

CALL TO ORDER:

Mayor McKay called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present: Mayor Shannon McKay, Councilmembers: Eleanor Brodahl, Ken Caylor, Dan Dever, Kenneth Johnson, Mark Snyder, and Tim Wilson.

Also Present: City Administrator Ehman Sheldon; Department Heads: Mike Bailey, Police Chief Steven Dunnagan, Debbie Kudrna, and Jay Van Ness; and City Attorney James Whitaker.

Absent Was: Councilmember Marc Spohr.

APPROVAL OF AGENDA

Mayor McKay asked that agenda item #3: Latecomer Agreement with Sagestone #5 be removed from the agenda. Council carried a motion to approve the amended agenda. M/S Dever/Johnson.

CONSENT AGENDA:

- A. Approval of City Council Minutes of July 13, 2009
- B. Approval of Accounts Payable Checks

Accounts Payable was audited and certified by the Auditing Officer, as required by RCW 42.24.080; and those expense reimbursement claims certified and as required by RCW 42.24.090, have been recorded on a listing that has been reviewed by the Council audit committee and is available to the Council.

Expense Claim Check No. 37058 to No. 37107 in the amount of \$ 258,986.52. Council carried a motion to approve the Consent Agenda as presented. M/S Wilson/Snyder.

ORDINANCE CREATING OMC 12.16.287(E) ENTITLED "WATER AND SEWER SERVICE AND RATES"

City Planner Darryl Piercy presented an ordinance to establish main connection charges for a section of water line installed by the City in April 2008. The water line fronts along SR 26 and will serve property along Columbia Street. The fee is \$31.66 per front foot, adjusted annually with the CPI. This will reimburse the City for the cost of the project. City Attorney Jim Whitaker advised that the ordinance needs to be corrected, adding a sentence relevant to interest only being incurred up to ten years.

Council carried a motion to adopt AN ORDINANCE CREATING OTHELLO MUNICIPAL CODE SECTION 12.16.287(e) IN CHAPTER 12.16 ENTITLED "WATER AND SEWER SERVICE AND RATES" M/S Caylor/Snyder. This shall be known as Ordinance No. 1295.

CARGO CONTAINERS UPDATE

City Planner Darryl Piercy advised that staff has received several complaints of cargo containers located in the C-2 and industrial zones. He provided a list and map of the locations of the cargo containers that are placed without conditional use permits. He asked Council how staff should proceed with the current containers that are on property within the city limits. Councilmember Johnson stated that some of the cargo containers are very inconspicuous and sees no problem to giving them a two year period to be removed. Mayor McKay advised he is opposed to cargo containers in residential areas and he doesn't see a problem with having cargo containers in commercial and industrial areas, if they are set in a good manner. Attorney Whitaker explained that if a person needs temporary storage, it makes sense to allow them to use a sea cargo container up to two years, but if they need long term storage, then they should build a permanent structure. He noted that a sea cargo container is not a taxed property, compared to an on-site built structure. He encouraged the Council to stay with the conditional use permit process, because land use planning regulates conditions for use of the container through a public hearing before a hearing examiner. Mr. Whitaker stated that sea cargo containers are at the end of their projected useable life as a sea container and no longer meet the standards for that use. Councilmember Caylor asked what would happen if someone decides to use their property for storage of these containers. Mr. Whitaker explained that the current ordinance would allow that type of business, although the current ordinance does not allow containers to be used for storage without the conditional use hearing process. Mr. Piercy advised that one of staff's recommendations is to allow all existing cargo containers to remain at their current locations for a two-year period and

require all new cargo containers to obtain a conditional use permit. The estimate for the conditional use permit process is approximately \$1500 per review. Mr. Whitaker said that if the Council wants to allow the containers for two years, an ordinance amendment should be considered. Council could also consider that a conditional use permit be for two years with a two year extension process handled by staff. He also stated that it will be necessary to deal differently with businesses that use containers to store inventory. Councilmember Johnson asked how other cities permit cargo containers. Mr. Piercy said that most cities ban cargo containers in all zones for storage, excluding the ones used for temporary storage. Councilmember Dever stated that the Police Chief had recommended permission for two years with a two year extension clause. Mr. Piercy noted he has had conversations with some of the property owners and had invited them to the Council meetings. He noted that many of the property owners said they would like to keep the containers, at least temporarily until they make other arrangement. Mr. Sheldon stated that staff did invite many of the property owners to the Council meetings for their input.

NOEL COMMUNICATIONS AGREEMENT

City Administrator Ehman Sheldon provided copies of the Service Order and the Master Carrier Agreement with Noel Communications. He reviewed the agreement and particularly the changes in section #10-Continuation of Service and changes in section and #16-Terms of the Agreement. He advised that the agreement is for a three year period. Mr. Sheldon explained that the \$300 per month is for the service order provided by Noel Communications. He also explained that the installation cost of \$8500 has been reduced to \$8000, which will be split by the City and Saddle Mountain Wireless. He stated that fiber will provide faster internet service and will accommodate large data information. Mr. Sheldon advised that Adams County spent \$125,000 to convey fiber to their building and now fiber is available to other businesses in Othello. Having fiber will also be an attraction to bring new businesses to the community. Councilmember Wilson asked if fiber service will be subject to the utility tax. Mr. Whitaker advised that if a business is providing telephone service through fiber that service would be subject to the utility taxed, but the dark fiber service can't be taxed by a jurisdiction. Mr. Sheldon advised that the City's portion of the installation costs can be paid out of the utility tax fund, which currently has an ending balance of \$775,000. Councilmember Brodahl noted that there is a \$25,000 limit for expenditures paid out of the utility tax. Mr. Sheldon offered that it could also be paid out of the ending fund balance of the general fund.

Council carried a motion to approve the Service Order and the Master Carrier Agreement with Noel Communications, Inc. to be funded out of the general fund. M/S Brodahl/Johnson.

AN ORDINANCE REPEALING OTHELLO MUNICIPAL CODE CHAPTER 14.32 ENTITLED "SPECIFICATIONS FOR PUBLIC WORKS"

Municipal Services Coordinator Jay Van Ness reported that Mr. Whitaker had found that OMC Chapter 14.32 entitled specifications for public works is no longer needed. This chapter refers to standard specification of municipal public works construction and to the warranty for the work. Both of these items are now standards in construction projects and the code is no longer needed.

Council carried a motion to adopt AN ORDINANCE REPEALING OTHELLO MUNICIPAL CODE CHAPTER 14.32 ENTITLED "SPECIFICATIONS FOR PUBLIC WORKS" in its entirety. M/S Dever/Caylor. This shall be known as Ordinance 1295.

RESOLUTION TO ACCEPT EASEMENT AND WATER LINE WITHIN COLUMBIA COLSTOR PLAT

Municipal Services Coordinator Jay Van Ness reported that Columbia Colstor completed an expansion project that required moving a City owned waterline and easement. We have now received all required easements and as-builts. They also abandoned and removed old infrastructure. Once Council accepts the project the two year warranty period begins.

Council carried a motion to approve A RESOLUTION ACCEPTING THE COLUMBIA COLSTOR INC. EASEMENT AND WATER LINE. M/S Brodahl/Snyder. This shall be known as Resolution No. 2009-14.

RESOLUTION TO SURPLUS TENNIS COURT MATTING

Municipal Services Coordinator Jay Van Ness explained that the Council has received two resolutions to consider the surplus of the tennis courts' matting from the four courts that were

reconstructed in Lions Park. One resolution is to surplus the tennis court matting, and the other to surplus it by donating it to the Warden School District. After the matting was removed, they placed two sections of it at the tennis courts in Kiwanis Park, leaving two sections of the matting to be stored. The City received a letter from Dave Whitney from the Warden School District asking that the Council donate the unused matting to the Warden School District. Mr. Whitaker explained that Mr. Van Ness has reported that they have very little value, and could be used by another entity. Mr. Van Ness said that they would be transported by the Warden School District.

Council carried a motion to adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON, DECLARING SURPLUS and donate them to the Warden School District. M/S Wilson/Snyder. This shall be known as Resolution No. 2009-15.

RESOLUTION TO APPROVE USE OF LIONS PARK FOR AMERICAN FIESTA AMISTAD

City Clerk Debbie Kudrna reported that city staff met with Emil Martinez to discuss the details of the upcoming American Fiesta Amistad, scheduled for August 14th and 15th. Friday's event will begin at 5:00 p.m. with vendors and music from 6 p.m. to 10:00 p.m. The Fiesta committee is paying for security for overnight patrol on Friday. Saturday's events will open at noon and will conclude at 10:00 p.m. They will start turning down the music volume at 8:45 p.m. on both nights, unless asked by the Police Dept. to do so earlier. We expend approximately \$1200 for employee costs; approximately \$420 for porta potties; and extra costs for the landfill fees. This is their seventh annual event. Councilmember Johnson advised that the Council should look into permitting camping in the park for special events.

Council carried a motion to approve A RESOLUTION AUTHORIZING USE OF CITY PROPERTY FOR THE AMERICAN FIESTA AMISTAD FESTIVAL SCHEDULED FOR AUGUST 14TH AND 15TH, 2009. M/S Wilson/Snyder. This shall be known as Resolution No. 2009-16.

UNFINISHED BUSINESS

Councilmember Caylor advised that there is a house at 2nd and Hemlock that is in disrepair and Habitat of Humanity wants to build one or two houses on those lots. Mayor McKay advised that staff is going through the abatement process on three homes. Mr. Sheldon advised that final decision on the abatement process will come before the Council.

NEW BUSINESS

Councilmember Caylor asked why there is a sack over the fire hydrant at 4th and Hemlock Street. Mr. Van Ness advised that during the fire hydrant testing they found that the fire hydrant was not draining correctly and Public Works will work on it.

Mayor McKay made the following announcements:

- The City received a \$310,000 grant for the Well #6 rehabilitation.
- Staff and Gray & Osborne will conduct an informational meeting on July 29th at 2:00 p.m. regarding to the Hwy 24 Industrial area project.
- The Cable Franchise Committee met with the City Attorney to discuss the legal perimeters of the franchise negotiations.
- Next week is a workshop; be prepared to discuss committee activities.
- He thanked all of those that participated in the local Relay for Life as they raised more than \$80,000.

Councilmember Dever announced that the Farmers Market opened a few weeks ago in Pioneer Park. He thanked Public Works for removing all of the weeds from the flower gardens.

ADJOURNMENT

With no further items to discuss, Mayor McKay adjourned the Council meeting at 8:00 p.m.

By: _____
SHANNON MCKAY, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk