

City of Othello  
Regular Council Meeting  
August 14, 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, Debbie Kudrna, Debra Travis and Reuel Klempel, City Department Heads; William Shaw, City Administrator; James Whitaker, City Attorney and several citizens.

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

**CITIZEN INPUT**

Citizen Gale Floyd, 315 E Cedar Street, stated that she still has not received an explanation from the Mayor regarding her complaint against the Police Department and the Animal Control Officer. Mayor Kelley noted that he has tried to contact her without success. He stated that he has researched the incident leading to her complaint and it has been determined that no illegal action was taken by the Code Enforcement Officer while removing a stray dog from her residence. He noted that she could be assured that the Code Enforcement Officer would be escorted by a Police Officer, if there were ever a need for him to visit her residence. Mayor Kelley noted that there are no grounds for any disciplinary action due to these circumstances.

**APPROVAL OF AGENDA**

Mayor Kelley asked that Agenda Item 2.d. be removed from the agenda.

Council carried a motion to approve the agenda with the deletion of Agenda Item 2. d. M/S Clemons/Cole.

**CONSENT AGENDA**

- a. Approval of Payroll and Related Expenses for July, 2000.
- b. Approval of City Council Minutes of July 24, 2000.
- c. Approval of Warrants for July, 2000.

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. 21995 to No. 22106 in the amount of \$345,181.61.  
Payroll Check No. 13496 to No. 13589 in the amount of \$159,474.62.

Council carried a motion to approve the consent agenda as presented. M/S Derifield/Clemons.

**PUBLIC HEARING ON TELEVISION CABLE SERVICES AND FUTURE CABLE NEEDS**

Mayor Kelley opened the Public Hearing to receive public input on Television Cable Service and Future Cable Needs at 7:08 p.m. Debbie Kudrna City Clerk gave a report regarding the Cable Franchise re-negotiation process. She noted that a ten-year Franchise was authorized to Sammons Communication by the City Council in October of 1991. Since that time, resolutions have been adopted by the Council to transfer that Franchise to Marcus Cable and now with Northland Cable. In 1998 the city received a letter from Northland Cable stating their intent to commence the renewal proceedings for another Franchise. In late 1999 the Mayor requested the formation of a Citizen Committee to discuss cable services and cable needs with our citizens. That committee consists of

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Jean Leary, Bill Fields, Bill Briggs, Cynthia Villarreal and Council Member Cole. That committee has met twice, once with the Northland Cable's Regional Manager, Barry Mangen. Mr. Mangen was present at the public hearing and would be able to respond to any questions or comments heard by the citizens. The City Clerk noted that a resolution would be drafted that would include what the Council sets as future community needs and interests related to cable television.

Mayor Kelley asked for citizen input at this time. There was none. Mayor Kelley asked for Council's questions and comments at this time. Council Member Cole stated that he has not been able to gather much input from the citizens regarding future cable needs since the formation of the Citizen Committee.

Mayor Kelley introduced Barry Mangen, Regional Manager of Northland Cable. Mr. Mangen stated that they are requesting a ten-year Franchise similar to what the neighboring cities have been negotiating. As far as future cable services, he noted that they hope to provide similar digital service to that in Moses Lake. They will be adding a nine-channel, Hispanic Digital Pod, which will be available by year-end. There will also be approximately 160 channels available for our citizens; pay per view events and movies; music channels; and their hopes are to provide the best possible service to the citizens at a similar cost as provided in Moses Lake. Other channel requests can be given to the Clerk to be passed onto Northland Cable for consideration. Mr. Mangen explained that recently the Disney Channel was removed and replaced with the Learning Channel. He noted that in order to keep the Disney Channel, there would have been a cost increase of \$3.00 to all customers for that channeling.

Council Member Ochoa noted that Northland Cable has assisted area Chambers put up the Christmas decorations and lighting. Mr. Mangen noted that Northland Cable has offered to help in the community, such as providing assistance for a Production and T.V. Education Programming class in the School District. There were no other comments or questions at this time and Mayor Kelley closed the public hearing at 7:26 p.m.

**AWARD BID FOR DUMP TRUCK**

Public Works Director Reuel Klempel explained that bids were received for a Cab and Chassis Vehicle for the Public Works Department. The results are as follows:

1. Freedom Truck Centers, Inc.	\$52,035.36	Freightliner FL70
2. Jim's Pacific Garages, Inc.	\$54,245.00	Sterling 7500
3. Eagle Freightliner	\$56,361.00	Freightliner FL70

Mr. Klempel recommended awarding the bid to Freedom Truck Centers, Inc. He did note that the box for the vehicle will be purchased through a state bid.

Council carried a motion to award the bid for a cab and chassis for the Public Works Department to Freedom Truck Centers, Inc. in the amount of \$52,035.36 for a Freightliner FL70. M/S Ochoa/Clemons.

**LEE ROAD ACQUISITION**

Mr. Shaw noted that the planned improvements for the Lee Road Project require the acquisition of an additional .96 acres along the northern side of the existing right-of-way. The right-of-way is necessary to provide the United States Bureau of Reclamation a site to relocate their existing water piping between a pond along Lee Road and east of 7<sup>th</sup> Avenue and the Potholes Canal. The cost of the property is \$19,200.00, which is currently owned by Taggares Company.

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Council carried a motion to allow the purchase of the right-of-way necessary for the Lee Road Project in the amount of \$19,200.00. M/S Cole/Clemons.

**RESOLUTION OF IMPROVEMENTS CONSTRUCTION**

Mr. Shaw noted that the resolution sets the process for requiring property owners to perform construction and/or reconstruction or repair of sidewalks, curbs and/or driveways. If the property owner does not perform the work by an established date, the resolution provides the means for the City to perform the construction of the repairs. He noted that the resolution sets a Public Hearing for August 28<sup>th</sup>, 2000 when the property owners would be able to discuss the improvements proposed by the resolution. He noted that there are seven landowners included in the resolution that have sidewalks with unsafe conditions and six of these landowners have been notified in the last several years regarding the necessity to make improvements. Mr. Shaw noted that the City's insurance carrier has listed six of the seven as having unsafe sidewalk conditions. The resolution sets a date of September 15<sup>th</sup>, 2000 for the improvements to be accomplished by the property owner. If not accomplished, the resolution states that the property owner will be liable to pay to the City the cost for such improvements for repairs. Council Member Cole was concerned about imposing a ten-foot sidewalk on the Post Office property and Mr. Shaw noted that the sidewalk would only be imposed on the north side of the property. Council Members Johnson and Brodahl voiced concerns of the lack of sidewalks around the Lions Park property. Mr. Shaw noted that he agreed that there are some needs for ADA compliance sidewalks in the park. Council Member Ochoa voiced some concerns of further improvements needed to the Second Avenue and Main Street property, such as a retaining wall. Mr. Shaw stated that the sidewalk could be repaired by shoring up approximately 30 feet of the sidewalk to make it stable and some sort of retaining wall. There was some discussion regarding extension of the September 15<sup>th</sup> deadline and Mr. Shaw noted that this will be an issue to be discussed during the August 28<sup>th</sup>, 2000 Public Hearing. Mr. Shaw noted that the Council has the only authority for imposing improvements to the sidewalks, and stated that the staff had sent letters in the past couple of years requesting improvements to these sidewalks, with no improvements being made. Council Member Derifield made a motion to adopt A RESOLUTION AUTHORIZING AND DIRECTING THE CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND/OR DRIVEWAYS WITHIN THE CITY OF OTHELLO, WASHINGTON, REQUIRING THE ABUTTING PROPERTY OWNERS TO PERFORM SUCH CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND/OR DRIVEWAYS, AND PROVIDING THE MEANS FOR THE CITY TO PERFORM SUCH CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND/OR DRIVEWAYS, IF SUCH WORK IS NOT PERFORMED BY ABUTTING PROPERTY OWNERS AND ESTABLISHING THE METHOD FOR RECOVERY OF THE COST OF SUCH WORK FROM ABUTTING PROPERTY OWNERS. Seconded by Council Member Cole. The motion carried. Council Members Johnson and Brodahl cast opposing votes. This shall be known as Resolution No. 2000-15. Council Member Lyon requested that the Council receive hard copies of the notifications that were sent to the property owners prior to the next public hearing.

**DONATION OF LAND FROM U S FISH & WILDLIFE**

Mr. Shaw noted that the Council had discussed the possibilities of obtaining a donation of property located at 9<sup>th</sup> and Pine Street from the U S Fish & Wildlife Service. At the last Workshop, Alan Hanks from the Othello Housing Authority, had asked the Council the possibilities of obtaining the land for the Housing Authority affordable housing project.

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Council carried a motion to authorize the Mayor to send a letter to the U S Fish & Wildlife, which would detail that the City is interested in obtaining property located at 9<sup>th</sup> and Pine Street in Othello as a donation from them. M/S Cole/Ochoa.

**EXTRA TERRITORIAL UTILITY EXTENSION AGREEMENT - WATER AND SEWER, DAVE SOMES**

The City Council had received a request for City water and sewer services for property located at Cunningham and Taylor Roads, located in Adams County from David R. Somes. Mr. Shaw noted that this property is approximately ½ acre, which has been purchased by Dave Somes located within the Columbia Christian property, just north of Reza Firouzi's second phase project. He explained that Mr. Somes is asking to be allowed to connect up to the new extensions of water and sewer infrastructure being constructed by Reza Firouzi. Mr. Andrews noted that if the Council allows for the extension of the City's water and sewer to this property, which is located outside of the city limits, the staff will craft the agreement with all the technicalities included for extension of the lines.

Council carried a motion to approve extending City water and sewer services to David Somes, property owner of ½ acre, located at Taylor and Cunningham Roads, outside of the current city limits. M/S Derifield/Ochoa.

**NOTICE OF INTENTION TO ANNEX FROM: DICK WELLS, BCW ASSOCIATES, INC.:  
JAMES FREEMAN; BASSEM MUSEGH AND NAIFEH MUSEGH; AND DAVID AND LORI  
JAHNS**

City Planner Curt Andrews reviewed the areas requesting annexation into the City. This property is located south of Bench Road, adjacent to Highway 24. On the West Side, it includes the Radar Trailer Court as well as an area around the court, and the property known as Joe's Market and Jahn's Construction. On the East Side, it includes a farm unit south of Bench Road. Mr. Andrews noted that the notices received do not include Bob's Corner, the Veterinary Clinic, the three properties located west of the Veterinary Clinic and north of Bench Road, and the area known as Country Meadows. The notice of their intention to annex is approximately 160 acres and if the City modifies the area, it could be approximately 200 acres. Mr. Andrews noted that at approximately 3 to 4 homes per acre, there could be enough funds collected in general facility charges to drill additional wells. Mr. Shaw explained that it has been discussed with Dick Wells and the other property owners that there is a definite need for City water. With the cooperation of all property owners, they could afford a gravity fed sewer extension that would run north to the current city limits. Council Member Derifield voiced some concerns of protecting farmland and it was noted that the City's long-range plan does estimate construction of 30 to 40 new homes per year. It was noted that the City does not know whether M & I water rights for irrigation use can be obtained for this area. Mr. Shaw noted that he has met with the owners in the area of Country Meadows to discuss their concerns of annexing into the city. Discussion was held regarding improvements to the intersection of Highway 24 and Bench Road, which would include a traffic light. Mr. Shaw noted that the City could comply with state regulations and guidelines for a light at the intersection and explained that impact fees can be imposed for that improvement.

Council carried a motion to accept the notice of intent to annex submitted by Dick Wells, James Freeman, Bassem & Naifeh Musegh and David & Lori Jahns. If annexed, the areas will accept the indebtedness of the City and will be subject to the City's comprehensive plan and zoning regulations. They directed the zoning issue to the Planning Commission for consideration. They also authorized City staff to work with the proponents to configure the annexation boundaries and to direct the preparation of the petition to facilitate the 60% annexation method. M/S Derifield/Cole.

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**UNFINISHED BUSINESS**

Finance Officer Debra Travis asked for Council's directive concerning the Rural Library District. She noted that it would be helpful for the staff to know if the Council is willing to request annexation into a Rural Library District, if the District is approved by County voters on September 19<sup>th</sup>, 2000. It was Council's consensus that they will request annexation into the Rural Library District, if the District is formed by County voters at a vote on September 19<sup>th</sup>, 2000 and will request that a special election of the annexation into the RLD be held in November, 2000.

Mr. Shaw noted that staff is finalizing the Port District property purchase.

Mr. Shaw noted that the three top candidates for the Fire Chief position have been invited to Othello and will be available to meet with the Council prior to the August 28<sup>th</sup> City Council meeting. The three top candidates have been requested to meet with the Volunteer Fire Department that evening and interviews are set up for August 29<sup>th</sup>, 2000. Mr. Shaw noted that one candidate has requested travel reimbursements and only Council can authorize this type of expenditure.

Council carried a motion to authorize the Mayor to allow reimbursement for expenditures for travel to Othello for the interviews, for no more than \$700.00, for the candidates for the Fire Chief position, if they ask for it. This would be reimbursable only upon proof of expenses incurred. M/S Ochoa/Johnson. Council Member Derifield cast an opposing vote.

Council Member Brodahl provided a container of water that was drawn at a home today in the area of 14<sup>th</sup> Avenue and was concerned of the quality and testing process that was done in that area. Mr. Shaw noted that he would inquire regarding this process with the Public Works Department.

Council Member Derifield voiced concerns of Coyote Ridge prisoners in the area of the Lions Park Summer Park Program. Mr. Shaw noted that he would inquire about their presence in this area with the Public Works Department.

Council Member Cole presented a logo concept that was developed by John Pierre for the Building Interior Committee.

**ADJOURNMENT**

With no further business to discuss, Mayor Kelley adjourned the Council meeting of August 14<sup>th</sup>, 2000 at 8:52 p.m.

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E R KELLEY, Mayor

ATTEST:

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DEBBIE L KUDRNA, City Clerk

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