

City of Othello
Regular City Council Meeting
September 24th, 2001

Mayor Pro-Tem Everett Cole called the meeting to order at 7:00 p.m. Members present were: Leonard Lyon, Eleanor Brodahl, Les Clemons, Don Derifield, Jeannie Ochoa, and Kenneth Johnson. Absent was Mayor E R Kelley. Also present were: Debbie Kudrna, Curt Andrews, and Rhonda Miller, City Department Heads; Bill Shaw, City Administer; and James Whitaker, City Attorney.

Council member, Les Clemons led the opening invocation and Mayor Pro-Tem Everett Cole led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

CONSENT AGENDA

A. Approval of Minutes of September 10, 2001

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

PUBLIC HEARING ON THE ZONING AND ANNEXATION REQUEST FILED BY CURTIS AND SUE ANN ROBERTS

Mayor Pro-Tem Everett Cole opened the public hearing to receive staff and citizen input about the request to zone and annex a parcel of land, owned by Curtis and Sue Ann Roberts at 7:05 p.m. Mayor Pro-Tem Cole asked that anyone who had an objection to his participation or any council member's participation to state now and give their the reasons for the objection. There was none. Mayor Pro-Tem Cole asked if any council member had any financial interests in the property or issue. There was none. Mayor Pro-Tem Cole asked if the council members could hear and consider this matter in a fair and objective manner, and they all agreed. Mayor Pro-Tem Cole then asked for the council members to place on the record the substance of any communication or contact each has had outside of the hearing with opponents or proponents on the issue to be heard. Council member Ochoa stated that she has discussed the potential annexation and the potential extension of Catalpa Street with two citizens. Council member Derifield announced that he has had a couple conversations with a couple individuals regarding the overall project. The City Attorney explained that this is a legislative action of the City Council, not a quasi-judicial public hearing and noting that they had the conversations is adequate. Mayor Pro-Tem Cole asked the city staff to present the information on the proposed annexation and zoning.

City Planner, Curt Andrews discussed in detail the annexation process and request. He explained that staff recommends that the decision of whether to annex the property not be made tonight, but be tabled until all issues are dealt with. Mr. Andrews presented an overhead that located the property, approximately 20 acres, noting it is north of Cemetery Road, east of Town & Country Estates and Scootney Spring School, south of the EL68 canal, adjacent to the city and within the Urban Service Area and the Urban Planning Area. He then presented the current zoning map. He noted the original request for annexation from Curtis and Sue Ann Roberts was for one parcel of land, approximately 14 acres. Staff reviewed the area proposed to be annexed and modified it to include the Roberts' home site, a portion of Cemetery Road, the area adjacent to the EL68 canal and a small triangle area in the northwest corner of the property. The petition included the description with the modified area included.

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Mr. Andrews presented and reviewed the Planning Commission's Findings of Facts on the zoning request, adopted on September 17, 2001:

1. The proposed zoning is consistent with the City's comprehensive plan.
2. The city is in need of additional R-1 and R-2 lots for current and future growth needs.
3. The proposed zoning protects the existing developments from incompatible uses.
4. It is adjacent to the city on two sides and provides for efficient land and infrastructure.
5. It is in the best interest of the city's future to require annexation of Lot 3 at this time.
6. It is in the best interest of the city's future to annex Cemetery Road from 14th Avenue to the east side of Lot 3.

Mr. Andrews reviewed the Planning Commission's Decision for zoning, which was a recommendation that the property from Cemetery Road to Catalpa Street extended east be zoned R-2; and the remaining portion north of Catalpa Street extended east, towards the El-68 canal and all of Lot 3 be zoned R-1.

Mr. Andrews stated that the 60% petition method to annex is being followed. This public hearing is to provide citizens information about the annexation and zoning request and allow an opportunity for the applicants and citizens to make comments. He stated the benefit to annex is to provide additional R-1 and R-2 housing (community need). He reviewed the Housing Policy Section of the City's comprehensive plan, noting the need of R-1 and R-2 housing lots, and noted this annexation could accommodate approximately 30 new homes. He stated there is water, sewer, and roads close to this land. Portions of the sewer will need to be gravity fed, and this will be discussed more with the Roberts' during the plat process. He reviewed the process that a Boundary Review Board would follow for review of annexations, if there were such a board in Adams County.

Mr. Andrews then briefly discussed the right-of-way issue for Cemetery Road, which is currently a lane that leads to the cemetery, and is not designed to service a sub-division. A letter was sent by Adams County Public Works, dated August 6, 2001 that included a statement that the County would not grant access to Cemetery Road, and requested that the City annex it, improve it and deal with the access issue. The Bureau of Reclamation had sent a letter discussing the public safety issues of land adjacent to their canal. The Bureau reported that they have a substantial irrigation pipe along Cemetery Road, which will impact the right-of-way and access issues. The Bureau also recommended that the agricultural water be released for the land.

Mr. Andrews presented the Transportation Plan and stated that we do have the capacity for this growth, but noted some concerns of increased traffic on 14th Avenue. He stated that as the area east of the existing city limits from Main Street to Hwy 26 develops, there would be growth issues to deal with. He then presented the city's water and sewer growth plan, and explained that there is a 12" water line that passes to this site. There are future plans for sewer infrastructure to gravity feed, but until this is installed, the sewer will need to be pumped.

City Clerk, Debbie Kudrna entered the following items into the record as exhibits:

EXHIBIT 1: A copy of the Petition to Annex, filed by Curtis and Sue Ann Roberts, dated August 19, 2001. The petition included provisions that the petitioners agree that all property annexed shall assume any city indebtedness; shall be subject to the zoning laws and regulations of the city; and shall be subject to the comprehensive plan of the city.

EXHIBIT 2: A copy of the County Assessors' "Determination of Sufficiency of Petition to Annex", signed by Sherri L. Brewer, Administrative Assistant.

Their statement had included that their office had verified that the petitioner, Curtis and Sue Ann Roberts are the owners of property amounting to at least 60% of the value of the property proposed to be annex.

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EXHIBIT 3: An aerial map of the area, indicating the proposed annexation.

EXHIBIT 4: A copy of the Notice of Public Hearing and mailing list for tonight's public hearing. This notice was also posted at 3 locations within the proposed annexation property and published in the legal section of the Othello Outlook on September 6, 2001.

EXHIBIT 5: Letters received in response to the public hearings notices sent out for tonight's public hearing and the zoning public hearing held by the Planning Commission held on August 20, 2001. These letters were sent by William Johns, P.E. of Adams County Public Works, dated August 6, 2001; a letter sent by William D. Gray, Deputy Area Manager of United States Department of Interior, received August 6, 2001; and a letter sent by William D. Gray, Deputy Area Manager of United States Department of Interior, received September 6, 2001. Mr. Andrews had reviewed two of those letters in his comments.

EXHIBIT 6: The 1995 Comprehensive Plan and City Zoning Map

EXHIBIT 7: The Planning Commissions Finding of Facts for the zoning request of the proposed annexation area, adopted by the Planning Commission on September 17, 2001.

Mayor Pro-Tem asked if the applicants had anything to add to the request. Sue Ann Roberts, 1936 W Cemetery Road addressed the Council and community members. She stated her hopes are to gain approval for the annexation request of the Robert's Short Plat Addition. She stated there is a need of more residential lots to build, noting the tax base needs to be larger to meet the needs of the community. She noted one of the key issues being used in the candidate elections is growth. She said that many of town's employees are living in Moses Lake and surrounding areas, because of the lack of buildable lots. She said she feels very bad that some of the neighbors are having a difficult time with the proposed subdivision. She said that the Catalpa Street access will be one way to enter and depart and noted that Catalpa Street is a public street for all to use.

Mayor Pro-Tem Cole asked for public comments.

Dave Long, 1530 Catalpa addressed the Council. He stated that one of the reasons that they moved to the Town & Country area is that Catalpa Street is a dead-end, quiet street, with no sidewalks, and does not have a lot of vehicular traffic on it. He stated that he does not want increased traffic. He is for pro-growth and has no objection to the annexation, other than he wants Catalpa Street to remain a dead end street, with less chance of accidents.

Greg Sloan, 1620 Catalpa, addressed the Council and noted that they support the proposed development, and is glad that Mr. Roberts is developing it because he will do a good job. Mr. Sloan presented a petition signed by 68 members of the Town & Country Estates area. The petition included a proposal that Catalpa Street not be made a thru street and that a dead end or cul-de-sac be placed at the East End of Catalpa for safety as well as to keep the private and quiet nature of the area. He noted there is a school in the vicinity and Catalpa Street has limited intersections and has concerns of vehicular traffic if it were a through street.

Milo Hirschi, 1520 Catalpa, addressed the Council and stated that he is not against the zoning or annexation and is in favor of the proposal. He stated that the plat process has not taken place yet and stated that their concern will be of the platting process. His concern is also of Catalpa Street being used as an access and suggests that it made a cul-de-sac and keep the quiet integrity of the 30-year-old neighborhood. He noted that Town & Country Estates has two accesses and the proposed development would have the same opportunity off of Cemetery Road.

Art Doval, 1645 Fern Street, addressed the Council. He stated that he is the Operation Manager for Avista Utilities. He reported there is an existing power line that starts in the

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southeast corner of Catalpa Street and runs north to the irrigation canal, where there is a transformer that runs along the back of the developed lots in Town & Country. During the platting process, Avista will request ability to maintain and have access to the power line to the transformers that serve the irrigation system for the Town & Country Estates. He noted he has no problem with the annexation, noting he would like to keep the neighborhood quiet without worry of excess traffic.

Mayor Pro-Tem Cole asked if the city staff had comments in response to the public testimony. There was none. He then closed the public comment time. Mayor Pro-Tem Cole asked for Council comments. Council member Derifield asked city staff why Dr. Bunch's' house was not included. Mr. Andrews stated that city staff did not ask the school, nor the Hampton's, the Bureau or Mr. Bunch to sign the petition and noted that in order to have the 60% assessed value met, Mr. Bunch would have had to sign the petition and supported the annexation.

With no other comments to be heard, Mayor Pro-Tem closed the public hearing on the zoning and annexation request filed by Curt and Sue Ann Roberts at 7:35 p.m.

FIRST READING ESTABLISHING THE PLANNED DEVELOPMENT DISTRICT ORDINANCE

The City Clerk read the title of **AN ORDINANCE CREATING THE COVENTRY HOUSE PLANNED RESIDENTIAL DEVELOPMENT DISTRICT OVERLAY AND GRANTING APPROVAL OF THE PRELIMINARY PLANNED DEVELOPMENT DISTRICT DEVELOPMENT PLAN FOR SUCH OVERLAY DISTRICT.**

SET PUBLIC HEARING ON THE ORDINANCE TO ESTABLISH THE PLANNED DEVELOPMENT DISTRICT FOR OCTOBER 8, 2001

Council carried a motion to set the Public Hearing on the Ordinance to establish the Planned Development District for October 8, 2001. M/S Ochoa/Johnson.

RECEIVE THE PLANNING COMMISSION'S FINDINGS OF FACTS AND RECOMMENDATION OF THE COVENTRY HOUSE PRELIMINARY PLAT AND SET DISCUSSION FOR OCTOBER 8, 2001.

The Council received the unofficial, Planning Commission Findings of Fact, Conclusions and Decision of the Coventry House Preliminary Plan, and carried a motion to set the discussion for the Coventry house Preliminary Plat for October 8, 2001. M/S Clemons/Ochoa.

JOHNSTON & CULBERSON SERVICE AGREEMENT FOR INDUSTRIAL INSURANCE CLAIMS

City Clerk, Debbie Kudrna explained that Johnston & Culberson has been our Labor & Industrial claims manager for several years. They have notified the city that they are disbanding the Cities Retro Group, effective October 1st and offered the city the same service through an agreement with a fee of 5% of the city's annual Labor & Industrial premium. She requested that the agreement be continued with hopes that training will be available for staff to assume this duty in the future. Council carried a motion to authorize execution of the Service Agreement with Johnston & Culberson to provide Labor & Industrial management. M/S Clemons/Ochoa.

City Attorney James Whitaker clarified whether the Council should have taken any action regarding the annexation request. He recommended that the Council give direction to the citizens and staff of when they may discuss this again. Mr. Andrews stated that if the city

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can't obtain the Cemetery Road right-of-way, the parcel cannot be developed into the housing, and both parties agree that it wouldn't be advantageous to annex. It was clarified that the proponent is requesting a 2-week delay of action on the annexation.

Council carried a motion to postpone any further action on the annexation request filed by Curtis and Sue Ann Roberts for an additional two weeks. M/S Derifield/Clemons.

END THE CONTROLLED BURNING MORATORIUM

Mayor Pro-Tem Cole announced that the moratorium on open burning would be ceased, as of October 1, 2001. He noted that Adams County Fire District #5 will be issuing the burn permits prior to any burning, and all citizens must obtain the burning permits and phone the Police Department at 488-3314 prior to any burning.

CONFIRMATION OF MR. RONALD E. AXTMAN AS OTHELLO POLICE CHIEF

Mr. Shaw reviewed the terms of employment, as proposed by the City and accepted by Mr. Ronald Axtman. Council carried a motion to confirm the appointment of Mr. Ronald Axtman as the new Police Chief. M/S Derifield/Brodahl.

Mr. Shaw reported that the first day of employment for Mr. Axtman is set for October 22, 2001. Mr. Shaw reminded the Council that past practice of the Council has been that the Lieutenants and Sergeants wages have been scaled upon the Chiefs wage. He noted this could be addressed by the new Mayor and new Administrator whether to continue this practice, upon the completion of the Chief's one-year probation.

RESOLUTION TO SURPLUS VEHICLE

Council carried a motion to adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON, DECLARING SURPLUS EQUIPMENT. M/S Ochoa/Clemons. This shall be known as Resolution No. 2001-30.

RESOLUTION COMMEMORATING THE VICTIMS OF THE RECENT TERRORISM ATTACKS

Mayor Pro-Tem Cole read into the record the entire contents of the resolution commemorating the victims of the recent terrorism attacks on the United States of America. Council carried a motion to adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON, COMMEMORATING THE VICTIMS OF THE RECENT TERRORISM ATTACKS ON THE UNITED STATES OF AMERICA. M/S Derifield/Clemons. This shall be known as Resolution No. 2001-31.

UNFINISHED BUSINESS

Mr. Shaw announced that the staff has been working on the details of the McFarland Water Line project. He reported the easements are being obtained and the staff projects that the small works bid packets can be sent out within the next week, with the project completed by the end of November.

Mr. Shaw then explained that an ordinance may be crafted that would authorize a joint financial venture for the financing of the McFarland water line. This financing can be organized to include the School District, any property owners that the water line and easement lay, and the City. Mr. Shaw suggested that the ordinance provide the property owners will be required to pay either all of their share or a portion of their share that they are benefiting from when they plat their property or connect to the line. The School District could be charged as additional buildings are connected, either their full share or a

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partial amount. The Housing Authority will provide the expenses for the fire hydrant materials, and this could cover their benefiting cost of the project. He noted that an unknown cost of the project is the possibility of removal of big boulders from the property.

Mr. Andrews presented Change Order No. 1 for the Lee Road Project, in the amount of \$2,586.80. This is for additional costs associated with concrete sections at the McManamon and Lee Road intersection and the costs associated with material to be lay between the new concrete and the existing railroad tracks at the intersection. Council carried a motion to approve Change Order No. 1, for the Lee Road Project; Selland Construction, in the amount of \$2,586.80. M/S Clemons/Johnson.

NEW BUSINESS

Mayor Pro-Tem Cole acknowledged the resignation letter from Mr. William Shaw, as the City Administrator, effective October 21, 2001. Council carried a motion to accept the resignation from Mr. Shaw. M/S Lyon/Clemons. Council member Lyon acknowledged the professional services that Mr. Shaw rendered to the City of Othello and thanked him for the relationship that he carried with the community.

Mr. Shaw offered to write a job advertisement and recommended advertising immediately for the position. This may provide a list of likely candidates for review in November. This may also allow the Mayor-elect involvement in review of the final applicants. He noted that staff has asked that the Gallop Organization be included in the review of the top candidates and provide a report to the city, as was done with his interview process. With no objections, the city will begin advertising immediately.

Council member Clemons thanked Mr. Shaw for offering to help with the advertising and stated that he knew it would be done professionally.

The Council was provided copies of Resolution No. R-90-01, adopted by the Adams County Board of County Commissioners, which prioritized the projects for Adams County to the Washington Community Economic Revitalization Team (WA-CERT). He noted this might be helpful with grant funding opportunities for the Adams County entities.

ADJOURNMENT

With no further business to discuss, Mayor Pro-Tem Cole adjourned the council meeting at 8:06 p.m.

EVERETT COLE, Mayor Pro-Tem

ATTEST:

DEBBIE KUDRNA, City Clerk