost to the city:

1. Complete inspection of the pool in a drained state
2. Demolish existing unsuitable panel joint welds including waterline and coping tile if necessary
3. Sand, clean, seal and refinish existing panel joints
4. Repair / reseal all gutter joint tape as needed
5. Excise and / or mechanically fasten wrinkled membrane in transitional area to eliminate material slippage
6. Reseal floor membrane, weld seams as needed
7. Reinstall demolished tile and re-grout pool
8. Replace damaged gutter grating

The company will return in the spring to finish the tile and grout work before pool opening. The company that is doing this work is a sub-contractor for Myrtha Pools. They are a nation-wide factory certified Myrtha Pool dealer and install approximately 20 pools a year for them.

Upon successful completion of the work, Myrtha Pools will provide a release indemnifying us from the faulty previous work by others in exchange for an additional one year warranty on labor separate from the existing manufacturer's material warranty. The Klinker Ceramic One tile used in our pool has been discontinued. They are special ordering the necessary tiles, but they may not be available in time and at this time it is uncertain of the quantity required until the demolition is complete. They therefore recommend that they proceed with all the demolition and repair work in September, with the exception of the tile replacement. The pool will be completely sealed prior to winterization and in the spring the tile reinstall will be completed at our convenience prior to opening. They will provide a formal zero dollar proposal for execution.

If there is any Spalding concrete under the liner, the city will have to repair it at our expense so that there is a smooth surface under the liner. The area in question is the transition area between the lazy river and the lap swim.

## **UNFINISHED BUSINESS**

### **5.1 Update from City Attorney on Marijuana**

Katherine Kenison, City Attorney, commented to council that the Darryl Piercy, City Planner, has created a map indicated by a bluish purple line all the area that is restricted by the 1000' buffer established by the Washington State Liquor Control Board in regards to recreation marijuana. This buffer also might include medical marijuana depending on what the State Legislature determines in the next session. Katherine commented on that all the land of outside the indicated lines would be available for recreational marijuana along with industrial zones and commercial zones. She suggested the City start thinking in terms of allowing recreational marijuana in the City's entire industrial zone and commercial zones or whether they want to select some industrial and commercial zones. One thing to also keep in mind, only retailer sales

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are logically in commercial zones and the production and processing licenses would probably be in the industrial zones. Medical marijuana will be done out of the same location not depending on the zone as they are not subject to the new statute of having to possess three (3) different licenses and if the state does approve some new laws and regulations it is not anticipated they will break down the use into the separate 3 licenses.

The State has not made any significant changes since the last it was up for discussion. The draft rules were out for discussion and per that the State Liquor Control Board changed the definition of the 1000 foot buffer in term of measurement. The next public hearing is anticipated to be October 9<sup>th</sup> and adopting final rules. The next step is for Darryl & Attorney to present draft regulations for adoption by the first of December.

**NEW BUSINESS**

**Mayor's Announcements**

- **Wednesday September 25<sup>th</sup>, the Contract Budget Committee will be meeting at noon at City Hall in Room 3. On the committee: Councilmembers Johnson, Caylor and Dorow.**
- **Thursday September 26<sup>th</sup>, the Beautification Committee will be meeting at noon at the Senior Center.**
- **Thursday September 26<sup>th</sup>, GWMA will be meeting at 6 p.m. in the Council Chambers.**
- **Friday September 27<sup>th</sup>, the General Government Budget Committee will be meeting at noon at City Hall in Room 3. On the Committee: Councilmembers Johnson, Caylor and Garcia.**
- **Wednesday, October 2<sup>nd</sup>, the Street Fund Budget Committee will be meeting at noon at City Hall in Room 3. On the Committee: Councilmembers Caylor, Dorow and Dever.**
- **Thursday October 3<sup>rd</sup> the Sewer/Water Budget Committee will be meeting at noon at City Hall in Room 3. On the Committee: Councilmembers Dorow, Dever and Caylor.**
- **Thursday October 3<sup>rd</sup> the Solid Waste Budget Committee will be meeting at 6 p.m. at City Hall in Room 3. On the Committee: Councilmembers Bain, Snyder and Caylor.**

There is an AWC meeting in Pasco that both Councilmember Caylor and Mayor Wilson would like to attend. With the Solid Waste Budget Committee meeting on the same day, the Mayor will see if Councilmembers Bain and Snyder would be willing to move the date and time.

Mayor Pro Tem Ken Johnson will attend PAID meetings, People Against Illegal Drugs Coalition on the 2<sup>nd</sup> Wednesday of the month at noon at Time Out Pizza.

Tri-Cities on the 26<sup>th</sup> for Transportation concerns, projects 6-9 at Columbia Basin College & the 24<sup>th</sup> in Yakima.

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 7:45 p.m.

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

**ATTEST:**

**By: \_\_\_\_\_  
NACELLE J. HEUSLEIN, CMC, Interim City  
Clerk**