

City of Othello  
Regular Council Meeting  
February 8, 2016

**CALL TO ORDER:**

Mayor Shawn Logan called the meeting to order at 6:31 p.m. and led an invocation and the Pledge of Allegiance.

**Present:** Mayor Shawn Logan; Councilmembers: Eugene Bain, Genna Dorow, Corey Everett, Angel Garza, Larry McCourtie, John Lallas, and Mark Snyder.

**Also Present:** City Administrator Wade Farris; Department Heads: Police Chief Phil Schenck, City Clerk Debbie Kudrna, Finance Officer Spencer Williams and City Attorney Kelly Konkright.

**CITIZEN INPUT**

There was none.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of January 25, 2016
- B. Approval of City Council Workshop Minutes of February 1, 2016
- C. Approval of Payroll and Related Expenses
- D. Approval of Accounts 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. 46287 to No. 46338 in the amount of \$157,905.36.

Payroll and Related Expenses Check No. 26726 to No. 29766 in the amount of \$337,378.24.

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

**CONFIRMATION TO APPOINT DEENA VIETZKE TO PLANNING COMMISSION**

Council confirmed the appointment of Deena Vietzke to the Planning Commission. M/S McCourtie/Everett.

**ORDINANCE TO AMEND OMC 9.08.030 TITLED “PROHIBITED PARKING – DESIGNATED AREAS”**

Police Chief Schenck reported that the hours of restricted parking in section 9.08.030 have been maintained; however, they are only enforced in the months of November through March. This is to accommodate Public Works with snow removal. All of the other changes have been discussed with Council before.

Council carried a motion to adopt AN ORDINANCE OF THE CITY OF OTHELLO AMENDING CHAPTER 9.08 TITLED “PARKING”. M/S Everett/MCCourtie. This shall be known as Ordinance No. 1464.

**ORDINANCE TO AMEND OTHELLO MUNICIPAL CODE REGARDING CODE ENFORCEMENT**

City Attorney Kelly Konkright presented the proposed ordinance, which provides the city additional tools to address the code and zoning violations within the city. He reviewed the ordinance, including codifying the fines for violations; execution of voluntary compliance agreements; consolidation of the code enforcement provisions of the code, and it provides the process for dealing with non-conforming uses.

Mr. Konkright requested a correction in OMC 1.20.290; he asked to remove “to meet the requirements of Chapter 36.70A RCW (the Growth Management Act) . . .” He explained that the

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City is not a growth management act community and the language is not necessary to meet the intent of the ordinance. He reviewed the process in the ordinance to allow non-conforming uses to continue, if the property owner enters into a voluntary compliance agreement; obtains the necessary permits and completes the work to bring the property into compliance and accommodates the tenants.

City Administrator Mr. Farris stated that this is the first step in resolving our building code violations. Councilmember Everett asked for clarification of section 1.20.100 relevant to an extension or modification of a compliance agreement. Attorney Konkright explained that the original agreement is a signed agreement between the city and the property owner and both should sign an extension, including the original property owner. If there is a change in the owner of the property, a new compliance agreement would be necessary. Mr. Konkright explained that it is normal practice to send notices and orders by ordinary first class mail.

Councilmember Everett explained his concern of the right of entry upon property by the Code Enforcement Officer and asked if they would need to have a warrant to enter upon property. Attorney Konkright advised the language in the ordinance is common in code enforcement. The Code Enforcement Officer may take pictures, video tape, etc. from the street and they may go to a door ask for permission to enter. If that's denied, they will proceed with other procedures or obtain a search warrant. Mr. Farris also noted that if the owner or occupant refuses entry, the city may seek an administrative or criminal search warrant. Chief Schenck advised that code violations are civil infractions and a code enforcement officer can issue stop work orders, if needed.

Councilmember Lallas asked if there is a legal way to prevent the sale of non-compliant property. Attorney Konkright advised that we cannot issue an order to prevent sales of non-compliant property. However, banking institutions that perform underwriting, may discover issues and a sale may not go through. If the city is abating a civil violation and enforcing it judicially, the city can place a lien upon the property.

Councilmember Garza asked if we will keep allowing structures to be built behind homes. Mr. Farris noted this ordinance will not allow new non-conforming structures. Chief Schenck advised that if the Code Enforcement Officer locates non-conforming housing being built, they will not be allowed to continue.

Council carried a motion to adopt the ordinance, with the changes as suggested by the City Attorney in 1.20.290. M/S Lallas/Dorow. This shall be known as Ordinance No. 1465.

**UNFINISHED BUSINESS**

Councilmember Snyder asked for an update of the building permit program and a checklist for new businesses. Mr. Farris explained that Adams County has a permitting program and we are working on getting this implemented.

**NEW BUSINESS**

Mayor made the following announcements:

- There are receptions scheduled for the final applicants for the School District Superintendent.
- A new sister city committee meeting is scheduled for February 23<sup>rd</sup> at 6:30 p.m. at City Hall.

**EXECUTIVE SESSION – ONGOING LITIGATION**

Mayor Logan announced that Council will adjourn at 7:20 p.m. to go into an executive session regarding ongoing litigation. The executive session is expected to last 15 minutes. No action will be taken after the executive session. Included in the executive session were the City Administrator Wade Farris; City Attorney Kelly Konkright and Finance Officer Spencer Williams. Councilmember Angel Garza excused himself for a portion of the executive session.

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Mayor Logan reconvened the council meeting at 7:37 p.m.

**ADJOURNMENT**

With no further items to discuss, Mayor Logan adjourned the Council meeting at 7:37 p.m.

By: \_\_\_\_\_  
**SHAWN LOGAN, Mayor**

ATTEST:

By: \_\_\_\_\_  
**DEBBIE KUDRNA, City Clerk**