

City of Othello
Regular Council Meeting
December 9, 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: Eugene Bain, Ken Caylor, Genna Dorow, Charles Garcia, Kenneth Johnson, and Mark Snyder.

Also Present: City Administrator Wade Farris; Department Heads: Public Works Director Terry Clements, Police Chief Steven Dunnagan, City Clerk Debbie Kudrna; Finance Officer Spencer Williams, Planner Darryl Piercy and City Attorney Katherine Kenison.

Absent Was: Councilmember Dan Dever.

Council carried a motion to excuse the absence of Councilmember Dan Dever. M/S Bain/Garcia.

Mayor Wilson announced that members of Boy Scout Troop #803 were in attendance.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda. M/S Snyder/Dorow.

CONSENT AGENDA:

- A. Approval of City Council Minutes of November 25, 2013
- B. Approval of City Council Workshop Minutes of December 2, 2013
- C. Approval of Accounts Payable Checks
- D. Approval of Payroll and Related Expenses
- E. Set Public Hearing on Water Rates for the Adams County Water District #1 for January 13, 2014
- F. Resolution to Release Retainage – Outback Spraying
- G. Resolution to Accept a Donation for Shop with a Cop

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. 43378 to No. 43426 in the amount of \$212,501.58.

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

PUBLIC HEARING ON THE INTERIM MARIJUANA ZONING REGULATIONS

Mayor Wilson opened the public hearing at 7:03 p.m. City Attorney Kenison provided a report on the interim marijuana zoning regulations. She advised that they are still waiting for opinions from the Attorney General's office. There are two pending marijuana retail applications submitted in Lind and we currently have no other pending marijuana growing/processing applications in Adams County. Licenses will be issued by mid-March with those approved businesses opening by June. Mayor Wilson asked for public comments. Shawn Logan stated that he understands why the City has gone through this process, however, he objects to several issues in the ordinance and suggested that a moratorium be placed on the retail business because the Attorney General still hasn't ruled and this activity is still considered illegal by the Federal Government. Mayor Wilson asked for staff comments. Attorney Kenison explained that the City's options are very limited and trying to balance the issue has been very difficult decision for Council. Mayor Wilson asked for Council comments. Councilmember Johnson advised that we could prohibit marijuana growing or place a moratorium. Councilmember Caylor advised that they have not received enough information from the State and would like to consider a moratorium. Councilmember Dorow asked if there have been any legal issues with those cities placing moratoriums. City Attorney Kenison advised there has not been and we won't see any legal issues until someone receives a State license and goes to a City that has prohibited or placed a moratorium. She noted that the retail application process is still open and if there are other applications submitted, there would be a

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random drawing for two retail licenses in Adams County. Councilmember Johnson asked if a separate business license fee could be established. Attorney Kenison advised we should get that answered by the Attorney General's office. Mayor Wilson advised he is in favor of a moratorium for marijuana growing operations. Mayor Wilson closed the public hearing at 7:15 p.m.

ACCEPT THE PETITION TO ANNEX AND SET A PUBLIC HEARING TO CONSIDER THE PETITION OF ANNEXATION

City Planner Darryl Piercy reported that the City received a petition for annexation of property, currently owned by R. A. Hampton LLC. The property is generally described as property located east of 14th Avenue and south of Wahitis School and is approximately 20 acres. The petitioner is requesting that the property be zoned C-1.

Council carried a motion to accept the petition for annexation submitted by the R. A. Hampton LLC and set a public hearing January 27, 2014 to provide for public testimony and consideration of the annexation. M/S Caylor/Johnson.

BIAS CONTRACT

Finance Officer Spencer Williams explained that we have used BIAS software for all our accounting needs since 2009. BIAS staff has always been responsive to our requests.

Council carried a motion to enter into the 2014 Software Service Agreement with BIAS Software. M/S Dorow/Garcia.

AD VALOREM TAX ORDINANCE

Finance Officer Spencer Williams advised that a property tax ordinance must be approved by the City Council for the 2013 levy for collection in 2014. Mr. Spencer advised that we typically receive our tax levy valuations in November of each year for the next year's budget. We have not received that levy information yet; however Adams County has not presented us the actual tax levy. The proposed ordinance is using the estimate tax levy of \$1,520,000. If the actual valuations are higher, we will amend the ordinance to include the maximum dollars.

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 2014. M/S Snyder/Dorow. This shall be known as Ordinance No. 1391.

ORDINANCE TO AMEND O.M.C. 12.16.060 AND O.M.C. 12.16.070 RELEVANT TO WATER RATES

Finance Officer Spencer Williams explained that our current water rates were a 4% water rate increase in 2011, 2012, and 2013 expire in December, 2013. He advised that staff and Council have discussed the need for a three-year water rate schedule and what the impact would have on the community, as well as the need to fund for future capital needs of the water system. Staff had presented several water rate scenarios for the next three year period at the workshop meeting. Based upon the review of the rates, staff prepared an ordinance with an incremental, 6% water rate increase for the next three years.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTIONS 12.16.060 AND 12.16.070 OF CHAPTER 12.16 ENTITLED "WATER AND SEWER SERVICE AND RATES". M/S Dorow/Garcia. This shall be known as Ordinance No. 1392.

CONSIDERATION TO CANCEL OR RESCHEDULE THE DECEMBER 23RD CITY COUNCIL MEETING

Council carried a motion to cancel the December 23, 2013 City Council meeting. M/S Johnson/Snyder.

RECOGNITION OF OUTGOING ELECTED OFFICIALS – MAYOR TIM WILSON, COUNCILMEMBER KENNETH CAYLOR AND COUNCILMEMBER CHARLES GARCIA

Mayor Pro Tem Kenneth Johnson presented recognitions and plaques to outgoing Mayor Tim Wilson and Councilmember Kenneth Caylor and Councilmember Charles Garcia.

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OATH OF OFFICE FOR INCOMING MAYOR SHAWN LOGAN AND COUNCILMEMBERS GENNA DOROW, JOHN LALLAS AND COREY EVERETT

City Clerk Debbie Kudrna administered the Oath of Office to newly elected Mayor Shawn Logan and Councilmembers Genna Dorow, John Lallas and Corey Everett.

UNFINISHED BUSINESS

Councilmember Johnson advised that he would like the Council to revisit Ordinance No. 1388, passed in November, 2013. Attorney Kenison advised that Council can repeal that Ordinance and adopt a different ordinance imposing a moratorium.

Council carried a motion to appeal Ordinance No. 1388 and directed staff to draft an ordinance to re-appeal Ordinance No. 1388, effective December 9, 2013. He asked that Council be provided an Ordinance for a moratorium to consider for adoption. M/S Johnson/Dorow.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 7:41 p.m.

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk