

City of Othello
Regular Council Meeting
September 26, 2011

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, Public Works Supervisor Terry Clements, Police Chief Steven Dunnagan, City Clerk Debbie Kudrna; and City Attorney Katherine Kenison.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

- A. Approval of City Council Minutes of September 12, 2011
- B. Approval of Accounts Payable Checks
- C. Acceptance of Improvements of Sagestone 6 & 7

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. 40249 to 40294 in the amount of \$204,351.54.

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

PUBLIC HEARING – MORATORIUM ON MEDICAL MARIJUANA COLLECTIVE GARDENS

Mayor Wilson opened the public hearing at 7:03 p.m. He advised that a six month moratorium has been adopted by Council. City Attorney Katherine Kenison advised that under State law, Council is required to hold a public hearing on the moratorium. The Council can extend, repeal, or expire the moratorium at any time. New state law authorized medical marijuana gardens, with some stipulations. Because the law did not detail where the marijuana gardens can be located and other regulations, most cities have adopted a moratorium to give time for the City to study the issues. Mayor Wilson asked for public testimony. There was none. Mayor Wilson asked for Council comments. Councilmember Dever asked if they expect the legislature to do anything about the law. Attorney Kenison advised that the Governor has requested a special legislative session in November and there are commitments from some legislatures to bring this back for further modification. Mayor Wilson closed the public hearing at 7:06 p.m.

RESOLUTION SUPPORTING THE EMS LEVY HOSPITAL DISTRICT #3 (PROPOSITION 1 RESOLUTION NO. 11-04 EMS LEVY). THIS IS AN AGENDA ITEM THUS GIVING THE PUBLIC THE RIGHT TO PRESENT ANY OTHER VIEWS BEFORE COUNCIL CONSIDERS THE RESOLUTION. THE BALLOT TITLE OF THE RESOLUTION IS: ADAMS COUNTY PUBLIC HOSPITAL DISTRICT NO. 3 HAS ADOPTED A RESOLUTION PROPOSING A BALLOT MEASURE FOR A REGULAR PROPERTY TAX LEVY. THIS MEASURE WILL AUTHORIZE THE DISTRICT TO LEVY A REGULAR PROPERTY TAX ESTIMATED AT \$414,209 FOR A PERIOD OF SIX CONSECUTIVE YEARS AT A RATE OF \$0.40 PER ONE THOUSAND DOLLARS OF ASSESSED VALUATION FOR EMERGENCY MEDICAL CARE AND SERVICES.

Mr. Harry Geller, from the Othello Community Hospital explained that their budget has been cut drastically and they are anticipating to be operating in the red by year end. The financial forecasts have changed radically and the ambulance service is operating at a loss. The Hospital Board has researched options for ambulance service and a citizen committee has been organized to support the proposed levy. He mentioned that an endorsement from the City Council would help them meet their goal. Mayor Wilson asked for citizen comments. There was none. Mayor Wilson asked for Council comments. Councilmember Spohr asked if the tax levy would cover the cost for the ambulance service. Mr. Geller advised that the levy should cover the ambulance service costs and their goal is

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to operate in the black. They may be able to lower their prices. Mr. Geller advised that he believes they are at the maximum on the hospital levy tax. He also explained that there has been a revision to the estimated property tax listed in the Hospital's resolution. There is a possibility that if the levy does not pass by the voters, they may eliminate ambulance service by the end of June 2012. Mr. Geller explained the ambulance employee coverage and training requirements. Mr. Geller advised that they provide an ambulance at the football games as a community service noting there is no mandate to provide ambulance service at the games. Mr. Geller also spoke about current trends in the State Medicaid system. Mayor Wilson asked if there was anyone that wanted to speak an opposing view to the hospital levy. Attorney Kenison commented that when you lose local ambulance service, you lose the ability to dictate the type of operation and standards.

Council carried a motion to approve THE RESOLUTION OF THE CITY OF OTHELLO, WASHINGTON, SUPPORTING PROPOSITION 1 IN THE SPECIAL ELECTION TITLED "EMS LEVY", PROPOSING A BALLOT MEASURE FOR A REGULAR PROPERTY TAX LEVY FOR EMERGENCY MEDICAL CARE AND SERVICES. M/S Johnson/Dever. This shall be known as Resolution No. 2011-24.

RESOLUTION TO ACCEPT THE MAIN STREET PROJECT

City Engineer Larry Julius presented a collage to the City depicting pictures on the progress of Main Street, Olympia Street, and the Lions Park improvements. Mr. Julius advised that the City entered into a contract with MRM Construction in July 2010. The construction work has been completed per the plans and specifications and they recommend accepting the project as complete. He reviewed several outstanding warranty items. The contractor has re-rolled areas on Main Street and was successful at removing most of the wrinkles in the asphalt. There are still a few areas that the contractor will re-roll perpendicular to the roadway. At the intersection of Broadway Avenue & Main Street, there is a tear in the asphalt. This has been reviewed with the contractor and that section of asphalt will be replaced. There are two slight depressions on Main Street and it is the contractor's responsibility to correct these. The traffic signal at 14th Avenue is currently working, although it has the old equipment reinstalled into it. The manufacturer is working on the new system to get this working correctly.

Mayor Wilson asked why they are being asked to accept the project when there are still outstanding issues. Mr. Julius advised that these are warranty items that occurred after substantial completion and the official acceptance will start the warranty project. The City has a bond from the contractor for two years and these issues will be taken care of during the two year warranty period. Councilmember Caylor advised that there are several other areas of ripples in the asphalt and asked if it is too late to get these re-rolled because the temperature is changing and will we extend the warranty for these issues? Mr. Julius advised that anytime a contractor fixes a deficiency, we should talk to the contractor about extending the warranty. Councilmember Dever reported on another dip in the asphalt at Main and 14th Avenue. Councilmember Johnson asked if all of the items listed on the punch list in May were accomplished. Mr. Julius advised that they have been taken care, excluding the ripples in the asphalt. Mr. Julius stated that it isn't out of line to ask for an additional two year extension to the existing warranty period. And if they can't get the wrinkles out, we could get an extended warranty or cut out the area and patch it. He noted that we also have a performance bond, along with the warranty. Councilmember Spohr noted that he will not approve this project as finished until they have it in writing that the warranty has been extended an additional two years. Attorney Kenison advised that if a contractor has to correct something in the project, it typically automatically extends the warranty an additional two years. She advised that the Council could table this until she has opportunity to review the contract terms. Mr. Julius advised that the contractor has a request for final payment. Finance Officer Mike Bailey advised that we have approximately \$222,000 in retainage and the contractor's final pay request includes a retainage amount. Mr. Julius advised that from the time the project is accepted, there is a minimum of 2-3 months prior to release of all funds, during which time we need to receive releases from various state agencies.

Councilmember Caylor made a motion to approve release of the payment for invoice #12 for the Main Street project. Seconded by Councilmember Snyder. Finance Officer Bailey advised that this would

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have to be a budget amendment for the Main Street fund. Attorney Kenison advised that if the work has been completed they are entitled to final payment.

Council carried a motion to table this to the next council meeting. M/S Johnson/Garcia.

DISCUSSION OF LIQUOR SALES REFERENDUM

Councilmember Caylor spoke about Initiative 1183. He explained that Council had previously recommended a no vote on last year's initiative. He explained that the City receives from the direct excise tax \$26,000, and \$53,000 out of the liquor profits. He explained other impacts if the initiative passes and we no longer have State ran liquor stores. Councilmember Caylor asked the Council to consider approving a resolution against this initiative and send it to AWC.

UNFINISHED BUSINESS

Mayor Wilson asked if there were any changes to the proposed budget meetings and committees. Mayor Wilson advised that these budget meetings are open to the public. Councilmember Dever advised that he cannot make the October 5th budget meeting. It was suggested that Councilmember Dever attend the fire council meeting scheduled for tomorrow and Councilmember Garcia would attend the October 5th budget meeting.

NEW BUSINESS

Councilmember Johnson advised that the pool committee met and the numbers look better than last year, although the attendance was down. We are almost \$26,000 less in expenses this year, so the changes helped keep the expenses down.

Mayor Wilson made the following announcements:

- The Fire Council will be meeting with the Adams County Fire District #5 tomorrow, Tuesday, Sept. 27 at City Hall at noon.
- The Othello Christian Church is sponsoring the Outreach Concert & Disaster Relief Feeding Program, scheduled for this Friday, from 4:30 to 6:30 p.m. at Lions Park.
- There will be a Town Hall meeting with DSHS regarding possible budget reductions and their impact on local communities. The meetings will be in Yakima on Sept. 29, 1:30-3:30 and in Spokane will be Oct. 19, 5:30-7:30.
- Reminder – Budget Committee meetings start next month. Please note that the Solid Waste budget committee meeting is on Friday, Oct. 7, NOT Saturday, Oct. 8.

EXECUTIVE SESSION – POTENTIAL LITIGATION

Mayor Wilson announced that the City Council is adjourning into an Executive Session at 8:01 p.m. to discuss potential litigation. The executive session is expected to last approximately 20 minutes. City Attorney Katherine Kenison was also in the executive session.

Mayor Wilson reconvened the City Council meeting at 8:21 p.m.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:21 p.m.

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk