

CALL TO ORDER

Mayor Shawn Logan called the meeting to order at 7:00 p.m. and led a prayer and Councilmember Lallas led the Pledge of Allegiance.

Present: Mayor Shawn Logan; Councilmembers: Eugene Bain, Genna Dorow, Corey Everett, Kenneth Johnson, John Lallas, and Mark Snyder.

Also Present: City Administrator Wade Farris; Department Heads: Public Works Director Terry Clements, Interim Police Chief David Rehaume; City Clerk Debbie Kudrna, Finance Officer Spencer Williams, and City Attorney Katherine Kenison.

Absent Was: Councilmember Angel Garza.

Mayor Logan asked if everyone could hear. Everyone acknowledged yes.

Council carried a motion to approve the absence of Councilmember Angel Garza. M/S Bain/Dorow.

CITIZEN INPUT

Sean Bates, 1156 E. Juniper Street, addressed a few grievances: history of the public records policy related to documents and information and problems with the current policy; a current public records request relevant to a windfall tax the city received and the city not providing the information, and they believe there is roughly \$9,000,000 in the investment account, with some funding shouldn't be in it.

Mr. Crosier has advised that he crafted a document and information policy in 1986. Mr. Crosier requested a copy of the policy in 2000 and reported that he received a copy of the policy that he had written. Mr. Bates advised that they have received former versions of public records policies that date back to 1998. They have found that the Council was not involved in approving each change of the documents and information policy. Because the Council has the authority to approve policies; he asked if the policies from 1998 to the present were valid. He said that they believe the new records policy that the Council recently approved is unconstitutional and asked that council to adopt the provision for providing information within the policy.

He recently requested information about what happened to the windfall revenues in 2011, and he has asked the City what happened to the overpayment of natural gas taxes. He noticed that the new ordinance to amend OMC Chapter 3 recommends a two year statute of limitations for an aggrieved tax payer to request a refund and that State law RCW 82.32.060 provides a four year time period for a tax return. It's their belief that the city received the windfall tax; deposited it into the general fund then transferred funds into the investment account. He believes that the investment account has funding for the sewer treatment plant and other funding that should not belong there. He asked the Council to review the reserve account.

Mayor Logan assured Mr. Bates that the new public records policy is not unconstitutional. He also advised that the city is subject to audits by the State and his comments are noted.

APPROVAL OF AGENDA

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

CONSENT AGENDA:

- A. Approval of City Council Minutes of June 23, 2014
- B. Approval of City Council Workshop Minutes of July 7, 2014
- C. Approval of Accounts Payable Checks
- D. Approval of Payroll and Related Expenses

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. 44135 to No. 44212 in the amount of \$210,663.55.
Payroll and Related Expenses Check No. 28842 to No. 28911 in the amount of \$301,032.52.

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

SHREDDING SERVICES – DEVRIES BUSINESS SERVICES

The City Clerk reported that we currently have our shredding services provided by Recall; they initially had the State contract. Their rates have increased several times and doubled in the last year and our last bill was \$112.00. DeVries Business Services has been awarded the State contract and we are able to “piggyback” off a state contract. DeVries current fee is \$4.00 per toter. They have asked the State for an increase to \$8.00 per toter; but we’re unaware if they’ve received that approval.

Council carried a motion to approve shredding services provided by DeVries Business Services. M/S Lallas/Dorow.

RE-APPOINT CLAIR LACKIE TO PLANNING COMMISSION

Council carried a motion to confirm the appointment of Clair Lackie to the Planning Commission. M/S Dorow/Lallas.

RENEWAL OF ADAMS COUNTY DEVELOPMENT COUNCIL

Finance Officer Williams reported that Adams County Development Council (ACDC) was formed to retain and attract commercial, agricultural and industrial growth within Adams County. The City has partnered with them since 2007. To help fund their efforts, ACDC requests \$0.50 per capita from the City for the July 1, 2014 - June 30, 2015 year, in the amount of \$3,782.50. Councilmember Johnson advised the County has hired a new Economic Development manager, Stephen McFadden. Mr. Johnson gave an update of other ACDC economic projects.

Council carried a motion to approve Addendum No. 7, continuing our agreement with the ACDC. M/S Lallas/Snyder.

FARMERS MARKET UPDATE

City Administrator Wade Farris explained options to build a permanent farmers market on the corner of Pine and 9th Street (across from Lions Park), on property the City already owns. Staff has not found grant funding for construction; however, it is available for assistance in operation once the market is built. Staff has found the approximate cost to be around \$250K. The Finance Officer confirms that there is money available (around \$350K) in a fund for constructing a civic center. Mr. Farris reported that at the present rate that the City puts money aside, combined with inflation, we would never save enough to construct a civic center. He asked Council if they want to use available funds to build a permanent farmers market. Finance Officer Williams advised that funding was appropriated in 2011, 2012, and 2013 for a civic center.

Council carried a motion to commit civic center funds towards the farmers market project. M/S Dorow/Lallas. Councilmember Snyder cast an opposing vote.

CONTRACT WITH PROTHMAN FOR RECRUITING CITY PLANNER

City Administrator Wade Farris recommended that we contract with Prothman to provide services to locate candidates for the position. They will provide the City with a list of top candidates for interviews.

Council carried a motion to authorize the contract with Prothman for recruiting a City Planner. M/S Snyder/Dorow.

RESOLUTION TO AUTHORIZE USE OF CITY PROPERTY FOR THE 2014 LATINO STATE SOFTBALL TOURNAMENT

Parks and Recreation Coordinator Molly Klippert reported that Charles Garcia has requested the use of Lions Park to host the annual Latino State Softball Tournament on Saturday, August 23 and Sunday, August 24, 2014. The tournament has booked a band and DJ to provide music throughout the weekend's events. Public Works will provide two staff members for eight hours each day of the event.

Due to the estimated attendance of 150-500 people in Lions Park for the Latino State Softball Tournament, they will incur the \$200 special event fee for use of Lions Park and \$1,000 fee for use of the Lions Park Athletic Complex.

Council carried a motion to approve A RESOLUTION AUTHORIZING USE OF CITY PROPERTY FOR THE 2014 LATINO STATE SOFTBALL TOURNAMENT SCHEDULED FOR AUGUST 22, 23, AND 24, 2014. M/S Lallas/Dorow. This shall be known as Resolution No. 2014-23.

RESOLUTION TO AUTHORIZE USE OF CITY PROPERTY FOR AMERICAN CROWN CIRCUS

Parks and Recreation Coordinator Molly Klippert advised that staff has received a request for use of City property from Frank Osorio, with the American Crown Circus, for use of the Lions Park soccer field on Tuesday, August 26th, and Wednesday, August 27th, 2014, for their one-ring, European style acrobatic circus that consists of jugglers, comedic performers, acrobats and magicians. Event cleanup/teardown is scheduled to be completed by 12:00 PM on Thursday, August 28th, 2014. It will be the responsibility of the American Crown Circus and its representatives to provide security of their facilities in Lions Park throughout the event.

Due to the estimated attendance of 500+ people, representatives of the American Crown Circus have agreed to donate 15% of total ticket sales to the City of Othello in order to compensate the City for providing additional services, rather than paying the \$400 special event fee for use of Lions Park for this event. In 2012, the American Crown Circus' payment of 15% of ticket sales to the City of Othello equaled \$1,905 for the two day event. The City Attorney mentioned that this offer is to the City's benefit.

Council carried a motion to approve A RESOLUTION AUTHORIZING USE OF CITY PROPERTY FOR THE AMERICAN CROWN CIRCUS SCHEDULED FOR AUGUST 25, 27, AND 28, 2014. M/S Dorow/Johnson. This shall be known as Resolution No. 2014-24.

RESOLUTION TO SURPLUS FIRE DEPARTMENT EQUIPMENT

City Clerk Debbie Kudrna reported that listed on the resolution is 800' of 5" diameter fire supply line that will no longer be used by the Adams County Fire Department. They are buying new hose to replace it. The Ritzville Fire Department is willing to purchase the 800' of fire supply line for \$300. RCW 39.33.010 allows cities to transfer property to another governmental entity, which includes outright donations.

Council carried a motion to approve A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON, DECLARING FIRE DEPARTMENT EQUIPMENT AS SURPLUS. M/S Lallas/Johnson. This shall be known as Resolution No. 2014-25.

Council carried a motion to donate the 800' surplus fire hose to the City of Ritzville Fire Department. M/S Dorow/Johnson.

ORDINANCE TO AMEND OMC TITLE 3 "REVENUE AND FINANCE

Finance Officer Williams reported that Council had reviewed an ordinance that will amend the Othello Municipal Code (OMC) Chapter 3 titled 'Revenue and Finance'. The changes are based on a review by Code Publishing Inc, our attorney and staff and will update the code section to ensure it is consistent across chapters, and up to date with current laws and practices. City Attorney advised that the proposed two year statute of limitations has been recommended by the attorney defending the city in the Cingular Wireless litigation. She recommended the code include the statute of limitations and have a process for claims.

Council's consensus was to have the attorney research the change to the statute of limitations included in the proposed ordinance.

NEW BUSINESS

Lynette Caruthers of the Beautification Committee reported that on Thursday, July 24th, there will be a grand opening ribbon cutting celebration on Main Street between 13th and 14th Avenues at 5:30 p.m.

EXECUTIVE SESSION – EVALUATION OF EMPLOYMENT

Mayor Logan announced that Council will now adjourn at 8:00 p.m. to go into an executive session pursuant to RCW 42.30.11 0(g) to review the qualifications of an applicant for public employment. The executive session is expected to last 10 minutes. No action will be taken during the executive session. City Administrator Wade Farris and the City Attorney attended. The City Attorney announced at 8:09 p.m. that they needed an additional 10 minutes for the Executive Session.

Mayor Logan reconvened the Council meeting at 8:15 p.m.

CONSIDERATION TO APPOINT A NEW POLICE CHIEF

Council carried a motion to appoint Phil Shenck as the new Police Chief. The terms will be at \$90,000 first year \$92,000 second year and a contract will be presented to the Council at a later date. M/S Johnson/Lallas.

ADJOURNMENT

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:20 p.m.

By: _____
SHAWN LOGAN, Mayor

ATTEST:

By: _____
DEBBIE KUDRNA, City Clerk