

City of Othello
Regular – Rescheduled Council Meeting
December 27, 2001

Mayor E R Kelley called the meeting to order at 7 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, Rhonda Miller, and Reuel Klempel, City Department Heads. James Whitaker, City Attorney. Council-Elects: Tim Wilson and Larry Bray; Deputy Clerk Rebecca Dover and several Citizens.

Council Member Jeannie Ochoa 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/Derifield.

APPROVAL OF CONSENT AGENDA

- A. Approval of Minutes of December 10, 2001
- B. Approval of December 2001 Warrants
- C. Change Order for 2001 Sidewalk Project

Public Works Director, Reuel Klempel explained that the change order for the sidewalk project was to meet ADA requirements for sidewalk access, to complete the curb in the north parking lot at Kiwanis Park, and for additional sidewalks required by the City. The change order amount was \$14,622.25 and the contractor for the project was North Central Construction, Inc. It was clarified that the Council had already set the assessment role for the sidewalk project and property owners would not be assessed a different amount for their portion of the sidewalk project.

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, and have been recorded on a listing that is available to the Council.

Expense Claim Check No. 24258 to 24316 in the amount of \$170,233.23.

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

PUBLIC HEARING ON THE REZONE REQUEST- OLSEN HOMES, LLC.

Mayor Kelley opened the hearing to receive staff and citizen input on the request to rezone the area east of the DSHS office and Cenex building, and located from Wahluke Street extended south to Columbia Street from a Commercial 1 (C-1) zone to a Residential 4 (R-4) zone at 7:06 p.m. Mayor Kelley asked that anyone who had an objection to his participation or any Council members participation to state now and give the reasons for the objection. There was none. Mayor Kelley asked if any Council member had financial interest in the property or issue. They all answered no. The Mayor asked if the Council members could hear and consider the matter in a fair and objective manner. They answered yes. Mayor Kelley 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. There was none. Mayor Kelley asked for the City staff to present exhibits or any written comments received by the City into the record. The City Clerk entered the following exhibits into the public record.

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EXHIBIT #1: The notice of the public hearing and the map that was sent to the adjacent property owners of the proposed rezone; the mailing list of property owners that were sent the notice; and the notice of the public hearing that was posted at three locations within the rezone area.

EXHIBIT #2: Copies of the Planning Commission minutes of October 15, November 19, and the draft December 17, 2001, minutes indicating their review and discussion of the public hearings on this request to rezone.

EXHIBIT #3: Copy of the City Council's minutes of December 10, 2001 setting the date of the public hearing for December 27, 2001 and when they received the Planning Commission's Draft Findings of Fact, Conclusions, and Decisions.

EXHIBIT #4: The Planning Commission's Findings of Fact, Conclusions, and Decisions from their Public Hearing.

Mayor Kelley requested City staff to present the information regarding the rezone request and requested a review of the Planning Commission's findings of facts, conclusions, and decisions.

Planner, Curt Andrews reported on the request to rezone an area from C-1 to R-4. He explained that the initial request included an additional area that ran parallel to Highway 26. From that discussion and request, the Planning Commission has only recommended a rezone of approximately 4 acres, which is located east of the DSHS office and Cenex located on 1st Avenue and north of Columbia street to Waluke street extended.

Mr. Andrews reviewed the findings of fact, conclusions, and recommendation:

2. FINDINGS OF FACT.

Based upon the evidence presented to them, the Commission makes the following findings of fact:

- 2.1 The current property owner, Paul Bonnell, has given written permission to Olsen Homes, LLC. to petition the city for the rezone for the property east of the DSHS Office and Cenex.**
- 2.2 The property is currently zoned C-1 Commercial.**
- 2.3 The proponent is requesting R-4 Residential zoning for the property.**
- 2.4 The City is in need of additional lots for current and future residential growth needs.**
- 2.5 The property is consistent with adjacent development and provides for efficient land and infrastructure.**
- 2.8 The rezone is consistent with the existing and draft comprehensive plan.**
- 2.9 The Planning Commission is not making a finding on the suitability of this parcel for platting and development.**

3. CONCLUSIONS.

From the foregoing findings of fact, the Commission makes the following conclusions:

- 3.1 The Planning Commission is vested with the authority to recommend to the City Council the advisability of this rezone.**
- 3.2 The rezone is properly before the Commission for action.**
- 3.3 It is in the best interests and welfare of the city's citizens to rezone the property as described in the recommendation.**

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3.4 **Technically, the rezone will extend to the center of the current street or alley or where they exist and/or to the existing legally described zone line.**

4. RECOMMENDATION.

On the basis of the foregoing findings of fact and conclusions, it is the recommendation of the Planning Commission to the Othello City Council that the following parcels be rezoned as described below:

Rezone the undeveloped area east of Cenex/DSHS (starting 350 ft. east of the center of 1st Avenue) to the existing R-4 zone (550 ft. east of the center of 1st Avenue) extending north from Columbia Street to Wahluke Street extended (885 ft. north to south) from C-1 Commercial to R-4 Residential, 4 acres ±.

Mayor Kelley asked if the applicant had anything to add to the request, and Eric Olsen stated that he had none unless there were questions from the Council. Mayor Kelley then asked for a public testimony, questions, objections, or protests to be heard from the Citizens. There was none. Mayor Kelley then closed the public comment period of the public hearing. The Mayor then asked for Council members comments or questions. It was clarified that Cenex, Inc., located at 1175 S. First Avenue was notified in writing of the rezone request. There were some concerns of that building being sold to new property owners. The City Attorney noted that the City followed proper procedures for public notice, having land use notice signs posted in three areas of the property and mailing notices to current property owners within 300 ft of the area being considered for rezone.

With no further discussion Mayor Kelley closed the public hearing at 7:15 p.m.

Council carried a motion to adopt the Planning Commission's findings of fact, conclusions, and decisions, as approved by the Planning Commission on December 17, 2001, with no changes made. M/S Ochoa/Derifield.

AN ORDINANCE TO REZONE

Staff presented the Ordinance to rezone the area starting 350 ft. east of the center of 1st Avenue to 550 ft. east of the center of 1st Avenue and extending north from the center of Columbia Street to Wahluke Street extended (885 ft. north to south) from C-1 Commercial to R-4 Residential, an area approximately 4. acres ±.

Council carried a motion to adopt AN ORDINANCE AMENDING SECTION 17.13.030 OF THE OTHELLO MUNICIPAL CODE. M/S Brodahl/Cole. This shall be known as Ordinance 1113.

CERTIFIED COMMUNITIES INITIATIVE-JOHN TAYLOR

John Taylor, of the Adams County Economic Development Council presented the Washington Certified Communities Initiative, explaining that it is a new approach to economic development to highlight communities that are business ready and who have demonstrated a plan to implement economic development goals. The Certified Communities Initiative is entirely voluntary and Mr. Taylor asked that the Council consider a coordinate effort between the Port District, Economic Development Council and City to locate and identify business and industrial sites that are ready and available for economic growth. He noted this would enhance the available industrial sites in a progressive manner to encourage growth within the area. Council's consensus was to support the cooperative approach for developing these business and industrial sites within our local community.

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Mr. Taylor said that he would continue to update the Council on the process noting that a resolution will be presented to the Council at a later date.

RESOLUTION TO ACCEPT THE 2001 SIDEWALK PROJECT

Staff presented a resolution to accept the sidewalk project for 2001 as complete, under the contract with North Central Construction, Inc. Public Works Director, Reuel Klempel, explained that the asphalt will be completed on North 1st Avenue, adjacent to the Library as soon as the weather permits. He explained that Public Works had installed another catch basin to help drain storm water that flows down to that area. Council carried a motion to adopt A RESOLUTION ACCEPTING THE SIDEWALK PROJECT 2001. M/S Clemons/Cole. This shall be known as Resolution No. 2001-44.

ORDINANCE TO AMEND O.M.C. REGARDING BUILDING PERMITS ON UN-PLATTED LAND

Curt Andrews presented the Ordinance regarding building permits issued on un-platted land. He explained that it allows building permits to be issued for remodeling of an existing building on un-platted land, which would not increase the size or estimated assessed value of the existing structure by more than 5%; but would limit only one building permit issued during the lifetime of the structure. It also allows for construction of a temporary structure or construction of buildings on un-platted land of not more than 25% of the lots designated in an approved preliminary plat, subject to proof of fire protection and approved construction drawings. He explained that it provides that the buildings shall not be occupied or be entitled to receive city water, sewage or other utilities until the plat has been fully approved by the City Council and filed with the Adams County Auditor and the City has accepted all utilities and improvements to serve the building. City Attorney James Whitaker clarified that if building permits are issued for new construction up to 25% of the lots designated in a preliminary plat, the City can still require bonding for the remaining portion of the infrastructure within the plat to meet plat requirements. Council carried a motion to adopt AN ORDINANCE AMENDING OTHELLO MUNICIPAL CODE SECTION 14.04.070 OF CHAPTER 14.04 ENTITLED “BUILDING CODES” M/S Johnson/Cole. This shall be known as Ordinance No. 1114.

ORDINANCE TO AMEND THE 2001 BUDGET

Finance Officer, Rhonda Miller presented an Ordinance which would amend the 2001 budget. She explained that the Ordinance included an amendment to the street fund; real estate excise tax fund; sidewalk construction fund; water fund; solid waste fund; water deposit and deposit trust fund, and noted a correction of the budget amount to be \$847,800.00. The Ordinance also included a provision that the Council regarded this as an emergency due to the fact that it must become effective immediately for it to be included in the 2001 fiscal budget. Council carried a motion to adopt AN ORDINANCE AMENDING THE 2001 BUDGET FOR THE CITY OF OTHELLO AND AMENDING ORDINANCE 1082, and indicating the total amount of the budget amendment was \$847,800.00. M/S Clemons/Johnson. This shall be known as Ordinance No. 1115.

AGREEMENT WITH ADAMS COUNTY REGARDING SNOW PLOWING

Public Works Director, Reuel Klempel presented an agreement between the City and Adams County Public Works regarding snow and ice removal. He indicated that this does not provide for operation of maintenance of the roads. Council carried a motion to approve

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the agreement with Adams County regarding snow and ice removal as presented. M/S Johnson/Cole.

UNFINISHED BUSINESS

Staff explained that they are still reviewing the reorganization of the water and sewer code and Mr. Klempel presented a new water site facility fee. He explained that currently there is a \$1,200 site facility fee when the City provides the total connection for a 1 inch meter; a fee of \$600 if the property owner was to provide the service line and the City was to install the 1 inch meter and meter box; and the new proposed fee would be for \$300 for a 1 inch meter if the property developer was to provide the service line, meter box, and all other equipment associated with a new water meter and the City was to only provide and install a radio read meter. He noted that the \$300 does include all material and labor, and all necessary costs associated with the 1inch water meter installation. The cost of a meter larger than a 1inch would be based upon all the labor, equipment, material, and administration for the actual work to be performed by the City.

Curt Andrews discussed with the Council revisions to the Sewer General Facility Charge. He explained that as staff discussed the proposed new general facility charge for sewer connections, the concern was that new connection fees should be based upon the impact to the City's sewer facility. The past administrator had proposed a sewer general facility charge based upon flush units and staff was recommending that the Council consider the sewer general facility charge be based upon a fee for fixtures within a new building that actually impacted the sewer facility. Staff recommended a fee of \$100 per fixture unit and suggested that the fixture units could be considered toilets and/or urinals; bath and/or showers; dishwasher and/or kitchen sinks; and other devices that discharge similar waste into the City's system. Mr. Andrews explained that it would not include bathroom sinks, bar sinks, drinking fountains, floor drains and other low flow devices. Further discussion included how the staff came up with the \$100 per fixture unit. There were some concerns regarding the cost associated to building a new home and how this connection fee will impact those costs. It was Council's consensus to discuss this again at the upcoming workshop. The City Clerk announced that staff would like to present the Ordinance in its final form at the January 14, 2002, meeting.

Mr. Andrews advised the Council that the Coventry House developers have announced that the assisted living facility will be a boarding home and will not house non-ambulatory residents. This decision by the developers was made in order to comply with state licensing regarding care for ambulatory residents and the need for specific fire protection to care for semi or non-ambulatory residents.

The City Clerk introduced the new Deputy City Clerk, Rebecca Dover to the Council.

Council member Everett Cole presented a plaque of appreciation to Mayor E R Kelley for his commitment to the City for the past 4 years. City Clerk Debbie Kudrna read into the record an appreciation to Mayor Kelley for his professionalism and commitment to the City of Othello for the past 4 years.

NEW BUSINESS

The City Clerk administered the oath of office to the newly elected Council members: Eleanor Brodahl, Tim Wilson, and Larry Bray, and the newly elected Mayor, Jeannie Ochoa.

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ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the City Council meeting at 8:13 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L. KUDRNA, City Clerk