

City of Othello
Regular Council Meeting
May 14th, 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 and Kenneth Johnson. Absent was Jeannie Ochoa. Also present were: Debbie Kudrna, Rhonda Miller, Bill McDonell and Curt Andrews, City Department Heads; Bill Shaw, City Administrator; James Whitaker, City Attorney; several Police Department employees and several citizens.

Council member, Les Clemons 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/Clemons.

CONSENT AGENDA

- A. Approval of Minutes of April 23, 2001.
- B. Approval of Payroll and Related Expenses for April, 2001.
- C. Approval of Warrants for April, 2001.

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. 23174 to No. 23322 in the amount of \$279,741.75.
Payroll Check No. 14343 to No. 14425 in the amount of \$160,418.26.

Council member, Leonard Lyon abstained from voting on the portion of payment to A & L Supply.

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

EMPLOYEE RECOGNITION – BILL MCDONELL

Mayor Kelley presented a plaque to Police Chief, Bill McDonell in recognition of 15 years of dedicated employment. Police Chief, Bill McDonell accepted the plaque and thanked the Council and staff for the support during his years of service to the City of Othello.

CIMARRON – RODNEY DELEON

Citizen Rodney DeLeon, 1212 E. Main Street explained the process of purchasing the property known as Rama Inn located at 1450 E. Main Street. It was clarified that the city has approved two access points onto E. Main Street from his property. The east driveway approach has been agreed upon as being 34 feet, which will allow egress and ingress. The city had proposed 18 feet for the west driveway, which would limit ingress only. Mr. DeLeon was requesting that this driveway be 25 feet; allowing egress and ingress traffic. It was noted that Mr. DeLeon has agreed to sidewalk and curb installation fronting his property.

City staff stated that their concern was that this corridor would continue to grow and traffic will continue to increase and concerns of congestion at this entrance. Mr. Andrews also voiced concerns of a driveway being allowed off of a right turn lane pocket and the site obstruction of the existing building.

City of Othello
Regular Council Meeting
May 14th, 2001

City Attorney, James Whitaker noted that Washington State law is clear that a property owner has to have reasonable and comparable access. Due to the current road redesign, whatever is permitted at this time would remain. He reminded the Council that they are dealing with an unplatted piece of property and if Mr. DeLeon continues with the work as he has described to the city staff, he will not need to plat the property. It was noted that signage could be posted to help relieve any congestion. Mr. DeLeon explained that he does want this access to be used as an entrance and exit.

Council carried a motion to allow the 25-foot driveway approach on the west access of Cimarron to be used as an egress and ingress, as long as the property owner meets all other requirements as listed in the May 2nd, 2001 letter from City Administrator Bill Shaw, regarding other improvements at his property. M/S Johnson/Brodahl. Council member, Clemons cast an opposing vote.

City Attorney, James Whitaker responded to a question posed by Council member Clemons explaining that the city may be held liable of claims for damage, if it can be demonstrated by an engineer that the city was responsible for poor engineering.

AGREEMENT WITH THE BOYS AND GIRLS CLUB FOR SUMMER PARK PROGRAM

Debbie Sanchez, director of the Boys and Girls Club of the Columbia Basin, explained that the Summer Park Program is scheduled for 9:00 a.m. to 1:30 p.m. at the Lions Park South Shelter area. This program is for children between the ages of 5 an 18. They have received grant money to provide meals during this program.

Council carried a motion to authorize execution of the agreement of the 2001-Summer Park Program between the City of Othello and the Boys and Girls Club of the Columbia Basin in the amount of \$12,000.00. M/S Cole/Clemons.

RESOLUTION TO ALLOW SUN FAIRE EVENTS ON JULY 4, 2001

Nicole Cerrillo of the Othello Chamber of Commerce, requested use of city property and streets for the Sun Faire related activities. This included the Sun Run, food booths, vendors, exhibits, games, sporting events and family entertainment. She noted that there will be a boxing exhibition included during the Sun Faire activities.

Council carried a motion to adopt A RESOLUTION REGARDING THE OTHELLO SUN FAIRE TO BE HELD ON JULY 4, 2001. M/S Cole/Derifield. This shall be known as Resolution No. 2001-08. It was requested that the city receive a copy of the certificate of insurance from the boxing club.

HOLD HARMLESS FOR FIREWORKS DISPLAY ON JULY 4, 2001

Council member, Johnson explained that Western International Fireworks, vendor of the fireworks display, has requested that they be held harmless from any falling debris that may cause damage to the city buildings located in the ball field area of Lions Park, where the fireworks display will be ignited. This includes the restroom and concession stand buildings. If held harmless for those buildings, they would still provide insurance coverage for all other incidents connected to the fireworks display.

Council carried a motion to hold harmless Western International Fireworks for damage from falling fireworks debris to city buildings located at the west end of Lions Park that would be the result of the fireworks display associated with the 2001-Sun Faire 4th of July events. Also, they authorized the Mayor to inform Western International Fireworks of such

City of Othello
Regular Council Meeting
May 14th, 2001

action. M/S Derifield/Cole. Council member, Kenneth Johnson abstained from voting, due to being the pyrotechnician.

RESOLUTION TO ALLOW ALL CITIES CAR CLUB SHOW – KIWANIS PARK – JULY 21, 2001

Ken Simmons, President of the Othello Car Club requested use of the city's park and streets for their car show scheduled for July 21st, 2001. He stated that the Poker Run route will be inclusively within city limits. They have hopes of bringing in 100 show cars from the surrounding area for the day. He stated that they will not have the slow drags at night and they should be out of the park by 5:00 p.m. He also requested that a sign be placed in front of City Hall to advertise the days event.

Council carried a motion to adopt a **RESOLUTION AUTHORIZING USE OF CITY PROPERTY FOR A CAR SHOW ON JULY 21ST, 2001.** M/S Cole/Clemons. This shall be known as Resolution No. 2001-09.

Council carried a motion to allow a sign to be posted in front of City Hall to advertise the car show 10 days prior to the event. M/S Cole/Brodahl.

RESOLUTION TO SURPLUS EQUIPMENT

The City Clerk explained that the resolution provided surplus of a 2001 Ford Pick-Up box with bumper, which was inadvertently left off of the surplus list presented to the Council in April, 2001. She explained that it was included in the recent city surplus sale with a minimum bid of \$300.00 placed on the item. A bidder did bid that amount for this item during the sale and was informed that Council still needed to surplus it.

Council carried a motion to adopt a **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON DECLARING SURPLUS EQUIPMENT.** M/S Clemons/Derifield. This shall be known as Resolution No. 2001-10.

ORDINANCE TO REPEAL O.M.C. 16.17.130 (4) (D) ENTITLED “SUBDIVISIONS”

Building Official, Curt Andrews explained that the major subdivision fees had been modified last year and staff's intent was to delete this fee for review of the final plan process. Our new fees adopted last year did cover all costs including this final review process.

Council carried a motion to adopt **AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 16.17 ENTITLED “SUBDIVISION.”** M/S Lyon/Johnson. This shall be known as Ordinance No. 1091.

ORDINANCE TO AMEND O.M.C. 14.04 ENTITLED “BUILDING CODES”

Building Official, Curt Andrews explained that the proposed change to the O.M.C. 14.04.030 is waiving the plan review fees for single family dwellings if a Washington State licensed designed professional has approved the structural plans and construction of that specific home. He noted that this does not waive the building permit fees; only the plan review fees.

Council carried a motion to adopt **AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTION 14.04.030 OF CHAPTER 14.04 ENTITLED “BUILDING CODES.”** M/S Johnson/Lyon. This shall be known as Ordinance No. 1092.

FIRST READING OF ORDINANCE CREATING PLANNED UNIT DEVELOPMENT

City Administrator, Bill Shaw presented the ordinance creating the Coventry House Planned Unit Development Overlay and explained that there has been some reorganization of the development and plans for the assisted living facilities. He explained that the recent changes include a proposal for two 48 unit Assisted Living Facilities, 22 single-family detached owner occupied dwelling units, and 11 multi-family senior housing units.

