

City of Othello
Regular Council Meeting
May 29, 2001

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

Council member, Leonard Lyon 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/Cole.

CONSENT AGENDA

- A. Approval of Minutes of May 14, 2001.
- B. Set Public Hearing on 6 Year Street Plan, 2001-2007 for June 25, 2001.

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

Council member Ochoa asked when she could discuss the contents of her letter that was presented to the Council at the last council meeting, regarding the Fire Marshall's position. It was decided to discuss this under "Unfinished Business".

PUBLIC HEARING ON THE PROPOSED PLANNED UNIT DEVELOPMENT AND SECOND READING OF THE ORDINANCE.

Mayor Kelley opened the public hearing to receive the staff report and receive public input about the ordinance creating the Coventry House Planned Unit development overlay and consideration of granting approval of the preliminary Planned Development District at 7:05 p.m.

Mayor Kelley asked for the staff presentation. The City Clerk entered the following exhibits into the record:

- EXHIBIT #1: The proposed ordinance, creating the Coventry House Planned Unit development overlay and granting approval of the preliminary planned development district for such overlay district.
- EXHIBIT #2: Copy of the excerpt of the City Council minutes of May 14, 2001 setting the public hearing for the second reading of the proposed ordinance.
- EXHIBIT #3: Copy of the public hearing notice and mailing list of property owners who were mailed the public hearing notice for tonight's meeting.
- EXHIBIT #4: The City Planning Commission's Finding of Fact, Conclusions and Decisions for the Planned Development District overlay, dated August 21, 2000.
- EXHIBIT #5: The latest site plan submitted by the developers.

City Administrator, Bill Shaw read the entire contents of the proposed ordinance. He further explained that the area is zoned Residential 2 and this ordinance allows a district overlay in this particular area, such as the proposed assisted housing development. Mayor Kelley asked for public questions or testimonies. There were none. Mayor Kelley closed the time for public comments. Mayor Kelley asked for Council comments. Mr.

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Shaw explained that the owners have changed and the group now includes PJT House Association (Taggares Company). Mr. Shaw explained that the housing units have also changed, and it now consists of two 48-unit assisted living facilities, 22 single-family detached owner occupied dwelling units, and 11 multi-family senior housing units. Mr. Shaw noted that the traffic impact from this development is projected to be less than the original zone would have produced. With no further questions or comments, Mayor Kelley closed the public hearing on the ordinance to create the Planned Unit Development at 7:16 p.m.

ORDINANCE TO CREATE THE COVENTRY HOUSE PLANNED UNIT DEVELOPMENT OVERLAY

Council carried a motion to adopt AN ORDINANCE CREATING THE COVENTRY HOUSE PLANNED UNIT DEVELOPMENT OVERLAY AND GRANTING APPROVAL OF THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT FOR SUCH OVERLAY DISTRICT. M/S Ochoa/Cole. This shall be known as Ordinance No. 1093.

SET DISCUSSION ON THE PLANNING COMMISSION'S RECOMMENDATION OF THE PDD'S PRELIMINARY PLAT FOR JUNE 11, 2001

Mr. Shaw explained that the Planning Commission had held a public hearing on the proposed Planned Unit Development preliminary plat and recommended that the Council discuss their findings at the June 11, 2001 Council Meeting.

Council carried a motion to set the discussion of the Planning Commission's recommendation of the PDD Preliminary Plat for June 11, 2001. M/S Ochoa/Clemons.

EAGLE ESTATES PLATTING

Mr. Shaw noted that the city should not be involved in the platting issue because this area is in the county, and noted that this area is not platted at this time. The only issue for the Council to consider is whether to authorize a water and sewer contract to Mr. Tutt, owner of Eagle Properties. He noted that the area known as Westwind Apartments is now being served through an executed sewer contract and an agreement between the three landowners for provision of city water services. Mr. John Tutt, owner of Eagle Properties, asked the Council to approve a new contract for city water and sewer services to his property located within Westwind Apartments located on Taylor Road. He gave background of the development, which has been used for farm labor housing. He explained that he is going through a process to improve his housing units to be able to sell them as individual family dwellings. He explained that he would like a covenant to allow postponing the obligation of providing a sewer line in a public right-of-way that extends to the far end of his property. He explained that the cost of constructing both the water and the sewer lines in the public right-of-way would be too substantial for his development plan. They proposed leaving the existing sewer line that lies through other owner's property and through his development to service the proposed new housing units. He noted that their investors are not willing to pay the amount for the property at the north end of Westwind Apartments in order to help with relocation of the sewer line on the public right-of-way.

Mr. Shaw explained that a city plat requires developers to extend utilities in public rights-of-way and to extend it to the far edge of their plat and noted that the problem with this proposal is that the utilities are located within other property owners land and not within a public right-of-way. Mr. Shaw did state that the city has inspected the sewer line and found there were only two areas of concern in the lines. Staff is confident that the sewer would meet city standards, if these two areas were corrected. He noted that this line could

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not be dedicated to the city because they are not in public right-of-way, but is within privately owned land. Mr. Shaw noted that the staff has discussed this issue with Mr. Tutt for several months trying to reach a good decision for both the city and property owner and noted that there are several options at this time. The options are to: require that Eagle provides the city public water and sewer systems on the public right-of-way; or allow Eagle to construct private water and sewer systems that meet city standards but remains privately owned; or to require Eagle to provide the city public water system on a public right-of-way and allow Eagle to construct the private sewer system, meeting all city standards and remaining privately owned but connected to the city by a contract.

Mr. Whitaker explained that state statutes do not allow a city to defer improvements on property that already has the infrastructure in place.

Mr. Shaw did recommend that the city not accept the infrastructure that is on private land and that they require all water and sewer infrastructure to be placed on public right-of-way and taken to the far end of the plat. Mr. Tutt noted that if we allow the sewer line to be within his privately owned properties, they would recommend that a homeowners association be organized to maintain the sewer line within their property.

Council carried a motion to table this discussion to the next Workshop in order to collect more information and to discuss this further. M/S Ochoa/Derifield.

K-9 REPORT

Mr. Shaw reported that the K-9 dog that was purchased approximately three years ago has developed a spinal problem causing seizures to its right leg. The Police Department has taken the dog out of service and it has been decided that the condition is permanent. Police Chief, Bill McDonell has arranged for a grant to pay for the replacement costs of a new dog and has made arrangements at a kennel in the Tri-Cities area for training the new canine. He asked that the current canine be sold to Kittitas County Sheriff's Department to be used for their small Narcotics Task Force. It was noted that the canine would have to be surplus by Council at the next meeting.

HEY KIDS POOL PARTY REQUEST

Council made a motion to contribute to the Hey Kids Summer Program by providing a pool party at no charge. M/S Ochoa/Clemons.

RESOLUTION TO SUPPORT O.H.A. REVITALIZATION PLAN

Mr. Alan Hanks, Director of the Othello Housing Authority, explained that they are in the process of purchasing the Oasis Apartments on Ash Street. He explained that they have three different funding programs, which each have a competitive application round with the highest ranking receiving the funding. The tax credit funding application includes additional points if the rehabilitation project is part of a Community Revitalization Plan. He noted that although the city does not have a published "Community Revitalization Plan," a resolution supporting the purchasing of the Oasis Apartments by the Othello Housing Authority might be a useful tool in receiving this grant funding. Mr. Hanks explained that the Othello Housing Authority makes a payment to the city in lieu of taxes based upon what the property tax is when the Housing Authority acquires the property. In this case, the payment in lieu of taxes will be set at the time of purchase of the Oasis Apartments.

Council carried a motion to adopt A RESOLUTION SUPPORTING THE OTHELLO HOUSING AUTHORITY'S PURCHASE OF THE OASIS APARTMENTS. M/S Johnson/Cole. This shall

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be known as Resolution No. 2001-12. Council member, Derifield voiced concerns in adopting such a resolution before a Community Revitalization Plan is complete.

RESOLUTION SETTING IMPROVEMENTS OF CONSTRUCTION FOR 2001 SIDEWALK PROJECT

Mr. Shaw presented a resolution requiring property owners to perform construction, reconstruction, and/or repair of their sidewalks, curbs, and/or driveways. The resolution included a list of the properties on 1st Avenue and Main Street and it also includes two pieces of property from last year's sidewalk project that were not completed due to winter weather constraints. Mr. Shaw noted that this is the first step in informing the property owners of the needed construction or reconstruction. He explained that all the property owners will be notified of the noted improvements and the option to either perform the construction themselves or have it included in the city sidewalk project with a pay back option. He stated that the city would install ADA corner ramps within the project. The resolution also set a public hearing on the improvements provided in the resolution for June 25, 2001 at 7:00 p.m.

Council carried a motion to adopt A RESOLUTION AUTHORIZING AND DIRECTING THE CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND/OR DRIVEWAYS WITHIN THE CITY OF OTHELLO, WASHINGTON, REQUIRING THE ABUTTING PROPERTY OWNERS TO PERFORM SUCH CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND/OR DRIVEWAYS, AND PROVIDING THE MEANS FOR THE CITY TO PERFORM SUCH CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND/OR DRIVEWAYS IF SUCH WORK IS NOT PERFORMED BY ABUTTING PROPERTY OWNERS AND ESTABLISHING THE METHOD FOR RECOVERY OF THE COSTS OF SUCH WORK FROM ABUTTING PROPERTY OWNERS. M/S Clemons/Derifield. This shall be known as Resolution No. 2001-12.

RENEWAL OF SWIM TEAM AGREEMENT

Finance Officer, Rhonda Miller presented the agreement for use of the pool by the Othello Swim Team. Becky Mohs requested that the time for use of the pool by the swim team be changed.

Council carried a motion to authorize the agreement between the City of Othello and Othello Swim Team, with the noted changes for the practice times. M/S Cole/Clemons.

RENEWAL OF AGREEMENT WITH BOYS AND GIRLS CLUB – SIG FUNDING

Finance Officer, Rhonda Miller presented an agreement for the third year of SIG funding between the City and the Boys and Girls Club. She noted that they are researching the availability of sustainability grant funding.

Council carried a motion to authorize the agreement between the City of Othello and the Boys and Girls Club for the SIG funding for 2001-2002. M/S Derifield/Johnson.

AGREEMENT WITH DOUBLE “R” SPRAYING

City Clerk, Debbie Kudrna noted that the city had received a copy of the Certificate of Liability Insurance, which provides \$1 million dollars per occurrence coverage, with the City of Othello being named as additional insured.

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Council carried a motion to authorize the contract for services between the City of Othello and Double "R" Spraying for control of spraying nuisance weeds. M/S Cole/Ochoa.

UNFINISHED BUSINESS

Mr. Shaw explained that a Council member had requested a discussion regarding a request to site a permanent espresso stand in front of the Rama Inn property. Staff's recommendation for placement of the espresso stand, is that they will have to obtain authorization for their customers to have access to restrooms at the Rama Inn building, and the platting issues regarding sidewalks, curbs and gutters would have to be completed by Mr. DeLeon, prior to the espresso stand obtaining proper authorization from the city departments. He also stated that in order to place this type of a structure on unplatting land, the Council would have to authorize a building permit. Kelley Carvo, owner of the proposed espresso stand, explained that Mr. DeLeon has told her that her customers could have access to the restrooms in the Rama Inn building, after an occupancy permit is issued to him. She also stated that she does not have to be connected permanently to water because the unit is self-contained.

Mr. Shaw noted that the advertisement for the City Fire Chief has been issued and presented a schedule for the review, interviews, selection and possible first day of employment for this employee position. It was Council's consensus that the timeline, as presented by Mr. Shaw was agreeable.

Council member, Ochoa asked if the city could meet again with the Adams County District #5 Commissioners to discuss combination of the city and county fire departments. Mayor Kelley stated that this was discussed with the County Fire Commissioners at the time of the retirement of Fire Chief VanBeek, and at that time they stated that they would not consider the combination of the two departments. Council member, Lyon requested that a discussion regarding meeting with the Fire District #5 Commissioners again to discuss combination of the Fire Departments be conducted thoroughly at the Workshop in order to give staff some more direction for a discussion with the Commissioners. Council member, Ochoa expressed her concerns of the wording in the personnel policy regarding the temporary employee's definition and the hours that those temporary employees can work.

Council member, Ochoa stated that she still has concerns of Mayor Kelley appointing John Cagle as the Fire Marshall and asked how that position will be paid for in the current budget. City Attorney, James Whitaker noted that the city budget does provide money for salary of a Chief, which can be used for the Fire Marshal position, as long as it does not exceed the amount of the budget item. And, as long as expenditures for salaries do not exceed what was approved in the budget, the Mayor seems to have authority to appoint the temporary position. He further explained that by appointing Mr. John Cagle as Fire Marshall, there would be no further contact with the volunteer firefighters and he will not be responding to fires.

City Attorney, James Whitaker recommended an expert from the Seattle area to provide assistance to the City about the fire chief selection process and dealing with joint volunteer fire department groups.

Council member, Johnson requested extra compensation be paid to Assistant Fire Chief, Robin Swartz during the interim time that Mr. Swartz will be acting as Fire Chief. Mr. Shaw noted that Mr. Swartz is to attend training and respond to fires in the Chief's capacity with the additional responsibilities at the fire scenes. Mr. Cagle's position as Fire Marshal alleviates Mr. Swartz performing inspections and plan reviews, as usually performed by the Fire Chief. Mr. Shaw noted that any additional compensation for Assistant Chief,

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Robin Swartz should be authorized by the City Council. Council took no action regarding this request and this will be discussed at the upcoming Workshop.

Bill Shaw presented the schedule for filling the Police Chief position, including advertising, review of the submittals, interviews, and selection and reporting for duty. He explained that Police Chief, Bill McDonell has recommended the Washington Association of Sheriff and Police Chief's to assist the City with an assessment center for selection of the new Chief of Police. The cost for this assessment process is approximately \$1,000.00, plus travel and lodging. He explained that they perform a very thorough process of the final candidates and makes recommendations for the final selection.

Mr. Shaw stated that a report from Mike Lonergan regarding the building which now houses the Fire Department response vehicles provides that all of the roofing rafters and the entire roof structure should be replaced. It also included a repair of the wall structure, which has been damaged; with an estimated cost of \$50,000.00. He explained that staff's recommendation would be to continue evaluation of demolishing the existing old Public Works building, which is next to Well #6, leveling the site, and building a Fire Department storage shop, including truck bays and an office. Preliminary cost for this project is approximately \$200,000.00. This would allow the current Fire Department building, which is adjacent to the Public Works building, to be used by the Public Works Department for storage of their equipment.

Mr. Shaw explained that the Meadowlane sewer project is proceeding and they are continuing to work out the details with the contractor for installation of the sewer line.

Council member, Derifield questioned whether a traffic light is needed on Main Street at 13th or 14th Avenue. Mr. Shaw noted that a traffic study was conducted prior to building Wal-Mart and their conclusion was to see what the impact of the traffic flow in that area will be, due to the new business with the possibilities of a light being placed at one of these intersections.

NEW BUSINESS

Council member, Johnson noted that he had received citizens complaints of weed height on vacant lots on 1st Avenue. Mr. Shaw noted that he would review this situation with the Code Enforcement Officer.

ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the Council meeting of May 29th, 2001 at 9:45 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L KUDRNA, City Clerk