

City of Othello  
Regular Council Meeting  
June 12, 2000

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: Curt Andrews, Reuel Klempel and Debbie Kudrna, City Department Heads; William Shaw, City Administrator; James Whitaker, City Attorney; representatives of Wal-Mart, Inc.; members of the Othello Car Club; Boy Scout Troop #803 and several citizens.

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

**CITIZEN IN-PUT**

Citizens, Judy Bouck and Becky Jones, spoke at this time in favor and support of the new Wal-Mart Supercenter being built in Othello.

**APPROVAL OF AGENDA**

Mayor Kelley requested that agenda Item #3 and #4 be reversed for discussion, in order to allow time for the Legal Counsel of Wal-Mart, Inc. to arrive at the meeting.

Council carried a motion to approve the agenda with the change in the agenda order of #3 and #4 as requested by Mayor Kelley. M/S Clemons/Cole.

**APPROVAL OF CONSENT AGENDA**

- a. Approval of Minutes of May 22, 2000
- b. Approval of Payroll and Related Expenses for May, 2000
- c. Approval of Warrants for May, 2000
- d. Call for Bids for Dump Truck – Bid Opening Date Set for June 29, 2000, 2:00 p.m.

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. 21728 to No. 21867 in the amount of \$447,559.60.  
Payroll Check No. 13315 to No. 13397 in the amount of \$180,441.81.

Council Member Lyon abstained from voting due to a payment to A & L Supply.

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

Mayor Kelley welcomed members of Boy Scout Troop #803 to the City Council Meeting.

**PUBLIC HEARING FOR RESIDENTIAL REZONE**

Mayor Kelley opened the Public Hearing on the proposed Cedar Street Rezone at 7:13 p.m.

Mayor Kelley asked if anyone had an objection to his participation or any Council Members 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 Council Members to place on the record the substance of any communication that they may have had outside of the hearing with

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opponents or proponents on the issue. There was none. Mayor Kelley asked City Staff to present exhibits and report on the proposed Residential Rezone Request.

City Planner, Curt Andrews explained that the Council would review the Planning Commissions recommendation regarding the rezone and will decide if the rezone is in the public's best interest and if it benefits the public's welfare in the community.

City Clerk, Debbie Kudrna entered the following exhibits into the Public Hearing record:

- Exhibit 1: Othello Planning Commission Findings of Fact, Conclusions and Decision.
- Exhibit 2: All supporting documentation and exhibits from the Othello Planning Commission Public Hearing process.
- Exhibit 3: Map showing recommended proposed changes (Cedar Rezone Areas).
- Exhibit 4: Map showing this proposed and recent zone changes.
- Exhibit 5:
  - a. A copy of the legal notice published in Othello Outlook on May 24, 2000.
  - b. A legal notice sent to all property owners within the proposed rezones and within 300 feet of these areas.
  - c. Property owner mailing list.
  - d. Land use sign notices.

Mr. Andrews reviewed the four areas included in this Rezone Request:

**Area 1:** This is proposed to be rezoned from R-3 to R-2. It is located between Olympia Street south to Fir Street and from 4<sup>th</sup> Avenue west to a line approximately 150 feet west of 3<sup>rd</sup> Avenue. This being located in Hamlet Addition, Blocks 1, 2, 3, 12 and the east 2/3 of the Fir Addition.

**Area 2:** This is proposed to be rezoned from C-1 to R-3. This is located from Cedar Street north to the alley north of Cedar Street and from 4<sup>th</sup> Avenue west to 1<sup>st</sup> Avenue, along with ½ block east of 1<sup>st</sup> Avenue between Cedar Street north to First Street. This being located in the Town of Othello Addition, Original Plat, Block 3, Lots 4-9; Block 8, Lots 4-6; A-E, 10-12; Block 9, Lots 7-12 and Block 10, Lots 7-12.

**Area 3:** This is proposed to be rezoned from C-2 to C-1. It is located from Main Street at Broadway Avenue north to Pine Street and from Broadway Avenue east to 1<sup>st</sup> Avenue, which includes all of Block 7, except for Lots A-E along with the west ½ of Block 14, Town of Othello, Original Plat.

**Area 4:** This is proposed to be rezoned from C-1 to C-2. This property is located from Fir Street north to Olympia Street extended and from 1<sup>st</sup> Avenue extending east approximately 100 feet, of the Fir Addition. The tree buffer, shown on the existing zone map will be moved west approximately 150 feet and will be required to be provided by the C-2 zone next to the R-3 zone.

Mr. Andrews gave an explanation of the Commercial 1, Commercial 2, Residential 2 and Residential 3 zones. He explained that in Area 1, there are single family units within this area but it is located adjacent to an R-2 zone. In Area 2, the proposal is to rezone from a C-1 to R-3, which will guarantee the residential use in the area. Area 3 is requesting to rezone from a C-2 to C-1 and is comparable with the existing businesses within the area. Area 4 is a change from C-1 to C-2 and also moves the buffer between Commercial and Residential area.

Mayor Kelley allowed for public testimony at this time. Mr. Ken Taylor, owner of 44 E. Main Street, addressed the Council. His property is a commercial building located on Main Street between Broadway and 1<sup>st</sup> Avenue. He was concerned about the proposed rezone

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in Area 2 on north 1<sup>st</sup> Avenue, changing from a C-1 to R-3 zone and the effect it will have of that commercial area. With there being no other comments from the public regarding this matter, Mayor Kelley closed the public testimony part of the hearing and asked for staff comments and response to the public testimony.

Mr. Andrews noted that Mr. Caylor is correct, that 1<sup>st</sup> Avenue was clearly zoned as commercial, and stated that some of the landowners within this area have requested the rezone in order to develop their property.

Mayor Kelley asked for Council Members questions or comments at this time. Mr. Andrews clarified that within Area 2, there is a commercial business, which will be a non-conforming use. This change of the zoning will not affect it unless they change the current use as it is now being used (warehouse). With no further comments, Mayor Kelley closed the Public Hearing on the Cedar Street Rezone at 7:29 p.m.

**ORDINANCE TO ADOPT RESIDENTIAL REZONE AND ZONING MAP**

Mr. Andrews clarified that the ordinance allows for rezone of 4 different areas north of Main Street and south of Olympia between Broadway and 4<sup>th</sup> Avenue. He stated that there were 3 different interest groups requesting these rezones.

Council carried a motion to adopt AN ORDINANCE AMENDING SECTION 17.13.030 OF THE OTHELLO MUNICIPAL CODE. M/S Derifield/Johnson. This shall be known as Ordinance No. 1062.

**ACTION ON THE WEIBLE PRELIMINARY PLAT**

Legal representative from Wal-Mart, Inc., Jack McCullough approached the Council and explained that they have spent many hours crafting the preliminary plat with the Planning Commission and the City Planning Staff. This included traffic mitigation, water and sewer improvements and planning details. Mr. McCullough complimented the City Planning Staff with their in-put. Michael Crowson of Pacific Land Design, reviewed the preliminary plat, which includes: 550 parking stalls, the Wal-Mart site and 5 other lots; access points off of Main Street; water extension lines to 14<sup>th</sup> Avenue and north on the property frontage; sewer infrastructure including a forced main running north and they will install sleeves running south to the Town and Country Estates area for a future gravity line; obtaining easements for future sewer and bike paths; improvements to Main Street on the frontage including curb, gutters, turn-lanes, sidewalks, widening of the area, landscaping, ground cover and a commitment for 30% of the intersection improvements of 14<sup>th</sup> Avenue and Highway 26 at the time that it is needed and is imposed by WSDOT and a deferred payment for each lot for off-site transportation mitigation. Mr. Crowson stated that he and the Wal-Mart representatives appreciate the citizen's positive feedback for this new store and thanked the Planning Staff of Othello for their cooperation.

