

City of Othello  
Regular Council Meeting  
August 22, 2016

**CALL TO ORDER:**

Mayor Shawn Logan called the meeting to order at 6:30 p.m. and led an invocation and the Pledge of Allegiance.

**Present:** Mayor Shawn Logan; Councilmembers: Genna Dorow, Corey Everett, Larry McCourtie, John Lallas, and Mark Snyder.

**Also Present:** City Administrator Wade Farris; Department Heads: Public Works Director Terry Clements, Police Chief Phil Schenck, Community Development Director Travis Goddard, City Clerk Debbie Kudrna, Finance Officer Spencer Williams and City Attorney Kelly Konkright.

**Absent Was:** Councilmembers Angel Garza and Eugene Bain.

Council carried a motion to approve the absence of Councilmembers Garza and Bain. M/S Dorow/Snyder.

**CITIZEN INPUT**

Adams County Commissioner John Marshall advised that Adams County passed a resolution to impose a 6 month temporary moratorium on marijuana producing, retailing and processing. The moratorium will not allow marijuana producing, processing and retail within 2 miles of any corporate limits and within 1 mile of unincorporated residential areas in Adams County. He advised that marijuana producing and processing will be allowed in industrial zones, as long as they are indoors. Within the 6 month period, the cities and communities will be asked to opt in or opt out of the zoning requirements. Commissioner Marshall advised that the developers of a proposed location of a marijuana grow on Cemetery Road have made an application for a different location. Councilmember Lallas asked that the County require a SEPA review of all marijuana businesses. Commission Marshal advised that Adams County will have public hearings on the issue and comments will be allowed.

**APPROVAL OF AGENDA**

Council carried a motion to approve the agenda. M/S McCourtie/Dorow.

**CONSENT AGENDA:**

- A. Approval of City Council Minutes of August 8, 2016
- B. Approval of Accounts Payable Checks
- C. Resolution to Surplus Equipment
- D. Resolution to Accept Donation

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.

Accounts Payable Check No. 47044 to No. 47104 in the amount of \$656,183.01.

Accounts Payable Check No. 5315 to No. 5338 in the amount of \$3,644.34.

Council carried a motion to approve the Consent Agenda, as presented. M/S Snyder/Everett.

**CHANGE ORDERS #5, #6, #7, #8, AND #9 FOR 14<sup>TH</sup> AVENUE IMPROVEMENT PROJECT**

Councilmember Lallas explained that change order #5 for the 14<sup>th</sup> Avenue Improvement Project is for lowering the storm water infrastructure in Columbia Street to adequately gravity serve the areas east of 14<sup>th</sup> Avenue. The approximate cost is \$15,292.54. City Engineer Jake Youngren explained that they have an inspector onsite who tracks the time of the construction workers and when there's equipment on standby, those hours are also tracked.

Councilmember Lallas explained that change order #6 is a monetary and contract time credit for maintaining the road closure on 14<sup>th</sup> Avenue for the duration of the project. The proposed traffic

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control credit reduces the contract 8 working days and decreases the contract price by approximately \$11,200.80.

Councilmember Lallas explained that change order #7 is for work associated with lowering the proposed water main for the length of the project to avoid conflict with the storm water pipe crossings. This increases the contract 1 working day for approximately \$15,054.21.

Councilmember Lallas explained that change order #8 is a monetary credit to appoint Varela & Associates to be responsible for the material testing efforts, in lieu of the contractor performing this duty. This decreases the contract price approximately \$5,560.55.

Councilmember Snyder explained that change order #9 is for work associated with lowering the proposed water main to avoid conflict with existing utilities. This increases the contract time 2 working days for approximately \$11,758.49.

Councilmember Lallas explained that Gray & Osborne did not include an existing utility map for this project and Varela & Assoc. will create one for the City. City Engineer Youngren advised that the estimated completion date is November 11, 2016. They are working closely with the Othello School District to discuss the safety issues with school starting this week. Finance Officer Williams advised that most of this cost will be paid out of the water and sewer funds.

Councilmember Lallas advised that the council committee recommends approval of the change orders.

Council carried a motion to approve change order #5 - #9 for the 14<sup>th</sup> Avenue Improvement Project. M/S McCourtie/Everett.

**WATER SYSTEM PLAN SCOPE**

City Engineer Jesse Cowger presented an amendment to the contract for Varela & Associates to prepare a unified water system plan. He reviewed their proposed work plan and noted their work will tie together all of the water system projects. Councilmember Lallas explained that this project will give us substantial documentation of the city's water plans, which we can present to agencies for support and funding. He asked that Varela include in the plan the possibility of designating Well #6 strictly for industrial use and include the infrastructure needed to supply Well #6 water to the industries. The council committee recommended approval of the engineer scope.

Council carried a motion to approve Varela Contract Amendment 2016-003 for the water system plan. M/S Dorow/Lallas.

**PINTAIL PROPERTIES LLC – NOTICE OF INTENT TO ANNEX**

Community Development Director Travis Goddard noted that no one from Pintail Properties were present at this meeting. He advised that the City received a Notice of Intent to Annex from Pintail Properties, LLC. The Council will decide whether to reject, accept or modify the intent to commence annexation and whether they want the Planning Commission to discuss the zoning issue. The property is 14.45 acres and is located south of Highway 26 off of Moon Road and McCann Lane. The property currently has 29 buildings with 42 residential units. The property has city sewer service; however, their water system is under an order from the Department of Ecology because it currently exceeds their water rights. Mr. Goddard advised that the property owner is looking at improving the existing units; investing additional infrastructure to bring the road up to standards and asking to connect to the city water system. Mr. Goddard advised that they can annex and obtain city water or they could connect to our system through an extra territorial water agreement. He noted that staff expects they will need to improve the existing infrastructure and improve the road approach onto Highway 26.

Mr. Goddard advised that in order to be annexed, the property would have to be contiguous to the existing city limits. He stated that the Council may modify the proposed annexation area to take in more property in order to make it contiguous to the existing city limits. The State may impose

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improvements to the access onto Highway 26 and there are other road issues that will be discussed during the process. Mr. Goddard advised that we require a looped water system and our preference is a looped water system north of the highway, going under SR 26 to the property. This will help with expansion of the TPG plant. Pintail will have to submit a plan for the extension of the water system. He noted that the city received a grant for the study of their water system and the Department of Health has designated this project as a candidate for a construction loan. The loan will allow the city to participate in this project with a 1% - 20 year loan payback and 50% would not have to be paid back. However, the property owners may want to get this project completed in a faster manner and may want to pay for the infrastructure improvements. Pintail expects that they will increase the number of units up to 100 units.

Councilmember Everett stated that he does not support the annexation, noting that the intersection access is already an issue and that the City has many projects that already need to be funded. Mayor Logan noted there are a lot of issues to discuss and we still have not received a petition for annexation.

Police Chief Schenck stated that he needs to study the police accident reports of the intersection and determine what their response time would be to service the area. Public Works Dan Quick explained that there is no access on Moon Street and questioned why we would want Public Works to drive on the highway to maintain the infrastructure. He suggested that they consider creating a water district and make the improvements needed to receive city water. Fire Chief Lebacken advised that they have concerns of the highway access into the property. Currently, the fire department does not have equipment adequate to support a fire incident in the area because of the lack of fire flow. He currently hears about water shortage within the city and questioned whether we should provide water outside the city limits or continue to support our city growth. Mr. Goddard noted that Pintail properties are on the list of potential water connections; however, they have not yet applied for city water. If they extend the line down Moon Street, we cannot come back and get a 50% forgiven loan. Mayor Logan noted that if we could get access on Moon Street at the railroad tracks then we would have sufficient access for the property. He also does not want to detract from city improvements that need to be completed. Councilmember Snyder stated that the grant money can still be obtained for water improvements and they may not necessarily have to annex.

City Attorney Konkright advised that if a petition of annexation is filed, then the city would consider whether to accept their petition of annexation. The geographic scope is a decision to be considered and noted that the Council are currently in an information gathering phase. He agreed that it could be forwarded to the Planning Commission.

Council carried a motion to forward the annexation request to the Planning Commission and get their recommendation. M/S Dorow/McCourtie. Councilmembers Snyder and Everett cast opposing votes.

**RESOLUTION AND FACILITY USE AGREEMENT WITH THE AMERICAN CROWN CIRCUS**

Park and Recreation Coordinator Amy Hurlbut explained that the American Crown Circus has requested use of the Lions Park soccer field Wednesday, September 7<sup>th</sup> though Monday September 13<sup>th</sup> for their one-ring, European style acrobatic circus. The American Crown Circus has requested to setup on Wednesday, September 7<sup>th</sup> from 7:00 a.m. to 6:00 p.m. and will hold two shows per day from September 8<sup>th</sup> through September 12<sup>th</sup>. It will be their responsibility to provide security of their facilities in Lions Park throughout the event. The city won't allow them to park their motor homes on 7<sup>th</sup> Avenue; however they can utilize the graveled city lot on Pine Street. In lieu of the special event charge, The American Crown Circus has agreed to donate 15% of their total ticket sales to the City to compensate the City for providing additional services.

Ms. Hurlbut explained that she has communicated with the soccer teams about the use of the fields.

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Council carried a motion to approve the resolution authorizing use of City property for the American Crown Circus and authorizing the Mayor to sign the facility use agreement. M/S McCourtie/Everett. This shall be known as Resolution No. 2016-28.

**ORDINANCE AMENDING OMC SECTION 12.16 REGARDING SEWER CONNECTION FEES AND CREATING A SEWER LATECOMERS CODE**

Community Development Director Travis Goddard advised that the Planning Commission (PC) held a public hearing on the proposed ordinance. No public comments were received. The PC made recommendations to change the name of sewer permit charges to sewer general facility charges and change sewer connection fees to sewer site facility charge. The ordinance also clarifies that all water fees collected shall be placed into a water account for water capital projects and all funds collected as sewer charges shall be placed into the sewer account for sewer capital projects. In addition, the PC agreed that the code should be changed to allow latecomers reimbursements for sewer projects. The current OMC limits the latecomers option to only "subdividers" and the proposal will change that to "developers". The proposed ordinance also includes a definition of "sewer". City Attorney Konkright advised he has reviewed it and agrees with the Planning Commission recommendations. Councilmember Lallas asked for a couple formatting corrections and that we provide more information about the calculations on the general facility charges for industrial users. Mr. Goddard advised that he did not include any changes in that rate section.

City Engineer Jesse Cowger explained that the general facility charge for industrial users includes a calculation for the charge, and if they underestimate their usage, then the charge will be recalculated. City Attorney Konkright explained that the Council can approve what is being presented tonight or wait until we can clarify this section. Council directed staff to work on the language in section 3 and bring an ordinance back for consideration.

**ORDINANCE TO REPEAL OMC 8.52 TITLED "CARRYING LOADED SHOTGUNS IN VEHICLES"**

Police Chief recommended repealing our current OMC regarding carrying loaded shotguns in vehicles. He explained that the State RCW does not allow carrying loaded shotguns in vehicles and we don't need this language in our code.

Council carried a motion to adopt An Ordinance of the City of Othello repealing Chapter 8.52. M/S Lallas/Dorow. This shall be known as Ordinance No. 1476.

**UNFINISHED BUSINESS**

Councilmember McCourtie asked if we can ask the property owner to paint "Home of the Huskies" on the new 2 story building off of Main Street.

Mr. Goddard advised that ADA sidewalks will be installed at the property of the new building on Desdemona and Windsor and they will include a drive-in coffee stand on the north side of the building. Councilmember Lallas asked that a stop sign be installed in the bank exit lane on Desdemona Drive.

Councilmember McCourtie stated that the cracks are getting worse on the skate park concrete and there are some corners that have cracks that will fill up with water and freeze and will get worse. City Administrator Wade Farris advised that they have sent pictures to Spohn Ranch and asked them to submit a letter about their assessment. We have one year from the date of acceptance for warranty work. Mayor Logan advised that the inspector for 14<sup>th</sup> Avenue has also looked at it and recommended that we review the contract specifications of what is acceptable.

**NEW BUSINESS**

Mayor Logan advised there are no items to discuss at the September 6<sup>th</sup> workshop. Council carried a motion to cancel the September workshop. M/S McCourtie/Dorow.

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Mayor Logan asked that more discussion of the Pintail annexation request be discussed at the October workshop.

**ADJOURNMENT**

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:23 p.m.

By: \_\_\_\_\_  
SHAWN LOGAN, Mayor

ATTEST:

By: \_\_\_\_\_  
DEBBIE KUDRNA, City Clerk