

City of Othello
Regular Council Meeting
October 9, 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, Donald Derifield, Jeannie Ochoa and Kenneth Johnson. Also present were: Debra Travis, Curt Andrews and Debbie Kudrna, City Department Heads; William 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

Mayor Kelley requested that the Council add Agenda Item 3.b.: Ordinance to Vacate Alley. Council carried a motion to approve the agenda with the addition of Item 3.b. M/S Cole/Clemons.

CONSENT AGENDA

- a. Approval of Minutes of September 25, 2000
- b. Approval of Payroll and Related Expenses for September, 2000
- c. Approval of Warrants for September, 2000
- d. Set Public Hearing for 2001 Revenue Sources for October 23, 2000
- e. Set Public Hearing for Capital Facilities Plan 2001-2006 for October 23, 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. 22232 to No. 22350 in the amount of \$213,688.05.
Payroll Check No. 13687 to No. 13769 in the amount of \$148,921.56.

Mayor Kelley mentioned the approval of the consent agenda included scheduling two public hearings.

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

PUBLIC HEARING ON THE PETITIONS TO VACATE ALLEY

Mayor Kelley opened the public hearing to receive staff and citizen input about the petitions to request vacation of an alley from Robert and Betty Boersma, legal owners of Lots 1 and 2 and Arlis and Rayda Akins, legal owners of 11 and 12 all of Block 6, Pershall Addition at 7:04 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. Council Member Cole stated that he was asked what the procedure was to vacate an alley and he suggested they come to the public hearing. 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:

City of Othello
Regular Council Meeting
October 9, 2000

EXHIBIT 1: The Petitions to Vacate Alley, one signed by Robert & Betty Boersma and Arlis & Rayda Akins.

EXHIBIT 2: RCW Chapter 35.79 regarding Streets – Vacation. This is the process followed by the applicant and City Staff.

EXHIBIT 3: A map showing the alley that is of request to be vacated. This is located between 9th and 10th Avenue, running south, approximately 163.5 feet from Olympia Street. Lots 1 and 2 of Block 6, Pershall Addition are owned by Robert and Betty Boersma and Lots 11 and 12 of Block 6, Pershall Addition were owned by Arlis and Rayda Akins. Public record indicates that Robert and Betty Boersma are now owners of Lots 11 and 12 of Block 6, Pershall Addition.

EXHIBIT 4: A copy of a letter from Curt Andrews that was sent to all utilities, which asked for their comments on the impacts of this proposed vacation to their services. The city received no comments from any of the utilities, although it has been determined that water and sewer lines run north and south, through this alleyway.

EXHIBIT 5: Resolution No. 2000-17 calling for the vacation of the alley and setting the date for the public hearing on October 9, 2000.

EXHIBIT 6: The Public Hearing Notice for October 9, 2000, which was publicized in the Othello Outlook on September 13, 2000; sent to the adjacent property owners; posted in 3 areas of the alley; and posted in 3 public places within the city.

EXHIBIT 7: A list of the adjoining property owners that the notices were sent to advising of the request and of the public hearing.

The Clerk reported that no written comments were received regarding the request.

City Planner, Curt Andrews explained the location of the alley and surrounding property. He stated that when the Christian Church had vacated the southern part of the alley, they had dedicated the north 20 feet of lots 3 and 10 to the city for an east/west alley. Mr. Andrews explained that there is a water and sewer line that runs east from 9th Avenue then north through the alley to be vacated. He noted that discussion with Mr. Boersma today concluded that these lines were not needed and could be abandoned. Mr. Boersma could connect to the water and sewer lines in the east/west alley. Staff had developed an ordinance to vacate the property and a covenant to attach to the property. The covenant provides that since the water and sewer lines will be abandoned within the alley, Mr. Boersma would contribute toward the installation of a sewer main that would run from the east to west alley between 9th and 10th Avenues along 9th Avenue north to Olympia Street, if the city required such an extension.

Mr. Andrews stated that staff recommends vacating the alley, abandoning the existing water and sewer lines that run within the alley, as long as the covenant is included in the vacation of the alley regarding deferred improvements. He stated that a water main is available in Olympia Street to service new development in that area.

Staff presented the following Findings of Fact:

Based on the evidence presented and testimony given, the Othello City Council makes the following Findings of Fact on the request to vacate an alley in Block 6 of Pershall Addition, filed by Robert and Betty Boersma:

1. The applicant and city staff has followed the process for vacation of an alley as provided for in RCW Chapter 35.79.
2. Utilities within the existing alley right-of-way are there to serve four individual lots.

City of Othello
Regular Council Meeting
October 9, 2000

3. The applicant has agreed to sign a covenant running with the land that he agrees to abandonment of the city water and sewer lines within the alley and will pay \$4600.00 (adjusted each January by the percentage change in the All Cities CPI-U from July to July) towards the extension of a sewer line north in 9th Avenue, from the east/west alley within Block 6 of the Pershall Addition to Olympia Street.
4. The applicant has agreed to compensate the City of Othello for half of the assessed value of the alley, which is \$858.37 per lot (totals \$3433.48).
5. Since the south half of the alley is already vacated, vacating the remaining 163.5 feet of alley will have no adverse impact to the surrounding property.

Decision: The City Council will approve vacating the alley, with the above conditions.

The City Clerk explained #4 of the Findings of Fact, noting RCW 35.79 provides compensation to the city from owners of property abutting the street or alley that is being sought to be vacated in an amount which does not exceed one-half the appraised value of the area to be vacated. Staff used the assessed value of the unimproved lots abutting the alley to determine the value of the alley, and she stated the city could assess each lot \$858.37.

ORDINANCE TO VACATE ALLEY – COVENANT RUNNING WITH THE LAND

Council carried a motion to adopt AN ORDINANCE VACATING THE ALLEY THAT IS LOCATED BETWEEN LOTS 1-2 AND LOTS 11-12, BLOCK 6, PERSHALL ADDITION, IN THE CITY OF OTHELLO AND ESTABLISHING CONDITIONS OF SUCH VACATION, and approved the Findings of Fact and Decision as presented and discussed. M/S Ochoa/Cole. This shall be known as Ordinance No. 1071.

AMENDMENT TO AGREEMENT WITH ADAMS COUNTY WATER DISTRICT NO. 1 FOR WASTEWATER TREATMENT

City Clerk, Debbie Kudrna reported that proper notification was sent to the Adams County Water District commissioners regarding the increase of sewer rates. City staff had offered to meet with the Commissioners to discuss the proposed increase, but they felt it wasn't necessary, and the Commissioners had already signed the rate amendment.

Council carried a motion to approve the amendment to the Agreement between the City of Othello and Adams County Water District No. 1 for Wastewater Treatment, setting new sewer rates. M/S Cole/Clemons.

RESOLUTION TO SURPLUS EQUIPMENT

City Clerk, Debbie Kudrna reported that the three vehicles on the resolution were police vehicles that have been replaced with newer cars. These vehicles could be sold at the fall auction held by Booker Auctioneers in Eltopia. Council carried a motion to adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON, DECLARING SURPLUS EQUIPMENT. M/S Johnson/Clemons. This shall be known as Resolution No. 2000-18.

ORDINANCE CREATING O.M.C. CHAPTER 5.36 NOISE CONTROL

City Administrator, Bill Shaw presented a new noise control ordinance. He explained that this ordinance treats noise control as a health issue. It deals with noise from motor vehicles, audio equipment, public nuisance, disturbance and raucous noises, noises made by animals, frequent and repetitive noises, and sound amplifiers. He explained that the ordinance provides for measurement of noises by decibels, which will help with

City of Othello
Regular Council Meeting
October 9, 2000

enforcement of the ordinance. City Attorney, James Whitaker explained the violation penalties listed in the ordinance.

Council carried a motion to adopt AN ORDINANCE CREATING OTHELLO MUNICIPAL CODE CHAPTER 5.36 ENTITLED "NOISE CONTROL". M/S Derifield/Cole. This shall be known as Ordinance No. 1072.

ORDINANCE REPEALING O.M.C. CHAPTER 8.24.040 PUBLIC NUISANCE – NOISE PROHIBITED

Mr. Shaw explained that this ordinance repeals the chapter regarding public nuisance because it is being dealt with the new ordinance just adopted by the Council.

Council carried a motion to adopt AN ORDINANCE REPEALING OTHELLO MUNICIPAL CODE CHAPTER 8.24.040 ENTITLED "PUBLIC NUISANCE – NOISE PROHIBITED". M/S Clemons/Johnson. This shall be known as Ordinance No. 1073.

PRELIMINARY CPAITAL FACILITY PLAN 2001-2006

Finance Officer Debra Travis presented the draft Capital Facilities Plan and project descriptions and reviewed specific details as brought up by the Council. Clarification was discussed on the fencing and lighting projects, and she noted the city would be applying for a grant to fund a portion of the ballfield lights. Council Member Lyon discussed several items on the plan, including vehicles for the Public Works department; a new well and well rehabilitation; lift station repairs; traffic control lights; street stormwater containment; fire department rescue support unit and fire truck. Mr. Shaw explained funding possibilities for a fire truck and a fire garage and suggested waiting for decisions about these be held off until the new Fire Chief is working. Council Member Johnson explained what a rescue support unit is and the need for one. He stated that Fire District #5 is funding half of the cost for the vehicle and asked Council for a letter of intent regarding city funding for the vehicle. Council Member Derifield suggested that written agreements should be made regarding liability issues and Mr. Shaw stated he would research funding possibilities. After some further discussion about ballfield fencing and lighting, Mr. Shaw suggested that a park comprehensive plan be devised. Council Member Derifield said that there is a need for a RV dump. Mr. Shaw explained that the city had discussed this with local service stations in hopes that one of them would build it, but has received no interest in that.

CALL FOR REQUESTS FOR TOURISM FUNDING

The Council was provided the Hotel/Motel Tax Fund Policy and the Clerk asked if there were any changes the Council wanted. There was none. Ms Kudrna stated staff would like to accept applications for next year funding from the tourism fund through November 1st, and staff would review those requests and present them to Council during the budget process.

UNFINISHED BUSINESS

Council Member Lyon discussed library funding options and some concerns for next year. He noted the general fund shows total funding for the library, which makes it look undesirable and the Council will have to address this. He also asked for clarification about the City's library building and whether rent could be collected. Mr. Shaw stated that staff recommends billing rent for the library building, with that revenue going into the general fund in 2002. City Attorney Whitaker stated that the statute intended for library districts to collect it's taxation funding and then spend it; however, it isn't explicitly clear

City of Othello
Regular Council Meeting
October 9, 2000

and as long as they would pay interest on the deferred receipt of money, it would seem they could incur debts, with terms that it would not become due until they could pay them. Mr. Shaw stated that the library board has discussed funding issues for 2001 already.

Mr. Shaw stated that union negotiations will begin on October 25th. He stated that the pump at Well #3 will be pulled soon to begin replacement of the pump and upgrades to the electrical. He reported that the Ash Street reservoir project is finished and should be back on line soon.

NEW BUSINESS

Building Official, Curt Andrews asked Council to adopt a resolution which would authorize issuance of a building permit to Vince Capetillo for construction of a 40' x 50' appliance repair building at 72 W Hemlock, which is on "insufficiently platted ground". He noted that Mr. Capetillo's intent is to tear down a couple of his rental units, build the commercial building and has agreed to construct his half of the street, curb and gutter by August 2001 and a sidewalk when required by the City. As soon as the proper grades are determined for the road, all three property owners in the area have agreed to pay their share of a full street with curbs and gutters. He explained that the sidewalk could be deferred until there is a need for it because the sidewalk will not connect to any other sidewalk, it would just be installed in the 20' in front of his property. Council Member Brodahl stated that he should install a sidewalk. Mr. Whitaker explained that the resolution provides that failure to comply with the terms of it would result in discontinuance of city water services.

Council carried a motion to adopt A RESOLUTION AUTHORIZING THE BUILDING CODE OFFICIAL TO ISSUE A BUILDING PERMIT TO VINCE CAPETILLO, with the change to require sidewalks. M/S Cole/Clemons. This shall be known as Resolution No. 2000-19.

ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the October 9, 2000 Council meeting at 8:25 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE KUDRNA, City Clerk

**City of Othello
Regular Council Meeting
October 9, 2000**