Mr. Andrews reviewed the Planning Commissions Findings of Fact, Conclusions and Decisions for the Preliminary Weible Plat. He noted that the Planning Commission made the following conclusion:

- The plat conforms to the City of Othello's Comprehensive Plan and policies.
- The project area does avoid sprawl to the highway's intersection and is close to the downtown area.
- The plat is compatible with the Othello Zoning ordinance. It was zoned during annexation as a C-1 district.
- The plat contains all the required infrastructure, including: water lines looped throughout the plat from two sources; sidewalk and landscaping will be installed in

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front of the plat; a private sewer system and lift station; water, sidewalk, landscaping and Main Street will be built to city standards, including turn lanes and driveways; these improvements will be maintained by the adjacent property owners.

- The plat will connect to existing infrastructure, including: widening Main Street west onto 14<sup>th</sup> Avenue Street bridge; a 12 inch looped water line will be installed from Catalpa Street to 14<sup>th</sup> Avenue and Main Street; the City will grant a license for a private pressurized sewer line along Main Street; the Main Street design will fulfill the long-term traffic needs of the City and will be an attractive entrance to the community; the developer will grant a 20 foot right-of-way along the south 732 feet of the southwest drain for a future sewer line and walk path; the east driveway may be moved in the future to provide a public street access bordering the east edge of this plat; the City will address the bridge enhancements over the canal at 14<sup>th</sup> Avenue and Main Street; the City will obtain right-of-ways and easements from adjacent property owners for the water and sewer south and widening Main Street towards 14<sup>th</sup> Avenue; the developer will install a 16 inch casing under the canal for a future sewer line to be installed by future owners.
- The plat will address the East Columbia Basin Irrigation District and the U.S.B.R. issues by: piping irrigation drains along Main Street; they will pipe the west irrigation drain approximately 300 feet south of Main Street; vacate south underground drain easements the under plat; dedicate 25 feet of U.S.B.R. easement to the city for Main Street; U.S.B.R. has agreed to release 25 feet of easement to the City; and E.C.B.I.D. & U.S.B.R. have authority to sign the plat.
- The plat will address all WSDOT, County and City off-site impact issues by: building SR17 right turn lane on to Main Street per WSDOT design at 100% developer cost prior to opening store; pay one-third of the cost for a center turn lane and six illumination poles on SR26 at 14<sup>th</sup> Avenue to mitigate the store's SEPA impact to the intersection and this payment will be made when the intersection is built; will pay an off-site transportation SEPA mitigation fee for each lot when expanding the anchor store and when developing each out lot.
- The plat's environmental impacts have been addressed by: a determination of Non-Significance which has been issued, then modified, and recently approved for full build-out; the project makes adequate provision for public services; the conditions set forth for approval are necessary to ensure adequate provision of public services and support the public's interests; the Plat Administrator/SEPA Official, has reviewed the procedures and impacts and recommends approval; and the Planner/City Engineer, has reviewed the long range infrastructure impacts and technical design and recommends approval.

Mr. Andrews reviewed the decision made by the Othello Planning Commission, which recommended the Council approve the preliminary Weible Commercial Plat containing six lots, upon the time that the plat and site plan have been revised to comply with the findings of the Planning Commission and when all of the legal and technical documentation required for the conditions is submitted to Council's satisfaction.

Bill Shaw, City Administrator and Plat/SEPA Administrator entered into the record the final Mitigated Determination of Non-Significance issued May 17<sup>th</sup>, 2000, which applies to the determination of Non-Significance issued April 19<sup>th</sup>, 2000 for the project described as a retail store located on the south side of Main Street, approximately one quarter mile east of the 14<sup>th</sup> Avenue and Main Street intersection, with the proponent identified as Pacific Land Design of Seattle, Washington. The mitigation did not change the original threshold determination or extend the comment submittal deadline of May 5<sup>th</sup>, 2000 nor the appeal deadline of June 4<sup>th</sup>, 2000. Mr. Shaw did recommend the adoption of the Planning Commissions recommendation of approval of the Weible Commercial Preliminary Plat. He noted that the proponent in his representation has complied with O.M.C.16.17, "Major sub-

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divisions for preliminary plat approval", and the proponent in cooperation with City Staff and Planning Commission have resolved all of the issues presented by the SEPA comments and Public Hearing process. He stated that a bond or letter of credit will be issued for the project during the construction phase.

Council carried a motion to approve the Weible Preliminary Plat, upon the condition that the Planning Commissions' established conclusions and conditions are met including those items listed in the M.D.N.S., issued by the SEPA Administrator or any deferrals listed in these two documents. M/S Ochoa/Cole.

Jack McCullough thanked the community and City Staff for their support for this benchmark store in eastern Washington.

**RESOLUTION TO ALLOW CAR CLUB SHOW IN KIWANIS PARK**

The City Clerk reviewed the resolution authorizing the Car Show on July 22<sup>nd</sup>, 2000 in Kiwanis Park. It also allowed for a slow drag to be held on 7<sup>th</sup> Avenue, from Scootney Street north to the Lutacaga School parking lot. Mrs. Kudrna reported that Police Chief, Bill McDonell agreed with the slow drag concept based upon the same program as last years during the Car Show. Traffic control would be coordinated with the Othello Police Department and provided by the Car Club. The resolution also provided for liability insurance naming the City of Othello as an additional insurer in the amount of \$1,000,000.00 per occurrence. Mr. Ron Olson, President of the Car Club reported that the Car Club has not completed the electrical project at the covered shelter in Kiwanis Park, and that they will be using a diesel powered generator for this year's show.

Council carried a motion to approve A RESOLUTION AUTHORIZING USE OF CITY PROPERTY FOR A CAR SHOW ON JULY 22<sup>ND</sup>, 2000. M/S Lyon/Clemons. This shall be known as Resolution No. 2000-08.

**RESOLUTION TO SET POOL PARTY FEES**

The City Clerk reviewed the resolution, which set new fees for pool parties for non-profit youth organizations. The fee was set at \$.35 per participant, per hour for a minimum two-hour pool party and a minimum fee set at \$35.00 plus a \$50.00 deposit. Council Member Lyon stated that the City Staff had been informed that the Hey Kids program is not registered with the State of Washington as a non-profit organization. Hey Kids had originally requested the City's participation in their Summer Parks Program for youth, by providing a two-hour pool party at no charge.

Council discussed the requirement in the proposed resolution of proof of registration with the State of Washington as a non-profit organization and directed staff to take that provision out of the resolution. Council carried a motion to adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON SETTING RECREATION FEES, with the deletion of the requirement of proof of registration as a non-profit organization with the State of Washington. M/S Ochoa/Cole. This shall be known as Resolution No. 2000-09.

Council carried a motion to contribute to the "Hey Kids" Summer Program by providing a pool party at no charge. M/S Ochoa/Lyon. Council Member Derifield cast an opposing vote.

### **MIGRANT SWIM CONTRACT**

The City Clerk presented the Inter-governmental Agreement between the City and the Othello School District regarding Migrant Summer School Swim. This provided use of the pool Monday through Thursday, 1:00 to 2:00 p.m. at a charge of \$.35 per student per day for the one-hour session. City Administrator, Bill Shaw reported that last year's staff, this year's Pool Manager and Jan Charlston from the School District have all reported that the number of children participating in the Migrant Swim Contract has not created the capacity load of the pool to be reached during the one-hour session.

Council carried a motion to approve the Inter-governmental Cooperation Agreement regarding Migrant Summer School Swim between the City and the Othello School District as proposed with the limit of 100 children per day for each session. M/S Ochoa/Brodahl. Council Member Cole cast an opposing vote.

City Attorney, James Whitaker explained that the Migrant School will not be obligated to pay the set fee of \$.35 per child for participants over the 100 children that are allowed by the contract.

### **ORDINANCE TO AMEND O.M.C. 2.04.040 "COUNCIL MEETINGS"**

City Administrator, Bill Shaw reviewed the proposed ordinance, which included clarification of terminology regarding Council absences at City Council meetings and how these are to be reported in the official Council minutes. Mr. Whitaker clarified that a code City allows Council to establish their own set of rules. However, state law sets the required attendance of members at Council meetings. A discussion was held regarding modification to the proposed ordinance, which would repeal O.M.C. 2.04.050 in its entirety.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 2.04 ENTITLED "COUNCIL MEETINGS". This repealed O.M.C. section 2.04.050 in its entirety. M/S Ochoa/Brodahl. This shall be known as Ordinance No. 1063.

### **ORDINANCE TO AMEND O.M.C. 2.40 "PERSONNEL REGULATIONS"**

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 2.40 ENTITLED "PERSONNEL REGULATIONS". M/S Cole/Derifield. This shall be known as Ordinance No. 1064.

### **ORDINANCE TO AMEND O.M.C. 4.12 "TAXICABS"**

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 4.12 ENTITLED "TAXICABS". M/S Ochoa/Johnson. This shall be known as Ordinance No. 1065.

### **FIREWORKS PERMIT**

Council Member Ken Johnson, the Pyrotechnic Operator, and Robin Swartz, Assistant Fire Chief, had reviewed the written application requesting a permit for a public fireworks display submitted by the Othello Chamber of Commerce for the Fourth of July celebration at Lions Park at approximately 10:00 p.m. They recommended approval of the issuance of the Fireworks Permit to the Othello Sun Faire Committee to conduct a public fireworks display on Tuesday, July 4<sup>th</sup>, 2000 in Lions Park.

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Council carried a motion to approve the Fourth of July Fireworks Permit submitted by the Othello Sun Faire Committee to conduct the fireworks display on Tuesday, July 4<sup>th</sup>, 2000 in Lions Park. They also allowed, that in the event of inclement weather, the permit would be extended to no later than July 10<sup>th</sup>, 2000 and conditioned upon the fact that a fire suppression crew is present at the location prior to and during the firing of any fireworks. M/S Derifield/Cole.

**UNFINISHED BUSINESS**

City Administrator, Bill Shaw reported that the Adams County WACERT Board had met in May to review cities list of projects within Adams County. He noted that Othello had submitted 8 of the 11 projects on the lists. The board members voted that Othello's project of sealing Well #6 was the most important issue.

Mr. Shaw reported that a letter to the Othello School District has been sent regarding the requirement of sidewalks on 4<sup>th</sup> Avenue.

Mr. Shaw reported that the Columbia Colstor plat and covenant have been signed and are to be filed with Adams County.

**NEW BUSINESS**

Mayor Kelley announced a Library meeting, scheduled for Tuesday, June 13<sup>th</sup>, 2000 at 2:00 p.m. at City Hall and asked Council Members Ochoa and Clemons to attend the meeting.

The City Clerk reported that the July Workshop is scheduled for Monday, July 3<sup>rd</sup> and asked if the Council was willing to meet. Council carried a motion to cancel the Monday, July 3<sup>rd</sup> Workshop. M/S Cole/Brodahl.

Council Member Ochoa updated the Council on recent Adams County health discussions, explaining that they had recently discussed at length fluoride application to children's teeth. She also reported on the relocation of the Health Clinic in Washtucna.

**ADJOURNMENT**

With no further business to discuss, Mayor Kelley adjourned the Council meeting at 9:12 p.m.

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E R KELLEY, Mayor

ATTEST:

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DEBBIE LKUDRNA, City Clerk