Council carried a motion to read by title only AN ORDINANCE CREATING THE COVENTRY HOUSE PLANNED UNIT DEVELOPMENT OVERLAY AND GRANTING APPROVAL OF THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN FOR SUCH OVERLAY DISTRICT. Also, setting the Public Hearing on the second reading of the ordinance and creation of the PDD for Tuesday, May 29TH, 2001. M/S Clemons/Cole.

AGREEMENT WITH DOUBLE “R” SPRAYING

Council was presented a contract with Double “R” Spraying for the control of noxious and nuisance weeds within the city limits. The staff discussed whether to impose a \$1,000,000.00 insurance coverage, to be provided by the sprayer. City Attorney, James Whitaker explained that the Council would have to assess the risk to the sprayer and the city by the services being provided by Double “R” Spraying. Council’s consensus was to discuss the requirement of posting a \$1,000,000.00 general liability insurance policy with Ron Ratcliff, d.b.a. Double “R” Spraying.

Council carried a motion to table this contract issue to the May 29th Council meeting with staff to report their findings regarding the insurance requirements. M/S Derifield/Johnson.

UNFINISHED BUSINESS

Bill Shaw noted that he had recently received Mike Lonergan’s structural report on the existing Fire Station roof rafters and building. That report concluded that the building as it is, is unsafe. Mr. Shaw will continue to discuss options for roof repair and rehabilitation of the north side of the building to be used for future storage for the Public Works Department.

Mr. Shaw stated that he wanted city staff to immediately start assessing the Public Works old building structure, with a proposal to demolish that building and build a new structure to house five Fire Department vehicles, and an office area for staff. Mr. Shaw projected a cost of approximately \$300,000.00 for this type of a structure, noting that it is available in the current city budget. Mr. Shaw noted stated that Mike Lonergan is a Certified Electrical Engineer and has been hired by under contract for completion of the city’s plan reviews.

Mayor Kelley handed out a letter to the City Council members from Jeannie Ochoa regarding old and new business. The City Clerk asked whether she should read this into the minutes and the Mayor said it was not necessary.

NEW BUSINESS

The City Clerk announced the recent resignation of Timothy Flint from the Civil Service Commission.

Mayor Kelley announced that he has appointed John Cagle as temporary Fire Marshall, for a period of four months or less. He will be responsible for completion of the fire flow testing, building plan reviews and inspections, permit reviews and issuance, and evaluation of the Fire Department operations, policies and procedures. Council member,

City of Othello
Regular Council Meeting
May 14th, 2001

Johnson stated that he felt the Council had been left out of this decision and noted that Article 2 of the U.F.C. provides that a Fire Marshall is to be appointed by the Fire Chief to help with his duties. Attorney, James Whitaker explained that those personnel provision are provided by State law, including Civil Service regulations. The Mayor stated that Mr. Cagle will not be responding to fire calls and should not have a need for contact with the volunteers or Adams County #5 personnel. Mr. Shaw noted that Mr. Cagle would help evaluate the issues brought to light by the recent inspection by Labor & Industry. Council member, Brodahl stated that she believes that when a new position is created, it should be brought to the Council, because they approve the budget. She voiced her objection that it wasn't brought to the Council. Mayor Kelley noted the uniqueness of this position. He noted that he is able to hire temporary positions, and stated he felt Mr. Cagle is qualified for this position. Mr. Whitaker stated that it appears the Mayor has the authority to hire a temporary position, not under the Civil Service rules and regulations, and the money can come from the salary portion of the Fire Department budget. Mr. Shaw stated that when the former fire chief had retired last year, he had tried unsuccessfully to find someone who would be a qualified temporary Fire Marshall. He stressed the importance for the city to complete the fire hydrant testing, continue building inspections and other pending projects.

Mayor Kelley announced that the next Council meeting would be Tuesday, May 29th, 2001.

ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the Council meeting at 8:35 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L KUDRNA, City Clerk