

MEETING OF THE CITY OF CONNELL, WASHINGTON

CONNELL, FRANKLIN COUNTY, WASHINGTON

February 20, 2007

The regular semi-monthly meeting, of the City Council of the City of Connell was called to order by the Mayor at 7:00 pm in the City Hall and was opened with the Pledge of Allegiance.

ROLL CALL

PRESENT: Mayor Gary Walton, Mayor Pro Tem Ron Boyer, Councilmembers Jim Klindworth, Rhonda Quinton, Kent Mosbrucker and Monica Pruett.

STAFF: City Attorney Dan Hultgrenn, Police Chief Rick Rochleau, Engineer Larry Seibel, Public Works Director Larry Turner, Planning/Building Clerk Jed Crowther, and Deputy City Clerk/Treasurer Maria ChavezPeña.

VISITORS: Mike Corcoran, BFCOG; Ted Tshirky, Bob Koch, Skylark Water Association; Jerrod MacPherson, Franklin County; Jeff Arlington, Bill Hoppe, Varsity; Paul Christensen, Harms Engineering, Inc. Pasco; and Kathy Bingham, Franklin County Graphic.

CORRESPONDENCE

- 1) WA State Liquor Control Board: Liquor license renewals for Mei-Ling Inn and Sun Mart. No objections were heard.
- 2) Park Board – There were three individuals interested in the two vacant Park Board positions. Staff would contact them to request letters of interest.
- 3) City Hall – Received a letter of resignation from City Clerk-Treasurer Joan Eckman effective May 1, 2007.

CONSENT CALENDAR

Motion: Councilmember Mosbrucker moved to approve the Consent Calendar with a correction to page 2, under Hearing Examiner Ordinance, of the February 7 minutes, correcting ‘Supreme Court’ to ‘Superior Court’:

- a) Minutes of the February 7, 2007 Regular Council Meeting
- b) Warrant Register for February 5, 2007 for \$146.16
- c) Warrants for February 20, 2007 for \$60,223.88
- d) Payroll Register for February 12, 2007 for \$11,345.38

Councilmember Pruett seconded motion. Motion carried unanimously.

APPROVAL OF AGENDA

Mayor Walton made the following additions to the agenda:

- 16 A. Performance of Public Employee – Executive Session
- 16 B. Appointment of Judge Pro Tem

MEETING OF THE CITY OF CONNELL
Regular Meeting – February 20, 2007

Motion: Councilmember Mosbrucker moved to approve the agenda as listed. Councilmember Pruett seconded motion. Motion carried unanimously.

ORDER OF BUSINESS

CLOSED RECORD HEARING - OASIS

Mayor Walton opened the Closed Record Hearing at 7:13 pm in regards to the Subdivision Preliminary Plat submitted by Bill Hoppe, Varsity Development, Case No. 002-07.

Mayor Walton provided that the hearing was for the purpose of considering a recommendation from the Planning Commission. No additional testimony or evidence would be considered, only written statements and oral arguments on the record prepared by the Planning Commission would be considered.

There were no objections to Mayor Walton's participation or the participation of any of the Councilmembers in the proceedings. No Councilmembers had an interest in the property or issue, nor did they stand to gain or lose any financial benefit as the result of the outcome of the hearing and all Councilmembers were able to hear and consider the case in a fair and objective manner. No Councilmember had engaged in communication outside the hearing with opponents or proponents on the issue.

Senior Planner, Mike Corcoran, presented the staff report with the Planning Commission's recommendation. The Planning Commission had met on February 5th and, after an open public hearing, made the following recommendation:

- Motion:* Commission Member Ferguson moved to accept staff report and recommend approval with the following conditions:
- A. The revised preliminary plat, dated 1/12/07 shall be the approved plat configuration.
 - B. Prior to initiation of any further site work; and/or prior to issuance of any development/construction permits by the city:
 - i. All site development work shall comply with the requirements of the plans and permits approved pursuant to Condition A, above.
 - C. The following additional restrictions and/or items shall be indicated on the face of the final plat:
 - i. Each lot within this subdivision will be subject to a \$315.00 park impact fee as mitigation to the city park system consistent with the adopted parkland LOS of 10 acres of parkland per 1,000 population. Said payment shall be noted by a covenant placed on the face of the recorded plat and included in the deed for each affected lot within the subdivision.
This payment is due prior to or at the time of building permit issuance for each single-family residence.
 - ii. Tract A shall be conveyed in fee simple to the City of Connell.
 - D. Costs incurred for any changes or upgrades to existing Skylark water distribution, including design, materials, and installation of pipe, pumps, and pumping stations; and any additional costs for compliance with additional DOH requirements that may result from substantial changes to their water system be borne fully by Varsity Development LLC.

