

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, Kenneth Johnson, Mark Snyder, and Marc Spohr.

Also Present: Department Heads: Finance Officer Mike Bailey, Asst. Police Chief David Inks, City Clerk Debbie Kudrna, City Planner Darryl Piercy; and City Attorney James Whitaker.

Absent Was: Councilmember Charles Garcia.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

- A. Approval of City Council Minutes of July 26, 2010
- B. Approval of City Council Workshop Minutes of August 2, 2010
- C. Approval of Accounts Payable Checks
- D. Approval of Payroll for July 2010
- E. Mail Inserts with Utility Bills Policy and Procedure

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.

Expense Claim Check No. 38584 to No. 38655 in the amount of \$722,146.22.

Payroll Check No. 26711 to No. 26779 in the amount of \$294,832.50.

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

LICENSE AGREEMENT WITH SUN BASIN STORAGE

City Planner Darryl Piercy presented a license agreement with Sun Basin Storage, LLC, for their new office building located on S. 1st Avenue. They applied for a building permit for the sign, which is approved with the condition that the sign be placed outside the city's right-of-way. The applicant was advised that the only way the sign can be located within the City right-of-way is if the Council approved a license agreement. Staff has analyzed the proposed location and found there is substantial site distance to the south and looking north there is 2 ½ times more site distance. He advised that the placement of the sign at the proposed location meets the minimum site distance standards for a 25 m.p.h. speed zone and noted that this area is in a commercial zone. The license agreement allows the City the authority to remove the sign if needed for any purpose.

Councilmember Johnson made a motion to approve the license agreement with Sun Basin Storage as presented. A second to the motion was not made; therefore, the motion died.

Lydka Sykora, former resident of Othello, now living in Leavenworth, protested the charges for basic water, sewer, and garbage when she's not here. She's using water only for irrigation and is trying to sell her home. She stated that she shouldn't have to pay maintenance fees when she's not here. When she lived in Othello, she used the services and feels she paid her share. She asked the Council to consider a different charge for vacant houses. The City Clerk explained that when the water service is on, it is mandatory to charge for city sewer, if it's available, and to charge the minimum for garbage service. The Mayor advised that the Council would have to change the ordinance setting the fees, as suggested by Ms. Sykora. No action was taken.

BALLFIELD LIGHTING

City Engineer Larry Julius explained presented a request to purchase lights from MUSCO Lighting for the NW and SE ball fields in Lions Park. This will be the 2nd phase of the ball field lighting program and we purchased the lights for the 1st phase from MUSCO. The City has budgeted funds for the purchase and installation. The cost of the lights is approximately \$108,238.50. The project will take approximately 1 ½ months to get the lights installed. Mr. Julius advised that installation

of the lights will be contracted through the small works roster process. This purchase does not include lighting hardware for the basketball court. Mr. Julius advised that there is an additional \$10,000 budgeted for lighting for the basketball court and we may be able to get more lighting at the tennis courts with the amount appropriated. The work at Kiwanis Park includes more lights and security cameras. The total amount budgeted for park lighting this year is approximately \$240,000. Shawn Bates asked if it is possible to use lights from the SE ball fields for the east side of Lions Park for other community events. Mr. Julius explained that the poles are approximately 60'-70' tall and they can analyze if turning one set of lights can provide adequate lighting. Another possibility would be to install lights half-way up the pole pointed east.

Council carried a motion to authorize the contract with MUSCO Lighting, as a sole source provided, for purchase of the lights. M/S Dorow/Snyder.

RESOLUTION REGARDING LIQUOR PROFITS & EXCISE TAX

Councilmember Caylor stated that Initiative 1100 and 1105 will affect the City budget. If approved, it will change where the tax dollars come from. It amounts to approximately \$55,000 for Othello for various programs. The excise tax revenues go directly into the police department budget for an additional \$32,000. If liquor sales go to privatized business, cities will take a drastic reduction in revenue. Mayor Wilson advised that he is in favor for privatized business. Councilmember Johnson advised that it will affect smaller liquor stores because liquor will be sold in the bigger food stores.

Council carried a motion to adopt A RESOLUTION EXPRESSING THE OPPOSITION OF THE OTHELLO CITY COUNCIL TO INITIATIVE MEASURES 1100 AND 1105 RELATING TO THE RETAIL SALE OF ALCOHOL. M/S Dever/Dorow. This shall be known as Resolution No. 2010-20. Council asked that the resolution be sent to the Association of Washington Cities.

ORDINANCE TO AMEND OMC 4.24 ENTITLED "GARAGE SALES"

City Clerk Debbie Kudrna presented an ordinance, which amends the current practice of issuing garage sale permits. The proposal includes allowing nonprofit organizations to have garage sales on their property and in Pioneer Park, if they meet all of the requirements of the code. She advised that we are not going to issue garage sales for commercial zones, without a residential unit on the property. Council asked that the amendment verbiage include ". . . *or in Pioneer Park, in the designated area. . .*" Councilmember Johnson asked if the Council would consider allowing one garage sale per year on commercial property.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 4.24 ENTITLED "GARAGE SALES" with the amendment to the new subsection: ". . . *or in Pioneer Park, in the designated area. . .*". M/S Dever/Caylor. This shall be known as Ordinance No. 1324.

ORDINANCE TO AMEND OMC 12.16.330 ENTITLED "ENFORCEMENT OF LIEN"

City Clerk Debbie Kudrna explained that ESB 6261 addresses utility service's collections for residential rental properties. The new law prompts a need to change some of our procedures relevant to notification of termination of utilities. The current code provides for a three business day notice and the new law sets a seven day termination notice for rental residential units. The new law also requires the city to provide water services to a tenant on the same terms and conditions as other residential customers, so we are no longer able to require a deposit for tenant subaccounts. Staff recommends that Council adopt the required changes in the current OMC and change to a seven day notice of termination for all delinquent accounts.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTION 12.16.330 OF CHAPTER 12.16 ENTITLED "WATER AND SEWER SERVICE AND RATES". M/S Dorow/Johnson. This shall be known as Ordinance No. 1325.

ORDINANCE CREATING OMC CHAPTER 8.64 ENTITLED "PARENTAL RESPONSIBILITY"

City Attorney provided a draft ordinance and performed some research relevant to the state laws relevant to parental responsibility. The State amended RCW 9.94A and provides a series of definitions, which are adopted by reference in the proposal. The proposed ordinance complies

with the State law and if children commit crimes aimed at criminal street gang related activity, their legal guardians may be charged penalties. The purpose of the ordinance is to recover some of the costs from the parents that are imposed upon the community.

Council carried a motion to adopt AN ORDINANCE CREATING OTHELLO MUNICIPAL CODE CHAPTER 8.64 ENTITLED "PARENTAL RESPONSIBILITY". M/S Johnson/Snyder. This shall be known as Ordinance No. 1326.

ORDINANCE TO AMEND THE 2010 BUDGET

Finance Officer Mike Bailey explained that the Main Street project was designed to utilize financial support from various city funds. He created a fund for the Main Street project and money from the various funds will be transferred into it. He explained that the transfer from the utility tax fund includes funds for the Main Street project and the debt service interest payment for the bond issue.

Council carried a motion to adopt AN ORDINANCE AMENDING THE 2010 BUDGET FOR THE CITY OF OTHELLO AND AMENDING ORDINANCE 1312. M/S Dorow/Caylor. This shall be known as Ordinance No. 1327.

UNFINISHED BUSINESS

Councilmember Spohr asked if anyone else wants to discuss sizes of garages because he would be willing to discuss it further. Councilmember Dever agreed that the size of the new garage on 14th Avenue does not fit in the neighborhood. It was Council's consensus to discuss garage sizes at the September workshop.

NEW BUSINESS

Councilmember Spohr encouraged Council to review the city warrants, noting the amounts paid to Gray & Osborne, Plan It Consulting, and The Permit Center. He mentioned that the city could hire an employee for the amount paid for planning services. Councilmember Spohr stated that when McFarland Middle School was remodeled, they took out portions of the walking path. He asked for a status report on why the walking path has not been completed south of the middle school. Councilmember Spohr asked if staff can show on the projector screens what is being reviewed by the Councilmembers. Councilmember Caylor stated that he attended a Grant County hearing regarding graffiti. He would like to get a copy of the ordinance for the Council to look at during the workshop. Councilmember Snyder advised that we can expect an increase in jail and prosecutors fees. Mayor Wilson advised the Police Chief will report on this. Mr. Whitaker advised that when the County gives notice of the impact from a City that does not operate a criminal court, we are then mandated to negotiate and if we can't reach an agreement, it will go to binding arbitration. He stated that counties can compel the City to pay for prosecutor fees.

The Mayor made the following announcements:

- The next Mayor's luncheon is this Wednesday at the Senior Center.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:27 p.m.

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk