

City of Othello
Regular Council Meeting
November 13, 2001

Mayor E R Kelley called the meeting to order at 7:00 p.m. Members present were: Leonard Lyon, Eleanor Brodahl, Les Clemons, Everett Cole, Don Derifield, Jeannie Ochoa, and Kenneth Johnson. Also present were: Curt Andrews, Debbie Kudrna, Rhonda Miller, Police Chief, Ronald Axtman, City Department Heads; and James Whitaker, City Attorney.

Council member, Jeannie Ochoa led the invocation and Mayor Kelley led the Pledge of Allegiance.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda with the addition of the following items:

1. Resolution to accept a donation.
2. Ordinance to readopt the Ad Valorem tax amount.

M/S Cole/Clemons.

APPROVAL OF CONSENT AGENDA

- a. Approval of Council Minutes of October 22, 2001.
- b. Approval of Payroll and Related Expenses for September, 2001.
- c. Approval of Warrants for September, 2001.
- d. Set Public Hearing on the 2002 Proposed Budget for November 26, 2001.
- e. Change Order for McFarland Water Project.
- f. Change Order for Elm Street Water Project.

Curt Andrews explained the Change Order for the Elm Street Water Line, noting that it was in the amount of \$4,940.00, due to excavation under an unknown storm drainpipe. Mr. Andrews explained that the Change Order for McFarland Water Project was in the amount of \$2,301.86, which was the result of additional work when an unknown water line was damaged. He further explained that the additional cost for the McFarland Project was due to the increase of rock excavation and removal and disposal.

Accounts Payable was audited and certified by the Auditing Officer, as required by RCW 42.24.080; and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing that is available to the Council.

Expense Claim Check No. 23980 to No. 24130 in the amount of \$631,379.51.
Payroll Check No. 14951 to No. 15033 in the amount of \$146,954.26.

Council carried a motion to approve the Change Order for the Elm Street Water Project in the amount of \$4,940.00 and approval of the Change Order for the McFarland Water Project in the amount of \$2,301.86; the contractor was Venture Construction Enterprises, Inc and approved the consent agenda as presented. M/S Ochoa/Clemons.

PUBLIC HEARING ON THE CAPITAL FACILITY PLAN FOR 2002-2007

Mayor Kelley opened the public hearing to receive the staff report and public input about the city's Capital Facility Plan, year 2002-2007 at 7:10 p.m. Finance Officer, Rhonda Miller stated that the Capital Facility Plan is a budgeting tool used for planning of future capital projects. She reviewed all items on the Capital Facility Plan. Mayor Kelley asked for public testimony and there was none. Mayor Kelley asked for comments from the city council at this time. There was discussion regarding several areas in the plan including a clarification to the amount speculated for the new fire station, which is approximately \$350,000.00. Mr. Andrews explained that there has been no plans drafted at this point.

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There was further discussion regarding how the staff evaluates the Park and Recreation needs and city staff requested further direction from the council regarding the proposed capital improvements in this area. Mr. Andrews explained that the Lions Park Ball Field light poles had been evaluated and tested for safety factors last year. He stated that the amount for the Library parking expansion is to be used for surfacing and lighting of the lot owned by the city. Mr. Andrews stated that the amount allocated for Columbia Street intersection for the year 2006 is only a projection, if the Department of Transportation were to impose certain improvements. Council requested further information regarding the need for purchasing a new street sweeper and grader as proposed in the Capital Facility Plan. There was discussion regarding the annual well rehabilitation program, noting that the \$75,000.00 that is appropriated annually is to be used for extra-ordinary re-habilitation or maintenance projects on the city's well's. Council member, Ochoa suggested deleting the regulation soccer field project, noting that this will be provided at the new Taggarres Park site. With no further comments regarding the proposed Capital Facility Plan, Mayor Kelley closed the public hearing at 7:34 p.m.

ORDINANCE TO AMEND O.M.C. CHAPTER 3.03 ENTITLED "USE TAX-NATURAL OR MANUFACTURED GAS"

Finance Officer, Rhonda Miller explained that this proposed ordinance repeals the sunset clause on the Utility Tax imposed on natural or manufactured gas and provides for the same distribution of the Utility Tax as provided in Ordinance No. 1099.

Council carried a motion to approve AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 3.03 ENTITLED "USE TAX-NATURAL OR MANUFACTURED GAS." M/S Clemons/Cole. Council member, Donald Derifield cast an opposing vote. This shall be known as Ordinance No. 1101.

ORDINANCE TO DISSOLVE THE FUND NUMBERED 240 ENTITLED "L.I.D. #16 FUND"

Finance Officer, Rhonda Miller explained that final payments had been received on L.I.D. #16 and this fund is no longer needed.

Council carried a motion to adopt AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON DISSOLVING THE FUND NUMBERED 240 ENTITLED "L.I.D. #16." M/S Cole/Ochoa. This shall be known as Ordinance No. 1102.

ORDINANCE TO CREATE SOLID WASTE RESERVE FUND NUMBERED 109 AND AMENDING O.M.C. 2.56.400 UTILITY TAX FUND

Finance Officer, Rhonda Miller explained that the proposed ordinance changes the Utility Tax Equipment Fund title to the Utility Tax Fund and creates a Cumulative Reserve Fund for the Solid Waste Department.

Council carried a motion to approve AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTION 2.56.400 AND CREATING SECTION 2.56.410 OF CHAPTER 2.56 ENTITLED "FUNDS." M/S Johnson/Cole. This shall be known as Ordinance No. 1103.

ORDINANCE TO AMEND 2001 BUDGET

Finance Officer, Rhonda Miller presented an ordinance, which provides for appropriating funding to cover over-expenditures in some funds and transfers excess funds to reserve funds.

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Council carried a motion to adopt AN ORDINANCE AMENDING THE 2001 BUDGET FOR THE CITY OF OTHELLO AND AMENDING ORDINANCE NO. 1082. M/S Clemons/Cole. This shall be known as Ordinance No. 1104.

RESOLUTION CONCERNING LIMITS TO RESERVE FUNDS

Finance Officer, Rhonda Miller presented a resolution, which would eliminate the minimum and maximum balances maintained in the city's reserve fund. Council had a discussion regarding setting minimums for the Cumulative Reserve General Fund, Water, Sewer, and Street Funds and not providing for a minimum balance in the Real Property and Solid Waste Fund. It was council's consensus to create the following minimum balances:

Cumulative Reserve – Real Property	\$ 0
Cumulative Reserve – General Fund	\$150,000.00
Cumulative Reserve – Water	\$200,000.00
Cumulative Reserve – Sewer	\$200,000.00
Cumulative Reserve – Streets	\$200,000.00
Cumulative Reserve – Solid Waste	\$ 0

Council carried a motion to adopt A RESOLUTION CONCERNING LIMITS TO RESERVE FUNDS. M/S Ochoa/Cole. This shall be known as Resolution No. 2001-33.

RESOLUTION AUTHORIZING TRANSFER TO RESERVE FUNDS

Finance Officer, Rhonda Miller presented this resolution, which would authorize the transfer of the following amounts:

<u>From:</u>	<u>Amounts:</u>	<u>To:</u>
General Fund:	\$400,000.00	Cumulative Reserves/Real Property Fund
General Fund:	\$200,000.00	Cumulative Reserves/Fire Dept. Equipment
Street Fund:	\$750,000.00	Cumulative Reserves/Streets
Water Fund:	\$750,000.00	Cumulative Reserves/Water
Sewer Fund:	\$200,000.00	Cumulative Reserves/Sewer
Solid Waste Fund:	\$250,000.00	Cumulative Reserves/Solid Waste

Council carried a motion to adopt A RESOLUTION AUTHORIZING THE TRANSFER OF EXCESS CASH BALANCES TO RESERVE FUNDS FOR FUTURE USE. M/S Derifield/Cole. This shall be known as Resolution No. 2001-34.

ORDINANCE TO AMEND CHAPTER 6.04 ENTITLED "ANIMAL CONTROL"

The City Attorney presented an ordinance, which would make any violation of Chapter 6.04, "Animal Control," a civil infraction punishable by a penalty. He explained that this would eliminate the current language of the ordinance imposing a misdemeanor punishable by fine and possible jail sentencing.

Council adopted AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTION 6.04.280 OF CHAPTER 6.04 ENTITLED "ANIMAL CONTROL." M/S Ochoa/Brodahl. This shall be known as Ordinance No. 1105.

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RESOLUTION ACCEPTING AN EXCHANGE OF DEEDS FOR RIGHT-OF-WAY PURPOSES

Mr. Andrews explained that the intent of the right-of-way exchange between the City of Othello and McCain's is that the city's infrastructure in that area will be on public right-of-way and McCain's entire infrastructure will then be on their private property. He reviewed the two parcels, which are located south of Lee Road and Broadway intersection, indicating that McCain's clarifier loadout stand is included in the right-of-way exchange and will then be dedicated to McCain's through a Quit Claim Deed. Parcel B is the land that will be dedicated to the city, which has our storm water manholes and piping, along with other public infrastructure within the right-of-way. He noted that we had agreed to share the cost of producing the legal documents for this right-of-way exchange.

Council carried a motion to adopt A RESOLUTION ACCEPTING AN EXCHANGE OF DEEDS FOR RIGHT-OF-WAY PURPOSES and authorize Mayor Kelley to complete the Quit Claim Deed process between the City of Othello and McCain Foods. M/S Clemons/Derifield. This shall be known as Resolution No. 2001-35.

RESOLUTION TO SURPLUS LIBRARY EQUIPMENT

Finance Officer, Rhonda Miller presented a resolution, which listed the library inventory of city property. This resolution surpluses this equipment and donates the items to the Adams County Library District #1, in exchange for continued library services to the citizens of Othello. This also eliminates the city's liability of these items and eliminates the city's need to replace them as needed.

