



## MINUTES

### **City Council Regular Meeting**

**6:30 PM – Monday, April 23, 2018**

Council Chambers, City Hall – 500 E Main St

#### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Logan called the meeting of the Othello City Council to order at 6:30 and led a silent invocation and the Pledge of Allegiance.

#### **ROLL CALL**

Councilmembers Present:

Eugene Bain  
Genna Dorow  
Corey Everett  
Angel Garza  
Larry McCourtie  
John Lallas  
Mark Snyder

Councilmembers Absent:

#### **ADMINISTRATIVE STAFF PRESENT**

Shawn Logan, Mayor  
Wade Farris, City Administrator  
Rebecca P. Ozuna, City Clerk  
Yvonne Hernandez, Deputy City Clerk  
Spencer Williams, Finance Officer  
Terry Clements, Public Works Director

#### **CITIZEN INPUT**

There was none.

Mayor Shawn Logan welcomed Othello loyalty, Gene Muscat, her husband, Ted Muscat was Mayor in the 1960's and again in the 1980's. Mayor Logan thanked Gene for all the years of service her and her husband provided for the city.

## APPROVAL OF AGENDA

Council carried a motion to approve the agenda. M/S Garza/Bain

## CONSENT AGENDA

- A. Approval of City Council Minutes of April 9<sup>th</sup>, 2018
- B. Approval of Account Payable Checks

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. 49532 to No. 49588 in the amount of \$311,495.17.

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

## CURRENT BUSINESS

### PUBLIC HEARING ON CRITICAL AREA ORDINANCE

Mayor Logan opened the meeting at 6:33 p.m. with a staff report from Community Development Director, Anne Henning. Anne Henning stated that we have received a grant for the Critical Area Ordinances, including wetlands, habitat areas, frequently flooded areas, aquifer recharge areas, and geological hazards and as part of the grant closeout we need to hold a public hearing on the outcome of the process and take their testimony and forward that to the Department of Commerce in order to close out the grant. Mayor Logan continued to open up the public testimony portion of this public hearing.

Mayor Logan asked for comments for those in support of the critical area ordinance. There was none.

Mayor Logan asked for comments for those neutral to the critical area ordinance. There was none.

Mayor Logan asked for comments in opposition to the critical area ordinance. There was none.

Mayor Logan closed the public testimony at 6:34 p.m.

No other action is required.

### ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTIONS 4.24020 AND 4.24.040 OF CHAPTER 4.24 ENTITLED “GARAGE SALES”

Rebecca Ozuna, City Clerk requested for council to update the OMC 4.24 the price for garage sales and indicates what the penalties are for violating any sections of the code. Recently it was brought to our attention that the verbiage for violations needed to be updated to reflect more strict violations due to all the signs and boxes that Code Enforcement is finding after sales are being held. Currently OMC 4.24.040 states that a warning will be issued and then an infraction

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will be issued which does not seem to be effective. Code Enforcement has requested that we remove the verbiage of a warning and automatically impose a C-12 infraction for any violation to this chapter. Secondly OMC 4.24.020 the fee for a yard sale permit of \$3.00 which was established in 1985. We are now currently in 2018 and the price is still \$3.00. Staff discussed the verbiage and created an amendment to the current garage sale code as follows for your consideration (new language is underlined):

Any violation of this chapter shall be punishable as follows: a C-12 civil infraction of not less than \$110.00 per offense.

Also discussed was the price of garage sales as it has not been updated since the ordinance was established in 1985. It was suggested to raise the price to \$5.00 per sale and an amendment was also created for your consideration:

A garage sale permit shall be required for each garage sale, said permit to be purchased at the office of the city clerk for a five-dollar fee. The permit shall state the name and address of the person conducting the sale, the address of the sale, and the dates the sale is to be held. The required permit is to be displayed in public view at the residence of the sale and at the time of the sale.

Mayor Logan asked Kelly Konkright, City Attorney if he had reviewed the modifications to the OMC and if there was anything he would like to address. Kelly stated that he had reviewed and there was nothing to address. Mayor asked council if they had any questions on the modifications. Councilmember Everett stated that he believed the infraction penalty was a lot of money for a minor offense. Discussion was held as to people leaving signs out for several days after the sale and causing a problem with debris in the streets. Councilmember Dorow stated that the fine for littering was about \$500. Councilmember Everett stated that the citizens should be informed of the rules and penalties. Rebecca Ozuna informed council that there was a list of rules issued with permits. Council suggested that the rules be updated.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTION 4.24.020 AND 4.24.040 OF CHAPTER 4.24 TITLED "GARAGE SALES". M/S DORROW/LALLAS

City Attorney, Kelly Konkright revisited the critical area ordinance hearing and suggested that there be an official declaration by the Mayor that the record on the public hearing be closed. Mayor Logan stated he closed at 6:34 p.m. Konkright stated he may have not heard but just wanted to address it to make sure.

**INTERFUND LOAN DISCUSSION FOR WELL #3 REPLACEMENT**

Spencer Williams, Finance Officer addressed council in regards to the interfund loan for Well #3. As it is known we have a RD loan that is well in process for a \$1.8 million loan. In the constructing of the well and actually receiving the funding for the well that loan there is going to be a gap between receiving that final loan. So, we need to discuss an interfund financing to bridge that gap. There is a few different options as far as our loan application process we have received some quotes from local banks of what they can offer us in some different terms, 10, 15 and 20 year loans. Williams suggested that we do an interfund loan as there is much less red tape and will be cheaper and don't have to involve council. These are the two options and as it turns out we don't get the RD loan we can move forward with one of our local bank options. Williams also stated that he spoke to Marty Canatsey with RD to make sure this is an option and from the RD side there is no recommendation or requirement to do one or the other. With the interfund loan we would be able to set a term I would suggest a year, we would have a specific rate and we would have money to pay that interfund loan back either by the RD loan or it will be the other side financing we would get in the event we don't get the RD loan.

Councilmember Dorow asked if this was a much lower interest rate and Williams verified that it was. Councilmember Lallas asked Williams in regards to the loan if he would be bringing something to next council meeting to vote on. Williams stated that he was not proposing that a loan be established and stated that when we got closer to the project and making payment is when he would bring that forward. Councilmember Lallas stated that in knowing what we are going to borrow he suggested that we should set up a budget of what we are going to be spending. Williams stated that he was unsure of the timing and the amounts of the project on the financial side, ultimately we know the project is slated to the loan of \$1.8 million and when we have to pay that out that is up to the construction phase and moving through those steps. Councilmember Lallas asked if it was holding up the construction of the project and Williams stated it was not.

**ENGINEERING AGREEMENTS FOR WELL #3 REPLACEMENT – CONSTRUCTION PHASE**

City Engineer, Jesse Cowger addressed council in regards to the task Varela & Associates and Aspect Consulting with the construction engineering for replacing Well 3 a Contract Amendment is needed which requires Council Approval.

Explanation of issue:

The City previously tasked Varela and Aspect Consulting with design and contract assistance for the replacement of Well 3. The City has executed a contract with Schneider Water Services for drilling Replacement Well 3R. The attached engineering services contract amendments detail the services to be provided by Varela and Aspect Consulting during the construction phase of the well replacement. The current contract completion date for drilling the well is October 4th, 2018. Once the well is finished the permanent pump can be installed and connected into the existing pump house. Additional contract time will likely be required when the City adds the

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pump installation and pump house adaptation work to the existing contract with Schneider Water Services.

The consulting scopes before Council for approval today are summarized below; refer to attachments for detailed breakdown of engineering scope tasks: Aspect Consulting \$97,000 and Varela & Associates \$125,650. The following summarizes overall project funding:

- Schnieder Contract \$980K
- Pump House Modification \$170K
- Contingency \$300K
- Engineering \$270K

Total Funding \$1,720K

The Amendments before Council today is for the construction phase assistance for the replacement well; the City plans to utilize funds from USDA-RD to finance the construction phase of the project. The total cost of replacing the well and getting the new well connected is currently estimated in the \$1.72M range.

Discussion was held between councilmember, John Lallas and engineer, Jesse Cowger in regards to the increase in the contract from \$47000 to \$172000, contingent cost of the engineering, scope of the work and fulfilling the requirements of the loan. It was suggested that this go back to committee and Cowger agreed and stated they would have answers for their specific issues and questions.

Council carried a motion to approve the Aspect change order #4 for Well 3 installation and testing. M/S Everett/MCCourtie. Motion did not pass with a 4 to 3 vote, nay, contract not approved.

Council carried a motion to approve the Varela change order #4 for Well 3 installation and testing. Motion did not pass for a lack of motion.

Mayor Logan directed council and staff to go back into committee with Varela and figure out the final details and come back to council in two weeks.

