

City of Othello  
Regular Council Meeting  
March 13, 2000

Mayor E R Kelley called the meeting to order at 7:00 p.m. Members present were: Everett Cole, Eleanor Brodahl, Les Clemons, Leonard Lyon, Donald Derifield, Jeannie Ochoa and Kenneth Johnson. Also present were: Bill McDonell, Curt Andrews, Reuel Klempel and Duane Van Beek, City Department Heads; William Shaw, City Administrator; James Whitaker, City Attorney and Vicky St.Mary, Administrative Secretary.

Council Member Kenneth Johnson led the opening invocation and Mayor Kelley led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

- a. Approval of Payroll and Related Expenses for February, 2000.
- b. Approval of Warrants for February, 2000.
- c. Approval of Minutes of February 28, 2000.

Accounts Payable was audited and certified by the Auditing Officer, as required by RCW 42.24.080; and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing that is available to the Council.

Expense Claim Check No. 21366 to No. 21487 in the amount of \$225,069.60.  
Payroll Check No. 13066 to No. 13147 in the amount of \$154,273.26.

Council carried a motion to approve the consent agenda as presented. M/S Lyon/Cole. Council Member Les Clemons abstained from voting due to a payment made to him.

**EMPLOYEE RECOGNITION – DOUG JORDAN**

Mayor Kelley expressed his appreciation to Doug Jordan for working 10 years for the City of Othello in our Public Works Department. Public Works Director, Reuel Klempel acknowledged his positive attitude, dedication, reliability, initiative and punctuality. They both expressed sincere appreciation for the fine job that is done in keeping up our parks and streets. An Employee plaque was presented to him for 10 years of dedicated service to the City of Othello.

**INTRODUCTION OF ANDERSON PERRY & ASSOCIATES, CONSULTING ENGINEERS**

Bill Shaw, City Administrator introduced our new Consulting Engineers, Alan Schroeder and Keith Olson representing Anderson Perry and Associates. Alan Schroeder shared his excitement about their future relationship with the City and that they are looking forward to the upcoming projects.

**PUBLIC HEARING ON THE PROJECT PERFORMANCE OF THE COMMUNITY BLOCK GRANT PROGRAM FOR THE OTHELLO HOUSING AUTHORITY – HARVEST MANOR**

The Public Hearing to receive staff and public input about the Community Development Block Grant received by the City for the Othello Housing Authority Harvest Manor Project was opened 7:08 p.m. by Mayor Kelley. This Public Hearing is part of the completion of the grant process. Mayor Kelley asked Alan Hanks, Executive Director of the Othello Housing Authority, to report on the completion of the project. He reported that it was back in 1997 that the City of Othello co-sponsored the Housing Authorities efforts to obtain this \$371,000.00 grant. It is now part of more than a \$3,000,000.00 project that built 42 units of

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farm labor housing. He reported that this grant was used to provide homes for families with low to moderate income. This money was used for infrastructure, which included water, sewer and irrigation. All of the CDBG money was spent prior to the end of the calendar year 1998. The entire project was completed December 1, 1999 and the last certificate of occupancy was issued by the Planning Department at that time. Every unit is filled and we still have 100 families on the waiting list. Every tenant, other than retired agriculture worker's, make more than 60% of their family income working in an agriculture field related job. The City Staff helped administer the grant throughout the process.

Bill Shaw, City Administrator read into evidence the following:

- The closing report was filed with the state.
- The Public Hearing is the last step in the process that is necessary before the state may close this file.
- The state auditors and the CTED auditors have completed all necessary audits.

Mayor Kelley requested any public testimony at this time. There was none. Mayor Kelley requested any comments or questions from the staff. There was none. Mayor Kelley requested any comments or questions from the Council.

Council Member Leonard Lyon asked if the Othello Housing Authority was able to use local contractors? Alan responded that out of the roughly 3.2 million dollars spent on the construction portion of the project, approximately 2.5 million was spent locally.

Council Member Jeannie Ochoa asked for a clarification of what the 60% of family's income represented. Alan shared that the Housing Authority has a set of priorities they use to determine if an individual or family qualifies as low or moderate income. They must be making less than 40% of the area medium income, which means that a family of four's income must be somewhere between \$70,000.00 to \$80,000.00 per year. The first priority considered is people making more than 66% of their income working in agriculture, raw commodities, which is not processing plants. The second consideration is given to those families between 33% -66% income made in agriculture and the third consideration are those families who make over 66% of income in processing plants. Currently, all residents meet our number one priority.

Mayor Kelley asked if the rent was based upon a family's income? Alan replied that the rent is not based upon a family's income but is set depending on the different size units. A three-bedroom unit is around \$385.00 per month or about 30-50% of a family's income. Mayor Kelley closed the Public Hearing at 7:15 p.m.

**PUBLIC HEARING ON THE PETITION TO VACATE AN ALLEY, FILED BY ADAMS COUNTY AND BOB REICHERT**

This Public Hearing, held by the Othello City Council is to receive staff and public input about the request to vacate a certain alley in Block 7, Original Othello, filed by Adams County Public Works and Bob Reichert and was opened at 7:16 p.m. by Mayor Kelley. Mayor Kelley asked that anyone who had an objection to his participation or any other Council Members participation, to state so and to give the reason 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 Members agreed. Mayor Kelley asked for the Council Members 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. Mayor Kelley asked the city

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staff to present exhibits and report on the request to vacate an alley within Block 7, Original Othello.

Curt Andrews, City Planner presented a map showing the location of the alley to be vacated. This piece of property is shared with Reichert Showhouse, Adams County Public Works Department and the PIC program, which are all within Block 7, Original Othello and the entire block is owned by Bob Reichert and Adams County. Mr. Andrews further explained that the request to vacate the east-west alleys, was unnecessary due to the fact that one had been previously vacated. After receiving information back from the Utility Companies, he discovered that the sewer, water, power and gas connection are located there and recommends an exchange between the two existing alleys. The City would allow vacating the north-south alleys in exchange for a public right-of-way easement of the west end of the east-west alley, previously vacated. Mr. Reichert and Adams County Public Works want to use the north-south alleys as parking and possible expansion.

Bill Shaw, City Administrator entered the following exhibits into the Public Hearing record:

- Exhibit 1: The original request to vacate a certain alley within Block 7, Original Othello, filed by Bob Reichert and Adams County Public Works.
- Exhibit 2: A map showing the alley that is being requested (labeled with xxxx), and also shows a portion of an alley previously vacated (labeled with 00000).
- Exhibit 3: A letter dated January 3, 2000 from Curt Andrews, City Engineer recommending the vacation of the two north-south alleys in exchange for the right-of-way easement of the west end of the east-west alley, previously vacated.
- Exhibit 4: A letter dated January 5, 2000 from Leon Long, Director of Adams County Public Works agreeing with the staff's proposal.
- Exhibit 5: Resolution No. 2000-02 calling for the vacating of the alley connecting Pine Street and Cedar Street between Broadway and 1<sup>st</sup> Avenues, and setting the date for the public hearing on March 13, 2000.
- Exhibit 6: Notice of the Public Hearing on March 13, 2000, which was publicized in the Othello Outlook, sent to the adjoining property owners, posted on the alley property and posted in three public places within the city.
- Exhibit 7: The Easement Agreement between the Reichert's and the City, which assigns the right-of-way easement to the City, of the alley that lies between Lots 9 and 10 of Block 7, Original Othello Plat from the end of the current alley at the East end of said lots Westerly to Broadway Avenue.

Mayor Kelley asked for any public testimonies, questions, objections or protests at this time. Leon Long, Director of Adams County Public Works announced that the plan is to share parking jointly with the existing businesses and not to restrict public access. They would like to restrict truck parking inside the block off of Broadway due to the fact that it tends to tear up the pavement. There are plans to have the Recycling Center located here and a possible retaining wall added along with the upgrading of the landscape.

Bob Reichert pointed out that the agreement made with the County calls for parking spaces to be painted throughout the entire block. The alley located beside the Showhouse may be used for further expansion. However, public access would continue to be made available.

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Jerry Peloquin, PIC Program, expressed his concern about having public access off of Cedar Street. He requested that the access onto Cedar Street be left open.

Dave Peterson, Director of the PIC Program, also expressed his concern that there continue to be an access road onto Cedar Street. The PIC Program is tenants of Adams County and have purchased the building that is located on the property.

Mayor Kelley requested any comments or questions from the Council. There was none.

Mayor Kelley questioned if the fire lane would still be open traveling east and west through the alley? Mr. Andrews answered yes; it would still be a full regular alley. Mayor Kelley asked who would own the property if the City would vacate it? Mr. Andrews responded that the County would own the north alley and Reichert Showhouse would own the south one. Mayor Kelley closed the Public Hearing at 7:34 p.m.

**ORDINANCE TO VACATE ALLEY AND ESTABLISHING CONDITIONS OF SUCH VACATION**

Council carried a motion to adopt AN ORDINANCE TO VACATE THE ALLEY CONNECTING PINE STREET AND CEDAR STREET BETWEEN BROADWAY AVENUE AND 1<sup>ST</sup> AVENUE IN THE CITY OF OTHELLO AND ESTABLISHING CONDITIONS OF SUCH VACATION. This shall be known as Ordinance No. 1052. M/S Cole/Clemons.

**CIVIL SERVICE ORDINANCE**

Bill McDonell, Police Chief addressed the Council by explaining that over the past year he has been reviewing the City's ordinances and felt that the Civil Service Ordinance needed to be revised. There are two parts of the ordinance to be visited.

The first section addresses the Civil Service Chief Examiner, the person who runs the civil service test, in the past has been someone appointed from the community. The recommendation is to have this position filled by someone from within the city government. The rules and regulations of civil service are complicated as well as the record keeping. There is concern of following the rules correctly and keeping records stored in a secure place. It is also a concern that this position is not a part of the Police Department. The usual case of communities our size is that this position is filled with someone from the Administrative Staff.

The other issue involved is in the method used to fill this position. In the original ordinance the Civil Service Commission appointed the Civil Service Chief Examiner. The recommendation is to clearly define the Mayor as the appointee.

Another change to this ordinance is to remove the Police Chief and Fire Chief from Civil Service and fill the position by an at-will employee. There would need to be a contract drawn and entered into between the City and the employee. The ordinance would make the Police Chief and Fire Chief directly responsible to the Mayor.

Council Member Kenneth Johnson asked if the Mayor would be able to dismiss the Police Chief as well as to make the appointment and if he would act alone without the consent of Council? Bill McDonell responded in the affirmative in regards to the dismissal issue.

James Whitaker, City Attorney responded to the second half of the question by informing the Council that currently if the Mayor wanted to remove the Police or Fire Chief, he has the power to commence the disciplinary process that can lead to termination. The present process is that if the Chief would disagree, he could appeal to the Civil Service Commission and they could conduct a formal investigation. However, with the revision of

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the ordinance to remove the Police Chief and Fire Chief from Civil Service, the appeal process from the Civil Service would be eliminated.

Council Member Jeannie Ochoa asked if the Police Chief's position would be excluded from the Civil Service rules and regulations? Bill McDonell, Police Chief answered yes; that the Police Chief position would be excluded from the Civil Service rules and regulations on the appointment or discharge issue and the Chief would be held accountable to the Mayor only. However, the rules and regulations of Civil Service would apply to all Police Personnel except for the Chief of Police. The rules and regulations would be to city management's benefit.

James Whitaker, City Attorney continued to clarify the issue of removing the Police Chief's and Fire Chief's position from the Civil Service Commission, which means that the Civil Service Commission does not establish the standard, hold an examination and produce an eligibility list. A policy decision needs to be made by Council regarding whether they believe that the Police and Fire Chief should be like any other Department Head, essentially serving at the pleasure of the Mayor or leave them under Civil Service?

Council Member Everett Cole shared concerns and questioned if we enter into this type of a relationship, could this position be terminated strictly because of personality rather than qualifications? He also questioned whether there would be qualified personnel available to choose from, if they would be willing to work in this position as an at-will employee without the security provided by Civil Service? Police Chief Bill McDonell responded that it has become increasingly more common because there are more cities that have chosen to go this direction. There would need to be a contract entered into between the City and employee that would provide the necessary protection that they once had with the Civil Service. Council Member Cole asked if it is normal that after we go through this recruiting process, that it would be advisable to appoint or dismiss an employee in accordance with the wishes of the Council as the majority? James Whitaker, City Attorney answered that there are some cities that have adopted a process, not Civil Service, where both the appointment and the removal of the Police Chief, when they are not covered by Civil Service, is subject to review by the Council. This would include which Department Heads would be selected to be subject by Council's confirmation and their removal subject to Council's review, which is in lieu of a formal Civil Service process. Further discussion followed in regards to the participation of the Council.

Council carried a motion to table the Civil Service Ordinance and the Fire Department Ordinance to the next meeting, until Mr. Whitaker could present Council with different language on both Ordinances. M/S Ochoa/Johnson. Council Member Derifield cast an opposing vote.

#### **FIRE DEPARTMENT ORDINANCE**

This Ordinance was tabled along with the Civil Service Ordinance to be considered at another time.

#### **RESOLUTION TO RELEASE RETAINAGE TO NORTH CENTRAL CONSTRUCTION – HEMLOCK STREET & 4<sup>TH</sup> AVENUE**

Bill Shaw, City Administrator announced that the project has been completed and the City has withheld the retainage for necessary certification of payroll and necessary certifications from the state. They\*/1 have been received.

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Council carried a motion to adopt A RESOLUTION RELEASING RETAINAGE TO NORTH CENTRAL CONSTRUCTION FOR THE HEMLOCK STREET & 4<sup>TH</sup> AVENUE SOUTH STREET PROJECT. M/S Cole/Clemons.

**AMENDMENT TO SIX YEAR STREET PLAN AND CAPITAL FACILITIES PLAN**

Curt Andrews, City Planner explained the Six Year Street Plan and Capital Facilities Plan. He shared that since the City is annexing two large parcels of land into the city limits, there is a need to amend the plans to include these projects. Any request for grant money to develop these or improve them can not be received until these plans have been adopted. A Public Hearing is necessary to review these two documents and to modify them.

Council carried a motion to set the Public Hearing for Amendment of the Six Year Street Plan, April 10<sup>th</sup>, 2000. M/S Cole/Derifield.

**UNFINISHED BUSINESS**

Mayor Kelley presented the Council with letters to sign addressed to the Army Corps of Engineers and Honorable Governor Locke regarding the Dam Breaching issue.

Mayor Kelley shared that the County Commissioners would like to explore the possibility of developing a Library District. The Mayor asked for a volunteer to work with Commissioner Jeff Stevens in developing this Library District. Council Member Ochoa volunteered.

Council Member Leonard Lyon wanted to make the point that we have several issues to discuss with the County Commissioners and not to make this the end to our communication or working together jointly but the beginning.

Mayor Kelley recognized Boy Scout Troop 806 and thanked them for attending.

**ADJOURNMENT**

With no further business to discuss, Mayor Kelley adjourned the meeting at 8:03 p.m.

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E R KELLY, Mayor

ATTEST:

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DEBBIE L. KUDRNA, City Clerk