

City of Othello  
Regular Council Meeting  
April 12, 2010

**CALL TO ORDER:**

Mayor Tim Wilson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**Present:** Mayor Tim Wilson; Councilmembers: Ken Caylor, Dan Dever, Genna Dorow, Charles Garcia, Kenneth Johnson, Mark Snyder, and Marc Spohr.

**Also Present:** City Administrator Ehman Sheldon; Department Heads: Finance Officer Mike Bailey, Police Chief Steven Dunnagan, City Clerk Debbie Kudrna, City Planner Darryl Piercy, Municipal Services Coordinator Jay Van Ness; and City Attorney James Whitaker.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of March 22, 2010
- B. Approval of City Council Workshop Minutes of April 5, 2010
- C. Approval of Payroll and Related Expenses
- D. Approval of Accounts Payable Checks
- E. Resolution to Appoint the Official Newspaper

Councilmember Caylor noted that a correction has been made on the minutes of April 5, 2010, as follows: the meeting was adjourned by Mayor Pro Tem Ken Johnson.

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.

Expense Claim Check No. 38082 to No. 38160 in the amount of \$175,182.38.  
Payroll Check No. 26455 to No. 26455 in the amount of \$255,654.40.

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

**MODIFY 2003 OTHELLO HOUSING ASSOCIATES AGREEMENT TO MAKE CONTRIBUTIONS IN LIEU OF TAXES**

Finance Officer Mike Bailey reported that the City received a request from the Othello Housing Associates to forgo the \$3500 annual contribution because they started paying property taxes. After research, he found that the City receives a portion of the property tax, approximately \$2600. He recommended modification to the agreement to provide that if the amount of property taxes that the City receives is less than \$3500, then the Othello Housing Associates would pay the difference. If the amount of property taxes that the City receives is more than \$3500, then we would forgo the annual contribution.

Council carried a motion to modify the agreement to make contribution in lieu of taxes between the City of Othello and Othello Housing Associates, LP regarding Leary Short Plat, as set forth in the staff recommendation. M/S Garcia/Johnson. Councilmember Dorow cast an opposing vote.

**MAIN STREET SCOPE OF PROJECT**

Finance Officer Mike Bailey reported that the full cost of the Main Street project is currently estimated at \$5,232,000. The funding includes Councilmanic bonds in the amount of \$3,147,295; with the remaining funding to come from street fund reserves, utility taxes, water fund reserves and an interfund loan from the sewer fund. The traffic lights are included in the bid as an option for \$1,224,000. The Finance Officer reviewed the bond debt service schedule.

Municipal Services Coordinator Jay Van Ness advised that in the estimation of \$5,232,000 is the cost for the sleeves for the traffic signals. If the bids come in low enough, we can add the traffic

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signals. A third portion of the project is the proposal from the Beautification Committee for installation of water and electrical service for future use. He recommended authorizing the Main Street scope of work with an alternate for the traffic signals and an alternate for the water and electrical service, estimated at \$58,000. The Council will be able to review the bids with the option of the alternates for award.

Council carried a motion to authorize the Main Street scope of work, with the two alternatives included in the bid process. M/S Caylor/Dever. Councilmember Spohr cast an opposing vote.

**RESOLUTION ESTABLISHING THE BUILDING PERMIT FEES**

City Planner Darryl Piercy advised that in 2007 the Council adopted a building permit fee table, which did not include a valuation table and there is no adopted guidance to establish the value of construction projects. He explained that the proposed valuation schedule sets a range of \$75 per square foot to \$95 per square foot for single family construction. In comparison, the valuation table adopted by the International Code Council (ICC) sets that same valuation at a range of \$125 to \$135 per square foot. Using the ICC valuation into the fee table can vary the cost of a building permit. He recommended that in addition to the adopted fee schedule, the Council modify it to include a valuation table based on the International Code of Building Officials (ICBO). This table was established in 2002, which sets the range for building valuations, which more reflects the actual building costs in our community. The ICC valuation table inflates the overall value of construction and increases the building permit fees. The resolution adds into the existing fee schedule the valuation table, as adopted by the ICBO. He explained that within the contract with SAFEbuilt, it refers to the ICC valuation table and the contract would have to be amended to implement this new valuation table.

Council carried a motion to adopt A RESOLUTION ESTABLISHING BUILDING PERMIT FEES AND ADOPTING A VALUATION TABLE FOR THE CITY OF OTHELLO. M/S Johnson/Dorow. This shall be known as Resolution No. 2010-06.

**CONSIDERATION OF INSPECTION SERVICES**

City Administrator Ehman Sheldon presented a consultant services agreement with The Permit Center. He explained that Council had recommended a percentage based contract. He stated that there will be one plan review fee if a contractor is using basic stock plans. Mr. Sheldon explained that if a home builder has a signed contract, the valuation will be honored. However, if the cost per square foot is extremely low, there will be discussion with the home owner. The travel time fee will be charged if The Permit Center is going to inspect and review a project that is on-going with SAFEbuilt at \$40 per hour. If the Council approves the new contract, the City will notify SAFEbuilt and start working with The Permit Center, once the insurance certificate is received. Staff will then phase out the contract with SAFEbuilt.

Mayor Wilson read into the record a comment from Eric Olsen regarding building permit fees and building inspection services.

Council carried a motion to approve the Consultant Services Agreement with The Permit Center, as presented. M/S Snyder/Dever.

**SOLE SOURCE LIGHTING CONTRACT**

Municipal Services Coordinator Jay Van Ness reported that in 2003 the City received grant funding to upgrade the ball field lighting. This upgrade consisted of installing lights for 2 fields with the option of being able to upgrade the other 2 fields at a later date. Musco Lighting was the chosen supplier at that time. Council approved \$165,000 to upgrade the remaining lights at the Lions Park ball fields. Before we can purchase the equipment, Council must determine that this is a sole source purchase. Due to the fact that existing Musco products are being upfitted, Musco products must be used to finish this project. RCW 39.04.280 provides for sole source purchasing. The City will purchase the equipment and go out to bid for installation of the lights. Musco will assist the contractor on the aiming and installation. Poles will be added to the northwest and

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southeast fields. Mr. Van Ness explained that the work for the ball field lighting, tennis court lighting and Kiwanis Park lighting will be combined for the bidding process.

Council carried a motion to approve Musco Lighting as a sole source provider for the remaining lights and poles at the Lions Park ball fields. M/S Garcia/Snyder.

**WELL #5 UPDATE**

Municipal Services Coordinator Jay Van Ness explained that Schneider Equipment has attempted to pull out the remaining column and equipment that fell in Well #5. They will retool and attempt to pull the equipment out. To rent the special equipment to attempt retrieval of the pump column, the cost is estimated at \$10,000. Updates are being forwarded to WCIA, as this will be an insurance claim. He explained that we are trying to bid out the rehabilitation for Well #6 but they will not be able to shut down Well #6 while Well #5 is inoperable.

**CONSIDERATION OF THE PLANNING COMMISSION RECOMMENDATION – CANTU REZONE**

Planner Darryl Piercy explained that the Planning Commission conducted a public hearing on the Cantu Rezone application on March 15, 2010. Under State law, we are only able to conduct one public hearing on a rezone. The Council will decide on the rezone request based on the public hearing record, including the background information, staff report, letters and public testimony, and the Planning Commission minutes, discussion, deliberation and recommendation. The Council cannot take additional testimonies during this public meeting. Mr. Oscar Cantu, acting as agent for Midwest Carriers, located at 1880 W. Cunningham Road, requested a zone change for 2.7 acres from C-1 to Industrial-1 (I-1) zone. This property is located east of the corner of Cunningham Road and Hwy 17. The Planning Commission recommended denying the request to rezone. As part of their discussion, there was one letter that suggested zoning the property C-2, which would allow truck parking. The Planning Commission gave this some consideration and within their motion suggested that they would consider C-2 zoning. However, rezoning to C-2 was not before them for consideration; the application was for I-1 zoning. Should the applicant come back before the Planning Commission for a new application for C-2 zoning, a new public hearing process would be held. Mr. Piercy explained that in a C-1 you can have auto repair but cannot have commercial truck parking. Truck parking is allowed in a C-2 zone as a conditional use, with approval from the Hearing Examiner. The I-1 zone would allow intense industrial activity. Based upon testimony, the adjacent property owners are concerned with the impact to their property and property values if an industrial zone is approved. The property owner is currently under a request to remove the trucks to come into compliance with current zone regulations. Mr. Sheldon advised that they do not have a current business license. Mr. Piercy explained that in the Planning Commission review, they could not make a recommendation to zone it C-2 without going through the proper request for submitted request for industrial zoning. Councilmember Dever stated that there was previous discussion that a restaurant and a motel may be built at the location and asked what the impact to that project would be if this is zoned industrial. Mr. Piercy noted that it could potentially impact future development. Although truck stops, restaurants and motels are developed together frequently. If approved, it could leave an area commonly known as a spot zone. Councilmember Caylor stated that the original intent for the annexed area was to zone it C-1 and by spot zoning it could add problems. He noted that this is an extension of Main Street. Larry McCourtie, Chairman of the Planning Commission, asked the Council to consider having them work this out with the applicant and review other zoning options.

Council carried a motion to confirm the recommendation of the Planning Commission to deny the request submitted by Oscar Cantu to rezone from C-1 to Industrial 1. M/S Snyder/Dorow.

**CONSIDERATION OF THE PLANNING COMMISSION RECOMMENDATION – MICHAEL REZONE**

City Planner Darryl Piercy explained that the applicant DDM Enterprises, LLC, D. Michel has applied to the City for a multiple zone change. He advised that the Council will use the record as a basis for their decision making. The proposal includes 24.79 acres rezoned from Commercial C-1 and R-2 to Residential R-4; 6.9 acres from commercial C-2 to Residential R-4 and 2.02 acres from Residential R-2 to Commercial C-1. This property is located between Sagestone 5<sup>th</sup> Major Plat and

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SR 26 and north of the SR 26 and 14<sup>th</sup> Avenue intersection. The R-4 zones would allow for higher density residential development. The Planning Commission held a public hearing on March 15, 2010 and there were no public comments. The Planning Commission deliberated and recommends approval of the rezone request, as submitted. Written comments were received from the Department of Transportation (DOT), which identified the issue of potential noise abatement in the event of residential development. This would be addressed at the time of residential development; not at the rezone stage. Mayor Wilson stated that he hopes to not lose the opportunity for commercial development along SR 26. Councilmember Caylor stated that there is existing commercial property from 1<sup>st</sup> to 7<sup>th</sup> Avenue and there is a potential for creating a bottleneck for commercial traffic traveling into the proposed residential zone. Mr. Piercy explained that the City's transportation plan provides for an arterial through this section and that would not change, due to a rezone request. He explained that there would not be driveways on the arterial; any access to residential development would have to come off of side streets. The arterial would remain intact but it should not have the conflict of traffic that we may have on a standard residential street. If the Council feels they have an obligation to protect those residences from highway noise, they could refer to the letter submitted by DOT, which mentioned mitigation measures. Mr. Piercy cautioned that the Council's decision should not speculate on the potential development. Councilmember Spohr explained that he's skeptical to approve the zone change because if approved, developments that meet the zone go through the public hearing process and the Council loses control over future development. Councilmember Caylor asked if they can require a buffer zone between the residential zone and the highway. Mr. Piercy cautioned the Council to not modify the original applicant's request. They have to either approve or disapprove the Planning Commission's recommendation relevant to the rezone. City Attorney Whitaker advised that the comments relevant to a plat are to be included within the SEPA process and cautioned the council to not get involved in the development process. Councilmember Johnson stated that the R-4 zones have been an asset to our community and this would be a great addition.

Councilmember Johnson made a motion to approve the Planning Commission's recommendation to approve the rezone request and adopt AN ORDINANCE AMENDING SECTION 17.13.030 OF THE OTHELLO MUNICIPAL CODE. Seconded by Councilmember Snyder. Councilmember Spohr stated that he cannot approve it because he does not have enough information. Mr. Piercy stated that there was a housing study that was introduced as testimony in the public hearing that stated the need for affordable housing.

Councilmember Spohr made a motion to table this issue to the next meeting. Seconded by Councilmember Caylor. Councilmembers Johnson, Dorow, Garcia, and Snyder voted opposed.

The vote was taken for the first motion to approve the Planning Commission's recommendation and approve the request to adopt AN ORDINANCE AMENDING SECTION 17.13.030 OF THE OTHELLO MUNICIPAL CODE. Councilmembers Spohr and Dever voted opposed. Therefore, the first motion passed. This shall be known as Ordinance No. 1318.

**UNFINISHED BUSINESS**

Mr. Sheldon presented three data sheets for laptops for the Council to consider. It was Council's consensus to purchase the Dell 15" screen for \$399. Mayor Wilson stated that the Scholarship Committee needs to review the scholarship applications by May 1<sup>st</sup>. He mentioned there is a golf tournament at Palouse Ridge Golf Course for anyone to attend on June 12<sup>th</sup>. He reminded the Council that the annual Public Disclosure reports are due. Councilmember Dever advised that he will not be able to attend the upcoming union negotiations that begin on April 27<sup>th</sup> and asked if someone could attend in his absence. Councilmember Dorow volunteered to attend.

Councilmember Dever asked to bring the Port District's reimbursement request back to the Council at the next meeting, noting that he feels it would be an asset for future development. Councilmember Johnson and Caylor agreed. Councilmember Spohr asked to revisit closing Main Street during the Centennial. No one else agreed. Councilmember Spohr explained that the pool committee has recommended to not purchase a kiddies slide this year because of the estimated cost. They want to research their options. Councilmember Garcia stated that he would like to

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utilize volunteer help at the ball fields. He asked if we could use hold harmless agreements to allow community help. Mayor Wilson asked that this be discussed at the next workshop. Councilmember Garcia said that we also need to work on accommodating visitors during weekend events. Councilmember Johnson agreed that we should look at opening up areas for weekend tents and keep revenue in town. Mayor Wilson asked that a committee research this and bring information back to the Council at the workshop. Councilmembers Snyder, Johnson, and Garcia were selected.

**NEW BUSINESS**

Mayor Wilson made the following announcements:

- The City and Adams County Fire District meeting is scheduled for April 13<sup>th</sup> at the Fire Station.
- The Mayors luncheon is this Wednesday at the Senior Center.
- The Teamsters Union negotiations will begin April 27<sup>th</sup>.
- The Othello Police Department accreditation process begins this Wednesday.
- Only 61% of the citizens have responded to the 2010 Census. He provided phone numbers that people can call to complete a census form.
- The law and justice council meeting is this Thursday at 1:00 p.m.

**ADJOURNMENT**

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 8:45 p.m.

By: \_\_\_\_\_  
TIM WILSON, Mayor

ATTEST:

By: \_\_\_\_\_  
DEBBIE L. KUDRNA, City Clerk