

City of Othello
Regular Council Meeting
April 10, 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, Duane Van Beek, Debra Travis and Curt Andrews, City Department Heads; William Shaw, City Administrator; James Whitaker, City Attorney and Vicky St.Mary, Administrative Secretary.

Council Member Les Clemons led the opening invocation and Mayor Kelley led the Pledge of Allegiance.

CITIZEN INPUT

Citizen, Doug Phillips representing Sears and Phil-Mart expressed his concerns of a new retail store coming into Othello and asked that the name of the company be revealed as soon as possible in order for the present merchants to have time to prepare. He wanted to encourage the Council to try and preserve the downtown retail stores. He is concerned that the suggested 250 to 300 thousand dollars per year that the City may make in annual sales tax by this store, in fact is not actually accurate. The Council needs to remember that the City will be loosing sales tax by other businesses being forced out of business. He wanted to encourage the Council to communicate with existing merchants concerning this issue.

Citizen, Ben Kirkpatrick President of the Othello Senior Citizens addressed the Council in regards to the Farmers Market. They are interested in renewing their Farmers Market Agreement with the City. They would like to start the 20th of May and run through the 28th of October, 2000. They appreciate the working relationship they have had with the City.

APPROVAL OF AGENDA

Mayor Kelley amended the agenda to delete item 6: Approval of Columbia Colstor Final Plat and added item 14: Executive Session – 42.30.110 (b) Acquisition of Real Estate.

Council carried a motion to approve the agenda with the noted deletion and addition. M/S Ochoa/Cole.

CONSENT AGENDA

- a. Approval of Payroll and Related Expenses for March, 2000.
- b. Approval of Warrants for March, 2000.
- c. Approval of Minutes of March, 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. 21488 to No. 21613 in the amount of \$201,257.89.
Payroll Check No. 13148 to No. 13230 in the amount of \$153,461.25.

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

PUBLIC HEARING REGARDING AMENDING THE CITY'S SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM, 2000-2005

The Public Hearing to receive staff and public in-put to amend the City's Six-Year Transportation Improvement Program, 2000-2005 was open at 7:21 p.m. by Mayor Kelley.

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Curt Andrews, City Planner shared the scheme and update of the Six-Year Street Plan. There have been several projects that have been deferred and we need to update this plan to include them. By including these projects in our Six-Year Transportation Plan and Capital Facilities Plan, Mr. Andrews hopes to better track these projects and also make the deferment contracts more enforceable with the project in our long-term planning documents. We only have three projects that are currently on our plan. Mr. Andrews discussed each deferred project. He noted that there has been a list developed of projects in need of grants that are not on our deferred infrastructure project list. This is due to the fact we have to have them listed in order to apply for funding.

Mayor Kelley allowed for public testimony, questions, objections or protests to be heard from citizens. There was none.

Mayor Kelley asked if city staff had any comments in response to the report or public testimony. Bill Shaw, City Administrator made comment that we need to add to our street plan the commercial sidewalks. The City has considerable liability for having a number of sidewalks, especially in commercial area's, that are not ADA accessible. He suggested that the Columbia Street Realignment Project be split into two separate projects. The realignment project is approximately 50 to 70 thousand but the entire structure of the street is approximately 500 thousand. The realignment project is a project that the Engineers are working on now. The right-of-way may soon be acquired so the project may be constructed by the end of the year. However, the remainder of Columbia Street may not be developed for several more years.

Mayor Kelley asked if the Council had any comments or questions. Council Member Johnson asked if Well #1 was located at the old Fire Station and who has the ownership of that property? Mr. Andrews answered that Well #1 has been sold to Berk's Refrigeration who now owns that property but the City is still obligated to fill it. Council Member Ochoa questioned whether we are looking for a grant to evaluate the long-term liability for the water to go to the potato processing plants? Mr. Andrews explained that we are looking for a grant to do an over-all long-term projection of the water table. Council Member Lyon asked if the Visitor Center tentative date was correct? Mr. Andrews responded that should be corrected to 2001 instead of 2201. With no further comments on the matter, Mayor Kelley closed the Public Hearing at 7:42 p.m.

PUBLIC HEARING ON THE REZONE OF LAND NORTH OF OLYMPIA

Mayor Kelley opened the Public Hearing on the Rezone of Land North of Olympia also known as Taggares Residential Rezone at 7:44 p.m.

Mayor Kelley asked if anyone had an objection to his participation or any Council Member's participation. There was none. Mayor Kelley asked if any Council Member had an interest in the property or issue. There was none. Mayor Kelley asked Council Members if they could hear and consider this matter in a fair and objective manner. Council responded, yes. Mayor Kelley asked for the Council Members to place on the record the substance of any communication each has had outside of the hearing with opponents or proponents on the issue. There was none heard. Mayor Kelley asked city staff to present exhibits and report on the proposed rezone request.

Curt Andrews, City Planner explained that this is the last Public Hearing to be held on the rezone of land north of Olympia Street.

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Mr. Andrews entered the following exhibits into the Public Hearing record:

- Exhibit 1: Planning Commission Findings of Facts, Conclusions and decision. Mr. Andrews stated that a listing of procedures and the Findings of Facts, Conclusions and decision were made available to the public.
- Exhibit 2: All supporting documentation and exhibits from the Planning Commission process.
- Exhibit 3: Sketch of recommended rezone area.
- Exhibit 4: Current city zoning map.
- Exhibit 5: Draft comprehensive zoning scheme.
- Exhibit 6: a. Legal notice.
b. Property owner mailing.
c. Land use sign notices.

Mr. Andrews explained that the Planning Commission had held three public hearings on the rezone issue and has recommended rezoning portions of property north of Olympia Street Residential-2 and Residential-1. Both areas are extensions of the current zoning. He also stated that there has been an interest in this property being zoned as R-4 (apartment type buildings) but is not included in this rezone at this time. There has also been some concern expressed about this property being zoned R-2, which allows for the possibility of track duplexes. In order to prevent the building of track duplexes, the Planning Commission has decided the area being rezoned will have the following conditions placed upon it. The R-2 lots immediately north of Olympia Street shall be issued building permits for Single Family Dwellings or Owner Occupied Duplexes only. There has been a request to rezone the area south of Olympia Street to almost Main Street. This request will be addressed at a different time. Council needs to change the existing zoning map to include these proposed changes.

Bill Shaw, City Administrator noted that we have received a letter from Patricia K. Weeks regarding the duplex issue.

Mayor Kelley allowed for public testimonies, questions, objections or protests to be heard from citizens. Citizen, Dr. Chris Dorrow addressed the Council as a concerned landowner of property adjacent to the proposed rezone area. He shared concern about the maintaining of the rules and enforcement of the Owner Occupied Duplexes. Dr. Dorrow also expressed concern about residential areas being so close to our industrial area. He stated, the City needs to allow the existing potato plants continued growth. Preventing them from adding on to their plant and using their expensive sewer system, by putting residential so close to them, is a concern for the future of Othello for potential growth for our industries. He is opposed to the rezone north of Olympia and west of 7th Ave.

Citizen, Steve Thomas who is a contractor addressed the Council with the following concerns. Mr. Thomas stated that as a contractor he has had to leave Othello to find work because there are currently no R-2 lots, (residential lots) available to build on. There is currently a demand for R-2 lots. With the rezoning of land north of Olympia, it will allow builders to build and stay in our area. There is a great need for Single Family Housing. He is in favor of the rezone.

Mayor Kelley asked city staff if they had any comments in response to the public testimony. Bill Shaw, City Administrator responded to Dr. Dorrow's concerns about the industrial growth issue. He stated that the City has addressed the industries concerns regarding the residential construction at this location on the area west of 7th Avenue. There has been Public Hearings held with the Planning Commission regarding this issue. There has been a considerable amount of time allowed for the industries to meet with Taggares Corporation to discuss how this will best benefit everyone involved.

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Mayor Kelley asked if the Council Members had any comments or questions. Council Member Derifield asked for a clarification of where the Assisted Living Area would be located, if they were to build. Mr. Andrews responded that it could be built in the R-2 zone west of 7th Avenue. Council member Johnson asked for clarification of the 750 foot buffer between industry and residential. Mr. Shaw explained that a noise study was completed and it was determined that no new homes would be built closer to industry than the distance of the current existing home, which is 750 feet from an industrial property line. This also meets State Statutes and the industries have agreed to the buffer concept. Mr. Lyon also wanted to know if attendance records were kept of the Planning Commission Public Hearing Meetings. Discussion followed and the consensus was that only the names of those who addressed the Planning Commission during the Public Hearing were recorded.

With no further comments or questions, Mayor Kelley closed the Public Hearing at 8:10 p.m.

ORDINANCE TO ADOPT REZONE AND ZONING MAP

Council carried a motion to adopt AN ORDINANCE AMENDING SECTION 17.13.030 OF THE OTHELLO MUNICIPAL CODE. This will also include the draft of the Findings of Facts, Conclusions and Decisions presented by the city staff. Discussion followed. This shall be known as Ordinance No. 1054. M/S Cole/Derifield.

CIVIL SERVICE ORDINANCE

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 2.36 ENTITLED "CIVIL SERVICE." This shall be known as Ordinance No. 1055. M/S Ochoa/Cole.

FIRE DEPARTMENT ORDINANCE

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 2.22 ENTITLED "FIRE DEPARTMENT." Discussion followed and motioned carried. This shall be known as Ordinance No. 1056. M/S Clemons/Derifield.

DEPARTMENT HEAD SELECTION AND REMOVAL ORDINANCE

Council carried a motion to adopt AN ORDINANCE CREATING OTHELLO MUNICIPAL CODE CHAPTER 2.15 ENTITLED "DEPARTMENT HEAD SELECTION AND REMOVAL." Discussion followed and motioned carried. This shall be known as Ordinance No. 1057. M/S Cole/Lyon.

MEMORANDUM OF AGREEMENT WITH ADAMS COUNTY ON THE REVIEW AND EVALUATION OF ADAMS COUNTY FIXED NUCLEAR FACILITY EMERGENCY RESPONSE PLAN

Bill Shaw, City Administrator addressed the Council stating that Adams County has asked us to enter into a Mutual Aid Agreement as a part of their Nuclear Facility Emergency Response Plan. The state is asking the county to sign a plan to show how they will respond to an incident at the Hanford site. The county has sent this plan on to us since we are one of the participants of this plan and has asked us to agree that we will provide some of the necessary resources. They are asking us to provide law enforcement services to coordinate emergency needs and assist with the public education, if needed. The Department Heads have not had an opportunity to review this agreement. Therefore, Mr. Shaw recommends that Council approve this agreement contingent upon the review

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by Department Heads and the Mayor. This agreement needs to be signed by April 15th, 2000. Discussion followed.

Council carried a motion to authorize the Mayor to sign an Agreement with Adams County on the Review and Evaluation of Adams County Fixed Nuclear Facility Emergency Response Plan contingent upon the review by Department Heads and the Mayor. M/S Ochoa/Clemons. Motion carried.

PROCLAMATION DECLARING APRIL 22, 2000 AS EARTH DAY

Mayor Kelley read into the record the Proclamation Declaring April 22, 2000 as Earth Day.

UNFINISHED BUSINESS

Council Member Ochoa continued discussion on the Library issue. Mayor Kelley responded that there is a need to hear from the County and to continue to look for more possibilities or options. He stated that it's imperative to form a Search Committee to hear from the community before any decisions are made. Council Member Lyon asked for clarification of the funding issue. Bill Shaw, City Administrator explained that we do not have to pay the County's share of the MCL contract for this budget cycle. We will continue to receive County funds for the year 2000. There is a need to continue researching the development of a Library District.

NEW BUSINESS

Curt Andrews, City Planner discussed potential annexation of property north of Lee Road, east to 14th Avenue. Approximately one million dollars of grant money has been received to improve City and County roads. Two-thirds of the grant funding will be used on maintenance of portions of County roads and the remainder spent on the recently annexed portion of Lee Road. Council's consensus was to proceed discussion of further annexation of property north of Lee Road.

Mayor Kelley announced the retirement of Fire Chief, Duane Van Beek as of May 12th, 2000. He has accepted the position as Washington State Deputy Fire Marshal. Mayor Kelley acknowledged the fine job Fire Chief Van Beek has done for the City.

EXECUTIVE SESSION

Mayor Kelley dismissed the Regular City Council meeting to enter into an Executive Session regarding Acquisition of Real Estate at 9:22 p.m.

ADJOURNMENT

Council reconvened at 9:45 p.m. and with no further business to discuss, Mayor Kelley adjourned the Council Meeting at 9:46 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L. KUDRNA, City Clerk