

CALL TO ORDER:

Mayor Tim Wilson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present: Mayor Tim Wilson; Councilmembers: Eugene Bain, Ken Caylor, Dan Dever, Genna Dorow, Charles Garcia, Kenneth Johnson, and Mark Snyder.

Also Present: City Administrator Ehman Sheldon; Department Heads: Finance Officer Mike Bailey, Police Chief Steven Dunnagan, City Planner Darryl Piercy, Receptionist/Clerk Rebecca Ozuna; and City Attorney Katherine Kenison.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda. M/S Dorow/Dever.

CONSENT AGENDA:

- A. Approval of City Council Minutes of April 23, 2012.
- B. Approval of City Council Workshop Minutes of May 7, 2012.
- C. Approval of Payroll and Related Expenses.
- D. Approval of Accounts Payable Checks
- E. Resolution to Accept Donation

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 Checks No. 41074 to No. 41162 in the amount of \$395,930.62.
Payroll Checks No. 27729 to No. 27767 in the amount of \$264,849.89.

Council carried a motion to approve the Consent Agenda as presented. M/S Johnson/Caylor.

PUBLIC HEARING ON THE PETITION TO ANNEX

Mayor Wilson opened the public hearing at 7:02 pm. City Planner Darryl Piercy reported that Naomi Hampton has submitted a petition for annexation of property into the boundaries of the City of Othello. Mr. Piercy indicated that the property being considered for annexation is located adjacent to the new elementary slightly to the east and consists of two parcels. Mr. Piercy mentioned there is a single parcel located near Cemetery Road and a balance of the North Half of Farm Unit 100-1. He advised that in the ordinance it is stated that the property will assume all City indebtedness and is being treated like previous annexations.

Mayor Wilson asked for public comments. Don Gentry, 1729 W Bench Rd, Othello, advised that he represents ReMax Real Estate and the Hamptons for this project. He mentioned that they had made the initial attempt to market the parcel outside of being annexed and received no interest. They have decided to proceed with having it annexed into the City and rezone it for residential. Mayor Wilson closed the public comments. Mayor Wilson asked if any Councilmembers had any comments at this time. There was none. Mayor Wilson closed the public hearing at 7:06 p.m.

ORDINANCE TO ANNEX PROPERTY

City Planner Darryl Piercy asked for approval of the Ordinance for annexation submitted by Naomi Hampton on behalf of R.A. Hampton LLC. He also indicated that the ordinance set the zoning for the parcel at R-4, which is consistent with the zoning in the surrounding area. City Administrator Ehman Sheldon clarified the errors in Section 1 and Section 4 to the miss-wording of Grant County instead of Adams County. Councilmember Garcia asked if the current property is being farmed, when the residential zoning takes effect can it be farmed remainder of this year. Mr. Piercy answered agricultural use is allowed in the R-4 zone use and they can continue to use the land as agricultural until such time the property is platted. Don Gentry asked to clarify if they can continue to farm on the property. Mayor Wilson clarified that they can, due to it being zoned R-4, which allows it.

Council carried a motion to adopt AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF OTHELLO. M/S Dorrow/Caylor. This shall be known as Ordinance No. 1362.

COMPREHENSIVE PLAN REVIEW – MAPPING EXERCISE

City Planner Darryl Piercy advised that the Planning Commission has been reviewing the update to the Comprehensive Plan, due the fact that the current plan does not meet the current needs of the City. He explained that the challenge before the Planning Commission and ultimately before the Council is to determine and identify the areas that the city will grow within the next 20 year planning period. The Planning Commission found that approximately 240 acres of additional, developable, residential land is needed to meet with the population growth projected over the next 20 years. Mr. Piercy advised that they tried looking at empty lots within the city limits to accommodate projected population growth and found that there were no lands within the boundaries of the city limits.

Mr. Piercy advised that one of the options that the Planning Commission considered was looking where there are large sections of vacant land adjacent to the city boundaries easily serviced by city utilities and also land that was large acreage held by single ownership or a number of owners. The Planning Commission considered all the land from the current city boundaries and along State highways for future residential development, as it is near schools and the infrastructure was reasonably available to be extended without much costs. Mr. Piercy mentioned that there are two exceptions: one was the interchange of the State highway that is currently zoned commercial and they are recommending keeping the corner commercial or keeping the whole strip in-front of the highway commercial property. The other area of land that the Planning Commission is considering is an area just north of the previous large section for residential development.

Mr. Piercy indicated that the other large area of land that the Planning Commission considered is just north east of the current city boundaries, making part of the area industrial due to the truck route that is currently established on Lee Rd. He briefly showed all three considerations of potential areas that can be used for future residential development, indicating the portions of commercial and industrial zoning for current and future business. He expressed his concern with the fact that with this planning we are confined in our residential areas with the two State highways and at some point we may consider extending over the State highways for residential development. Mr. Piercy advised that the Planning Commission feels that there is no opportunity for development to the west for many different reasons. Some of those reasons were the railroad district, natural constraints (wetlands), and environmental issues. Councilmember Caylor indicated his concerns regarding the wetland issue indicating that the wetland is manmade and that there is already growth in that area. Councilmember Garcia agreed with Councilmember Caylor. Mr. Piercy advised that in the past manmade wetlands were excluded and now recently those laws have been revised indicating that any lands seasonally flooded through diversion or manmade elements have to be treated as a wetland. Councilmember Johnson and Mayor Wilson agreed that the area to the west should be considered as it is growing and will be considered Water District #1 with the expanded boundaries.

Mayor Wilson ask Council for further questions and comments, none were made.

REQUEST TO USE GARAGE FOR TEMPORARY COMMERCIAL STORAGE

City Planner Darryl Piercy advised that a request has been submitted by a resident on 14th Avenue, who was issued a building permit about a year ago. When the building permit was issued there was a specific condition that this was in a residential zone and the garage could only be used for residential purposes and not to be used for commercial use. Mr. Piercy advised that during a routine review of the city by the City Police Department it was noted that when the door was open that the contents of the garage was clearly commercial packaging and retail sale items for a grocery store. He explained that the owner was contacted and a Notice of Violation and Order of Correction for the commercial use to stop and be corrected within 15 days through our

Code Enforcement Officer. He mentioned that the owner has indicated that he was using the property temporarily as storage until his new building is built on 1st Ave.

Mr. Piercy indicated that Mr. Alanis is requesting an additional 6 months to use his garage as storage. Mr. Piercy requested the input of the Council in how to handle the situation. Councilmember Snyder indicated that Mr. Alanis was requesting an additional 6 months and asked if he had prior permission. Mr. Piercy answered that he did not have prior permission and did not know how long the garage has been utilized. Mayor Wilson asked if there were any complaints from the neighbors, and Mr. Piercy answered that there have not been any. Councilmember Dorow asked City Attorney Kenison if the Council can do special permissions for temporary use that's different than the ordinance. City Attorney Kenison stated that the city has no mechanism in the ordinance for granting special exceptions, but they can consider extending enforcement to 30 days not 6 months.

Councilmember Garcia indicated that his thoughts are in the middle because Mr. Alanis has been a good citizen, pays taxes, and had been made to go through hoops and continues to stay here. Councilmembers Dorow and Garcia were in agreement that 6 months is too long. Mr. Piercy suggested that one way to handle this is to give him a maximum time frame. Councilmember Caylor mentioned that it would have been easier to ask for permission prior to using the building as storage instead of using the building and then coming and asking for permission. Attorney Kenison suggested that the Council consider delaying enforcement action for up to 30 days and then if nothing is complete, then pursue enforcement.

Council made the motion to delay Code Enforcement for a period of 30 days conditioned upon that there be no increase in existing inventory and that there be no commercial truck track at any hours. M/S Johnson/Dorow. Councilmember Snyder voted against the motion.

CLEANING OF WELL #6

City Engineer Larry Julius mentioned that Council has been advised that Public Works had gone out to receive quotes for cleaning of Well #6 for removal of the iron bacteria. Mr. Julius said that the city received three quotes;

Blue Star Enterprises - \$78,351.75
Carpenter Drilling - \$27,450.00 + setup costs
Schneider Equipment - \$19,321.38

Mr. Julius advised that Schneider is the lowest bidder and have done work for the City before and recommended that the contract be awarded to Schneider Equipment in the amount of \$19,321.38, which includes sales tax. City Administrator Ehman Sheldon also mentioned that the Council needs to consider whether they want the cleaning done before or after resealing. Mr. Sheldon also requested that the contract be awarded to Schneider Equipment.

Council made a motion to accept a contract with Schneider Equipment, Inc. for Well #6 cleaning. M/S Dorow/Garcia.

CONSIDERATION OF PUBLIC WORKS TRUST FUND APPLICATION

City Engineer, Larry Julius, advised that the State Public Works Trust Fund (PWTF) has \$15,000,000.00 available per community out of \$400,000,000.00 total dollars available for the whole state. He mentioned that it is a loan program not a grant program and they have a very low interest rate. If the project is completed prior to 3 years the interest rate can be reduced by ½ percent. He advised that the Main Street beautification project does not qualify for this loan. He also advised that the monies are available but that does not mean that we have to apply for all the monies. He explained all of the requirements set by the PWTF and noted that the monies will most likely not be available until June of 2013.

Mayor Wilson questioned the fact the 14th Ave Project needs to be worked on this fall and the monies will not be available until next spring and if that is a project to consider. Mr. Julius mentioned that the monies will most likely be available in 2014. Councilmember Dever advised that the City already has \$90,000 invested in the SR24 project with planning and designing. Mr. Julius showed that the SR 24 project has been divided into separate projects (water, sewer, and street and storm drainage). Mr. Julius explained that part of the sewer project has already been fund with previous PWTF funding for design and also the CDBG Grant for the W. Moon St. area. City Administrator Ehman Sheldon advised that the application has to be turned in by the end of the month and requesting direction from the Council. Councilmember Johnson voiced his concern as to what the City can afford instead of what projects need to be done. City Administrator Ehman Sheldon addressed some of the issues in regards to the application and projects that will helps us in the loan application.

City Financial Officer Mike Bailey demonstrated in a chart what the monthly payment would be depending on the amount, interest rate and years of the loan. Mr. Bailey then showed what the City's current debit service is per month. He also mentioned that the sewer fund and water fund can handle their own debit service. Councilmember Garcia and Dorow suggested the 14th Ave. project be the only street project considered. Mayor Wilson asked the Council if they agreed to only applying for \$3,000,000.00 worth of projects after being shown and calculating all the numbers. The Mayor asked if it was possible to reimburse the City on the 14th Ave. project if the City is to start the project ahead of receiving the monies. Council's consensus was to choose the following projects: 14th Av.e Project; SR 24 Sewer Main Improvement; and the SR 24 Water Main Improvements.

DISPATCH AGREEMENT WITH ADAMS COUNTY

Police Chief, Chief Dunnagan, presented a renewal contract with the Adams County Dispatch Service and advised that there are no monies involved in this contract. The only contingency is that if the County is in operable for 24 hours or more, the City will be compensated by the County at the hourly rate of the most senior dispatcher's base salary. Chief also mentioned that this is a 2 year contract.

Council made a motion allowing Mayor Wilson to sign the Letter of Agreement.
M/S Snyder/Johnson.

RESOLUTION TO SURPLUS EQUIPMENT

IT Manager, Stan Anderton, advised that the City has a number of cell phones that have accumulated over the past years and should be surplus. Mr. Anderton advised that also on the list is a power source and an antenna. He explained that the phones will be sold by requesting seal bids which will be handled by Finance Officer Mike Bailey. He also suggested that all phones not sold be given to a woman's shelter for 911 calls.

City Attorney Katherine Kenison advised that the surplus property cannot be given away or donated. She suggested that the City first create a policy to be able to donate surplus equipment.

Council carried a motion to approve A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON DECLARING SURPLUS. M/S Garcia/Dorow. This shall be known as Resolution No. 2012-10.

UNFINISHED BUSINESS

Councilmember Garcia wanted to congratulate the new Park and Recreation employee on the job that she is doing and it surprised him how late she works.

NEW BUSINESS

Next Meeting Date: Tuesday, May 29th, 2012 – changed in honor of Memorial Day

EXECUTIVE SESSION – PROPERTY PURCHASE

Mayor Wilson announced that the Council was going to adjourn into an Executive Session at 8:39 p.m. pursuant to RCW 42.30.110(1) (b) to consider the selection of a site or the acquisition of real estate by lease or purchase. The executive session is expected to last 30 minutes. No action will be taken during the executive session. City Administrator Ehman Sheldon, City Attorney Kenison, City Engineer Larry Julius and City Financial Officer Mike Bailey were in attendance.

EXECUTIVE SESSION – POTENTIAL LITIGATION

Mayor Wilson announced that the Council was going to adjourn into an Executive Session at 8:39 pm pursuant to RCW 42.30.110(1)(i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. The executive session is expected to last 20 minutes. No action will be taken during the executive session. City Administrator Ehman Sheldon, City Attorney Kenison and City Engineer Larry Julius were in attendance

Mayor Wilson reconvened the meeting at 9:25 p.m.

Mayor Wilson made the following announcements:

- There will be a Water/Sewer Committee meeting on Wednesday, May 23rd at noon at City Hall. Paul Stoker from GWMA will be the speaker
- He asked a couple Councilmember's to contact Stan Anderton to test the new wireless microphones.

ADJOURNMENT

With no further items to discuss, Mayor Wilson adjourned the Council meeting at 9:26 pm

By: _____
TIM WILSON, Mayor

ATTEST:

By: _____
DEBBIE L. KUDRNA, City Clerk