#### **VARELA & ASSOCIATE CONTRACT AMENDMENTS**

Engineer, Kurt Holland went over project contracts regarding the various scopes of work that have gone over budget over the past couple of years. The City was notified of the overages at the time and all associated costs have been reimburse; however, for auditing purposes those contracts require the contract totals be amended. Below is a summary of the contracts, the associated costs and brief explanation. Total Completed Contract Overage/Underage to date \$ -83,117.52. The 14th Avenue Project included almost \$800,000 in change orders to include:

- Electrical infrastructure for future lighting
- Non-Potable Water Mains
- Street Trees, associated

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irrigation and landscaping. • Sanitary and Storm sewer improvements for Columbia Street. The design for this work as well as all the material testing, construction management, and inspection was nearly completed under the existing Construction Management Contract funded by Grant. The budget overages to date on the project total \$13,147.77.

Budget: The change order cost is \$17,511.42

Additional costs have been reviewed, submitted, and reimbursed by Council, this is a bookkeeping procedure to officially increase each the previous contract amendment amounts.

Council carried a motion to approve a change order with Varela & Associates to Amendment 2016-TIB to increase the 14<sup>th</sup> Avenue project an additional \$13,147.10 M/S Dorow/Everett.

Council carried a motion to approve a change order with Varela & Associates to Amendment 2016-002 to increase the ADA Ramp Update an additional \$657.43 M/S Everett/Snyder.

Council carried a motion to approve a change order with Varela & Associates to Amendment 2015-008 SVZ Wastewater Analysis an additional \$1,446.46. M/S Lallas/McCourtie.

Council carried a motion to approve a change order with Varela & Associates to Amendment 2017-005 for Water System Plan an additional \$2,260.43. M/S Dorow/Garza.

#### **PARK RECREATION RCO GRANT MATCH AUTHORIZATION**

Wade Farris, City Administrator addressed the city council in regard to improving Lions Park with a Splash Pad and also baseball refurbishment. Mr. Farris mentioned that the City is applying for 2 grants from RCO. This grant cycle features a 90/10 match for qualifying cities and the City qualifies based on a socio-economic rating and Othello meets the require criteria. Because of this staff began pursing 2 grants to positively impact the parks which aligns with the City's strategic plan and adds value to the quality of life in Othello, the Local Parks grant from WWRP will potentially fund a splash pad to add to our current community pool. This will add value to our current facility and give us the ability to feature our pool as an aquatic center. Secondly, we are applying for a Youth Athletic Fields (YAF) grant to rebuild all 4 infields and renovate our athletic complex bathroom to meet ADA standards, as well as make improvements to the walk path within the complex.

Although the required match is less than the amount request by the staff, the overall cost of the projects exceeds the amount the grant could fund. We would like to continue forward using reserve money to fully fund these projects. Up to \$200,000 out of one of or a combination of the following funds, 103 Gen Restricted Fund (current balance) \$273,562 104 Real Property Reserve (current balance) \$437,538. Staff and committee both recommend moving forward with these grant opportunities. Council went into discussion regarding the benefit the projects

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would have on the city. Mayor Logan stated that we needed commitment from the council to show the grant funders that council is fully behind these projects. Mayor Logan also stated that he has also been in the process of getting letters of support from business members from the community. There will also be a public open house to inform the community of the projects.

Council carried a motion to approve the expenditure up to \$200,000 to fully fund the 2 RCO grants for the 2018 grant cycle. M/S McCourtie/Dorrow

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#### UNFINISHED BUSINESS

No unfinished business.

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#### NEW BUSINESS

Councilmember McCourtie addressed the council regarding Multistar dumping toxic material on the weekends after dark and is really affecting the show house and asked that it be investigated.

Councilmember Snyder informed council that Adams County Fire Department will be interviewing for two positions and had nineteen applications.

Councilmember Lallas asked for an estimated finish date on the road and Councilmember Garza stated it would be a couple weeks.

Mayor Logan announced that Banners & Blooms Beautification Committee was holding their annual auction on May 4, 2018 at 6:00 pm at the Senior Center.

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#### ADJOURNMENT

With no further items to discuss, Mayor Logan adjourned the Council meeting at 7:43 p.m.

By: \_\_\_\_\_

SHAWN LOGAN, Mayor

ATTEST:

By: \_\_\_\_\_

YVONNE HERNANDEZ, Deputy City Clerk