

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: Dan Dever, Kenneth Johnson, Mark Snyder, Marc Spohr, and Tim Wilson.

Also Present: Department Heads: Mike Bailey, Debbie Kudrna, and Jay Van Ness; and City Attorney James Whitaker.

Absent Was: Councilmembers Eleanor Brodahl and Kenneth Caylor.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda. M/S Johnson/Snyder.

CONSENT AGENDA:

A. Approval of City Council Minutes of August 10, 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. 37165 to No. 37224 in the amount of \$240,528.05.

Council carried a motion to approve the Consent Agenda as presented. M/S Wilson/Dever.

KIWANIS PARK SOCCER FIELD REQUEST

Municipal Services Coordinator Jay Van Ness reported that Bert and Stefanie Parrish have requested that a portion of Kiwanis Park be changed into permanent soccer fields and they also requested that a structure in the park be erected to store their soccer equipment. He advised that an Interagency for Outdoor Recreation (IAC) grant was obtained in 1980. At that time, the Park Board applied for the IAC grant to develop Kiwanis Park into a passive, family park. Since that time, staff has understood that Kiwanis Park was to not have organized sports because of the verbiage in the application and contract. He advised that IAC performs post inspections of the park every five years to assure that we still meet the grant requirements. Mr. Van Ness has spoken to Mr. Haws from IAC and was advised that it was the direction of the Park Board to designate Kiwanis Park as a passive park; it was not a criteria of the IAC grant. They also made mention, at the time of application, that Lions Park is to be used for organized sports.

Mr. Parrish advised they have been using a portion of Kiwanis Park for youth soccer and the area they use is not used for any other reasons. Mr. Van Ness stated if soccer fields are designated and marked by the City, other soccer organizations could use the area. Mr. Parrish advised that the youth soccer league includes children 4 – 11 years old and they are usually done playing by 6:30 p.m. Mr. Van Ness explained that the IAC grant would allow the soccer fields but we could not build enclosed playing fields or buildings, or section off portions of the park for other public uses, or convert it into sport fields with fences and lights. Mr. Van Ness stated that the Park Board studied this issue for two years when the IAC grant was applied for. Councilmember Spohr noted that we may have an obligation to the past Park Board for their decision to designate Kiwanis Park as a passive park. Mr. Whitaker advised that a passive park is a designation by IAC and the Council can determine what is permitted within the park. Mr. Parrish explained that they have been painting the lines for the soccer fields in the park. Councilmember Johnson asked if a portable structure could be placed in one of the parking lots for their use. Mr. Van Ness stated that any structure or storage unit in the park would have to be owned by the City or we would be in violation of the grant. Councilmember Dever reported that he was on the Park Board at the time and it was a very important issue to designate Kiwanis Park as a family park, with no organized sports at the time of the development. Mr. Van Ness stated that Public Works does not have issues with the youth soccer leagues using it as they have. Councilmember Dever noted there are soccer fields at Scootney School. Councilmember Wilson stated that the Council could set policy and restrict organized sports on the weekends, to not interfere with family picnics. Mr. Whitaker stated that the Council could set regulations to allow U-11 youth soccer February-May and September-October, and allow them to paint the fields (not burn them), and if the group wishes to use it, they schedule it with Public Works. Mr. Van Ness stated that if the City burns permanent

field markings, other leagues would also utilize the fields. Mr. Parrish stated they can use the fields with painted lines, but their main concern is not having a place to store the goals nearby. It was discussed that the goals could be locked together in the parking lots. Mr. Parrish stated they could have up to 5 sets of goals. Councilmember Spohr stated he is a fan of youth sports but is concerned of scheduling conflicts and that the home owners adjacent to the park were expecting it to remain a passive park. He hasn't seen a real need for additional soccer fields, noting the ones at Hiawatha School are rarely used. Mr. Parrish stated they have not had any complaints and they never leave trash in the park. He asked Council to support storage for their goals. Mayor McKay stated that we can't put a storage unit in the park, unless it's owned by the City. Mr. Van Ness noted that parking is very limited at the park. Mayor McKay asked to table this issue to allow time to figure out if there is a reasonable way to store their goals, and it doesn't seem there is a problem with the scheduling the sports. Mr. Van Ness noted that use of the soccer fields in Lions Park is scheduled through Mr. Dockins at TLC Meats.

BIAS FIXED ASSET PROGRAM

Finance Officer Mike Bailey stated that in the 2008 budget, Council approved \$50,000 for the financial reporting software and an additional \$50,000 in 2009. We have bought a complete suite of financial software including purchasing a new folder/stuffer machine to accommodate the new utility bills, and a quad core processor computer server. At this time there is approximately \$13,600 remaining in the budget line item. BIAS Software Accounting is working on a fixed asset system that will be tailored to our needs that will be integrated with the financial software, and will be completed no later than November. The program would be very similar to the other BIAS financial programs and could easily be used by the accounts payable clerk.

CONSIDERATION OF PLANNING COMMISSION RECOMMENDATIONS

City Planner Darryl Piercy advised that the Planning Commission has reviewed the proposed commercial development standards; held a public hearing on the proposed new commercial standards ordinance; and forwarded two recommendations to the Council. The site plan review would provide the process to meet with applicants to review the commercial development standards. Several months ago, staff and the Mayor discussed what could be included in the commercial design standards that would create uniformity in the commercial corridors. The development standards include standards for signs, site design, structure design and appearance. The Planning Commission has reviewed them for several months and recently held a public hearing to receive comments and forwarded their recommendations of two ordinances for adoption. Mayor McKay advised that most commercial buildings on Main Street already meet the proposed design standards. Mr. Piercy explained that this would be a good planning tool for new commercial buildings and would create integration from site to site. Most current signs in the commercial zones would meet the standards. Councilmember Spohr asked about set back requirements and has concerns having commercial buildings built closer than 15' to the streets. Mr. Piercy advised that in commercial zones, it's common to create a presence of the business as near to the street and still have safe site distance. The idea is to not provide parking in the front of buildings and provide parking on the side and rear of the building. This encourages more pedestrian traffic between the commercial structures. It is also better to have traffic flow onto the side streets and then funnel to the main arterials. He stated that we would try to accommodate existing businesses, implement as much of the safety elements as we can, and implement the standards on new construction. Mr. Piercy stated that the new code includes criteria for certain banners that are on the exterior walls of businesses and certain flashing, lighted signs. The proposed ordinances are not for residential development; they are solely for commercial developments. The commercial site codes would be imposed on existing businesses that apply for a change in use. Councilmember Wilson noted that the City has adopted a tree list and this code supports it. Councilmember Spohr stated that he was against the proposal because of the proposed front setbacks.

A motion was made and seconded to approve AN ORDINANCE REPEALING OTHELLO MUNICIPAL CODE CHAPTER 14.10 ENTITLED "SIGN CODE" AND ADOPTING CHAPTER 14.30 "COMMERCIAL DEVELOPMENT STANDARDS", CHAPTER 14.57 "LANDSCAPING" AND CHAPTER 14.58 "SIGNS". M/S Wilson/Johnson. Councilmembers Spohr and Dever cast opposing votes. The motion failed due to the fact that a majority of the Council did not vote in favor. It was Council's consensus to discuss both of these ordinances at the next workshop meeting.

ORDINANCE RELEVANT TO CARGO CONTAINERS

City Planner Darryl Piercy presented a proposed ordinance relevant to cargo containers based upon previous direction from Council. It repeals a section of the current code because it was in conflict with other areas of the municipal code. Cargo containers are currently prohibited in commercial and C-1 zones and in the proposed ordinance, cargo containers are regulated in the C-1, C-2 and Industrial zones. There will be an annual fee for the cargo containers. Councilmember Snyder asked if some of the current cargo containers would have to be removed. Mr. Piercy stated that some may need to be painted to blend in with the surrounding area. The new text includes an annual administrative review during the business license renewal process and eliminates the Hearing Examiner's conditional use permit process. Councilmember Spohr stated that one existing cargo container has electricity to it and asked if we could allow this but regulate electricity to future cargo containers. Mr. Piercy advised that it's not uncommon to want light or a low wattage heating source in cargo containers, and noted that having electricity to the cargo containers probably doesn't affect the ability to be utilized or their appearance. If a cargo container has electricity, it should have an electrical inspection. He advised that the containers have to be raised and enclosed to eliminate harboring of animals.

Council carried a motion to adopt AN ORDINANCE REPEALING OTHELLO MUNICIPAL CODE CHAPTER 8.62 AND AMENDING OTHELLO MUNICIPAL CODE SECTIONS 17.33.010 AND 17.33.015.A., OF TITLE 17 RELATING TO CARGO CONTAINERS, striking "Said yearly permit is renewable no more than two times in section v.11. M/S Dever/Johnson. This shall be known as Ordinance No. 1296.

ORDINANCE AMENDING OMC 11.50.060 ENTITLED "INSURANCE"

Municipal Services Coordinator Jay Van Ness advised that in 2008, it was recommended by the City's insurance pool that the insurance requirements for right of way permits be changed to \$1,000,000 per occurrence and \$2,000,000 aggregate.

Council carried a motion adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTION 11.50.060 OF CHAPTER 11.50 ENTITLED "RIGHT-OF-WAY WORK PERMIT". M/S Snyder/Wilson. This shall be known as Ordinance No. 1297.

EXTENSION OF EXISTING WATER AGREEMENT WITH CHARLES GARCIA

Municipal Services Coordinator Jay Van Ness reported that the City had a 25 year agreement with Carlos Garcia to provide water to his property outside city limits on Moon Street. This agreement expired April 11, 2009. Mr. Garcia asked for an extension of this agreement for a period of one year to allow time for them to connect to the existing well on their property.

Council carried a motion to accept the water agreement extension with Carlos Garcia. M/S Johnson/Wilson.

NEW BUSINESS

Councilmember Johnson asked if the section of the walking path that was removed by the School District would be reinstalled. Mr. Van Ness noted that the plan was to extend the walking path on the south portion of the curbing where it was removed. The School District will correct any damage done during the construction. Mr. Van Ness claimed that the walk path was dedicated as the City's right of way, and noted that it was his understanding that the removal and relocation was approved. It was conveyed that the Council was not advised that it was going to be removed and relocated. Mr. Van Ness stated that they will have a final walk through and any damage from the construction project will be repaired by the School District.

Mayor McKay made the following announcements:

- A budget retreat will be scheduled for October. It was Council's consensus to extend the workshop hours for the October 5th workshop to accommodate the budget discussion. They asked that it start at 6:00 p.m. with dinner provided. Budget topics are to be given to Mr. Sheldon.
- There is a special Centennial Committee meeting this Thursday at 4:30 p.m.
- The September workshop will be held on Tuesday, September 8th.

ADJOURNMENT

With no further items to discuss, Mayor McKay adjourned the Council meeting at 8:33 p.m.

By: _____
SHANNON MCKAY, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk