

City of Othello
Regular Council Meeting
April 23, 2001

Mayor E R Kelley called the meeting to order at 7:00 p.m. Members present were: Leonard Lyon, Eleanor Brodahl, Les Clemons, Everett Cole, Don Derifield, Jeannie Ochoa, and Kenneth Johnson. Also present were: Debbie Kudrna, Rhonda Miller, and Curt Andrews, City Department Heads; William Shaw, City Administrator; James Whitaker, City Attorney; Reza Firouzi, and Alan White, Othello Housing Authority.

Council member, Jeannie Ochoa 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 Clemons/Ochoa.

CONSENT AGENDA

- A. Approval of Minutes of April 9, 2001.
- B. Approval of Special Warrants.

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. 23173 in the amount of \$40,314.00.

The City Clerk explained that the special warrants included payment to P.J. Taggares Company for the Well #8 site in the amount of \$20,000.00 plus our portion of closing costs and for the U.S.B.R. right-of-way site in the amount of \$20,000.00 plus our portion of closing costs.

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

KAMERON ESTATES PHASE 3 – WATER AND SEWER REQUEST

Reza Firouzi approached the Council and stated that he was the sole owner of Kameron Estates Phase 1, Phase 2 and future possibility of Phase 3. He noted that Phase 3 is approximately 80 acres, directly behind Kameron Estates Phase 2 and requested city water and sewer services to his proposed development. He noted that Phase 1 and Phase 2 are 1/2 acre lots with city water and sewer but without sidewalk and street lights. He said that he has been made aware that certain requirements such as sidewalks and lighting will be imposed on any future county developments that receive city water or sewer services. He asked consideration for deferring those improvements, noting that it doesn't make sense as a developer in that there is a tremendous cost to incur those expenses. He noted that the first two Kameron developments seemed to have no issue, not having street lights, and stated that he didn't know how they would manage or pay for street lighting in a new development. He did state that covenants could be attached to the property regarding deferred fees, such as annexation fees or other utility fees.

Council member, Brodahl commented that many landowners in Phase 1 and Phase 2 have a perceived idea that the city is responsible for further improvements, such as sidewalks and lights. Mr. Firouzi then requested that city water and sewer be extended to a 7-acre parcel that he owns, which is adjacent to Kameron Phase 2. He noted that he has been cleaning that area up and would like to remove the existing trailer homes and place new mobile homes in the area and noted that there is city water and sewer adjacent to this property.

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Mayor Kelley asked whether the Council is still supporting their recent decision to only extend city water and/or sewer services to county developments where Adams County has established a Comprehensive Plan that is reasonably similar to the City of Othello's Comprehensive Plan, including zoning.

Council member, Derifield commented on concerns of accumulative trash in the canal system in that area.

Council member, Lyon stated that the Council has set the course and has asked for cooperation from the County regarding Comprehensive and Zoning Plans and did sympathize with Mr. Firouzi. He noted that this decision might delay Mr. Firouzi's opportunity until the city gets a better understanding from the county on future planning.

Council member, Johnson stated that infrastructure improvement costs should be required when city services are provided and paid by the developer at that time.

It was Council's consensus that they would not provide city water and sewer services to Phase 3 of Kameron Estates until certain requirements were met by the county and by the developer. Mayor Kelley asked that Mr. Firouzi discuss his planning for these 7-acre parcels further with the planning staff. This request may be presented to the Council at a later date.

Council member, Ochoa asked if the other council members wanted to discuss the proposed standard of sidewalks in residential areas issue any further. It was noted that this should be discussed in a Workshop because the staff doesn't know what Council's desire is as far as residential development standards are concerned.

ORDINANCE TO CREATE OMC 11.60 "RIGHT-OF-WAY USE BY TELECOMMUNICATION, CABLE PROVIDERS AND OPEN VIDEO SYSTEM OPERATORS"

Mr. Shaw noted that the city currently doesn't have any provisions, which would control the city's right-of-way issues and asked that counsel address the proposed ordinance. City Attorney, James Whitaker thoroughly reviewed access, state and federal laws regarding right-of-way use. He noted the proposed ordinance does limit a license to occupy the city right-of-way for 10-years and it also provides that the city will retain all rights of use of the city's right-of-ways. He noted that Northland Cable has requested more time to review the proposed ordinance but felt that their input regarding the verbiage contained in the ordinance was not needed for adoption. He did note that there is no rush on adoption of the ordinance by the Council and that it is timely with the current franchise renegotiations that the city is in with Northland Cable.

Council carried a motion to adopt AN ORDINANCE CREATING OTHELLO MUNICIPAL CODE CHAPTER 11.60 ENTITLED "RIGHT-OF-WAY USE BY TELECOMMUNICATION, CABLE PROVIDERS AND OPEN VIDEO SYSTEM OPERATORS." M/S Cole/Johnson. This shall be known as Ordinance No. 1089.

ORDINANCE TO CREATE OMC 4.32 "TELECOMMUNICATION USE FEES"

City Attorney, James Whitaker noted that these fees would be imposed on a telecommunication, cable provider or open video system operator when they applied for use of the city's right-of-ways. He noted that the City of Lacey has adopted the fees within the proposed ordinance.

