



MINUTES

City Council Regular Meeting

6:30 PM – Monday, August 13, 2018

Council Chambers, City Hall – 500 E Main St

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Logan called the meeting of the Othello City Council to order at 6:30 and led a silent invocation and the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:

Eugene Bain
Genna Dorow
Corey Everett
Angel Garza
Larry McCourtie
John Lallas
Mark Snyder

Councilmembers Absent:

ADMINISTRATIVE STAFF PRESENT

Shawn Logan, Mayor
Rebecca P. Ozuna, City Clerk
Spencer Williams, Finance Officer
Terry Clements, Public Works Director
Anne Henning, Community Development Director
Phil Schenck, Police Chief

CITIZEN INPUT

There was none.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda. M/S Garza/Bain

CONSENT AGENDA

A. Approval of City Council Minutes of July 23, 2018

- B. Approval of City Council Minutes for August 6, 2018
- C. Approval of Payroll and Related checks
- D. Approval of Account Payable Checks

Accounts Payable was audited and certified by the Auditing Officer, as required by RCW 42.24.080; and those expense reimbursement claims certified and as required by RCW 42.24.090, have been recorded on a listing that has been reviewed by the Council audit committee and is available to the Council.

Accounts Payable Check No. 50008 to No. 50090 in the amount of \$258,890.48.

Payroll and Related Expenses Check No. 31079 to No. 31149 in the amount of \$ 451,020.47.

Council carried a motion to approve the Consent Agenda, as presented. M/S McCourtie/Dorow

CURRENT BUSINESS

PUBLIC HEARING ON AMENDING OMC CHAPTER 17.61 TITLED “OFF-STREET PARKING”

Mayor Shawn Logan opened the public hearing at 6:32 pm. Community Development Director Anne Henning mentioned that as part of their update of the Zoning Code, the Planning Commission has reviewed the Off-Street Parking chapter, OMC 17.61. The basic framework of the chapter has been retained, with some updates and changes. Following is a summary of the significant changes proposed:

1. For clarity, the single paragraph of 17.61.010 was separated out into subsections on each topic, and then updated language was added to those subsections. The updated language either addresses an item the Planning Commission discussed, adds clarification, or is a staff suggestion based on review of other parking codes. Items the Commission discussed were: allowing gravel parking when accessed from a gravel street, increasing the minimum parking space size to 9'x20', and having it apply to a garage. The restriction on backing out onto a street was a staff suggestion based on other codes. The Planning Commission modified the initial suggestion from applying to duplexes up to applying to a 4-plex or smaller.
2. 17.61.015 addresses residential parking in the front yard. Code Enforcement provided input to make this section work better.
3. As recommended by the Commission, a carport is listed as equivalent to a garage, and garages would only be required for single family residences, not duplexes as they are currently.
4. Schools: Parking requirements for school auditoriums was increased, as was parking for a high school, to address students driving themselves to school.
5. Retail stores and personal service shops: Changed from direct measurement of the parking lot area to a number of spaces per building area calculation like the rest of the chapter. A sliding scale was used, with a higher ratio for smaller buildings.
6. Restaurants: Changed from a per-seat calculation to a floor area calculation, since the number of chairs can be very easily changed.

7. Throughout the chapter, references to the Planning Commission as the decision maker were changed to the appropriate staff member.
8. Increase in the distance that shared parking can be from the use it serves, from the current standard of 150' to 400'.
9. Parking lots: Clarification that asphalt or concrete is required, and that stormwater must be addressed in compliance with state standards. Added a requirement that parking lots have line striping, and set minimum aisle widths.
10. Loading space: Increased from 10'x25' to 12'x45'.
11. Updated the language for handicapped accessibility

Councilmember John Lallas inquired about #9 in the list that states "clarification that asphalt or concrete is required and that stormwater must be addressed in compliance with state standard" and that it is also mentioned in required improvements and maintenance of parking area of the ordinance on 17.61.060(1) where it states, "in compliance with the Eastern Washington Stormwater Manual". Mr. Lallas commented that some things have been done with some business in town that have redone their parking lots and repaved and they have been allowed to be connected to the City stormwater system, in which Mr. Lallas stated he is in full agreement with due to capacity reasons. Mr. Lallas requested clarification that item #9 listed would not deter that in any way because the City is requiring them that if they are going to do resurfacing or do something to improve their parking that we look at that option to help them get connected to the City stormwater because other than that it will take away from their parking and create them to do more work like build a swell and redirect everything to the swell. Community Development Director Anne Henning commented that based on that, that there should be some clarifying language that states that option. There was more discussion between staff and Councilmember Lallas with regards to the verbiage that would be to be added to make the stipulation requested.

Councilmember Corey Everett commented that he doesn't understand why they are allowing for the parking lots to go unpaved if the street is unpaved when in the future they will have to be paved anyways when the road gets paved. He also commented that he doesn't believe that carports are the same as garages because they are nowhere near the same and commented on the issue of the of setback in the alley. Mr. Everett stated he would like to see the ordinance be changed for the setback in the alley to something more than 20' because it makes it sometimes difficult for other vehicles to get by if someone has an extra-long vehicle. Ms. Henning inquired for recommendations and was responded with something more than 25'.

Councilmember Genna Dorow inquired about the stormwater that Councilmember Lallas mentioned, as to if they must put in a swell or can they put in dry wells on site. Community Development Director Anne Henning responded that it depends on what the conditions are on site. Ms. Dorow inquired if that option had been written out at the state level and was responded that if the site has the right kind of soil that can treat the ground water before it hits water table then it is allowed, however around here it is very seldom.

Mayor Logan asked for comments in support of the proposed agreement. There was none. Mayor Logan asked for comments neutral to the proposed agreement.

1. John Erickson, 1175 E. Cypress St., stated he is neutral and that it could help the City however his concern with the code viewing a carport the same as a garage because he doesn't believe they are the same and seeing them same can create an eyesore for the city.
2. Dave Sperl, 862 S. Crestline Rd., stated his concern about putting the driveway in before the street because there is no way to determine what the grade of the road and there can be possibility of the street and driveway not matching.

Mayor Logan asked for comments in opposition to the proposed agreement. There was none.

Community Development Director Anne Henning commented that since there are various changes that need to be addressed, she suggested that the ordinance be brought back instead of approving it contingent on all the changes that need to be made. Councilmember Lallas stated that he is thinking about the other properties along Main St. that still will be developed, and he would like for them to have the option for them to connect to the City stormwater system. Mayor Logan reiterated what each councilmember had an issue with. Mayor Logan inquired about the possibility of having properties do covenants for the parking lots and City Attorney Kelly Konkright responded he would do some research as to the best way to handle it because covenants can be a little tricky and would be on a case to case bases. Councilmember Bain suggested the alley setback should be at least at 25'. Mayor Logan closed the public testimony.

Mayor Logan closed the public hearing at 6:52 p.m. Mayor Logan stated that the Council will not be making any decision with regards to the proposed ordinance because there are some changes needing to be made.

PUBLIC HEARING ON CREATING OMC CHAPTER 17.63 TITLED “ACCESSORY DWELLING UNITS”

Mayor Shawn Logan opened the public hearing at 6:52pm. Community Development Director Anne Henning mentioned that many cities across Washington and elsewhere have a process to allow an “accessory dwelling unit” (ADU), a secondary unit on a lot that has a single family dwelling. Othello has a history of unpermitted sub-standard detached ADUs, and has taken enforcement action, while recognizing that these units exist because there is a shortage of typical housing. However, the only current process to legally create such units is cumbersome and uncertain.

Ms. Henning commented that over the last few months, several people have approached the Building & Planning Department about building or converting an accessory dwelling unit. Under current regulations, the only way this may possibly be permitted is through the conditional use process by the Hearing Examiner, as an accessory apartment. That is a several-month process, with a lot of expense to the property owner, and uncertainty as to whether the Hearing Examiner would even approve this type of unit. Therefore, the Planning Commission created a draft ordinance that would allow these units, with specific conditions to limit impact on the neighborhoods. Most importantly, these units would only be allowed in R-2, R-3, and R-4 Zones,

all of which already allow duplexes. This would not increase the density beyond what is currently allowed. Parking, maximum occupancy, emergency access, and separate water and electrical connections are all addressed in the draft ordinance. The current code for setbacks and 35% maximum lot coverage would apply to these units.

Councilmember Mark Snyder inquired that if the 35% coverage included the driveway and Ms. Henning responded that it does not include surface it is just for building coverage as to that is how it is stated in the code. Councilmember John Lallas stated that they still have to maintain the proper setback ordinance and Ms. Henning also mentioned that it does require that they have two (2) parking spaces per unit, so it will be four (4) parking spaces for the lot.

Councilmember Genna Dorow inquired what percentage of the town is zoned R-2 and was responded by Ms. Henning that quite a bit of it is as most of the residential is R-2. Ms. Dorow also commented that these would be more like apartments not duplexes because duplexes are more equal in sized dwelling on a single lot however, Ms. Henning stated that that is how people would think about it however, the code is not specific and just defines a duplex as one building for two (2) families. Ms. Dorow mentioned that if the city ends up with accessory dwelling units then the definition of a duplex needs to change because to her a duplex is two (2) fairly equal living dwellings on one (1) lot that have their own yard, their own access, their own entrance, their own parking, even their own garage in some cases. Ms. Dorow commented for the most part, what the planning commission has done is very good and thinks that the R-2 needs to change if it does pass and suggested that if allowed in R-2 then it should be owner occupancy because in the R-2 zone there are people who are already living there and expect it to continue to be single family homes and will detour a lot the concerns that people might have and also commented that the City needs a greater percentage of R-3 in the town. Community Development Director responded to the R-2 owner occupancy suggestion by stating that if that is to occur it would create a problem for tracking because then a system would need to be created to be checking on it. There was further discussion with Council and Staff with regards to how other cities handle this situation, different ideas of how a system can be possibility create by ordinance and the current system the City has in place for voluntarily registering the rentals with the Police Department.

Councilmember Corey Everett mentioned that a couple years ago it was discussed about getting rid of the accessory dwelling units and now tonight they are considering an ordinance that will allow for them to build. He believes that this shouldn't even be up for discussion until the old accessory dwelling units are cleaned up at least however since it is being discussed then he voiced his opinion of being completely against them because of what they eventually turn into. Mr. Everett also mentioned section 17.63.010(e) where it states that it has to maintain a single-family appearance and he doesn't see where that will be possible also section 17.63.330(m) where it states the limit of up to three (3) people and how is that going to be enforced without having someone babysitting that. Councilmember Everett asked the council how many of them would really like live next door to someone who has an accessory dwelling unit in their back

yard and Councilmember Dorow responded that where she believes the owner occupancy verbiage would detour some of those concerns but even at that there will still be some issues. Mr. Everett believes that the City has come a long way in upping our standards and believes that allowing more ADU's will lower that standard right back down and this is the wrong way to go.

Councilmember Angel Garza inquired if the current second dwellings have been brought up to code with their own meter and their own address. Ms. Henning responded that it's her understanding that they will not need that and will only need to meet basic life safety requirements like e-grass windows, a bathroom, etc. Councilmember Dorow mentioned that the units they were referring to were non-conforming dwellings and illegal because they never had a permit. There was discussion about them being brought to code and the process being used to make sure they are being brought up to code.

Mayor Logan made a clarifying statement that tonight before the Council is the discussion and the public hearing about allowing the new build of accessory dwelling units. The City acknowledges and understands the whole separate issue of all the non-conforming and non-permitted ones that are existing today. Mayor Logan stated that that is a separate issue and according to the Council direction has been to begin to address those and begin to clean those up and begin to bring them into compliance to the City standards.

Councilmember Angel Garza stated that this does call for the conversation of the old units because if the old units are not being put up to code then that means that the code is not being enforced and we are going to go ahead and allow for the second dwelling because the owner lives in the first home and that's not going to be enforced, then what directions is the City really going in. Mayor Logan stated that Mr. Garza made an excellent point was going to make the same point. Councilmember John Lallas stated that he wants to address the Council and the citizens and stated that when he was sitting in the Planning Commission meeting and talking about this as well all he could see in his opinion was the opportunity for investment. People are looking at this as there is a housing shortage in Othello and if they can use the lot they have to build another unit than I can make money off it. Mr. Lallas acknowledged that there is a housing shortage in Othello after talking with other people and people, like single people or married couples with 1-2 children coming to this community, it is very hard for them to find a place to rent. Mr. Lallas commented that what this ordinance would do, if done correctly, is create housing but a lower cost then to develop. Councilmember Dorow stated that its better to have an ordinance with some direction than to have nothing at all.

Councilmember Eugene Bain states that he is considering building a three (3) car garage on his property and above that a small apartment, main reason being that he has 2 kids and if they need a place to stay or rent they have a place. Also, for when his family that want to come visit and stay for while they have their own place. Councilmember Garza commented that everyone wants to build for their kids and family however eventually end up renting to someone else and does not want to see it get out of hand. Councilmember Mark Snyder stated he doesn't people

behind him or next to him having extra people but based on the size of lots in his area he doesn't real think it will be a problem.

Councilmember Larry McCourtie stated he is totally against it and agrees with Councilmember Everett because it may work for some and if continues the way it is it will not be good. Mr. McCourtie recommended it be stopped and just clean up the ones that are already built. Mayor Shawn Logan made the following statements: 1. that he agrees with Councilmember Dorow that some additional R-3 and R-4 areas to the community; 2. he doesn't think the owner occupancy in the main unit being required can be enforced and monitored because there is nothing in the ordinance as to a requirement that the owner has to stay or any penalty for not having it owner occupied. The Mayor sees it as a problem because the City doesn't have the ability nor the resources to enforce this and can see it could increase the density in the area; 3. the density can create a large impact in the neighborhoods with multiple cars being parked around the property as to which it is happening now and the City has not done a good job enforcing that; 4. the possibility of decreasing the value of other people's property due to the building of a second dwelling and allowing more and more people to live on the property. There was more discussion with regards to the systems that need to be put in place, enforcement that needs to be established and zoning that needs to be updated. Mayor Logan stated he would rather see developers come in and build duplexes, triplexes and quadplexes instead of going the route of ADU's.

Mayor Logan asked for comments in support of the proposed agreement. There was none.

Mayor Logan asked for comments neutral to the proposed agreement. There was none.

Mayor Logan asked for comments in opposition to the proposed agreement.

1. John Erickson, 1175 E. Cypress St., stated that he is opposed in adopting this ordinance due to property values being impacted, the maximum residence occupancy however he is support of the investment aspect of the ordinance but still doesn't think this is the time until all the questions and concerns can be addressed.
2. Dale Wyman, 848 E. Juniper St., stated that housing shortage has been around since he has been around, the bureau in the past put up eighty 80 trailers to alleviate the living shortage however it has not gone away. Mr. Wyman commented that the living shortage has to do with the economy and that until the people can see the investment in building a house or rentals it will not be done. Mr. Wyman stated that he should have spoken in favor of the ordinance because he has two (2) car garage on his property that he could convert into a living space and sell it if the ordinance pass. Mr. Wyman expressed his concern with the alleys also becoming streets if people start building second dwellings and suggested being more lenient in the R-3 and R-4 zones to allow for them to be build and not passing the ordinance.

Mayor Logan closed the public hearing at 7:25pm.

Councilmember Genna Dorow suggested taking the ordinance back to the Planning Commission to add some more R-3 & R-4 zones to allow for people to come in and build duplexes, triplexes and such. Community Development Director Anne Henning stated that she doesn't see this going anywhere with all that has been discussed and could possibly look at the zoning as there is not that much vacant lot and the matter to rezone it. Councilmember Lallas suggested limiting the accessory dwellings to R-3 and R-4 zones which could have the possibility of changing the zoning.

AWARD CONTRACT TO BECKWITH FOR FARMERS MARKET FEASIBILITY STUDY

Community Development Director Anne Henning mentioned that through the efforts of our consultant/lobbyist, Gordon Thomas Honeywell (GTH), the City received a \$50,000 grant from the Washington Department of Agriculture to cover the cost of a feasibility study for a permanent farmers market in Othello. We put out a Request for Proposals, including emailing the notice to 578 potential consultants on file with MRSC. We received proposals from 8 firms. A committee comprised of the Mayor, Meg Van Schoorl of GTH, and herself reviewed the proposals and selected the one that seemed to provide the best fit for our community.

Ms. Henning noted that the City received a \$50,000 grant from the Washington Department of Agriculture to cover the cost of this study. \$5,000 has been allocated for assistance from Gordon Thomas Honeywell, with the remaining \$45,000 planned for the study. The scope of work shows the study being completed within this amount. No additional City funds are expected to be needed.

Council made a motion to approve the contract with Beckwith Consulting LLC for the Othello Farmers Market Feasibility Study. M/S Dorow/Lallas

COULEE CORRIDOR UPDATE

Mayor Logan moved the update to a later date as the presenter was not present.

CITY PURCHASE AND BIDDING POLICY

Finance Director Spencer Williams stated that the City has good practices in place to govern how City money is spent. We have pieces of a policy in different places, but not one all-inclusive document to codify our practices. We compiled a policy that captures the Council's desires in this regard. The attached document is the culmination of conversations at the department, committee, legal, and full council levels.

Council made a motion to approve the proposed purchase and bidding policy. M/S Dorow/Snyder

PERSONNEL POLICY UPDATE

Finance Director Spencer Williams mentioned that Initiative 1433 was passed by Washington voters in 2016. Among other things, this initiative changes paid sick leave requirements. The

attached policy language will update our Personnel Policy to stay in compliance with the new law. Per this initiative, employees will accrue 1 hour paid sick leave per 40 hours worked. These hours become available after a 90-day waiting period and will continue to accrue when they leave and return to employment seasonally. Mr. Williams noted that this only affects our seasonal pool employees as our other seasonal and part-time employees already accrue sick leave hours. Our intent is to add the attached language to the Sick Leave portion of our Personnel Policy. This policy was reviewed by legal. This change took effect starting January 1, 2018. We have followed this law since that date.

Council made a motion to approve this addition to our City Personnel Policy, keeping us in compliance with state law. M/S Dorow/Bain

TIB GRANT APPLICATION

City Engineer Kurt Holland from Varela & Associates explained that TIB (Transportation Improvement Board) are due on Friday and stated that two (2) applications have been prepared for the City of Othello and mentioned that both applications have been discussed with the Public Works Committee. The first TIB grant would help fund a full-depth reclamation to Lee Road from 7th Ave to 14th Ave which is estimated to cost \$846,000 and is a 90% grant with a 10% match of \$84,000 for the City. The second TIB grant would be to grind and overlay to Ash Street, from 7th Ave to 14th Ave, which is estimated to cost \$681,000 and is a 90% grant with a 10% match of \$68,000 for the City and also supports Othello's 2018 Safe Routes to School grant application for Ash Street improvements. Mr. Holland commented that staff believes funding applications to the TIB grant program is a good opportunity to fund a portion of the needed road improvements on both Lee Road and Ash Street. Staff recommends submission of the funding applications to the TIB grant program and approval of the resolution.

Councilmember Mark Snyder inquired of there is any infrastructure that needs to be done underneath the road and was responded by Mr. Holland that the proposed sewer layouts would go to the south of that and initially the standing was that there was a proposed school adjacent to that and that would allow additional improvements coordinated and the waterline is good in that area.

Council made a motion to APPROVE THE RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND SUBMIT A TRANSPORTATION IMPROVEMENT BOARD ARTERIAL PRESERVATION PROGRAM GRANT APPLICATION AND URBAN ARTERIAL PROGRAM APPLICATION FOR THE CITY OF - OTHELLO. M/S Bain/Snyder. This shall be known as Resolution No. 2018-21

OLYMPIA STREET UTILITY EXTENSIONS PROJECT

City Engineer Kurt Holland from Varela & Associates mentioned that this is another project that has been discussed several times in Council and with the Public Works Committee. Mr. Holland mentioned that there proposed improvements in the Sand Hill Estates area north of Olympia St. and gave a brief overview of all the work being done and listed on the scope of work. Mayor

Logan made a clarification that this is just for documents and bid documents and does not include construction, Mr. Holland agreed. Councilmember Angel Garza commented that the City is getting sewer from 7th Ave to 14th Ave which will serve west of 7th Ave in the future and then east of 7th Ave all the way to 14th which is a full circle. Mr. Garza inquired if the land property across is being considered due to capacity and suggested that it should be studied for future development. Mr. Holland gave his response that they are considering it and have it in their plans as to why they are taking a step back to look at everything. There was more discussion regarding the documents being prepared for going out to bid, what is included in the documents and the price.

Council made a motion to approve the Amendment to the Owner-Engineer Agreement and attached Olympia Street Utilities Extension Project documents. M/S Dorow/Everett

GENERAL SEWER PLAN

City Engineer Kurt Holland from Varela & Associates commented that this is another project that has also come before council various times and has been discussed in the Public Works Committee meetings as well. Mr. Holland mentioned that this initially came about during the Wastewater Facility planning efforts when it was determined that there was a significant amount of I/I (inflow/infiltration) into the City system and at some point, the Department of Ecology will require the City to identify collection system deficiencies and to determine improvements needed to convey wastewater to the treatment facilities however we are not there yet. Mr. Holland mentioned that initially the cost was twice as much however they have worked with City staff, who went out and did a lot of I/I investigations, with City equipment which determined that it looks like it's mainly in the Cunningham Rd. vicinity with the large pipe running down west on Main St.

Mr. Holland gave a brief overview of what the scope of work covers. There was further discussion between Council and City Engineer Kurt Holland with regards to the deliverable date, future development and the removal of that from scope of work, the price for the investigating of I/I, the price to identify the industrial wastewater sources and other industrial users infiltrating the City sewer line.

Council made a motion to approve the Owner-Engineer Agreement and attached General Sewer Plan Project documents. M/S Lallas/Garza

UNFINISHED BUSINESS

City Engineer Jesse Cowger from Varela and Associates informed Council that the Othello School District approved the agreement for the property transfer located at 14th Ave and Lee Road for the new City reservoir. Mr. Cowger also commented that now with this approval he will contact the CDBG and advise them they have secured the property which will help with the grant application and there was discussion of what the next steps are.

Public Works Director Terry Clements gave an update on Well #3 stating that the hole is at 711 feet and a dummy test was done today with no issues.

NEW BUSINESS

Councilmember John Lallas inquired when is the painting scheduled for the water tower located at McFarland and was responded that it is scheduled for 2019.

ADJOURNMENT

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:10p.m.

By: _____
SHAWN LOGAN, Mayor

ATTEST:

By: _____
REBECCA P. OZUNA, City Clerk