

City of Othello
Regular City Council Minutes
August 28, 2000

Mayor E R Kelley called the meeting to order at 7:00 p.m. Members present were: Les Clemons, Don Derifield, Jeannie Ochoa and Kenneth Johnson. Absent were: Leonard Lyon, Eleanor Brodahl and Everett Cole. Also present were: Curt Andrews, Bill McDonell and Debbie Kudrna, City Department Heads; William Shaw, City Administrator; James Whitaker, City Attorney and John Pierre, Othello Police Sergeant.

Council Member Kenneth Johnson 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 Clemons/Ochoa.

CONSENT AGENDA

a. Approval of City Council Minutes of August 14, 2000.

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

PUBLIC HEARING ON THE REQUIREMENT OF PROPERTY OWNERS TO PERFORM CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS

Mayor Kelley opened the public hearing to receive input about the requirement of property owners to perform construction and/or reconstruction or repair of sidewalks, curbs and/or driveways at 7:05 p.m. Mayor Kelley asked if any Council Members had a financial interest in the property or issues. There was none. Mayor Kelley asked if each of the Council Members could hear and consider this matter in a fair and objective manner. They all responded, yes. Mayor Kelley asked for the Council Members to place on the record the substance of any communication or contact each have had outside of the hearing with opponents or proponents on the issue to be heard. Council Member Ochoa stated that she had a discussion with Mr. Leathard, owner of Number 5 as listed on Resolution No. 2000-15. Mr. Leathard had asked her why this was an issue and she had explained that it was prompted by the newly Street Striping Project on First Avenue. Mayor Kelley asked that anyone who had an objection to his participation or the Council Members participation in the public hearing to state it now and give the reasons for the objection. There was none. Mayor Kelley asked for the City Staff to present the exhibits and enter any written comments received by the City into the record. City Clerk, Debbie Kudrna read into the record a letter, dated August 21st, 2000, to Mr. Bill Shaw, City Administrator; from Robert E. Turner, 71 E Soda, Number 7, Othello, Washington and a second letter, undated and untitled, also from Robert E. Turner. Bill Shaw, City Administrator read into the record the following exhibits:

Exhibit 7: A letter of correspondence to Northland Cable, dated October 28, 1998, asking them to reconstruct their sidewalk as outlined in Resolution 2000-15.

Exhibit 8: A letter of correspondence to Mr. & Mrs. Chase, owners of property at 602 E Main Street dated November 16, 1998, asking them to reconstruct their sidewalk as outlined in Resolution 2000-15.

Exhibit 9: A letter of correspondence to Paul Bonnell, Modern Trailer Court, dated October 28th, 1998, regarding reconstruction of his sidewalk as outlined in Resolution 2000-15.

Exhibit 10: A letter of correspondence to Rodney DeLeon, dated January 14th, 1998, regarding reconstruction of sidewalks as outlined in Resolution 2000-15.

Exhibit 11: A letter of correspondence to Stephen Felice, 190 E Main Street, dated June

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13th, 2000, regarding reconstruction of his sidewalks as outlined in Resolution 2000-15.

Exhibit 12: Postal return receipts from the Post Office identifying that all parties listed in Resolution 2000-15 had received the notice of repairs and the public hearing notice.

Exhibit 13: The letter from our insurance carriers, Canfield and Associates, which outlined the sidewalks listed in Resolution 2000-15 as being hazardous.

Mayor Kelley asked for City Staff to present information and fully explain the process of the requirement of property owners to perform construction and/or reconstruction or repairs of sidewalks, curbs and/or driveways. City Administrator, Bill Shaw read into the record the content of the letters sent to the seven property owners of nine parcels within the City, which explained the work to be performed on existing sidewalks, curbs or driveways. The letter also informed them of the public hearing date and other pertinent dates set for this process. It also included an invitation for comments or questions regarding the project. Mr. Shaw noted that he has met with all property owners listed in the resolution, except for two, and feels that the ones he has met with should be able to complete the work as outlined in the notices. Mayor Kelley asked for public testimonies at this time. There was none. Mayor Kelley asked for Council's comments or questions at this time. Council Member Derifield asked to review the letter received by the City from our insurance carriers, Canfield and Associates, indicating a list of hazardous sidewalk conditions. Mr. Shaw explained that the insurance carriers concerns were of only existing sidewalks and provided the letter. Council Member Ochoa asked for clarification of the property listed as Number 5 in Resolution 2000-15. Mr. Shaw noted that it was at the northwest intersection of First Avenue and Scooteney Street. He also stated that some of the sidewalks listed in the letter from Canfield and Associates have already been addressed and corrected. With no further comments from the public, staff or applicant on the matter, Mayor Kelley closed the public hearing at 7:22 p.m.

Council Member Ochoa made a motion to confirm the process set in Resolution No. 2000-15 regarding reconstruction, repair or construction of sidewalks, curbs or driveways.

Council Member Clemons seconded the motion. Those voting in favor of the motion were: Council Members Ochoa, Clemons and Derifield. Council Member Kenneth Johnson cast an opposing vote. Therefore, the motion failed.

City Attorney James Whitaker explained that Resolution No. 2000-15 is valid and stands, as adopted by the Council on August 14th, 2000.

PUBLIC HEARING ON THE ZONING AND ANNEXATION REQUEST FILED BY PETER JOHN TAGGARES III AND SANDRA K TAGGARES

Mayor Kelley opened the public hearing to receive input about the petition to annex filed by Peter John Taggares III and Sandra K Taggares and on the proposed industrial zoning of the land, which is located north of Lee Road and approximately 3.5 acres of property located between McManamon Road and the railroad, at 7:26 p.m. Mayor Kelley asked if any Council Members had a financial interest in the property or issue. There was none. Mayor Kelley asked if the Council Members could hear and consider the matter in a fair and objective manner. They all responded, yes. Mayor Kelley asked for the Council Members to place on the record the substance of any communication or contact each have had outside of the public hearing with opponents or proponents on the issue to be heard. There was none. Mayor Kelley asked for anyone who had an objection to his participation or the Council Members participation to state it now and give the reasons for the objection. There was none. Mayor Kelley asked the City Staff to present exhibits and enter any written comments received by the City into the record. Debbie Kudrna City Clerk entered the following information as exhibits:

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Exhibit 1: A copy of the "Request to Annex" filed by P J Taggares Company, by and through Janet Taggares, dated July 6, 2000.

Exhibit 2: A copy of an excerpt of the City Council minutes of July 10, 2000, where the City Council accepted the Notice of Intent to annex filed by Janet Taggares representing the P J Taggares Company. This also provided that the area will accept the indebtedness of the City and will be subject to the City's Comprehensive Plan and zoning regulations. Council also authorized staff to direct a petition be signed by at least 60% of the landowners of this area and directed the zoning issue to the Planning Commission for consideration of appropriate zoning.

Exhibit 3: A copy of the "Petition for Annexation", filed by Peter John Taggares III and Sandra K Taggares, dated July 6, 2000.

Exhibit 4: A copy of the Determination of Sufficiency, filed by Connie Kline, Chief Appraiser of Adams County Assessor Office, dated July 24, 2000. This certified that the portion of Farm Unit 74 belongs solely to Peter John Taggares III and Sandra K Taggares and another parcel lying between McManamon Road and the railroad which is assessed to the P J Taggares Estate. The petition filed was determined sufficient, as meeting the 60% petition provisions and noted that this particular annexation would not decrease Adams County Fire 5's assessed valuation.

Exhibit 5: A copy of the Public Hearing Notice for this public hearing, published in the legal section of the Othello Outlook on August 2, 2000 and inserted into three land use signs placed upon the proposed property.

Exhibit 6: A copy of the land use notice sent to all property owners within 300' of the proposed annexation that announced tonight's public hearing and mailing list.

Exhibit 7: A copy of the Planning Commission's Finding of Facts, Conclusion and Decision regarding zoning classification of this proposed annexation, dated August 11, 2000, signed by Steve Muzik, Planning Commission Chairperson, recommending the property be zoned as Industrial-2.

Exhibit 8: A legal drawing of the property owned by P J Taggares III, Sandra Taggares, and the P J Taggares Estate.

Exhibit 9: 1995 City Comprehensive Plan, the Task Force Urban Service Area Map, existing and proposed zoning map and description.

Mayor Kelley asked for City Staff to present information on the proposed annexation for industrial use.

