

City of Othello  
Regular Council Meeting  
October 10, 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, Public Works Maintenance Lead Terry Clements; and City Attorney Katherine Kenison.

**CITIZEN INPUT**

Sean Bates, 1156 E. Juniper Street, said that on the notes for tonight's meeting regarding a resolution to accept the Main Street – 2010 Street and Infrastructure, it indicated there were additions to the contract to grade and improve an alley way. He was advised that it cost approximately \$22,000. He asked how much did it cost to pave the alley and was it part of the local improvement action or was it a private work order. Mayor Wilson advised this will be addressed during the agenda discussion.

**APPROVAL OF AGENDA**

Councilmember Dever made a motion to approve the agenda. Seconded by Councilmember Johnson. Councilmember Spohr asked that agenda item 3.5 – resolution to accept the City Hall paint project be moved into a regular discussion item. He believes that these projects should be listed as a separated agenda item to allow staff to give reports and for Council to ask any questions regarding bid projects.

Councilmember Dever amended his original motion to move 3.5 to a regular agenda item. Seconded by Councilmember Johnson. Motion carried.

**CONSENT AGENDA:**

- 3.1 Approval of City Council Minutes of September 26, 2011
- 3.2 Approval of City Council Workshop Minutes of October 3, 2011
- 3.3 Approval of Accounts Payable Checks
- 3.4 Approval of Payroll and Related Expenses
- 3.5 ~~Resolution to Accept the City Hall Paint Project~~

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; Check No. 40295 to No. 40343 in the amount of \$86,371.61. Payroll Check No. 27451 to No. 27492 in the amount of \$260,476.37.

Council carried a motion to approve the Consent Agenda as amended. M/S Garcia/Dorow.

**CONSIDERATION OF DOT DESIGN – HWY 26/1<sup>ST</sup> AVENUE**

City Administrator Ehman Sheldon reported that as a result of the City Council meeting conducted on October 3<sup>rd</sup>, the Mayor has requested that the Department of Transportation (DOT) review a new proposal concept plan of the SR 26 and 1<sup>st</sup> Avenue intersection. DOT has conceptually approved this proposal. He asked that Council consider adopting this drawing and if there are any comments, a separate list will be forwarded to DOT.

Mr. Sheldon reviewed the proposal. This concept allows left turns from southbound 1<sup>st</sup> Avenue to eastbound SR 26. There will also be left hand turns off of eastbound SR 26 onto 1<sup>st</sup> Avenue. An island will still stop cross traffic across SR 26. Due to the concerns of the businesses located near the intersection, traffic will be able to turn left off of S 1<sup>st</sup> Avenue onto SR 26 and traffic traveling

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east on SR 26 will be able to turn left onto 1<sup>st</sup> Avenue. It also includes making Columbia Street between Broadway Avenue and S. 1<sup>st</sup> Avenue one way east and making Wahluke Street between Broadway Avenue and S. 1<sup>st</sup> Avenue one way west. It includes an acceleration lane for traffic turning left from 1<sup>st</sup> Avenue onto SR 26. Mayor Wilson has also requested that DOT make improvements for the site visibility issues for traffic stopped at the 1<sup>st</sup> Avenue spur looking north on S. Broadway. Mayor Wilson commented that there are a lot of pedestrians walking under the overpass and asked if they could remove some of the dirt berm and install a sidewalk. Mr. Sheldon advised that the proposal eliminates the need to alter the potato shed building located at Broadway Avenue and Columbia Street. Mr. Sheldon advised that DOT has indicated they have conceptually agreed to this proposal.

Mr. Lance Silva, representing Union 76 and the Shell Station, commented that he likes the proposal. Mr. Sheldon explained that when the potato shed closes the travel lane near Columbia and Broadway, it actually helps with trucks turning onto Columbia. Mr. Sheldon also advised that since this proposal saves costs and if there are money available, we would request that DOT pave Columbia and Wahluke Streets.

Karla Dickson, All American Propane, noted that there is a lot of truck traffic pulling into Cenex and Harvest Fresh and asked if this would create more truck congestion in the area. Mayor Wilson advised that trucks use the center lane to wait to pull into these businesses. Councilmember Dever noted that improving the visibility at the 1<sup>st</sup> Avenue spur and S. Broadway would be an improvement. He also made a suggestion for an alternative route for trucks. Mr. Sheldon advised that truck route maps would be sent out to local trucking companies and that his suggestion could be included as an option. Councilmember Spohr cautioned approval of the conception because there will other businesses impacted by the one-way streets concept. He recommended getting an engineer plan and having a public hearing to present it before we endorse it.

Council comments to be sent to DOT include: speed reduction on SR 26; no left turns eastbound on SR 26 for trucks; a longer left turn pocket for eastbound SR 26, and caution lights installed on SR 26.

Council carried a motion for pre-approval of the Mayor's concept traffic plan to be submitted to DOT along with these four comments: speed reduction on SR 26; no left turns eastbound on SR 26 for trucks; a longer left turn pocket for eastbound SR 26, and caution lights installed on SR 26. M/S Dorow/Caylor.

**RESOLUTION TO ACCEPT THE MAIN STREET - 2010 STREET AND INFRASTRUCTURE IMPROVEMENTS PROJECT**

City Engineer Larry Julius explained that the Council awarded the 2010 Street and Infrastructure project in 2010. The project is now complete and ready for acceptance. He explained that warranty coverage is for items that come up after substantial completion of a project. He reviewed the warranty work: the contractor has fixed the depression area west of Main on Broadway. There was a depression on the north side of Main on Broadway. It was determined that this was not a deficiency of the street project and not the contractor's fault. Public Works is working on this issue. The contractor has worked on the wrinkling on Main Street and all of the areas meet the tolerance level set by the Department of Transportation. There is still some wrinkling; however, Mr. Julius believes that over time those will dissipate. He also advised that the contractor filled in the asphalt at 14<sup>th</sup> Avenue and the settlements around the manholes are being corrected. The contractor's manufacturer is working on the traffic signal light controller system and this is also a warranty issue. Mr. Julius advised that the original bid was \$4,413,080.99; there were four change orders in the amount of \$85,026.87 and additions to the contract for additional concrete, sidewalk, curb and gutter and asphalt and drainage work on an alley way, and additional stub outs for beautification along Main Street. The acceptance of the contract will authorize final payment to the contractor and commence the paperwork for staff to complete the budget amendment necessary to pay the contractor. Staff will present the budget amendment at the next meeting. He recommended acceptance of the contract. Councilmember Spohr asked why the

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asphalt in the alleyway is an addition to contract and not a change order. Mr. Sheldon explained that this was discussed with the Auditor and it should be a change order to the Council; Council had discussed it, but never approved the change order. Councilmember Spohr asked if there were city representation to look at the depression at Broadway when it was determined that it was outside of the project. Mr. Sheldon advised that there were five representatives that looked at the depression and it was a consensus that the issue was outside of the contract. Finance Officer Mike Bailey explained that there will need to be approximately \$51,000 additional budget money approved by the Council as a budget amendment to pay the final bill. The payment that we have withheld is not in MRM's contract as a change order and the Auditor advised and we need to get MRM's contract to match what we are paying them. He believes there will be a change order in the amount of approximately \$109,000, of which about \$104,000 will go to the contractor and the remainder to retainage, and a budget amendment for the Council to consider. Councilmember Spohr asked if we have matched up the budget figures for the contract. Mr. Bailey explained that we have paid eleven payment requests and we have approximately \$487 left in the contract price. In order to pay this bill, his figures indicate that we need a change order to bring the contract figures current. Mr. Sheldon advised that the budget figures have been balanced by the City Engineers and the Finance Officer. The auditor has recommended Council approval of a change order. Mr. Julius explained that an additional two year warranty will be added to any repairs to deficiencies during the warranty period. The ripples in the road have been re-rolled and they are all within the State's tolerance amount. Councilmember Caylor explained that they found 27-29 ripples in all five lanes of Main Street; however, there are still some ripples visible. He believes they will dissipate in time. Mr. Julius advised that we have approximately \$228,379.11 in retainage. City Attorney Kenison advised that legally, we cannot withhold the contractor's payment. Mr. Sheldon clarified that we need to two motions: one to approve the change order for and one to accept the project.

Council carried a motion to approve the change order, as listed as additions to the contact. M/S Garcia/Johnson.

Council carried a motion to adopt A RESOLUTION ACCEPTING THE 2010 STREET & INFRASTRUCTURE IMPROVEMENTS PROJECT. M/S Snyder/Caylor. Councilmember Spohr cast an opposing vote. This shall be known as Resolution No. 2011- 25.

**RESOLUTION TO SURPLUS EQUIPMENT**

Public Works Director Terry Clements explained that there are three vehicles that are no longer usable for the City and requested that Council declare them surplus. Councilmember Spohr asked if Adams County Fire District was aware of the vehicles that we want to surplus, referring to the command vehicle that they use. Mr. Clements explained that the Fire District is happy with their command vehicle. Mr. Sheldon explained that because we are surplusing the Code Enforcement Officer's vehicle, he will use another vehicle within the City's fleet.

Council carried a motion to approve A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON DECLARING SURPLUS. M/S Dorow/Johnson. This shall be known as Resolution No. 2011- 26.

**RESOLUTION OPPOSING INITIATIVE 1183 RELEVANT TO LIQUOR SALES**

Councilmember Caylor explained that the liquor initiative issue is one that the City should look at very carefully. The City receives \$26,000 from excise tax and \$53,000 from liquor profits. If liquor sales are privatized, we may not receive funding from liquor profits. He asked that Council approve the resolution and send a copy to the Association of Washington Cities and noted that the Council opposed a similar initiative last year. Attorney Kenison advised that she's not aware of any other city officially opposing the initiative. Attorney Kenison stated that the Council's rules provide that if a Councilmember abstains from voting, they have to state the reason for the abstention. Attorney Kenison advised that the public had notice of the issue; as it was listed on the agenda.

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Council carried a motion to approve A RESOLUTION OF THE CITY OF OTHELLO, WASHINGTON, OPPOSING INITIATIVE I-1183 IN THE GENERAL ELECTION CONCERNING THE PRIVATIZATION OF LIQUOR. M/S Caylor/Snyder. This shall be known as Resolution No. 2011-27. Councilmember Spohr abstained because he feels it's a personal matter for the voters of Washington and does not understand all of the implications.

**RESOLUTION TO ACCEPT THE CITY HALL PAINT PROJECT**

Public Works Director Terry Clements explained advised that the Council approved a contract with AA Painting and Specialties to perform prepping and painting particulars areas of the City Hall building. He has inspected the project and it meets the criteria within the project. Mr. Sheldon advised that the contractors were in full harness every time they were on the roof.

Council carried a motion to adopt A RESOLUTION ACCEPTING THE CITY HALL PAINT PROJECT. M/S Dever/Johnson. This shall be known as Resolution No. 2011-28.

**UNFINISHED BUSINESS**

Councilmember Spohr asked if the hole on Broadway Avenue could be filled in. Mr. Clements advised that he working on this.

**NEW BUSINESS**

Mayor Wilson made the following announcements:

- The Adams County Fire District #5 is having their second bi-annual meeting October 11<sup>th</sup> at 7:00 p.m. This meeting will be held at the fire station during their regular Commissioner meeting.
- The Chamber of Commerce is sponsoring a political forum at McFarland Jr. High School at 6:30 p.m. on October 11<sup>th</sup>.
- The Mayor's luncheon is October 12<sup>th</sup> at the Othello Senior Center at noon.
- This week's budget committee meeting at noon are as follows: October 12<sup>th</sup> – Law Enforcement; October 13<sup>th</sup> – Sewer/Water.

Councilmember Caylor advised that he has a conflict with the general government budget meeting scheduled for October 19<sup>th</sup> and asked if that could be changed.

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:10 p.m.

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

ATTEST:

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