

City of Othello
Regular Council Meeting
February 28, 2000

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 with cause was Leonard Lyon. Also present were: Curt Andrews, Debra Travis, Debbie Kudrna and Bill McDonell, City Department Heads; William Shaw, City Administrator and James Whitaker, City Attorney.

Mayor Kelley led the opening invocation and the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

- a. Approval of Minutes of February 14, 2000.

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

PUBLIC HEARING ON THE PETITION TO ANNEX AND THE ZONE REQUEST FILED BY ROSS & FRANCES WEIBLE

The Public Hearing to receive staff and public in-put on the proposed zone and annexation request filed by Ross & Frances Weible was open at 7:05 p.m. by Mayor Kelley.

Mayor Kelley asked that anyone who had objections to his participation or any other Council Members participation to state so and to give reasons for the objection. There was none heard. Mayor Kelley asked if any Council Member had an interest in the property or issue. There was none heard. Mayor Kelley asked if the Council Members could hear and consider the matter in a fair and objective manner. The Council agreed. Mayor Kelley asked to place on the record the substance of any communication they may have had outside of the public hearing with opponents or proponents on the issue to be heard. There was none heard.

City Clerk, Debbie Kudrna entered the following exhibits into the Public Hearing record:

- Exhibit 1: A copy of the request to annex filed by Ross & Frances Weible dated December 1st, 1999.
- Exhibit 2: A copy of the City Council Minutes of the Special Meeting held on December 6th, 1999. The Council accepted the request to annex and directed preparation of a petition and allowed City Staff to work with the Weible's to create the annexation boundaries, which includes property owned by Ross & Frances Weible. They directed the petition to include that the area will need to assume the City's existing indebtedness and be subject to the City's comprehensive plan and zoning regulations.
- Exhibit 3: A copy of the letter of intent to determine non-significance of the property filed by William Shaw dated February 7th, 2000.
- Exhibit 4: A copy of the petition for annexation filed by Ross & Frances Weible dated February 11th, 2000. It includes the request to zone the property Commercial, attached with the legal description and map of the proposed area and included 61.27 acres, more or less.
- Exhibit 5: A copy of the Determination of Sufficiency for the petition for annexation filed by the Adams County Assessor's Office dated February 14th, 2000. This certifies that Ross & Frances M. Weible; Trustees, own the proposed property 100%.
- Exhibit 6: A copy of the notice for this Public Hearing published in the legal section of the Othello Outlook, published on February 9th, 2000. There were three land use signs

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placed upon the proposed property and letters sent to all property owners within 300 feet of the proposed annexation that announced tonight's Public Hearing.

- **Exhibit 7: A copy of the Planning Commission's Finding of Fact, Conclusions and Decisions, as discussed at the Planning Commission meeting held on February 22nd, 2000.**

Curt Andrews, City Planner explained that this is the first Public Hearing held on the zoning and annexation request filed by Ross and Frances Weible. He noted that the original request to annex was to zone the north end Commercial and the south end of the proposed area as Residential. The petition to annex filed by the Weible's included a change to zone the entire area Commercial 1 and be subject to the zoning laws and regulations of the City of Othello. Mr. Andrews reviewed a city map, which included the Urban Growth Area and the Urban Planning Area. He noted the proposed annexation is within the growth area and is adjacent to existing Commercial 1 and agriculture land. Mr. Andrews described in detail the survey of the property. It showed that it reaches southwest to an existing drain easement, which separates this property from the property owned by the Bethel Spanish Assembly of God Church. It also includes two buried drain easements that were used to drain irrigation water south off of the farm unit. He explained that buildings or roads cannot be built over these buried drain easements and this is one of the reasons why the original request was changed to zone the entire property as Commercial. He reviewed the Planning Commission Findings of Fact, Conclusions and Decisions, as discussed at their meeting held on February 22nd, 2000.

Findings of Fact:

- Property is inside the City of Othello growth area.
- Have water rights for irrigation use.
- Fronts Main Street, which is a major arterial.
- There are no Critical Areas/Endangered Species/Historical Areas/etc.
- It borders the City's existing C-1 zone.

Conclusions:

- Provides large retail lots that are not available currently within the City.
- Provides sites for large development other than along the Highways.
- It is compatible with the proposed Medical and Commercial zone north of Main Street.
- Fits with the City of Othello Comprehensive Plan.

Decision:

- The Othello Planning Commission considered the request from Weible/Main Street annexation at a Public Meeting on February 22nd, 2000 and recommends approval of the proposed annexation and Commercial 1 zone to the City Council of the City of Othello.

Mr. Andrews noted that during the staff comment period, he would present a modification to the proposed annexation area.

Bill Shaw, Plat and SEPA Administrator for the City, explained the re-zone of the area required a SEPA review. The SEPA checklist was sent out to all required agencies. Comments were received from USBR and Irrigation District regarding the use of irrigation water within the site, if it isn't to be used for agriculture. He explained the SEPA for review on re-zoning does not contain any descriptions concerning potential impacts of the site by specific future developments.

Mayor Kelley asked for public testimony, questions, objections or protests to be heard from citizens. There were no comments and Mayor Kelley closed the public testimony

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section of the Public Hearing. Mayor Kelley asked if any of the Council Members had comments or questions. There were none. Mayor Kelley asked for further staff comments and Curt Andrews presented Exhibit No. 8, which included staff modifications to the proposed annexation boundaries as follows:

- Includes the north and south side of Main Street, which fronts the proposed property.
- Includes the E L 68 canal, from Main Street southeast to the east corner of the property.
- Includes the property between the drain easement south to the canal.
- Includes 40 feet on the east side for ½ of a future road, running north and south. (Long-term Planning.) The proposed area is about 83 acres.

With no further discussion, Mayor Kelley closed the Public Hearing on the zoning and annexation request filed by Ross and Frances Weible at 7:25 p.m.

SET 2ND PUBLIC HEARING ON ZONE REQUEST AND ANNEXATION FILED BY ROSS & FRANCES WEIBLE FOR MARCH 27, 2000.

Council carried a motion to set the 2nd Public Hearing for the annexation and zone request filed by Ross & Frances Weible for March 27th, 2000 during the Regular City Council meeting and accepted the proposed modified area as presented to the Council by the City Staff. M/S Cole/Derifield.

APPROVAL OF LEE ROAD INDUSTRIAL PRELIMINARY PLAT

Council was presented with the preliminary Lee Road Industrial Plat Lot 1, which has been renamed to Colstor Industrial Plat No. 1. Council was also presented with a draft covenant to improvements, which is being further discussed with Colstor. This is regarding installation of sewer, reconstruction and widening of McManamon Road, widening and reconstruction of a portion of Lee Road, covering the USBR ditch adjacent to Lee Road and participation in the reconstruction of the intersection of Lee Road and State Route 17. Mr. Andrews reviewed 10 changes to the Colstor Plat with the Council as follows:

- The City has annexed 400 feet of McManamon Road north of Lee Road, from that point north is within the County and we are not receiving the 30 foot road right-of-way.
- There will be a 43.5-foot right-of-way dedication to the City east of McManamon Road.
- A sewer line will be ran north five feet west of the property line.
- There will be an agreement to cost share the sewer line that runs north parallel with McManamon Road. This will be a cost share to upgrade from a 6-inch line to an 8-inch line, as preferred by the City for future growth to the north.
- There is a correction of the city limits on the west side of Lee Road.
- A legal page and other design details will be attached to the plat, including covenants for future improvements.
- Name changed to Colstor Industrial Plat No. 1.
- From beyond 400 feet north of Lee Road on McManamon Road, Colstor will have to get County approval for all work on McManamon Road.
- A letter of an easement trade between the USBR and the City will be executed regarding their ditch.
- Colstor will build and will allow an easement and a dedication of a water-line loop around their building.

Mr. Andrews recommended approval of the preliminary plat with the changes as discussed so work on the final engineering can start.

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City Administrator, Bill Shaw reported on the Planning Commissions Finding of Facts, Conclusions and Decisions on the preliminary Lee Road Industrial Plat as discussed at their meeting held on February 22nd, 2000. He reported that the Planning Commission had concluded that off-site infrastructure can accommodate the proposal except for SR 17 and Lee Road. This is included in the proposed covenants that the participant will be included in the reconstruction of the intersection of Lee Road and SR 17 on the basis of a traffic study to identify their impact and contribution of traffic to that intersection.

Curt Andrews reported that the City has applied for a grant to help with the construction of the additional two lanes on Lee Road, which is planned to go east to 7th Avenue. Colstor is a partner in the grant application.

Council carried a motion to approve the preliminary Colstor Industrial Plat No. 1, subject to the fulfillment of the conditions outlined in the staff report. M/S Ochoa/Johnson.

EXTENSION OF AGREEMENT WITH NESTLE FOR TEMPORARY BOILER PLACEMENT

Council carried a motion to authorize the execution of the extension of the license agreement with Nestle USA, Inc. Food Services Division to June 1st, 2000. M/S Ochoa/Brodahl.

SELECTION OF CONSULTING ENGINEERS

Mr. Shaw reported the review committee had agreed to the appointment of Anderson Perry and Associates as the City's Engineer Consultant Firm. Staff will be working with the company to execute a contract for services and introduction of the consultants will be presented at the March 13th, 2000 Council meeting.

ORDINANCE AMENDING O.M.C. 6.04 ENTITLED "ANIMAL CONTROL"

Police Chief, Bill McDonell reported the only change to the Animal Control Ordinance is the provision that an "owner of a dog or other animal, means any person over 18 years of age." This age provision will be helpful in enforcement issues.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTION 6.04.010 OF CHAPTER 6.04 ENTITLED "ANIMAL CONTROL". M/S Clemons/Cole. This shall be known as Ordinance No. 1051.

UNFINISHED BUSINESS

Council Member Cole complimented Bill Shaw and City Staff on the material presented at the Retreat.

NEW BUSINESS

Council Member Derifield presented a report regarding opposition of the Dam Breaching issue. Council's consensus was to send a letter opposing Dam Breaching from the City Council.

Mayor Kelley announced the voting polls would be open at City Hall the next day.

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ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the Council meeting at 7:51 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L KUDRNA, City Clerk