City Planner Curt Andrews fully explained the area proposed to be annexed. He noted that the two parcels are clearly within the Urban Service Area and the Urban Planning Area. Mr. Andrews noted that the area is currently farm or vacant land and meets the land use criteria category for industrial zones as listed in the City's Comprehensive Plan. Mr. Andrews noted that the Planning Commissions public hearing to consider a recommendation for zoning of the area concluded to zone it as Industrial-2, noting that it has protection from any further encroachment of housing. Mr. Andrews explained that although the Planning Commission recommends zoning it as Industrial-2 at this time, the current property owners are proposing that it be rezoned to a Medium Industrial zone at a later time.

Mayor Kelley asked for any public testimonies, questions, objections or protests to be heard from the citizens. There was none. Mayor Kelley asked for any comments or questions from the Council Members regarding the issues at hand. There was none. Mayor Kelley closed the public hearing at 7:38 p.m.

ORDINANCE TO ANNEX CERTAIN PROPERTIES

Council carried a motion to adopt AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY, PURSUANT TO THE PETITION METHOD, ASSIGNING A ZONE CLASSIFICATION AND PROVIDING FOR THE ASSUMPTION OF EXISTING CITY INDEBTEDNESS. The Council also adopted the Planning Commissions Finding of Facts, which included zoning the property as Industrial-2 and made a correction to Section 2 of the Ordinance, under zoning and regulations, regarding clarification of the zoning. M/S Ochoa/Derifield. This shall be known as Ordinance No. 1068.

AGREEMENT WITH DEPARTMENT OF CORRECTIONS – COYOTE RIDGE WORK CREW

The City Clerk explained that Attachment A, as provided to the Council was to extend the contract term with the Department of Corrections, Division of Correctional Industries, to June 30th, 2001. The payment terms of \$1.10 per offender hour worked and mileage set for 31 cents per mile, is the same as it has been in the past several amendments to the original contract.

Council carried a motion to authorize execution of the Attachment A to the contract with the Department of Corrections, Division of Correctional Industry, Coyote Ridge Correction Center. M/S Clemons/Johnson.

POLICE DEPARTMENT ACCREDITATION PROCESS

Police Chief, Bill McDonell introduced Police Sergeant, John Pierre who has been working actively on the Police Department Accreditation Process for the past 18 months. Sergeant Pierre explained that the department accreditation process is essentially a stamp of approval by the Washington Association of Police Chiefs and Sheriffs. This has been a long process, which began with the completion of the new Police Department and City Hall building. The group of peers, representing the Police Chief and Sheriffs Association, will be in Othello on September 19th and 20th, assessing the Police Department for compliance of standards as set by Washington State. This group will also be in the community asking for their opinions of the Police Department and their procedures. If the Police Department is accredited, it will give a confirmation that their current process and practices are up to state standards. It will also create better morale throughout the department, will reduce the insurance liability expenses and will hold the staff up to a higher standard.

Mayor Kelley thanked Sergeant Pierre and the entire Police Department Staff for their hard work through this accreditation process.

UNFINISHED BUSINESS

Building Official, Curt Andrews stated that the City is preparing to design a new pump for Well #3. Although the well is on-line at this time, it is a 23-year old well and replacement of the pump is necessary once the high demand of water is over for the year. He explained that Well #7 is back on-line and is running at 1500 gallons per minute. Upon further investigation of a problem that occurred at Well #7, it was determined to wait to perform any cleaning of the screens and that the problem at the well was created by a mechanical error in the system.

Mr. Shaw reminded the Council of the Workshop set for Tuesday, September 5th, 2000 at 5:30 p.m. noting that the Department Heads and representatives from Anderson Perry and Associates will be present at the Workshop.

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Council Member Ochoa asked if there was a financial packet prepared for the Sidewalk Improvement Project, if the landowner was not to complete their project. City Attorney, James Whitaker noted that this would be discussed after the deadline set in the resolution.

Mr. Shaw noted that the Fire Chief candidates will be interviewed the following day and will be taking a tour of the City, with hopes of selection by the end of the week.

Mr. Andrews noted that the cooperative effort for an Othello Area Transportation study has been completed. This study was funded by a state grant to evaluate long-term transportation issues. An additional \$7,000.00 of state funding has been received to research more carefully one at-grade crossing through Highway 26, between First and Seventh Avenue. This continued project would include receiving staff and public input and some extensive researching by the City Staff.

NEW BUSINESS

Council Member Clemons extended appreciation to the Public Works crew for their recent Street Painting Project throughout the City.

ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the Council meeting at 8:12 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L KUDRNA, City Clerk