

Mayor E R Kelley called the meeting to order at 7:00 p.m. Members present were: Eleanor Brodahl, Leonard Lyon, Everett Cole, Les Clemons, Don Derifield, Jeannie Ochoa, and Kenneth Johnson. Also present were: Debbie Kudrna, Curt Andrews, Rhonda Miller, City Department Heads; Bob Hampton, Police Lieutenant; 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 Cole/Clemons.

#### **CONSENT AGENDA**

- A. Approval of Minutes of July 23, 2001.
- B. Approval of Payroll and Related Expenses for July, 2001.
- C. Approval of Warrants for July, 2001.

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. 23595 to No. 23726 in the amount of \$283,815.78.  
Payroll Check No. 14624 to No. 14723 in the amount of \$170,098.48.

Council carried a motion to approve the consent agenda as presented. M/S Ochoa/Derifield. Council members, Leonard Lyon and Kenneth Johnson abstained from voting due to payments made to A & L Supply, Inc. and Johnson's Glass and Door, LLC.

#### **EMPLOYEE RECOGNITION – RANDY PRESNELL**

Lieutenant, Bob Hampton congratulated Police Officer, Randy Presnell on his commitment of twenty years to the Othello Police Department. He noted that Mr. Presnell is the Police Departments present Range Master, organizing and controlling the shooting range. Mayor Kelley presented an employee appreciation plaque to Police Officer, Randy Presnell and expressed his appreciation for his commitment to the City of Othello.

#### **EAGLE ESTATES**

City Administrator, Bill Shaw presented an Extra Territorial Agreement for water services and a separate Extra Territorial Agreement for sewer services for the properties known as Eagle Properties. This is located along Taylor Road, within the Othello Westwind Apartment Complex, which is currently served by city water and sewer services. He noted that Mr. Tutt wants to convert his duplexes into 35 single-family residences. Mr. Tutt is in the process of obtaining approval of a plat within the county, but the plat is contingent upon proof that the lots will receive water and sewer services. Mr. Shaw noted that the water agreement includes the acceptance of a newly constructed water piping system built to city standards. The sewer agreement has contingencies that the existing sewer pipe will remain in private property and will not be upgraded to meet city standards at this time. The sewer agreement also includes that Mr. Tutt will deposit \$20,000.00 either in the form of a deposit or a bond in lieu of meeting the city's sewer piping system requirements. This deposit will be refunded to Mr. Tutt, if he provides for a sewer pipe system meeting all city requirements in dedicated public right-of-way within 36 months of the agreement. If he does not meet this requirement, Mr. Tutt will forfeit the \$20,000.00 and the city will apply

that money to a sewer system that will provide sewer to adjoining property. Mr. Tutt explained that his intent is to provide affordable housing in the county with the only technicality being the sewer remaining as a private system. He intends to create a homeowner's association that would remain responsible for operation and maintenance of the sewer pipe system. The new water piping system will be upgraded from an 8-inch to a 12-inch line, paid by the city for the difference of the upgrade. Mr. Tutt explained that there would be some minor improvements to the existing sewer line. Discussion was held regarding a possible billing procedure for Eagle Estates. Mr. Shaw noted that if the agreements were authorized, accounts would be set up for Mr. Akkerman for his portion of Othello Westwind Apartments. Another account would be set up for water and sewer bills to the property owners within Eagle Estates and then a separate water and sewer bill would be sent to Mr. McKay for his units. City Attorney, James Whitaker explained that the Extra Territorial Agreement actually binds all property within the plat, assuming that the plat is approved. He further explained that all future owners within the plat would be subject to the terms of the agreements, including relinquishing their right to protest annexation to the city. Mr. Shaw explained the procedure how the \$20,000.00 deposit for future upgrades to the sewer was developed. He noted that it was the cost for laying a sewer line within the right-of-way parallel to Taylor Road but did not include cost for going under the canal north of this property. Mr. Shaw noted that it would be in the city's best interest to provide a connection to the south end of this subdivision, run a trunk line west and south of this property to help with collection of sewer from future properties. Mr. Shaw also explained that the existing private sewer line within this development wasn't intended to serve many more connections, approximately twenty more acres of additional sewer connections. Mr. Shaw noted that there would not be any additional impact to our sewer system by authorization of this agreement. Mr. Tutt stated that he would develop grassy swales to collect storm and ground water. Council member, Lyon expressed some concerns of what exposures there would be to the city if these agreements were authorized. Mr. Whitaker explained that the city's current policy is to have water and sewer lines within right-of-ways but with this situation, which allows a private sewer system, there seems to be no serious threat to our water quality or sewer system. He did recommend that if the Council was so willing to authorize these agreements, that it would be contingent upon final plat approval by Adams County. Mr. Tutt explained that if the existing sewer system should fail or need improvements, there is an agreement between the three property owners that they will share in costs for the improvements or repairs.

**EXTRA TERRITORIAL UTILITY EXTENSION AGREEMENT, COVENANT RUNNING WITH THE LAND, AND POWER OF ATTORNEY FOR WATER SERVICES.**

Council carried a motion to authorize execution of the Extra Territorial Utility Extension Agreement, covenant running with the land, and power of attorney for water services for Eagle Estates, contingent upon the approval of the final plat by Adams County. M/S Derifield/Ochoa. Council member, Brodahl cast an opposing vote. Council member, Lyon voiced his concerns of the process, exposure, and challenges for the city staff because of this water contract.

**EXTRA TERRITORIAL UTILITY EXTENSION AGREEMENT, COVENANT RUNNING WITH THE LAND, AND POWER OF ATTORNEY FOR SEWER SERVICES.**

Council carried a motion to approve the Extra Territorial Extension Agreement, covenant running with the land, and power of attorney for sewer utilities to Eagle Estates, contingent upon the approval of the final plat by Adams County. M/S Derifield/Clemons. Council member, Brodahl cast an opposing vote. Council member, Cole voiced his concerns of the city's involvement allowing a private sewer line but noted that he could agree to it with the means of severing the sewer collection line if it became delinquent.

### **FIRE PROTECTION CONTRACT**

City Administrator, Bill Shaw presented a suggested change to section 4.2 of the proposed Adams County Fire Protection District No. 5 Agreement. Discussion was held on this proposed change noting that legal advice from Adams County Fire District No. 5 counsel had also recommended this change. Committee member, Everett Cole suggested a change to Section 3: Effective Date and Termination of Agreement. "This Agreement shall be effective on September 1, 2001 for a term of Five (5) years and minimum, then automatically renewed each year unless terminated. . ."

Council carried a motion to approve the agreement between the Adams County Fire Protection District No. 5 and the City of Othello, for fire protection with the recommended change to Section 3 as listed above, including attachments Exhibit A and B. M/S Cole/Lyon.

### **ASSISTED LIVING CONCEPT PRESENTATION – ED DOBBS**

Mr. Ed Dobbs presented the proposed Coventry House concept to the City Council, which includes 35 single-family owner owned units, 16 condominium units, and a 48 unit licensed Assisted Living Facility. This is located between 2<sup>nd</sup> and 4<sup>th</sup> Avenue and south of Olympia to Hamlet Street. Mr. Dobbs noted that there would be an extensive landscaping plan throughout the proposed site. The Assisted Living Facility will have a management team for all of the units, including a 24-hour security system for the condos. Their proposal includes a private irrigation system; private roads, curbs and sidewalks; decorative street lighting and landscaping criteria. They will be requesting the roads within the development be private roads with public water and sewer utilities. He noted that they are trying to provide a "people environment" rather than a "car environment," having the narrower private streets within the development. Mr. Andrews presented the issues that the City Staff feels need to be discussed further. The first issue was a SEPA issue; including the need for use of irrigation water within this development and the need for the city to receive the easement of right-of-way for all of Olympia Street from 7<sup>th</sup> Avenue to Broadway. The second issue is a plat issue dealing with the need for the developer to build the full width improvements for 2<sup>nd</sup> Avenue from Olympia south to Fir Street and Olympia Street from 2<sup>nd</sup> to 4<sup>th</sup> Avenue. This would include the street and the possibility of requiring just the adjacent improvements for sidewalks, landscaping, curbs, gutters, and parking lanes and defer the far side improvements. The last issue to discuss is the PDD issue of the closed private roads and water and sewer system. There was further discussion about the need for Planning Commissions recommendations to address the PDD's concept and the need for the Council and staff to fully discuss all concerns brought to light.

### **RESOLUTION TO AUTHORIZE BUILDING PERMIT – SVZ**

Council was presented a resolution to allow a building permit for a new building located in the southeast section in the main building at SVZ. It was noted that the resolution should also include a placement of two signs within the SVZ property. Mr. Shaw noted that this land had been platted in the county but does not meet city platting standards. Therefore, the building permits must be issued by the City Council.

Council carried a motion to adopt A RESOLUTION AUTHORIZING BUILDING IMPROVEMENTS ON UNPLATTED LAND, to permit a new building approximately 40 feet by 60 feet, and placement of one sign adjacent to Broadway Avenue and one sign within their property. M/S Clemons/Cole. This shall be known as Resolution No. 2001-24.

**RESOLUTION TO AUTHORIZE BUILDING IMPROVEMENTS ON UNPLATTED LAND –  
SCHOOL DISTRICT**

Mr. Shaw noted that in April, the Council agreed to a resolution to issue a building permit for a concession stand on High School grounds. That resolution required that the permit be issued within 45 days after Council's approval. That time has expired and the High School is now requesting the building permit. Therefore, the Council should adopt a new resolution.

Council carried a motion to adopt A RESOLUTION AUTHORIZING BUILDING IMPROVEMENTS ON UNPLATTED LAND, to the Othello School District for a concession stand structure located at the High School property. M/S Cole/Clemons. This shall be known as Resolution No. 2001-25.

**UNFINISHED BUSINESS**

Mr. Shaw noted that the Fire Department re-roof project low bid was approximately \$100,000.00 and it was his recommendation to reject all bids and return all bid bonds and re-evaluate the re-roof improvements needed to the building.

Mr. Shaw reported that Greg Sloan of Sloan Insurance has requested that the proposal to provide brokerage service to the City of Othello be removed. Mr. Sloan indicated that his first proposal was to provide this service with no charge to the city but has since found out that there would be a potential cost to the city for these services.

Mr. Shaw reported that two candidates for the Police Chief position have withdrawn their applications and we now have four applicants that will be included in the Assessment Center process scheduled for August 28<sup>th</sup>, 2001.

**NEW BUSINESS**

A discussion was held regarding the new legislation regarding recording of minutes during Executive Sessions regarding litigation.

**ADJOURNMENT**

With no further business to discuss, Mayor Kelley adjourned the council meeting of August 13<sup>th</sup>, 2001 at 9:28 p.m.

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E R KELLEY, Mayor

ATTEST:

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DEBBIE L KUDRNA, City Clerk