MEETING OF THE CITY OF CONNELL

Regular Meeting – February 20, 2007

- E. Require that any proposed upgrades and costs to Skylark Water of joint participation that may result from the Oasis Development be clearly defined and accepted by Skylark prior to approval.
- F. Require that Skylark water delivery charges shall be limited to properly established and approved rates of the City of Connell.
- G. Require granting of a 30' access easement between Lots 172 & 173.

Commission Member Bowen seconded. Motion passed unanimously 3-0.

Senior Planner Corcoran provided that the applicant had offered \$315 per lot for park impact fees in lieu of the park land requirement given in the Comprehensive Plan. The City did not have a fee set for payment in lieu of park land. Issues that had been addressed during the Planning Commission meeting included: Existing 10 acre easement around the water tower, an easement to the existing farm operation buildings, and water service concerns with the Skylark Water system.

Mayor Walton opened up the hearing to Council for discussion.

Councilmember Klindworth brought up several issues of concern, starting with the 10 acre easement stating that the Real Estate Committee had met with the land owner and had agreed that the City would relinquish the easement except for what was necessary, as laid out in Tract A of the preliminary plat, plus the owners had agreed to relocate the main line from the reservoir to Clark in an enlarge pipe (12" pipe). Councilmember Klindworth inquired that since the portion regarding the pipe line had not been included in the conditions if it should be or if the agreement made at that time was sufficient.

Senior Planner Corcoran advised that the purpose of the closed record hearing was for the approval of the preliminary plat. Construction standards or other contracts entered into would need to be included in the final plat brought before the council.

City Attorney Hultgrenn provided that the city was wearing two hats involving the transaction. One being that the City was a party who had certain property interest in a portion of the property that fell within the preliminary plat. The rights of the City relating to that were not the subject of the hearing but were subject to a contract that should be drawn to add more particularity to the conditions. Although, Councilmember Klindworth's concern was legitimate, it was not an issue that needed to be dealt with inside the hearing process.

Councilmember Klindworth brought up his next concern relating to park facilities. The requirement under Growth Management was for a 10 acre park for every 1,000 in population. The 241 housing development would house approximately 700 residents, this would relate to a 7 acre park. Councilmember Klindworth did not feel that most parents would want to walk to the nearest park, located next to the museum, and expressed that he and Councilmember Boyer had met and discussed this issue and felt that there should be a two to four acre park somewhere in the development.

Councilmember Klindworth maintained that \$75,000 was not a good offset for a 7 acre park especially since it did not include any CPI and was unhappy with the \$315 figure.

MEETING OF THE CITY OF CONNELL
Regular Meeting – February 20, 2007

Councilmember Klindworth's next concern was in regards to proposed fencing by the developer for double frontage lots and inquired if fencing was needed or should be required.

Senior Planner Corcoran advised that the City did not have a requirement for arterial fencing.

Councilmember Klindworth's final query was related to the Skylark Water system. Several of the conditions recommended by the Planning Commission referred to the Skylark water distribution and it appeared that no one knew where the Skylark water main was located. It appeared that the Skylark water main would be abandoned and they would tie into a new water main, with a new pumping station to be constructed. Once that was completed it would be accepted and maintained by the City. Councilmember Klindworth asked if there should be some discussion in regards to a rate adjustment for the Skylark residents.

Ted Tschirky requested, and was granted, permission to address the Council. Mr. Tschirky responded that the current pumping station had to be removed since a lot was going to be put in that location.

Councilmember Klindworth concluded by expressing that his biggest concern was with the lack of any parks in that area.

Councilmember Boyer appraised Councilmember Klindworth in his due diligence in reviewing the Planning Commission minutes as he also had some concerns and felt that those concerns should be sent back to the Planning Commission for further research on impacts such as lack of parks, fencing, and the water system.

Councilmember Mosbrucker reiterated that he was curious as to how the \$315 amount was arrived at and that discussion or research needed to be done on the cost of building and maintaining a 7 acre park. There was insufficient information to base a decision on whether \$315 was an accurate number. On the issue related to the existing Skylark Water system, Councilmember Mosbrucker wanted to be assured that the City was receiving a fair deal as well through the whole process.

Councilmember Quinton expressed her concern that the current Skylark residents not have their water service disrupted.

Councilmember Pruett commented that her concerns had already been addressed.

Mayor Walton asked for clarification on the park fee.

Planning/Building Clerk Crowther responded that he had researched other cities in regards to the park fee but that Connell did not have an ordinance setting any park fees. There was a provision in the Comprehensive Plan that required developers to provide park land. The view, in this case, was to maintain, strengthen, and build up the existing

MEETING OF THE CITY OF CONNELL
Regular Meeting – February 20, 2007

park land considering the City's current man power without overextending available resources.

Planning/Building Clerk Crowther requested, and was granted, permission to have the engineer clarify some of the issues that had been brought up.

Paul Christensen, Harms Engineering, advised that when he had met with City Administrator Tackett the concern had been that this was a hillside development and there was no place where a park could be placed. The fee amount of \$315 was based on 7 acres at about \$10,000 per acre. It was felt that it would be better to give the money to the City to develop existing parks. In regards to the Skylark water system, Mr. Christensen expressed that they just wanted to make the system work right for those residents. There were two different scenarios that could be used, City staff would need to provide some direction as to how they wanted to proceed with the meter placement. Mr. Christensen also provided that the fence issue had come up with a previous layout that had a lot of double frontage lots. The new layout had eliminated the majority of the double frontage lots therefore eliminating the need for a common fence inside the development. In regards to the realignment of the 12" water line, the current water line ran through a major number of the lots and would need to be removed. It would be realigned through the street.

Mayor Walton closed the hearing at 7:51 pm and asked for action from the Council.

Motion: Councilmember Quinton moved to adopt the request of the Oasis Preliminary Plat with the conditions as recommended by the Planning Commission. Councilmember Pruett seconded motion. Motion did not carry with two for and Councilmembers Mosbrucker, Boyer, and Klindworth voting against.

Motion: Councilmember Mosbrucker moved to postpone the hearing to have the Planning Commission research further the \$315 per lot fee and the Skylark water system considerations as discussed. Motion carried with three for and Councilmembers Pruett and Quinton voting against.

BUILDING INSPECTOR SERVICES – INTERLOCAL AGREEMENT

Attorney Hultgrenn had requested two changes to the agreement, correcting an RCW cited, and deleting an inconsistent sentence.

Councilmember Mosbrucker inquired about having one inspector provide inspection services for consistency.

Jerrod MacPherson, Franklin County, provided no objections to having one inspector assigned to Connell.

Motion: Councilmember Klindworth moved for approval of the Interlocal Agreement Between Franklin County and the City of Connell for Providing Building Inspection Services. Councilmember Mosbrucker seconded motion. Motion carried unanimously.

MEETING OF THE CITY OF CONNELL
Regular Meeting – February 20, 2007

PROJECT STATUS – ANDERSON PERRY

Mayor Walton reviewed the Agreement for Engineering Services from Anderson Perry for the construction of the new lift station with payment to Anderson Perry dependent on payment to the City from the Department of Corrections.

Motion: Councilmember Mosbrucker moved to approve the Engineering Agreement with Anderson Perry for the CRCC lift station. Councilmember Boyer seconded motion. Motion carried unanimously.

ORDINANCE NO. 819 – HEARING EXAMINER ORDINANCE

This item was postponed until the next Council meeting.

ATTORNEY CONTRACT

Councilmember Klindworth inquired about section **IV. Compensation** and requested clarification on the 1.5 hours that appeared to be for travel time.

Motion: Councilmember Klindworth moved to table the Professional Services Agreement for Attorney Tanner until City Attorney Hultgrenn had a chance to review and clarify the Agreement. Councilmember Mosbrucker seconded motion. Motion carried unanimously.

BIAS SOFTWARE

Deputy City Clerk/Treasurer reported that staff had gone to College Place to view and inquire about the BIAS software and was quite impressed. The BIAS system held a lot more history than what was available on the current system. The reconciling and month end reports were considerably smaller than those generated by the ASP system. College Place was very pleased with the ability and ease to request new features or reports for the BIAS system. The only drawback mentioned was that once a transaction was started you had to follow through and could not escape out to cancel. The City was able to get out of the agreement with Harris who would refund the entire down payment except for the 2007 annual maintenance fee, approximately \$3,000, which would be deducted from the down payment. BIAS would also be able to prorate water bills for winter reads.

Mayor Walton inquired about prepayments of services.

Motion: Councilmember Mosbrucker moved to purchase the BIAS Software in full, provided that the City was in compliance with the State Auditors requirements. Councilmember Pruett seconded motion. Motion carried unanimously.

CONTRACT – IMPACT ANALYSIS

The item was postponed until the next Council meeting.

WATER ISSUES

Mayor Walton reported that City staff had met with Tullamoor staff to discuss water rates for the Tullamoor development.

MEETING OF THE CITY OF CONNELL
Regular Meeting – February 20, 2007

Public Works Director Turner provided that Tullamoor had requested to drill their own irrigation well but they wanted to purchase City water. The City would need to come up with a cost per acre feet of water. Tullamoor would maintain the well and all irrigation equipment.

Mayor Walton advised that this request would also have to be approved by Department of Ecology and the Department of Health, in addition the City would have to transfer the water rights to Municipal before it could be used for a golf course.

Councilmember Klindworth asked what the City would say to LambWeston if they were to make a request to drill a well.

Attorney Hultgrenn advised that he did not wish to discuss the pros and cons of water rights and land association during an open session when the appropriate place for discussion would be in executive session. Attorney Hultgrenn provided that he had spoken to the water rights expert who said the proposed could be done if the City was so inclined but could take six months to get approval from Department of Ecology.

Councilmember Boyer expressed that he did not have a problem saying that he was not interested in drilling wells and selling water rights to provide water for golf courses, he was interested in providing water for housing within the City limits of Connell. Previous studies had shown there was a need to purchase water rights for the prison expansion and for future housing. The City purchased water rights and now there was excess water for sale. Councilmember Boyer further stated he wouldn't even consider the request as there was no need for it.

Motion: Councilmember Mosbrucker moved to table the water discussion until further clarification was brought back to the Water Committee. Councilmember Pruett seconded motion. Motion carried unanimously.

Councilmember Boyer stated for the record that he was opposed to tabling the item for the reasons previously stated.

ORDINANCE NO. 817 – UPDATED FLOOD DAMAGE PREVENTION

Planning/Building Clerk Crowther presented the Flood Ordinance with some minor changes.

Motion: Councilmember Pruett moved to adopt Ordinance No. 817 relating to flood damage prevention. Councilmember Quinton seconded motion. Motion carried unanimously.

MEETING RECESSED

Mayor Walton recessed the Regular Meeting at 8:40 to go into executive session for approximately 15 minutes to discuss the performance and review of an employee.

MEETING OF THE CITY OF CONNELL
Regular Meeting – February 20, 2007

MEETING RECONVENED

Mayor Walton reconvened the Regular Meeting at 9:00 pm.

PERFORMANCE OF PUBLIC EMPLOYEE DISCUSSION – EXECUTIVE SESSION

Mayor Walton requested the City request applications for the Clerk Treasurer position as soon as possible.

APPOINTMENT OF JUDGE PRO TEM

Motion: Councilmember Mosbrucker moved to appoint Don Powell as judge Pro Tem in the absence of Judge Alan Gunter. Councilmember Pruett seconded motion. Motion carried unanimously.

COMMITTEE / DEPARTMENT REPORTS

PUBLIC WORKS DEPARTMENT – Public Works Director Larry Turner

- 1) Wells 6, 8, and 10 would be online February 21. The electrical problem on Well 10 had been fixed
- 2) Streets were being swept
- 3) Had been busy doing building inspections
- 4) Would be meeting with an attorney on February 28 in regards to the sewer line breaks

POLICE DEPARTMENT – Police Chief Rick Rochleau

- 1) Had been dealing with domestic violence cases
- 2) Had made a few warrant arrests
- 3) Sergeant Quinton had attended a First Level Supervision class
- 4) The firearm training simulator would take place on February 22
- 5) Had received correspondence from the County Commissioner who was putting together a committee for advisement on expansion of the jail

MAYOR'S REPORT - Mayor Garland Walton

Mayor Walton advised that the dispatch had been taken down for two days. Dispatch information had to be provided by cell phone. While the dispatch was down there had been a fire call which was able to be taken care thanks to the Connell Police Department.

MEETING ADJOURNED

There being no further business to be heard before the City Council, Mayor Walton adjourned the meeting at 9:10 pm.

ATTEST: _____
Maria T. ChavezPeña, Deputy Clerk-Treasurer

Garland D. Walton, Mayor