Council carried a motion to adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON, DECLARING SURPLUS EQUIPMENT AND DONATION OF SAID EQUIPMENT TO ADAMS COUNTY LIBRARY DISTRICT #1. M/S Derifield/Cole. This shall be known as Resolution No. 2001-36.

RESOLUTION TO AUTHORIZE THE AMERICAN CROWN CIRCUS ON MONDAY, JULY 22, 2002

The City Clerk presented the request from American Crown Circus for use of Lions Park on Monday, July 22, 2002 for two shows. She explained that their circus is fully contained and they provide their own fencing, equipment, trailers, bleachers, and crowd control. The Clerk stated that Public Works was impressed with the circus. They indicated that the circus had cleaned up the area and there was virtually nothing left in the park from their shows, and there were no complaints recorded from adjacent neighbors. The Boy's & Girl's Club will once again sponsor this years circus since they were able to raise approximately \$300.00 as sponsorship of the circus in 2001.

Council carried a motion to adopt A RESOLUTION AUTHORIZING USE OF CITY PROPERTY FOR "AMERICAN CROWN CIRCUS" TO BE HELD IN LIONS PARK ON MONDAY, JULY 22, 2002. M/S Lyon/Johnson. This shall be known as Resolution No. 2001-37.

AUTHORIZE INTERLOCAL AGREEMENT WITH ADAMS COUNTY – JAIL FEES AND PROSECUTING

Police Chief, Ronald Axtman presented the interlocal agreement with Adams County, which provides for prosecuting and sentencing and sets the fees for jail services. He explained that upon review of the proposed agreement and the budget, he finds it reasonable, noting that he will closely monitor the impacts to the city's budget regarding the jailing fees. Chief Axtman noted that the agreement is similar to the one from the past

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two years noting the change of an automatic renewal of the agreement, unless either party receives proper written notice of termination. There was also a correction to a typographical error in article 3.

Council carried a motion to authorize the mayor to execute the interlocal agreement between the City of Othello and Adams County regarding RCW 39.34.180 as presented. M/S Ochoa/Cole.

ORDINANCE TO READOPT THE AD VALOREM TAX AMOUNT

Finance Officer, Rhonda Miller presented an ordinance, which would readopt the Ad Valorem Tax amount at 101%. She explained that with the passage of Initiative 747, changes have been made regarding our levying compacity. The city council previously adopted Ordinance No. 1100 setting the levying compacity at 106% and this new ordinance repealed and replaced Ordinance 1100 in its entirety.

Council carried a motion to adopt AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON FIXING THE AMOUNT TO BE PROVIDED BY AD VALOREM TAXES UPON PROPERTY IN 2002. M/S Cole/Clemons. This shall be known as Ordinance No. 1106.

RESOLUTION TO ACCEPT A DONATION

Mayor Kelley noted that SVZ USA, Inc. has donated to the City of Othello an assortment of flower bulbs from their Dutch company.

Council carried a motion to adopt A RESOLUTION ACCEPTING A DONATION FROM SVZ USA, INC. M/S Clemons/Ochoa. This shall be known as Resolution No. 2001-38.

UNFINISHED BUSINESS

a. City Administrator Replacement Committee.

Mayor Kelley appointed the following council members on the committee to review all applications for the City Administrator position, Jeannie Ochoa, Leonard Lyon, and Everett Cole.

b. Janitorial Services at City Hall/Police Department.

The City Clerk announced that the current janitor has resigned as providing janitorial services as of November 27, 2001. She requested that council authorize staff to negotiate a contract for these services effective November 28, 2001. The Clerk provided a recap of the bids submitted for janitorial services.

Council carried a motion to authorize the City Clerk to continue with the process of negotiating a contract for janitorial services. M/S Cole/Brodahl.

c. Professional Services Contracts for Community Development Department.

Building Official, Curt Andrews presented a list of projects and consultants that will be hired to complete the projects for the City of Othello. They included a: Plat Facilitator, Critical Areas Update, County Comprehensive Plan, Water Plan Technical Writer, Building Plan Review Services, Storm Water Pipe Design, Siren Design & Implementation, Buck & Coventry House Plat, and Structural Inspections. As contracts are negotiated and the specific scope of the projects is agreed upon, those contracts will be brought back to the council for consideration.

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Mr. Andrews presented a memo regarding water contamination prevention statement. This included information for the council to know regarding the city's protection of our well towers and our well sites.

NEW BUSINESS

The city council directed staff to arrange for a meeting of the Lodging Tax Advisory Committee to review the request for \$20,000.00 as matching funds for a tourism facility.

Council member, Ochoa requested a discussion regarding raising the speed limit in front of Wal-Mart on east Main Street from 25 miles per/hour to 35 miles per/hour. Emil Martinez, 410 N Shelley, approached the council and supported the increase of the speed limit in front of Wal-Mart to 35 miles per/hour. He also commented on concerns of vehicles using the turning lane in front of the business as a traveling lane going west into town. Chief Axtman suggested a vehicle study fronting the Wal-Mart property, which will also indicate the traffic speeds in that area.

ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the city council meeting at 9:15 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L. KUDRNA, City Clerk