

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: Debbie Kudrna, Curt Andrews, Rhonda Miller, Reuel Klempel, City Department Heads; Bill Shaw, City Administrator; James Whitaker, City Attorney; and new Police Chief Ronald Axtman and members of the Othello Police Department.

Council member Kenneth Johnson led the 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 October 8, 2001
- B. Set Public Hearing on the Capital Facility Plan for 2002-2007 for Tuesday, November 13, 2001

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

#### **OATH OF OFFICE FOR POLICE CHIEF RONALD AXTMAN**

Mayor Kelley introduced the new Police Chief, and the City Clerk administered the oath of office to Police Chief Ronald Axtman.

#### **ROBERTS ANNEXATION – ORDINANCE TO ANNEX**

City Administrator, Bill Shaw read the title of the Ordinance to Annex and read the legal description of the area to be annexed. Council did receive a letter from Mr. Curtis Roberts requesting further consideration to continue the annexation process. Mr. Shaw noted that the city has not received an easement agreement from Naomi Hampton for a portion of Cemetery Road; but we have received easements from the Othello School District and Roberts. These easements are essential to the platting issue, but not essential for the annexation, and he advised continuing with the annexation.

Mr. Shaw read into the record the Planning Commission's Finding of Facts and Decision for the zoning issue, prepared from their public hearing and adopted by the Commission on September 18, 2001. It is as follows:

#### **FINDINGS OF FACT:**

Based on the evidence presented and testimony given, the Othello Planning Commission makes the following Findings of Fact on the zoning of the Roberts property:

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 14<sup>th</sup> Avenue to the East Side of Lot 3.

**DECISION:** The Planning Commission considered the evidence and Findings of Fact and recommend to the Othello City Council that the property from Cemetery Road to Catalpa Street extended east be zoned to R-2. The remaining portion north of Catalpa

Street extended east, towards EL-68 Canal and all of Lot 3 be zoned R-1. The developer is to comply with the yet to be adopted revised residential standards (14,000 SF minimum lot and 2,000 SF minimum house for R-1 and 9,000 SF minimum lot and 1,300 SF minimum house for R-2). 66-ft. wide right of way must be provided for Cemetery Road back to 14<sup>th</sup> Avenue to accommodate the R-2 development. A 66-ft. wide right of way for 18<sup>th</sup> Avenue must be provided from Cemetery Road to the canal for future connection north. The parcel should not be annexed if Cemetery Road cannot become a standard city street.

Council carried a motion to adopt AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY, PURSUANT TO THE PETITION METHOD, ASSIGNING ZONE CLASSIFICATIONS AND PROVIDING FOR THE ASSUMPTION OF EXISTING CITY INDEBTEDNESS, and to adopt the Findings of Fact and Decision as recommended and adopted by the Planning Commission on September 17, 2001. M/S Johnson/Cole. This shall be known as Ordinance No. 1097.

**PUBLIC HEARING ON THE ORDINANCE TO ESTABLISH THE COVENTRY HOUSE  
PLANNED DEVELOPMENT DISTRICT**

Mayor Kelley opened the Public Hearing on the Ordinance to Establish the Coventry House Planned Development District at 7:11 p.m. Mayor Kelley asked that anyone who had an objection to his participation or any Council member's participation to state now and give the reason for the objection. There was none. Mayor Kelley asked if any of the Council members had a financial interest in the property or issue. They all stated no. Mayor Kelley asked if the Council members could hear and consider this matter in a fair and objective manner. They all answered yes. Mayor Kelley asked for the Council members to place on the record the substance of any communication or contact they may have had outside of the hearing with opponents or proponents on the issue. There was none. City Administrator, Bill Shaw reviewed the Planned Development District overlay, explaining that it is located within a R-2 zone with a R-3 use; including a residential assisted living complex, multi-family housing and single family dwellings. He stated that the streets are not built as required in the Public Works Design Standards. Mr. Shaw reviewed the proposed roadways, which are 50-feet right-of-way, with 24-feet of paved roads; there are no through streets, with two accesses into the development from 2<sup>nd</sup> Avenue, and one on 3<sup>rd</sup> Avenue. He reviewed lot sizes, and stated that the street and utility right-of-way dedications to the City, and that street maintenance within the plat will remain private, and the City will maintain all of 2<sup>nd</sup> Avenue. He stated these issues would be provided for in a covenant, to be included with the final plat.

The City Clerk entered the following exhibits into the record:

- EXHIBIT 1: A copy of the invoice indicating paid application fees from PJT House Associates which includes plat development application, final Planned Development Final approval, public hearings on PDD, and major subdivisions fee.
- EXHIBIT 2: The SEPA Checklist with SEPA comments and letter to Ed Dobbs.
- EXHIBIT 3: An Excerpt from Planning Commission meeting of August 20, 2001 setting public hearing for the preliminary Planned Development District for Coventry House Assisted Living.
- EXHIBIT 4: The legal notice published in the September 6, 2001 edition of the Othello Outlook giving notice of public hearing on September 17, 2001.
- EXHIBIT 5: The land use insert posted at three locations on the property for the September 17, 2001 meeting.
- EXHIBIT 6: The letter dated September 4, 2001 that was sent to adjacent property owners within 300 feet of property with mailing list and map.
- EXHIBIT 7: The Plat and Planned Development District comments per OMC 17.54.060.
- EXHIBIT 8: The Othello Zoning Map.

EXHIBIT 9: The Othello Comprehensive Plan.  
EXHIBIT 10: The site plan dated 09/04/01 with hand written notes.  
EXHIBIT 11: Othello Municipal Code Section 17.54 and Chapter 16.  
EXHIBIT 12: Public Works Design Standards.

She noted that Exhibits 1-12 were the exhibits presented during the Planning Commission's public hearing on the zoning and copies were made available to the public and were available on the back table.

EXHIBIT 13: Excerpt from City Council meeting minutes for first reading of ordinance, and setting public hearing for October 8, 2001.  
EXHIBIT 14: Legal notice published in the September 27, 2001 edition of the Othello Outlook giving notice of public hearing on October 8, 2001.  
EXHIBIT 15: Notice of public hearing dated September 24, 2001 that were sent to all adjacent property owners and the mailing list.  
EXHIBIT 16: The land use sign that was posted at three locations on the property for the October 8, 2001 continued public hearing.  
EXHIBIT 17: The Mitigated Determination of Non-Significance.  
EXHIBIT 18: Excerpt from City Council meeting minutes of October 8, 2001 continuing the public hearing and discussion to October 22, 2001.  
EXHIBIT 19: The Finding of Facts from the Planning Commission meeting of October 15, 2001 for the Planned Residential Development District Overlay.  
EXHIBIT 20: The Coventry House Plat and Planned Development District Site Plan.

Mayor Kelley asked if the applicants had anything to add to the request. Mr. Ed Dobbs was present and stated that he was available to answer any questions during the public hearing.

Mayor Kelley asked for public testimonies, question, objections or protests. There was none. Mayor Kelley then closed the public comment period. Mayor Kelley asked for questions and comments from the Council members. Mr. Andrews clarified that the privately maintained lanes to access the privately owned lots and rental units will be 24 feet wide on a 50 foot right-of-way with curbs, gutters, sidewalks and a landscaped swale in between. Mr. Shaw reported that the developers would assign RV parking for the City to review before the final plat is approved. There were no other comments, and Mayor Kelley closed the public hearing on the ordinance to establish the Coventry House Planned Development District at 7:28 p.m.

#### **DISCUSSION ON THE COVENTRY HOUSE PRELIMINARY PLAT**

Mr. Shaw reviewed the Coventry House Preliminary Plat map, noting that staff reports that it meets all of the city's ordinance requirements. Mr. Shaw reviewed the Planning Commission's Findings of Facts and Decision, as adopted by the Commission on October 15, 2001:

#### **FINDINGS OF FACT:**

Based on the evidence presented and testimony given, the Othello Planning Commission makes the following Finding of Fact on the Preliminary Coventry House Residential Plat:

1. Is in conformance with the Othello Comprehensive Plan.
2. Consistent with OMC 17.21 and 17.22 for R-2 and R-3 Residential Districts, except the PDD is requesting:
  - A. All lots will not have a minimum of 7,200 SF.
  - B. One six-plex apartment and two five-plex apartments.
  - C. Forty-eight dwelling unit retirement home.
  - D. To exceed 28 ft. height with a 35 ft. tower.

- E. Lanes will not be 40 ft. wide (24 ft. curb to curb).
3. It extends sewer and water to far edges of plat.
  4. Attorneys will work out contractual terms to protect the City's interest.
  5. With irrigation water from the USBR/E.C.B.I.D., the facility will have minimal impact to the community water infrastructure.
  6. Lanes will be totally maintained by the assisted living facility owner. No on-street parking allowed.
  7. Design fire sprinklers not to exceed 38 psi static pressure at the water main.
  8. An 8" water line looped system with hydrants will extend throughout the project.
  9. Developer will provide adequate stormwater drainage for Othello and Rainier Streets.
  10. All details will be constructed per the Othello Public Works Design Standards and Standard Specifications for Road, Bridge, and Municipal Construction 2000.
  11. Second Avenue will be dedicated 66 ft. wide with the base compacted at 95% with 8" of 1 1/4" base course, 3" of 3/4" minus top course, curb/gutter, 3" of asphalt, and sidewalk.
  12. The lanes will be sized for a fire ladder truck when cars are parked or loading in the normal traffic pattern (50/70-ft. radius).
  13. Developer will pay to install three 200-watt streetlights on 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Avenue and the City will pay to operate. All other streetlights will be owned and operated by the project.
  14. Project will contain all of its stormwater on site, including the lanes (not including Othello Street, Rainier Street, and 2<sup>nd</sup> Avenue).
  15. All utilities will need to approve the plat. Additional easements may be required by other utilities.
  16. Project will pay \$250 per lot park mitigation fee (totaling 26 lots x \$250 = \$6,500.00)
  17. USBR/E.C.B.I.D. will sign the plat when satisfied with their issues.
  18. The irrigation easement required by the USBR/E.C.B.I.D. from Lee Road to this plat will either be outside of the proposed public right of way for 7<sup>th</sup> Avenue and Olympia Street, or will be subject to the conditions of any utility within the public right of way when those right of ways are dedicated to the city at some future date.

**DECISION:** The Planning Commission considered the evidence and Findings of Fact and recommend that the Othello City Council approves the Preliminary Coventry House Residential Plat with the following conditions:

1. Adjacent to the plat, 2<sup>nd</sup> Avenue will be constructed 30 ft. wide as shown on the site plan.
2. Third Avenue will connect with fire lanes to south alley.
3. Since the plat will not continue Othello and Rainier Street westward, the project will turn the unfinished streets into 100 ft. long stubs with curbs and grass on the west end (or as the adjacent property owners desire) to collect the stormwater and flow it to 2<sup>nd</sup> Avenue.
4. The plat will meet all requirements of the Planned Residential Development District Overlay and will become void if the PDD is not constructed.
5. Written approval by all utilities (including garbage and post office) must be submitted prior to the final plat.
6. Legal documentation, approved by city attorney, must be submitted prior to the final plat for, but not limited to, easement for north utilities, and right of way easement for south 2<sup>nd</sup> Avenue.

Mr. Shaw stated that all issues have been addressed and recommended approval of the preliminary plat. Mr. Andrews clarified #1 of the Decision of the Planning Commission, noting that the portion of 2<sup>nd</sup> Avenue, adjacent to the plat, will be constructed 30 feet wide.

**APPROVAL OF COVENTRY HOUSE PRELIMINARY PLAT**

Council carried a motion to approve the Coventry House Preliminary Plat and approved the Planning Commission's Findings of Fact and Decision, as adopted on October 15, 2001. M/S Derifield/Clemons.

**ORDINANCE TO ESTABLISH THE COVENTRY HOUSE PLANNED DEVELOPMENT DISTRICT**

Mr. Shaw read into the record the entire contents of the 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. He noted that the Findings of the Planning Commission align with the ordinance requirements. He then read into the record the entire contents of the Planning Commissions Findings of Fact and Decision on the Coventry House Planned Coventry House Planned Residential Development District Overlay, as adopted on October 15, 2001:

**FINDINGS OF FACT:**

Based on the evidence presented and testimony given, the Othello Planning Commission makes the following Findings of Fact on the Coventry House Planned Residential Development District Overlay:

1. A Planned Development District overlay could be approved for 16 multi-family senior housing units and one 48 unit assisted living facility in this area.
2. It is compatible with nearby developments and uses.
3. Proper transition is insured between the planned development district and nearby external uses and developments.
4. It is consistent with the Othello Comprehensive Plan.
5. It can be completed within a reasonable period of time.
6. Attorneys will work out contractual terms to protect the City's interest.
7. The community needs an assisted living facility.
8. Lanes will be totally maintained by the assisted living facility owner.
9. All details will be constructed per the Othello Public Works Design Standards and Standard Specifications for Road, Bridge, and Municipal Construction 2000.
10. The lanes will be sized for the fire ladder truck when cars are parked or loading in the normal traffic pattern (50/70-ft. radius).
11. Developer will pay to install three 200-watt streetlights on 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Avenue and the City will pay to operate the streetlight. All other streetlights will be owned and operated by the project.
12. The PDD encourages flexibility, efficiency, and a balanced development.
13. The PDD provides a similar use in infrastructure demands and intensity as the underlying zone.
14. In lieu of alleys, the developer will provide RV parking and garbage containment facilities.
15. The changes from the standard R-2/R-3 zone are:
  - A. All lots will not have a minimum of 7,200 SF.
  - B. One six-plex apartment and two five-plex apartments.
  - C. Forty-eight dwelling unit retirement home.
  - D. To exceed 28-ft. height with a 35-ft. tower.
  - E. Lanes will not be 40 ft. wide (24 ft. curb to curb).

**DECISION:** The Planning Commission considered the evidence and Findings of Fact and recommend that the Othello City Council approve the Coventry House Planned Residential Development District Overlay with the following conditions:

1. Privately maintained lanes to access the privately owned lots and rental units will be 24 ft. wide on a 50 ft. right of way with curbs, gutters, and sidewalks with a landscaped swale in between (this includes the south alley).

2. Construct one 48-unit single story fire sprinkled Type-V one-hour assisted living facility within the R-3 zone.
3. Construct 16 multi-family, senior-housing units in three separate buildings, adjacent to the above facility.
4. The project will meet all other R-3 zoning and city standards, building codes, OMC, plat and PDD requirements, etc.
5. The plat must be finalized prior to occupying any structure within the PDD.
6. The landscape, buffer, and irrigation plans must be submitted to the Planning Commission at least one meeting prior to the final plat being approved.
7. All legal documents including the statement of intent (17.54.040.5) and a management contract to perpetually provide maintenance and covenant enforcement for all of the above ground improvements including, but not limited to, road maintenance, snow removal, ground litter control, landscaping, streetlight maintenance and operations, code, covenant, and parking enforcement (not including fire hydrant maintenance or hydrant testing), shall be approved by the city attorney prior to the final PDD.
8. Final visitor and RV parking plan to be submitted for the Planning Commission's approval at least one meeting prior to the final PDD.
9. Page one of the final plat and the PDD site plan must state "when 60% of the homeowners on a street want the city to take over the maintenance of said street, all homeowners will pay all costs to rebuild the street to city standards".
10. City and Developer of the plat shall audit the parking within the subdivision, during the year succeeding issuance of the occupancy permit for the 48 unit assisted living complex. If the audit determines that the subdivision's visitors or occupants regularly park outside the provided off-street spaces, the developer shall provide sufficient off-street parking spaces to meet the minimum standards of OMC 17.61.020.5.

Mr. Shaw reported that the Planned District Development is in accordance with the ordinance and recommended approval of the proposed ordinance.

Council carried a motion to adopt 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 and adopted the Planning Commission Findings of Fact and Decision on the Coventry House Planned Coventry House Planned Residential Development District Overlay, as adopted on October 15, 2001. M/S Derifield/Cole. This shall be known as Ordinance No. 1098.

**ORDINANCE TO AMEND O.M.C. 3.02.060 AND 3.02.090 ENTITLED "UTILITY-OCCUPATION TAX AND LICENSING"**

Mr. Shaw discussed the effect of the utility tax sunset clause, which would decrease the utility tax from 6% to 3%, effective January 1, 2002. He recommended maintaining the utility tax at 6% and reducing the amount to be transferred into the city's General Fund for current year expenses to 40%; transferring 30% to the Cumulative Reserves-Real Property Fund and the balance of the revenues to be available for current year capital expenditures. He reported that with this split, the Council could still meet the debt for the City Hall/Police Department building; could cover most capital improvements in the General Fund; and build a reserve for future real property improvements. He then presented projections of the impact of the utility tax remaining at 6% to the industries (57%); commercial (14%); and residential (28.33%). Council member Ochoa asked if Initiative 747 would pass, would the decrease of the amount being transferred to the General Fund be too much of an impact. Finance Officer Rhonda Miller reported that the Association of Washington Cities has provided preliminary estimations indicating little impact to Othello for 4-5 years and minimal impact beyond that.

Council member Clemons mentioned that city's goals and operation costs have changed since the adoption of the sunset clause, and he now supports keeping the utility tax rate at 6%. Council member Johnson mentioned the tax has allowed the city to make capital purchases as needed, and supports staff's proposal.

Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE CHAPTER 3.02 ENTITLED "UTILITY-OCCUPATION TAX AND LICENSING". M/S Clemons/Lyon. This shall be known as Ordinance No. 1099.

#### **PUBLIC HEARING ON THE 2002 REVENUE SOURCES**

Mayor Kelley opened the public hearing on the revenue sources for 2002 at 8:06 p.m. Finance Officer, Rhonda Miller presented a staff report regarding the expected revenue sources for the year 2002. This included: General Fund revenues, including property and sales taxes, grants, utility taxes, effects if Initiative 747 passes, and backfill funding from I-695; Street Fund revenues, including sales tax figures; Water fund revenues, including a recommendation of a small increase in rates; Sewer revenue, including a 6% increase; Tourism Fund revenues; Utility Tax revenues, including the newly established distribution rates; a Library fund report; and a report on the Planning and Engineering department, which is supported by the General Fund. Mayor Kelley asked for public testimony, questions, or objections. There was none; therefore, he closed the public comment period. Mayor Kelley asked for Council comments or questions. There was none; therefore, he closed the public hearing at 8:16 p.m.

#### **AD VALOREM TAX ORDINANCE**

Finance Officer, Rhonda Miller presented the proposed ordinance and reported that it allows the city to receive the maximum allowable under State law. She noted that if Initiative 747 passed by the voters, the Council could consider an amendment to the budget. Council carried a motion to adopt AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OTHELLO WASHINGTON FIXING THE AMOUNT TO BE PROVIDED BY AD VALOREM TAXES UPON PROPERTY IN 2002. M/S Clemons/Cole. This shall be known as Ordinance No. 1100.

#### **RENEWAL OF COYOTE RIDGE CONTRACT RETROACTIVE TO OCTOBER 1, 2001**

City Clerk, Debbie Kudrna presented the extension to the current contract for the work crew project. She noted the only change is in the travel reimbursement set for .345 per mile. Council carried a motion to adopt Attachment A to the State of Washington, Department of Corrections, Offender Work Crew Project, contract term retroactive to October 1, 2001 to June 1, 2002. M/S Cole/Ochoa.

#### **RESOLUTION TO EXTEND NORTHLAND CABLE FRANCHISE**

City Clerk, Debbie Kudrna presented a resolution to extend the current franchise agreement to January 13, 2002. She explained that negotiations continue, but the current franchise had expired October 13, 2001. Mayor Kelley had granted an extension of the current franchise agreement until October 23, 2001. Council carried a motion to adopt A RESOLUTION EXTENDING THE FRANCHISE OF NORTHLAND CABLE TELEVISION INC. UNTIL JANUARY 13, 2002. M/S Ochoa/Brodahl. This shall be known as Resolution No. 2001-32.

**ATTORNEY SERVICES CONTRACT**

City Attorney James Whitaker explained that the hourly rate increase in the proposed contract would bring the rates charged to Othello up to the same rate charged to the other cities represented by his firm. He clarified that Moses Lake pays for his attendance to one state conference and Othello and Ephrata share the cost for one other conference. Council carried a motion to authorize the Contract for Professional Services between the City of Othello, Washington and Lemargie and Whitaker. M/S Ochoa/Johnson

**INTERLOCAL AGREEMENT WITH ADAMS COUNTY LIBRARY DISTRICT**

City Administrator, Bill Shaw explained that this agreement provides for the reimbursement from the Adams County Library District to the City for the expense for the contract with Mid Columbia Library District (MCL). It allows for a \$7,500.00 advance from the City to Adams County Library District to provide funding for the District to pay their expenses incurred the first quarter of 2002. Mr. Shaw stated that the Library District is at its maximum level of taxes that it can obtain, and it may be financially difficult for the Library District if MCL raises their rates. Council carried a motion to authorize Mayor Kelley to execute the Interlocal Agreement Between the City of Othello and Adams County Rural Library District No. 1 Regarding Library Service Costs, effective January 1, 2002. M/S Cole/Clemons.

**COMMERCIAL LEASE AGREEMENT WITH ADAMS COUNTY LIBRARY DISTRICT**

City Administrator, Bill Shaw explained that the commercial lease is for the library building, located at 101 E. Main Street, for a term of two years, at \$15,000.00 per year and sets other terms necessary for rental of the city's building. He explained that the city now owns such items as shelving and obsolete books in the building and this contract recognizes that these objects are no value to the city. Staff will request that these items be surplus at a future meeting. Librarian Inez Freeman reported that the city's original 30,000 books, magazines, etc. have probably been taken out of circulation. Reuel Klempel reported that Public Works is working on the building repair list and will provide Exhibit B to the agreement.

Council carried a motion to authorize Mayor Kelley to execute the Commercial Lease between the City of Othello and Adams County Rural Library District No. 1, regarding the Library building. M/S Derifield/Cole.

**BUDGET DISCUSSIONS**

There was a discussion regarding the Clerk's request for a new position titled "Deputy Clerk". Council member Ochoa asked if there was consideration for this position to be a 40-hour week rather than a 35-hour week. Due to this being a new position, the Clerk requested that the hours begin at 35 hours. Council carried a motion to authorize the hiring of a Deputy Clerk and advertise immediately for a 35-hour workweek, with the option to discuss increasing this workweek to a 40-hour week when reviewed within a year. M/S Derifield/Brodahl.

Building Official Curt Andrews reviewed the need to hire consultants for specific tasks. Funding is appropriated in the preliminary budget. He noted that the City Attorney would be assisting the staff more with some of these projects. The costs for consultants are estimated at approximately \$91,500.00; of which two-thirds are appropriated in the 2002 budget. He noted the difficulty of hiring skilled consultants in our area, and the cost of travel time is expensive, if the consultants are out of the area. Mr. Shaw suggested that the city rely on e-mail service to help alleviate the travel expenses.



Mr. Shaw stated that he had originally suggested a 4% increase to the sewer rates, but upon review of the proposed budget, there is a need for a 6% increase to meet the bond coverage requirements. Adoption of the proposed water and sewer ordinance should be postponed until the current water projects are complete. He noted that staff would handle the calculations of the water rate for Simplot, as set by the agreement. He noted that the city is able to accumulate a substantial cash balance, and suggested transferring excess cash balances into cumulative reserve accounts.

#### **UNFINISHED BUSINESS**

Council held a discussion regarding the Rotary's letter informing the city that they are withdrawing from the basalt project. Council member Cole offered to research the costs for moving the basalt, and mentioned there may be a need to budget funds to complete the project. Mr. Shaw stated that the city's real estate funding can be used for this project. Council member Clemons mentioned that the basalt could be used within the proposed Coulee Corridor tourism project.

Mr. Andrews reported that The BNSF Railroad has continued discussion with him regarding the city's request to purchase property south of the Adams County Fire District #5's building for a fire truck garage. He noted that the Department of Ecology has agreed to release it from the contamination roundhouse project. Council carried a motion to allow staff to proceed with purchase of Lots 9-16, Block 26, Original Town of Othello, Parcel Tax # 1-529-03-050-2609 and 1-529-03-050-2612, approximately 32,000 square feet, for \$65,000.00 from The BNSF Railroad, plus closing costs at approximately \$5,000.00. M/S Derifield/Ochoa.

#### **NEW BUSINESS**

Mr. Shaw discussed the city's intent of realignment of Columbia Street and development of the street. The process included an agreement to allow the property owner of Desert Deli and the Burger King property to defer platting their property at the time along with any property obtained for the realignment of Columbia Street. Burger King is now building the south, one-half of Columbia Street in front of their parcel. He suggested that the city build the entire road from 1<sup>st</sup> Avenue to Burger King and the north side of the street adjacent to Burger King's road; and build a cul-de-sac to end Columbia Street east of the Burger King property. He suggested that the city require Mr. Weaver and Burger King to plat those properties and require reimbursement to the city the cost of any property owner's portion of the street. He noted that property owners could build their portion of the street by a contractor at less cost than the city can contract the street work. Council member Ochoa reported that there might be distressed County funding available through Adams County to build Columbia Street. Council member Derifield suggested that Burger King build 70' of full width street. There were some concerns voiced by council members of the proposed road barrier east of Burger King. The City Attorney recommended that the city clearly mark the end of the road indicating that it is not to be passed through, for risk management reasons.

Mr. Whitaker stated that the small works process would be used for the small portion of Columbia Street. He also mentioned that a late comer's obligation could be created to recover the city's costs for the road project when property owners complete their plats adjacent to the street. Mr. Whitaker explained that there are covenants and agreements from 1996 that binds Burger King and Mr. Weaver to require their platting, and recommended building the remainder of the road when the road grade is being set by Burger King's contractor.

Mr. Shaw reported that the Planning Commission is holding public hearings to consider a rezone of a portion of the area north and east of Burger King from residential to commercial, excluding a commercial strip off of 7<sup>th</sup> Avenue. Council member Clemons voiced concerns of residential zoning adjacent to Hwy 26.

Council carried a motion to authorize the city to proceed with a small works contract for building the remainder of Columbia Street from 1<sup>st</sup> Avenue to the east edge of Burger King and the north half of Columbia Street adjacent to the street that Burger King is building, including a cul-de-sac. M/S Clemons/Brodahl. Casting opposed votes were Council members Derifield and Ochoa.

Mr. Shaw stated that this is his last Council meeting and thanked the Council for their support and assistance.

**ADJOURNMENT**

With no further business to discuss, Mayor Kelley adjourned the Council meeting at 9:31 p.m.

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E R KELLEY, Mayor

ATTEST:

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DEBBIE L KUDRNA, City Clerk