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Council carried a motion to adopt AN ORDINANCE CREATING OTHELLO MUNICIPAL CODE CHAPTER 4.32 ENTITLED "TELECOMMUNICATION USE FEES." M/S Cole/Brodahl.

RESOLUTION TO ACCEPT DONATION

City Clerk, Debbie Kudrna noted that she had provided the Council with copies of the minutes from August of 2000, regarding the Fish and Wildlife's desire to dispose of two lots within the city limits and donate them to the Othello Housing Authority. At that time they found that there were constraints of federal property laws and they were unable to donate it directly to the Othello Housing Authority. She then reviewed the Quit Claim Deed, which set forth donation of lots 1 & 2 of block 144 in Othello Land Company's First Addition to the City of Othello. This included that the land would be used for public housing or other public purpose and would revert back to the United States, if it were used for any other purpose. She noted that staff recommended acceptance of the donation of the two lots.

Council carried a motion to adopt A RESOLUTION ACCEPTING A DONATION OF REAL PROPERTY FROM THE UNITED STATES OF AMERICA. M/S Lyon/Cole. This shall be known as Resolution No. 2001-07.

LETTER OF REQUEST FROM OTHELLO HOUSING AUTHORITY

The City Clerk introduced Alan Hanks, Executive Director of the Othello Housing Authority and noted that he would like to discuss the original intent of the transfer of the two lots of the US Fish and Wildlife to the Othello Housing Authority for affordable housing. Mr. Hanks noted that the Housing Authority has no immediate plans for the two lots other than their pledge to Senator Slade Gorton to provide affordable housing. They had requested his assistance in transferring the ownership of the properties from the US Fish and Wildlife to the Othello Housing Authority.

Mayor Kelley voiced a request that whatever the property is used for that it be "in harmony" with the surrounding park area.

Council carried a motion to table the discussion of the ultimate use of lots 1 & 2 of block 144 in Othello Land Company's First Addition to the September Workshop. At that time, they would have a full discussion of the possible uses of the property and have a full understanding and clarification of the term in the Quit Claim Deed that the property must be used for "public housing or other public purpose." M/S Lyon/Derifield.

UNFINISHED BUSINESS

Bill Shaw updated the Council on the progress of the request for sewer services to the Meadow Lane Water Association. He noted that 1/3rd of the property owners have discussed finalization of the Extra-Territorial Agreement regarding city sewer services. The request for an easement from Adams County for a placement of the sewer line has been discussed and he noted that the county will not be requiring an easement but will be issuing a permit for the city's use of their right-of-way. He noted that the property owners would need to have a full understanding of their responsibilities to have the sewer line built to the city's standards. He did note that construction could begin early in May, 2001. There was some concern of how to disconnect sewer services due to a delinquency of a utility bill.

The City Clerk announced that a tour of the city's Well #7 and the Port District's well site has been scheduled for Thursday, May 3rd, 2001 between 3:00 and 4:00 p.m.

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NEW BUSINESS

Bill Shaw presented the preliminary sidewalks program to the Council showing areas where sidewalk improvements or new sidewalks will be imposed upon property owners. These included areas on South First Avenue and East Main Street. He mentioned the possibility of the city obtaining a grant to develop a low maintenance landscaping east of the sidewalks to be constructed between Scootney and Elm Street on South First Avenue. Mr. Shaw then noted that the city might incur some expense for handicap corner accesses. He did note that there are two properties that are still on notice of new sidewalk construction or sidewalk repair from last year and it was noted that those two property owners should be included in this year's sidewalk project. Mr. Shaw explained that he has developed a sidewalk plan to be used by all contractors in order to construct a consistent standard on sidewalks.

Mr. Derifield has received complaints of vehicles speeding in the Lions Park area, noting that it is consistent on Sunday's and Mayor Kelley stated that he would discuss this issue with the Police Chief.

Mr. Shaw announced that he has taken several pictures of the city's pool, which shows tremendous cracks and leaks within the pool body. He stated that Public Works are patching these areas but felt that the Council would need to discuss this further in order to set a final closure date of the city pool.

EXECUTIVE SESSION

Mayor Kelley announced an executive session at 8:15 p.m. regarding potential litigation RCW 42.30.110 (i) and personnel RCW 42.30.110 (f) for approximately 1 hour and 15 minutes.

At 9:40 p.m., it was announced by City Attorney, James Whitaker, the executive session had been extended for an additional 20 minutes. At 10:00 p.m., it was announced by Attorney, James Whitaker, the executive session had been extended for an additional 10 minutes. At 10:10 p.m., it was announced by Attorney, James Whitaker, the executive session had been extended for an additional 10 minutes. At 10:20 p.m., it was announced by Attorney, James Whitaker, the executive session had been extended for an addition 10 minutes. Council reconvened the regular session at 10:28 p.m.

ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the Council Meeting at 10:29 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L KUDRNA, City Clerk

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