

**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, Mark Snyder, and Marc Spohr.

**Also Present:** City Administrator Ehman Sheldon; Department Heads: Finance Officer Mike Bailey, Public Works Supervisor Terry Clements, Asst. Police Chief David Inks, City Clerk Debbie Kudrna; and City Attorney Katherine Kenison.

**Absent Was:** Councilmember Kenneth Johnson.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of November 28, 2011
- B. Approval of City Council Workshop Minutes of December 5, 2011
- C. Approval of Accounts Payable Checks
- D. Approval of Payroll and Related Expenses
- E. Resolution to Release Retainage for the City Hall Exterior Painting Project
- F. Resolution to Release Retainage for the Well #6 Rehabilitation Project

Accounts Payable was audited and certified by the Auditing Officer, as required by RCW 42.24.080; and the 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. 40521 Check No. 40575 in the amount of \$138,876.27.

Payroll Check No. 27532 to No. 27571 in the amount of \$267,538.22.

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

**VOLUNTEER RECOGNITIONS: LYNETTE CARUTHERS**

Mayor Wilson presented a certificate of appreciation and a city lapel pin to Lynette Caruthers for her continued service on the Beautification Committee and the community.

**PRESENTATION TO OUTGOING ELECTED OFFICIAL**

Mayor Wilson presented a plaque to outgoing Councilmember Marc Spohr and reviewed Mr. Spohr's accomplishments during his terms.

**DOT - SR 26 & 1<sup>ST</sup> AVENUE INTERSECTION**

Bob Romine, Project Engineer for WSDOT reported that WSDOT has reviewed the City's design proposal. Mr. Romine reviewed the second stage of the SR 26 and S 1<sup>st</sup> Avenue intersection project. They have included access off and onto SR 26 to get to and from the adjacent businesses; safety enhancements, including a marked pedestrian crossing; street striping, and increasing site distance at the intersection at SR 24 and 1<sup>st</sup> Avenue spur. There were concerns voiced about providing a walk path under the SR 26 overpass. Mr. Romine explained that it was financially prohibitive and they cannot include a pedestrian sidewalk within this project. He recommended that the City apply for grant funding for a walk path and they will provide the City their ADA standard design for the sidewalk. WSDOT was able to secure additional funds to cover the costs of the SR 26/1<sup>st</sup> Avenue intersection. He reviewed the project cost summary and available funding. Mr. Romine advised that at the current configuration, it does not warrant a reduction of the speed limit on SR 26. They will install the signs that read "Your Speed is XX" on SR 26 and complete the intersection reconfiguration and then they will do a traffic study to see how the intersection is operating. If it warrants, they will continue the speed reduction conversation. Councilmember Caylor mentioned that the Council wants the speed reduced on SR 26. It was reiterated that as part of WSDOT's commitment, they will continue to monitor the intersection traffic data and will report to the City.

Council carried a motion to endorse the SR 26/1<sup>st</sup> Avenue intersection project as presented by WSDOT. M/S Dorow/Snyder. Councilmember Spohr cast an opposing vote.

**BIAS 2012 SERVICE AGREEMENT**

Council carried a motion to approve the BIAS 2012 Software Service Agreement. M/S Dever/Garcia.

**USE OF CITY PARKS FOR RELIGIOUS DISPLAYS**

Barbara Maine, 2263 Mockingbird Lane, asked the City Council to allow the nativity scene in Pioneer Park during the holidays, along with other displays. She has found that other communities have worked out the issue by allowing other religious displays.

Shawn Logan, 1005 E. Hamlet, explained that volunteers had actually considered not putting any displays in Pioneer Park during the holidays. The Chamber, Eric Morgan and donations from Pro Build helped to refurbish the nativity scene and some of the other displays. The Adams County Juvenile Department and other volunteers have worked on the project to revive and keep the spirit of Christmas in Othello. He proposed that the City Council make an informed decision.

Eric Morgan, 331 E. Pine, stated that the symbol of the manger is not only one religion. He stated that many citizens want the manger scene in Pioneer Park.

Councilmember Garcia mentioned that we could install a sign next to the display advising that this is a private display. Attorney Kenison advised that the Pawtucket case involved a city owned display and the rule is if it contains a religious element, then there has to be a variety in the display so that a reasonable person would not interpret it as endorsing one religion or faith over another. She stated that if the city allows a private display on public property, anyone has the same right to access to the public property to display their message. In that event, a sign stating who the owner of the display is and assuring that everyone has equal access is necessary. She suggested that if the Council allows public displays upon public property, that a simple permit process be developed to include who the owner is; duration, size, location, and how many displays would be allowed. However, the City cannot make any limitation about content. Councilmember Dorow stated that she has no problem with allowing the nativity scene; however, the City cannot prohibit other displays.

Council carried a motion to allow the nativity scene in Pioneer Park. M/S Garcia/Dever. Councilmember Dever and Councilmember Garcia rescinded their motion.

Council carried a motion to allow private displays in Pioneer Park, to be removed by January 5<sup>th</sup>. M/S Garcia/Dever.

**CONSIDERATION OF OTHELLO SANDHILL CRANE FESTIVAL REQUEST**

Dixie Fulks, President of the Sandhill Crane Festival committee explained that she had previously requested the Council allow city staff to maintain the festival's mailing list. They use an Access program for the mail list. Councilmember Garcia asked how much the Sandhill Crane Festival works with the Chamber. Mrs. Fulks said that the Sandhill Crane Festival was originally a Chamber event; however, the festival committee has since formed their own entity. She said that she feels strongly that the mail list needs to be saved on a public computer system. Councilmember Caylor asked if the new Park and Recreation Director could perform this work. Mayor Wilson stated that they have not yet fully developed that position. Mrs. Fulks said that 60 hours of staff time is adequate for the project. Attorney Kenison provided the Council with options to consider and she asked if the Sandhill Crane Festival wants to transfer the planning and organizing the festival and transfer that responsible to the City as a city sponsored event? Mrs. Fulks said that current plan is that they will continue to organize the festival and they are only asking for someone else to maintain the mail list. The Attorney suggested that if Council wants to move forward, an agreement be entered to establish what the City has agreed to do and what the mutual benefit to the City is. She also noted that the Sandhill Crane Festival would have to re-establish with the Secretary of State as a non-profit organization. Councilmember Spohr cautioned that other organizations may ask similar support. Councilmember Dever noted that the Sandhill Crane Festival committee could contract with someone to maintain the mail list and be reimbursed by tourism funds.

Council carried a motion to direct staff to craft an agreement pursuant to the Festival's request for the City to maintain the current mail list. M/S Snyder/Caylor.

**ORDINANCE TO AMEND THE 2011 BUDGET**

Finance Officer Mike Bailey presented the annual budget amendment ordinance. He noted that the increase is not due to salary and benefit increases. He reviewed the components to the proposed budget amendment, including the general fund; donation fund; tourism fund; utility tax fund, and the Main Street project.

Council carried a motion to adopt AN ORDINANCE AMENDING THE 2011 BUDGET FOR THE CITY OF OTHELLO AND AMENDING ORDINANCE 1330. M/S Caylor/Dever. This shall be known as Ordinance No. 1353.

**OATH OF OFFICE FOR NEWLY ELECTED OFFICIALS – CHARLES GARCIA, EUGENE BAIN, DEWITT (DAN) DEVER, MARK SNYDER**

City Clerk Debbie Kudrna administered the Oath of Office to Councilmembers Charles Garcia, Eugene Bain, Dan Dever and Mark Snyder.

**CONSIDERATION TO CANCEL THE DECEMBER 26, 2011 COUNCIL MEETING**

Council carried a motion to cancel the December 26, 2011 Council meeting. M/S Garcia/Dever.

**UNFINISHED BUSINESS**

Councilmember Garcia asked what the status is for selection of an engineer for Moon Street. Mayor Wilson advised that review of the engineers is scheduled for the following day.

**NEW BUSINESS**

Council carried a motion to cancel the January 3, 2012 workshop meeting. M/S Dever/Caylor. Councilmember Spohr cast an opposing vote.

Mayor Wilson made the following announcements:

- The quarterly Adams County Mayors' luncheon is Wednesday, December 14<sup>th</sup> at noon at the Othello Senior Center.
- You can bring in donations for the Community Christmas baskets by December 15<sup>th</sup> to the OPD or the Fire Station. The baskets will be delivered on December 17<sup>th</sup>.
- The Engineering Review committee will conduct interviews on December 13<sup>th</sup>, starting at 8:45 a.m.

Refreshments were served after the City Council meeting.

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:35 p.m.

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

ATTEST:

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