

CALL TO ORDER:

Mayor Pro Tem Ken Johnson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present: Councilmembers: Eugene Bain, Ken Caylor, Charles Garcia, Kenneth Johnson, and Mark Snyder.

Also Present: City Administrator Ehman Sheldon; Department Heads: Finance Officer Mike Bailey, Public Works Director Terry Clements, Asst. Police Chief David Inks, Parks & Recreation Coordinator Molly Klippert, City Clerk Debbie Kudrna; and City Attorney Katherine Kenison.

Absent Was: Mayor Tim Wilson and Councilmembers Genna Dorow and Dan Dever.

Council carried a motion to excuse Councilmember Dorow. M/S Garcia/Bain.

Council carried a motion to excuse Councilmember Dever. M/S Caylor/Snyder.

CITIZEN INPUT

Wendy Risenmay, 660 N 11th Avenue introduced Brooke Roylance, Distinguished Young Woman for 2012. Mrs. Risenmay explained that the Distinguished Young Woman program has replaced the Jr. Miss program. Mrs. Risenmay asked if tourism funding could be used to help with some of their costs.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda, with the deletion of the Executive Sessions. M/S Garcia/Snyder.

CONSENT AGENDA:

- A. Approval of City Council Minutes of May 14, 2012
- B. Approval of Accounts Payable Checks
- C. Set Public Hearing on the 6-Year Street Plan for June 4th
- D. Approval of Fireworks Display Permit

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. 41163 to No. 41204 in the amount of \$379,684.81.

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

CONSIDERATION OF SWIM TEAM CONTRACT

Parks & Recreation Coordinator Molly Klippert introduced pool manager Rachel Sly. Ms. Klippert advised that the contract remains the same as the 2011 agreement: the swim team will pay \$40 each day they use the pool for training purposes; \$11 hourly fee per lifeguard staffed during training, and a new fee of \$130 per swim meet plus \$11 hourly fee per lifeguard staffed at each meet. She advised that the increase to the swim meet fee is to cover operating and staffing costs. Timm Taff, representing the Barracuda swim team, advised that they are surprised at the proposed costs and suggested that the concession stand be closed during meets to reduce some of the costs. He noted this is an increase of \$2600 to the swim team over last year's fees. They also mentioned that they would show up at 5:00 p.m. instead of 4:00 p.m. for swim meets. Pool manager Rachel Sly explained that the pool closes at 4:00 p.m. and the swim pool staff has to clean up the pool and the swim team will not be charged for the hour between 4:00 and 5:00 p.m. Mayor Pro Tem Johnson suggested that the pool committee meet again to discuss the new contract terms and fees. Mr. Sheldon advised that after the last meeting, it was suggested that the concession stand be open and fees included.

Council carried a motion to approve the Barracuda swim team contract to operate under the 2011 contract until the next Council meeting. M/S Garcia/Caylor.

2012 POOL EMPLOYEE PAY

Parks & Recreation Coordinator Molly Klippert explained that Washington State minimum wage increased by \$.37/hour in 2012. She recommended that all pool staff hourly wages be increased to reflect the minimum wage increase and that all returning staff continue to receive a one-time return pay increase of \$.10/hour.

Council carried a motion to approve the proposed changes in the 2012 pool employee pay. M/S Caylor/Garcia.

2012 CONCESSION LIST FEES

Parks & Recreation Coordinator Molly Klippert advised that the Council pool committee met and recommends the concession stand menu remain the same as the 2011 concession menu, with the inclusion of coffee. Mayor Pro Tem suggested that the cost for coffee be set at \$1.25.

Council carried a motion to approve the 2012 concession menu with the addition of coffee at the proposed fee of \$1.25. M/S Garcia/Caylor.

2012 POOL BARBECUE FEE

Parks & Recreation Coordinator Molly Klippert advised that the Council pool committee discussed use of the barbecue grill installed outside the West pool shelter. They recommend that an hourly fee and a non-refundable damage deposit be established. They proposed a fee for the barbecue rental with 24 hours notice and a separate fee for less than 24 hours notice.

Council carried a motion to approve the rental and deposit fee schedule for use of the barbecue. M/S Garcia/Snyder.

2012 POOL SCHEDULE

Pool Manager Rachel Sly reviewed the proposed pool schedule. She explained that Church youth groups using the pool on Wednesday nights works well with the family night swim time.

Council carried a motion to agree to the changes presented by the staff to the pool schedule. M/S Garcia/Bain.

CONSIDERATION OF POOL FEE CHANGES

Parks & Recreation Coordinator Molly Klippert advised that the Council pool committee and pool staff recommends the pool fees increase one dollar for daily admission; a senior rate be established; swim lessons increase by one dollar, and a fitness pass be offered. She said that the entrance fee prices have not increased since the pool was opened in 2007. Ms. Klippert advised that they estimate the new fees will increase pool revenues and will save approximately \$13,863 used from the general fund for pool operating costs. She advised that the recommend not increasing the annual pool pass for this year.

Council carried a motion to approve the pool fee changes, as presented. M/S Snyder/Caylor.

CONSIDERATION OF GWMA FUNDING

Paul Stoker from the Ground Water Management Area (GWMA) noted that they previously requested a letter of support from the City to the Adams County Commissioners encouraging the County to continuing the process for creating an Aquifer Protection Area and an annual assessment. If this is moved forward, the proposition could be placed upon the November ballot. The proposed assessment fee is \$5.00 per parcel and a schedule of fees for large production wells (agricultural irrigation wells). Mr. Stoker explained that the fee would be collected by Adams County Assessor. Their proposed fee structure would raise approximately \$1 million per year from the four participating Counties and would be used for staffing costs and providing ground water

solutions to the GWMA members based upon the data bases that they have created. The funding would also be used to collect new data and associated costs and consulting fees. They are expecting to participate with the State Department of Health (DOH) and the State Department of Ecology (DOE) in projects to find solutions for our water issues within the four Counties.

Councilmember Caylor advised that he understands that cities will not be charged the well fee. It was noted there is a production well within the Othello corporate limits and Mr. Stoker noted that they will have to consider this situation. Mayor Pro Tem Johnson noted that their endeavors are important and it's important to have an established assessment fee for our citizens.

City Attorney Kenison stated that GWMA is proposing a Aquifer Protection Area, which is a separate purpose district under Washington State law. Each County would adopt its own Aquifer Protection Area. Creation of the Aquifer Protection Area is accomplished by the County Commissioners, after a public hearing and adoption of a Resolution and a proposed ballot proposition would be drafted. That ballot proposition would include all aspects of the fee structure and what the funds will be used for. She believes that there will have to be discussion between the four County elected officials because they will have to agree to the rate structure, who will be charged the assessment and what the assessment funds will be used for. She is also concerned about the proposed rate structure, which includes a flat rate fee on every parcel within each County. She interprets that the State statute for Aquifer Protection Areas only allows the imposition of the assessment on those parcels who are either withdrawing ground water or who are discharging into a septic tank into the ground water. The original purpose for Aquifer Protection Areas was to protect the sole source aquifer from contamination and from being pumped through individual wells. It exempts those lots that are on city sewer services or city water. Mr. Stoker stated that in most cases the Aquifer Protection Areas and GWMA in the State are run the same, if they are used for this purpose. When they talked with the DOE, the State Auditors and Attorney General's offices, the opinion was that the proposition language had to be specific as to what the funds will be used for, what the assessment is and who will be charged the fee. He noted that GWMA is petitioning an Aquifer Protection Area designation boundary to create this assessment within their boundaries. Mr. Stoker stated that there are two Aquifer Protection Areas functioning in Washington State. Ms. Kenison advised that she believes that none of those have been associated with GWMA and funding for GWMA. She asked for a copy of the Attorney General's opinion and recommended that more information about the ballot language, and the proposed on parcels, and she has concerns of whether a flat fee can be adopted on each parcel. She mentioned it may be beneficial to have an Interlocal Agreement between the four Counties regarding use of the funds. Mr. Stoker advised that the issue about the fee has been discussed thoroughly. Ms. Kenison explained that she is also concerned whether the Aquifer Protection Area is the proper mechanism to raise the funding for the proposed purpose. Mr. Stoker advised that Adams County does not have the ability to collect a fee based upon other avenues, except for the per parcel fee. Ms. Kenison recommended that before a commitment be made, that we understand exactly what we are permitted to do and the Attorney General's office would be the appropriate agency to provide a written opinion. Mr. Stoker advised that the letter can be supportive for GWMA to continue its efforts and suggested that the letter be revised to not include creation of an Aquifer Protection Area and the establishment of an assessment.

Council carried a motion to send the letter of support to the Adams County Commissioners, excluding the sentence relevant to creating an Aquifer Protection Area and the assessment. M/S Garcia/Caylor.

RESOLUTION TO ALLOW USE OF CITY PROPERTY FOR THE OTHELLO CAR SHOW

Parks & Recreation Coordinator Molly Klippert presented the resolution for the All City Classic Car Show, scheduled for July 20th and 21st.

Council carried a motion to approve A RESOLUTION AUTHORIZING USE OF CITY PROPERTY AND RIGHT-OF-WAY FOR THE ALL CITY CLASSIC CLUB ANNUAL CAR SHOW SCHEDULED FOR JULY 20TH AND 21ST 2012 AND AUTHORIZE USE OF PUBLIC RIGHT-OF-WAY FOR AN ORGANIZED

PARADE OF CARS AND REGISTRATION EVENT. M/S Garcia/Bain. This shall be known as Resolution No. 2012-12.

RESOLUTION TO AUTHORIZE USE OF LIONS PARK – SCHOOL SUMMER FEEDING PROGRAM

City Clerk Debbie Kudrna presented the resolution for the Othello School District summer food program, scheduled for June 13th through July 19th, excluding July 4th.

Council carried a motion to approve A RESOLUTION AUTHORIZING USE OF CITY PROPERTY FOR THE OTHELLO SCHOOL DISTRICT SUMMER FOOD PROGRAM. M/S Bain/Garcia. This shall be known as Resolution No. 2012-13.

CONSIDERATION TO ADD 14TH AVE TO CAPITAL PROJECT PLAN

City Administrator Ehman Sheldon advised that the criteria for Public Works Trust Fund (PWTF) funding includes that the project must be listed on the City's capital improvement plan. Council has indicated that they want to apply for PWTF funding for the 14th Avenue street construction plan, and it is necessary to have the project listed on the plan.

Council carried a motion to add the 14th Avenue construction project to the City's capital facility plan. M/S Caylor/Snyder.

M & I WATER CONTRACT WITH EAST COLUMBIA BASIN IRRIGATION DISTRICT

Public Works Director Terry Clements presented an updated contract with the US Department of Interior, Bureau of Reclamation, through the East Columbia Basin Irrigation District (ECBID). He advised that we have two diversion points in the EL68 canal that we receive water from to serve Lions and Kiwanis parks within the City limits. We currently receive 200 acre feet of irrigation water annually, which will not change with this contract. There is a \$200 administrative fee.

Council carried a motion to approve the contract with the Bureau of Reclamation. M/S Snyder/Caylor.

PUBLIC WORKS CAPITAL PROJECT - WINDOWS

Councilmember Johnson excused himself from the Council meeting during this discussion, due to a conflict of interest. Council carried a motion to appoint Councilmember Garcia as Mayor Pro Tem for the discussion. M/S Bain/Snyder.

Public Works Director Terry Clements reported that they received two bids for the Public Works building window replacement project:

Johnson Glass & Doors, LLC	\$ 9,188.33
Columbia Glass, LLC	\$18,983.46

Council carried a motion to award the project to Johnson Glass & Doors, Inc. M/S Caylor/Snyder.

PUBLIC WORKS CAPITAL PROJECT – BLOCK WORK

Public Works Director Terry Clements reported that they received two bids for the Public Works building block work project:

D & W Masonry, Inc.	\$ 6,490.00
SanCo Masonry, LLC	\$ 9,128.78

Council carried a motion to award the contract to D & W Masonry, Inc. for \$6,490. M/S Garcia/Caylor.

CONTRACT WITH OGDEN, MURPHY, WALLACE

City Attorney Katherine Kenison reported that the City of Othello has been named in a lawsuit by New Cingular Wireless, along with most other cities in the State and across the Nation. A consortium of cities has combined resources to save funds. The contract includes a buy in fee of \$1600 for the attorney's completed work and hourly rates for the litigation attorneys. She advised

that the pool of cities contracting with Ogden, Murphy, Wallace has increased, which will lower the City's fees. The contract also allows each entity to retain the right to pursue our own defense, if the cities were to lose at Summary Judgment. Based upon the research they believe the Summary Judgment will be successful. There were 132 cities named in suit.

Council carried a motion to authorize the Mayor to sign the contract with Ogden, Murphy, Wallace. M/S Snyder/Garcia.

ADJOURNMENT

With no further items to discuss, Mayor Pro Tem Johnson adjourned the Council meeting at 8:24 p.m.

By: _____
KENNETH JOHNSON, Mayor Pro Tem

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk