



MINUTES

City Council Regular Meeting

6:30 PM – Tuesday, September 8, 2020

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CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Logan called the meeting of the Othello City Council to order at 6:32 p.m. and led a silent invocation and the Pledge of Allegiance.

ROLL CALL

Councilmembers Present:

John Lallas

Jonathan Erickson

Angel Garza

Corey Everett

Councilmembers Absent:

Mark Snyder

Genna Dorrow

Maria Quezada

Council carried a motion to EXCUSE COUNCIL MEMBER SNYDER, DORROW & QUEZADA. M/S Garza/Everett

ADMINISTRATIVE STAFF PRESENT

Shawn Logan, Mayor

Kelly Konkright, City Attorney

Yvonne Hernandez, Deputy City Clerk

Anne Henning, Community Development Director

Shawn

Spencer Williams, Finance Officer

Terry Clements, Public Works Director

CITIZEN INPUT

There was none.

APPROVAL OF AGENDA

Council carried a motion to APPROVE THE AGENDA. M/S Garza/Everett

CONSENT OF AGENDA

- A. Approval of Accounts Payable Checks
- B. Approval of City Council Minutes for August 24, 2020
- C. Acceptance of Sagestone 8 Phase 3 Improvements

Council carried a motion to MOVE ACCEPTANCE OF SAGESTONE 8 PHASE 3 IMPROVEMENTS TO CURRENT BUSINESS M/S Lallas/Garza

Council carried a motion to APPROVE THE CONSENT AGENDA. M/S Erickson/Everett

CURRENT BUSINESS

2021 BUDGET PROCESS AND COMMITTEE

Spencer Williams, Finance Officer states budget season is quickly approaching and during our last meeting we discussed the budget process that we will follow for the next few months which included a brief introduction to our Council Budget Committee meetings. Williams stated we can make changes to this schedule, so it works for everyone. The purpose of these meetings is to have in depth discussion about the budget direction for the city. The budget will be hit a section at a time, and this would be a good chance to have some back and forth discussion and become familiar with the details of the budget. The proposed schedule was discussed, and Williams advised that we can always adjust as we go.

Councilman Everett and Councilman Erickson agreed to switch committees as Everett would like to be on the solid waste committee.

ACCEPTANCE OF THE SAGESTONE 8 PHASE 3 IMPROVEMENTS

Shawn O'Brien, City Engineer presents that upon the condition of Olsen homes providing the maintenance bond that the street and utility improvements for Sagestone 8 Phase 3 Final Plat be accepted. O'Brien stated that at this time, the improvements for Sagestone 8 Phase 3 have been completed by the developer and are ready for acceptance by City Council. A draft letter of credit for 10% of the construction cost has been provided by the developer and is good for a period of one year, which starts after City Council acceptance, per OMC 16.17.130. The signed letter of credit will be needed before the acceptance of improvements takes effect.

Council carried a motion to ACCEPT THE SAGESTONE 8 PHASE 3 IMPROVEMENTS ON THE CONDITIONS OF THE MAINTENANCE BOND BE PROVIDED M/S Lallas/Everett

APPROVAL OF THE SAGESTONE 8 PHASE 3 FINAL PLAT

Anne Henning, Community Development Director presented that the Sagestone 8th Addition Phase 3 Major Plat is a 39-lot residential subdivision fronting Sandstone Street and Columbia. The Othello Hearing Examiner approved the preliminary plat for all 3 phases June 22, 2017, after

the City Council approved a Development Agreement June 12, 2017. The final plat was submitted for review August 3, 2020. Because the street and utility improvements were nearly finished, staff routed the project for review. The improvements are now complete and have been conditionally approved by the council tonight per OMC 16.17.140(f)(2), the Council must find that the final plat conforms to all terms of preliminary plat approval, the requirements of RCW 58.17 (Plats—Subdivisions—Dedications), other applicable state laws, and any other requirements where were in effect at the time of preliminary plat approval. According to the Development Agreement, Section 20, dedication of Tract B for a future segment of the City Recreation/Trails System is to occur no later than the date of final plat approval for Phase 3. Per the Planning comments and the Development Agreement, a note on the face of the plat must show Tract B as being dedicated to the City. In addition, Frontier Title is preparing a quit claim deed, which is expected to be provided Sept. 11.

Henning stated that if Council is not satisfied with the provisions made for the dedication, they should wait to approve the final plat. The following comments were received and will need to be addressed before the plat is recorded. Henning recommended that the City Council approve the final plat, conditional on:

1. Addressing the comments of the City Engineer, Community Development Director, and USBR.
2. Acceptance of the dedication of Tract B to the City for park and recreation purposes, subject to a deed being provided.
3. Receipt of the signed maintenance bond for the street and utility improvements.

Council carried a motion to APPROVE THE FINAL PLAT, SUBJECT TO THE ABOVE CONDITIONS, AND AUTHORIZE THE CITY ADMINISTRATOR TO SIGN THE PLAT MYLARS FOR RECORDING OF SAGESTONE 8 PHASE 3 FINAL PLAT M/S Erickson/Lallas

SETBACKS & GARAGES

Anne Henning, Community Development Director informed the council that recently, several property owners have wanted to develop their properties in ways that are not allowed by the Zoning Code. They have questioned the reasons for the code requirements and do not feel the reasons justified the requirements. Therefore, they are asking that the code requirements be reconsidered. Both issues are related to residential standards. In regard to the setbacks, Zachary Garza has questioned why the rear yard setback for accessory structures is 5' when the side setback is 2'. He feels that requiring 5' leaves a lot of wasted space that could be better used in the yard. The building code allows 2' setback, which the Feb. 2020 Zoning Update sets for side yard setbacks for detached accessory buildings. The building code would allow less than 2' with a fire wall. There are some lots that have an easement (typically 5') along the rear property line. Accessory buildings could not be placed within the easement. In regard to the garages, Lolo Barrera asked questions about converting his garage into living space for his house. He was told this was possible, but he would need to provide another garage to replace it. He disagreed that the code language required a garage to be replaced. He also questioned the effectiveness of the garage requirement when many people just use their garages for storage or have converted them (legally or not). He said his garage is difficult to access with a vehicle, requiring opening a gate and then the garage door, so he never uses it to park in. He would rather use the area for

more living space for his family. The garage requirement was added in 2007, likely as part of the local reaction to the state requiring manufactured homes to be allowed in all residential zones, with no conditions that did not apply to all houses. Many requirements adopted at this time by jurisdictions across the state attempted to limit manufactured homes without restricting site-built homes, such as minimum width (to prevent single-wide-s), 3:1 roof pitch, and materials for siding and roofing. Many existing garages are not large enough for 2 cars. The requirement that a garage be able to fit two 9'x20' parking spaces was only added in the zoning update adopted in Feb. 2020. Even 18'x20' is very minimal to accommodate 2 vehicles. It is likely that numerous garages have been converted to living space, but as long as the garage door is left in place, there would be no way for staff to know about an illegal conversion. There is definitely a trend in the planning world to prioritize space for people and to cut back on the space devoted to vehicle parking and storage. Letters from both Zachary Garza regarding setbacks and from Lolo Barrera regarding garages have been provided for review. Both individuals were present in the meeting and commented in regard to the above stated matters.

Henning stated that in order to change the Zoning Code, RCW 35A.63.100(2)(b) requires at least one public hearing, which can be held by the Planning Commission. OMC 19.09.060(b)(1) states that legislative review generally requires at least one hearing before the Planning Commission and one before the Council. Therefore, to meet the state and local requirements, a Planning Commission public hearing has been scheduled for Sept. 21, and Council public hearing Sept. 28.

Council listened to both Garza and Barrera and informed them that this would definitely be a matter to look into updating of the ordinances but that there was a process and it wouldn't happen overnight. Both parties understood and thanked council for their time.

Coronavirus Relief Funds / Small Business Grants

Mayor Logan informed the council that On May 20, 2020 the City of Othello received a portion of the federal Coronavirus Relief Funds in the amount of \$250,350 from the Washington State Department of Commerce. Funds may only be used to cover costs that are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); funds that were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government and funds that were incurred during the period that begins on March 1, 2020 and ends on October 31, 2020

The grant may be used for expenses the City incurs as well as offering small business grants within the City of Othello. The Small Business Grant Committee and City Council decided \$125,000 out of \$250,350 would go to small businesses in Othello who have financially suffered due to COVID-19. On August 5, 2020, City staff mailed a total of 392 applications to Othello businesses. On August 28, 2020 staff reviewed applications to confirm they met the criteria to apply. On September 1, 2020, the Small Business Grant Committee met to review applications and decide which businesses would receive an award and the amount. 32 businesses were awarded funds.

Othello Community Museum \$2,500	JAB Fitness \$3,000
Othello Rod and Gun Club \$1,500	Laura B Hair and Makeup \$4,000
Othello Rodeo Association \$6,000	Little Angels Daycare \$2,500
Othello Sandhill Crane Festival \$6,000	Livin Lavish Western Wear \$5,000
The Old Hotel \$5,000	Lolas Booth \$5,000
Anytime Fitness \$3,000	M&M Construction \$500
B Beauty Salon \$4,000	Othello Dental Arts \$5,000
Basin Karate \$5,000	Quality Cabinets \$3,000
Brunswick Bar and Grill \$10,000	Reichert's Showhouse \$10,000
Canine Clippers \$500	Salon Nueva Imagen \$4,000
Carpet Carrousel of Othello \$5,000	Studio 7 \$4,000
Chayos Beauty Salon \$4,000	The Bomb Shelter \$1,000
El Coliman Satellite Sales \$4,000	The Trendsetter \$4,000
Go Beyond Consulting \$1,500	TLC Daycare \$2,500
Head to Toe \$4,000	
Iron Works Café and Market \$1,500	

Kelly Konkright, City Attorney has reviewed and approved of Resolution 2020-13 and the agreements between the city and small businesses which were created in accordance to disperse the funds. Konkright informed the council that this was an unusual matter in which the city was dispersing of these funds but reassured the council that the resolution met the guidelines to disperse of these funds and also stated he would sign the resolution in agreement.

Council carried a motion to APPROVE RESOLUTION 2020-13 ESTABLISHING THE CARES ACT SMALL BUSINESS AND COMMUNITY SUPPORT GRANT FUND AND AWARDING MONIES. M/S Erickson/Lallas

City of Othello Recycling Program

Mayor Logan presented to the council the provision in the new proposed CDSI contract for recycling. Referencing 3.7 Recycling: The Contractor agrees to enter negotiations with the City at the City's discretion, and if the City so requests, concerning any type of waste stream reduction or resource recovery program the City may consider establishing. The City is not required to negotiate such services with the Contractor, and the City may employ its own forces or the forces of other contractors. Staff have discussed this matter over with Councilman Everett who is also employed with CDSI and have expressed some of the issues/concerns we have had in the past with the recycling program.

Q. What was originally intended when the cardboard program started?

A. I believe when the cardboard program was originally started it was because CDSI was implementing a cardboard recycling program for Commercial Customers in the City. Since they were going to be here anyway, they also at the time started a residential collection point as a community service.

Q. What is your observation of the program over the years.

Q. What is the state of the program currently.

A. When the program started it was with four 6 yard containers picked up one time per week, it has now evolved in to 8 – 12 - 6 yard containers picked up 4 to 5 days per week with one of those days being a special route with only the city cardboard containers being serviced . In addition, it is now being used both as a commercial cardboard drop off site as well as a garbage dump site for both residential and commercial people. Cardboard has never been much of a profitable endeavor for example cardboard right now pays approximately \$30 per ton but it costs \$80 to \$100 per ton to process and ship it. One way of reducing the price differences is a \$35 charge to commercial businesses for each container serviced, however CDSI does not charge the City for these containers, if they were it would cost the City about \$1,500 per month or \$18,000 per year. Next big problem is the mess that is being left of cardboard being left on the ground and garbage being left on the ground as well as being dumped into the containers. Photos were provided to show exactly what is taking place. This stuff blows and makes a mess of the surrounding neighborhoods as well as neighbors having to deal with seeing the mess left and clean it up out of their yards. Every day except for Thursday the cardboard is disposed of at the Adams County Transfer Station at \$80 per ton with over a ton of cardboard and trash picked up each day that CDSI is footing the bill for. On Thursdays there is a normal cardboard route and it goes to Moses Lake for recycling. I believe this is an important program and do not want to see it go away, I also believe CDSI thinks it's an important program. However, it's not fair to them to have to bear the \$18,000 per year PLUS the cost of disposal and truck and driver time.

Q. What solutions you think we can apply?

A. The containers need to at least be fenced and locked during the night and monitored which is not possible at the current location. Move the containers (Public Works lot?) Better signage needs to be in place making sure that people understand this is not a garbage dump and is for RESIDENTIAL use only and enforce it. We do have one sign up at the entrance threatening a \$500 fine for littering and one that says residential use only, but I don't believe most people see it or they believe it does not apply to them.

Budget Considerations: City Council raised garbage rates for the solid waste fund in 2016. Goal was to develop a larger recycling center for the public. Recycle and yard waste in a fenced enclosure. Manned on weekends. Estimated 2020 fund balance \$249,312.

Discussion was made in regard to the recycling program and council decided to come back and revisit the issues at hand and possible solutions to continue to provide the recycling program.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Council will also receive the following:

DEPARTMENT HEAD REPORTS

Building & Planning Report

ADJOURNMENT

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:02 p.m.

By: _____

SHAWN R. LOGAN, Mayor

ATTEST:

By: _____

YVONNE HERNANDEZ, DEPUTY CITY CLERK