

City of Othello
Regular Council Meeting
February 26, 2001

Mayor E R Kelley called the meeting to order at 7:00 p.m. Members present were: Eleanor Brodahl, Les Clemons, Everett Cole, Don Derifield, Jeannie Ochoa and Kenneth Johnson. Absent was Leonard Lyon. Also present were: Debbie Kudrna, Rhonda Miller and Curt Andrews, City Department Heads; William Shaw, City Administrator; James Whitaker, City Attorney and Ben Kirkpatrick representing the Othello Senior Citizens Organization.

Council Member Jeannie Ochoa led the opening invocation and E R Kelley led the Pledge of Allegiance.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda as presented. M/S Cole/Johnson.

CONSENT AGENDA

- A. Approval of Minutes of February 12th, 2001.
- B. Reschedule Public Hearing for Zoning and Annexation of Portions of Lee Road and Portions of 14th Avenue from March 12th, 2001 to March 26th, 2001.

Council carried a motion to approve the consent agenda as presented. M/S Clemons/Cole.

INSURANCE REQUIREMENTS FOR PUBLIC FACILITY USE AGREEMENTS

City Administrator, Bill Shaw stated that the Council had received a copy of the recommendation from Cities Insurance Association of Washington and a sample Facility Lease and an Indemnification Agreement, which included an increase of the Facility Use Liability Policy for no less than \$2,000,000.00 per occurrence. He noted that a recent discussion with the city's insurance pool indicated that they were still recommending a \$2,000,000.00 per occurrence liability insurance policy for use of public facilities. However, they have recognized that cities have to review the events to determine if the risk involved in the event would merit a \$2,000,000.00 policy or a lesser amount. Other public entities have set the \$2,000,000.00 requirement for events that are at higher risks such as rodeo's held within city limits or bike motor-cross events. Mr. Shaw recommended that a policy be set, which would set standards to assess the event risks. The standards would be set that if it met a certain threshold, a \$2,000,000.00 liability insurance policy would be required, and if it were a less risk, a \$1,000,000.00 policy would be sufficient. City Attorney, James Whitaker reminded the Council that the city is responsible for premise liability issues anyway. The concern brought forward by the insurance pool was liability that has been created by the user of the public facility. Mr. Shaw noted that the insurance pool also recommended a Facility Lease and Indemnification Agreement, which they recommended that the city use for public use of public property, when an insurance policy would be needed and it included the Hold Harmless and Indemnification Clause. Council Member, Johnson questioned whether the Fireworks Display would be considered a high-risk event in the park. If there was a claim, the city may be responsible for amounts beyond the user's insurance policy. Council Member, Derifield recommended that a policy be set in lieu of the Council reviewing each and every event. Mr. Derifield also stated that this might be a chance for the city to look at other insurance carriers.

Council's consensus was to direct staff to set a policy, which included standards for imposing a \$1,000,000.00 per occurrence insurance policy upon a user of public property or a \$2,000,000.00 per occurrence insurance policy.

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FARMERS MARKET AGREEMENT – OTHELLO SENIOR CITIZENS ORGANIZATION

The City Clerk presented a Farmers Market Agreement, which permitted the Othello Senior Citizens Organization to use the east half of Pioneer Park each Saturday from 7:00 a.m. to 1:00 p.m., May through October for 2001 and 2002. She asked the Council to make a decision to whether the liability insurance amount should be \$1,000,000.00 or \$2,000,000.00 per occurrence.

Council carried a motion to allow Mayor Kelley to execute a two-year agreement with the Othello Senior Citizens Organization for the Farmers Market in Pioneer Park for 2001 and 2002, and set the insurance liability amount for \$1,000,000.00 per occurrence, with the City of Othello being named as an additional insured. M/S Johnson/Brodahl. Council Member Clemons cast an opposing vote.

AMERICAN CROWN CIRCUS – INSURANCE REQUIREMENT

The City Clerk presented a letter from the American Crown Circus requesting reduction of the general liability insurance amount from \$2,000,000.00 to \$1,000,000.00 per occurrence for use of the park for a circus to be held on July 17th, 2001. The City Clerk explained that the Council had adopted a previous resolution authorizing the use of Lions Park for the circus but it also included that the insurance liability was \$2,000,000.00 per occurrence. She presented a new resolution, which authorized the use of Lions Park for the circus on July 17th, 2001 and set the insurance liability amount at \$1,000,000.00 per occurrence with the City of Othello being named as an additional insured.

Council carried a motion to adopt A RESOLUTION AUTHORIZING THE USE OF CITY PROPERTY FOR “AMERICAN CROWN CIRCUS” TO BE HELD IN LIONS PARK ON TUESDAY, JULY 17TH, 2001. This set the insurance requirement at \$1,000,000.00 per occurrence. M/S Ochoa/Johnson. This shall be known as Resolution No. 2001-03.

AGREEMENT WITH BOYS AND GIRLS CLUB FOR FUNDING OF TEEN PROGRAM

City Administrator, Bill Shaw presented an agreement between the City and the Columbia Basin Boys and Girls Club for \$8,000.00, which was appropriated in the 2001 budget for teen programs.

Council carried a motion to authorize Mayor Kelley to execute the agreement with the Boys and Girls Club for funding for teen programs in 2001 in the amount of \$8,000.00. M/S Clemons/Derifield.

AUTHORIZE AGREEMENT WITH OTHELLO HOSPITAL DISTRICT #3 FOR DISPATCH SERVICES

Mayor Kelley noted that the inter-local agreement between the City and the Hospital District for dispatch services was identical to the Dispatch Agreement with Adams County Fire District #5. It provided for a fee of \$12.00 for each documented call and was for the year 2001.

Council carried a motion to adopt the inter-local agreement between the City of Othello and the Othello Hospital District #3 for dispatch services. M/S Cole/Clemons.

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FIRE RESCUE VEHICLE FUNDING REQUEST

The City Council received a letter from the Adams County Fire District #5 Commissioners requesting additional funding for purchase of a 2001 Light Rescue Vehicle. Council Member Johnson explained that the Council had appropriated \$40,000.00 in the 2001 budget and this request was for an additional \$6,662.98. He noted that Adams County would be responsible for storage of the vehicle, would provide routine upkeep and would pay for vehicle insurance on the rescue vehicle. Council Member Johnson explained that bids were received from \$84,000.00 to \$100,000.00, but the least expensive bid did not meet the specifications for the vehicle. The bid for the vehicle was awarded to D 3 Z, Inc. in the total amount of \$93,325.95.

Council discussed that the additional funding would come from the Utility Tax Fund, as the original \$40,000.00 was transferred out of into the Fire Department budget. City Attorney, James Whitaker stated that the city would have an opportunity to formalize an agreement with Adams County Fire District #5 to include such things as ownership of this vehicle and other related items.

Council carried a motion to authorize an additional funding of \$6,662.98 for a total amount of \$46,662.98 for the 2001 Light Rescue Vehicle in partnership with Adams County Fire District #5 for the purchase of this vehicle. M/S Ochoa/Clemons.

COUNCIL RETREAT RECAP

City Planner, Curt Andrews held a discussion with the Council regarding the outcome of the recent City Council/Planning Commission Retreat. He stated that the Othello Planning Commission had clarified, condensed and confirmed the consensus from the retreat as it concerns growth. This condensed list includes:

1. When we annex, it will be done for the good of the community, not the developer.
2. To offer water and sewer services outside of city limits will require the county to adopt a planning area comprehensive plan in order to protect those developments.
3. Transportation mitigation in the southwest area will require projects to be funded by the city, county and state based on traffic counts.

They held a discussion about the process of discussing with the Adams County Commissioners the need to develop the Tasks Force recommendations or set other development standards for county property within the Urban Planning area. Further discussion was held on items and policies that the city needs to discuss, review and possibly change. These included an update of the joint City/County Comprehensive Plan; review of sewer connection fees; creation of new RV and Mobile Home Park standards and several other items. Mr. Andrews noted that several other City/County projects include upgrades to SR 26 west of town and improvements to the intersection at Bench Road and Highway 24. Mr. Andrews noted that developers and investors want to know that there are standards set for future development, which may impact their property. He noted that during the time that Wal-Mart was researching the Othello area, those investors needed to know that there was some sense of future standards in the area of their property. Since the city had a draft of the Othello Planning Comprehensive Zoning map, it made it desirable for Wal-Mart to build in Othello. Mr. Andrews noted that he hoped that there would be some discussion regarding Adams County supporting standards set for urban neighborhoods.

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UNFINISHED BUSINESS

Council Member, Ochoa reported on her attendance at the recent Legislative Conference held in Olympia.

Bill Shaw reported that Lee Road between 7th Avenue west to the east side of McCain's property would be closed on Tuesday and Wednesday of this week.

Bill Shaw reported that the Cities Insurance Association of Washington, does a thorough investigation of all insurance claims filed against the city in a timely manner.

City Clerk, Debbie Kudrna reported that the Scholarship Committee had decided to use the High School Basic Scholarship Application and had set criteria for seniors to apply for the \$500.00 scholarship sponsored by Anderson Perry and Associates.

Council Member, Derifield requested that a sign be put on the Fire Department building, noting office hours or directing citizens to City Hall.

NEW BUSINESS

City Administrator, Bill Shaw and City Attorney, James Whitaker cautioned the Council about having discussions with citizens that are potential land use issues. They noted that land use issues do include public hearings and all discussions will need to be disclosed during that public hearing. All land issues should be discussed during the public hearing process in an open public meeting.

ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the Council Meeting at 8:36 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L KUDRNA, City Clerk